

# Kansas Register

Ron Thornburgh, Secretary of State

Vol. 14, No. 18

May 4, 1995

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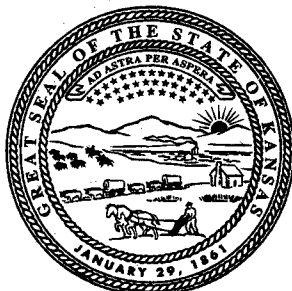
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**Register Office:**  
 Room 235-N, State Capitol  
 (913) 296-3489

State of Kansas

**Rehabilitation Services Advisory Council**

**Notice of Meeting**

The Rehabilitation Services Advisory Council will meet from 10 a.m. to 3 p.m. Friday, May 12, at the Salina area office of the Kansas Department of Social and Rehabilitation Services, 901 Westchester, Salina. For more information, contact Peg Spencer at (913) 296-3911 or TDD (913) 296-7029.

Glen Yancey  
Commissioner of  
Rehabilitation Services

Doc. No. 016285

State of Kansas

**State Conservation Commission**

**Notice to Contractors**

Sealed bids for the construction of a 61,850 cubic yard detention dam, Site 8 in Wabaunsee County, for Upper Marais des Cygnes Watershed Joint District No. 101 will be received by Ronald H. Kuhn, contracting officer, at the office of White, Martin & Associates, 1725 S.W. Gage Blvd., Topeka, 66604, until 4 p.m. May 18, or hand carried and submitted prior to bid opening at 10 a.m. May 19 at the Last Chance Cafe, 103 W. 5th, Admire. A copy of the invitation for bids and plans and specifications can be obtained from the contracting officer, (913) 271-7100, or at the site showing at 3:30 p.m. Friday, May 12. In case of inclement weather, an alternate showing will be at 10 a.m. May 15 at the site.

Kenneth F. Kern  
Executive Director

Doc. No. 016262

State of Kansas

**Department of Human Resources**

**Request for Proposals**

The Kansas Department of Human Resources (KDHR) is soliciting proposals for a statewide Work Opportunities for Rural Kansans (WORK) program. Funding from the Job Training Partnership Act (JTPA) of \$490,000 will be available for program administration, training, basic readjustment and supportive services assisting Kansas' rural population in increasing their employment earnings and educational and occupational skills, thus improving quality in the rural work force. Entities interested in administering funds must be a unit of local government, a public or private nonprofit organization, a Native American Indian tribe, or a service delivery area (SDA) or a sub-state area (SSA) delivering educational, training and/or employment services. Program duration is from July 1, 1995 to June 30, 1996.

The deadline for submitting proposals is May 26. For an RFP package, contact Armand Corpolongo, Director of Job Training, Kansas Department of Human Resources, 401 Topeka Blvd., Topeka, 66603, (913) 296-7876.

Wayne L. Franklin  
Secretary of Human Resources

Doc. No. 016284

State of Kansas

**Kansas State Library**

**Notice to Bidders**

The Kansas State Library, through the Kansas Association of Rehabilitation Facilities, is requesting bids for distribution of materials to up to 16,000 libraries and selected entities across the United States as a part of an ADA Technical Assistance program funded by the U.S. Department of Justice, Civil Rights Division, Disability Rights Section. Approximately \$136,000 is available to accomplish the distribution. The distribution effort will require:

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

Separate bids will be accepted for each part of the effort. Interested bidders may call Doreen Stanley, Kansas Association of Rehabilitation Facilities, (913) 235-5103 or FAX (913) 235-0020, for further information. Submitted bids are due at the Kansas Association of Rehabilitation Facilities, 700 S.W. Jackson, Suite 212, Topeka, 66603, by 5 p.m. Monday, May 22.

Duane Johnson  
State Librarian

Doc. No. 016277

State of Kansas

**Private Industry Council**

**Public Notice**

The Kansas Private Industry Council of Service Delivery Area III (SDA III) is submitting a "Final Modification" of its two-year plan to carry out programs in Johnson, Leavenworth and Wyandotte counties authorized by the Job Training Partnership Act (JTPA). The modification is for the program year beginning July 1, 1995 through June 30, 1996 (PY 95), and includes changes in funding level, grant recipient and administrative entity.

SDA III funding levels for PY 95 are: Title IIA (Adult)—\$1,308,058; Title IIC (Youth)—\$741,886; Title III (Dislocated Workers)—\$1,240,733; and Title IIB (Summer Youth)—\$1,304,490. The grant recipient for PY 95 is the Kansas Department of Human Resources. The administrative entity for PY 95 is Heartland Works, Inc. Heartland Works will operate five Job Training (JTPA) Service Centers in SDA III, including two each in Johnson and Wyandotte counties and one in Leavenworth County.

The plan modification may be reviewed at, and questions and comments directed to, the Kansas Private Industry Council, SDA III, 1020 Gateway Center Tower II, 4th and State Ave., Kansas City, KS 66101, (913) 371-1607.

Teresa Slater  
Administrative Assistant

Doc. No. 016260

## State of Kansas

## University of Kansas Medical Center

## Notice to Bidders

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

Friday, May 19, 1995

725385

CO2 water-jacketed incubator

725386

Endoscopic surgery video monitor system

Barbara Lockhart  
Director of Purchasing

Doc. No. 016275

## State of Kansas

## Kansas Water Office

## Notice of Hearings

The Kansas Water Office is planning a series of public hearings in June to receive comments on a working draft of proposed additions to the *Kansas Water Plan*, subject to approval from the Kansas Water Authority at its May 10-11 meeting. The draft material contains policy recommendations on flood management, coordination of water quality programs and a water rights banking program. Revisions to existing basin plan subsections addressing water quality and environmental protection issues in the Lower Arkansas, Smoky Hill-Saline and Marais des Cygnes basins are also included. The schedule for the public hearings is planned as follows:

## June 6

**Fort Scott:** Academic Building, Room A127, Fort Scott Community College, 2108 S. Horton, 1 p.m.

## June 7

**Topeka:** Old Supreme Courtroom 313, State Capitol, 1 p.m.

**McPherson:** City Commission Room, Municipal Center, 400 E. Kansas Ave., 7 p.m.

## June 8

**Dodge City:** Lois Flanagan Meeting Room, Dodge City Public Library, 1001 2nd Ave., 1 p.m.

**Hays:** Memorial Union Cafeteria, Fort Hays State University, 600 Park St., 7 p.m.

Contact the Kansas Water Office, 109 S.W. 9th, Suite 300, Topeka, 66612-1249, (913) 296-3185, to request a copy of the public hearing material and for additional information.

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

Stephen A. Hurst  
Director

Doc. No. 016280

## State of Kansas

## Department of Transportation

## Request for Comments

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 95-97 by adding the following project:

**Project C-3383-01,** County-wide bridge inspection in Pawnee County

The amendment of the STIP requires a 30-day public comment period. To receive more information or to make comments on the STIP amendment, contact the Kansas Department of Transportation, Office of Engineering Support, 7th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568, (913) 296-7916, FAX (913) 296-0723.

This information is available in alternative accessible formats. To obtain an alternative format, contact the KDOT Office of Public and Employee Information, (913) 296-3585 (Voice/TTY).

The comment period regarding the STIP amendment will conclude June 5.

E. Dean Carlson  
Secretary of Transportation

Doc. No. 016244

## State of Kansas

## State Historical Society

## Notice of Meetings

The Historic Preservation Office of the Kansas State Historical Society is responsible for developing and implementing a statewide strategic management plan that addresses key critical issues in historic preservation. A draft plan has been prepared that outlines a series of goals and recommendations designed to encourage historic preservation activities in both the public and private sectors. In order to provide the public an opportunity to comment on the draft plan, the Historic Preservation Office will conduct a series of public meetings in May across the state. Meetings are scheduled for May 12 in Abilene, May 18 in Lawrence, May 22 in Hutchinson, and May 23 in Garden City. Information regarding the specific time and location of each meeting as well as copies of the draft preservation plan can be obtained from the Historic Preservation Office, Kansas State Historical Society, 120 W. 10th, Topeka, 66612, (913) 296-7080.

The Kansas State Historical Society welcomes individuals with disabilities to participate in its activities. If you have a visual, aural or other physical or mental impairment that is a disability under the act, contact Sandy McDaniel at the Historic Preservation Office at least one week prior to the meeting you wish to attend to discuss the nature of your disability and what the Kansas State Historical Society can do to ensure participation in the activity.

Ramon Powers  
Executive Director

Doc. No. 016269



## State of Kansas

## Office of the Governor

Executive Order No. 95-175

Establishing the Kansas Governor's  
Task Force on Childhood Hunger

WHEREAS, the State of Kansas has a vital interest in the well-being of its children; and

WHEREAS, the Report on Childhood Hunger in Kansas identified 69,000 children in Kansas under the age of 12 who are hungry or at risk of being hungry (nearly 15% of Kansas children under 12 who are malnourished or at risk of being so); and

WHEREAS, children who are hungry suffer more health problems and learning problems than children who have balanced diets; and

WHEREAS, the extent of hunger among children in Kansas is widespread both geographically and socially; and

WHEREAS, the children of Kansas are the future of Kansas; and

WHEREAS, the Report on Childhood Hunger identified lack of knowledge of assistance programs as a significant reason for non-participation in assistance programs; and

WHEREAS, there are public, private, local, state, and federal programs of assistance available to address problems associated with hunger; and

WHEREAS, the manner in which federal assistance to the states is in a process of change; and

WHEREAS, it is critical to organize our resources to address the problem of childhood hunger before it grows even larger;

NOW THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby establish the Governor's Task Force on Childhood Hunger:

1. Membership on the Task Force shall be by official commission of appointment of the Governor, certified by and filed with the Secretary of State. The membership shall reflect the demographic and geographic dimensions of the problem of childhood hunger and forces that can be brought to bear on the problem. The members shall serve at the pleasure of the Governor.

2. The Governor shall appoint a Chairperson and Co-Chairperson of the Task Force. The members of the Commission shall elect any additional officers necessary to carry out their duties under this Executive Order. The Chairperson is Lionel Alford and Co-Chairperson is Linda Graves.

3. The Governor shall also appoint members of a Resource Committee which shall serve the Task Force in providing additional information and data necessary in formulating the report and recommendations of the Task Force.

4. The Task Force shall meet upon call of its Co-Chairpersons as necessary to carry out its duties under this Executive Order.

5. Members of the Task Force and Resource Committee shall receive subsistence allowances, mileage and expenses as provided in K.S.A. 75-3223 and amendments thereto when traveling to official meetings of the Task

Force. Resource Committee members may be asked to come to one or more meetings to provide information from their particular perspectives or fields of expertise. Those members employed by a state agency shall be paid for these travel items by their respective agencies, and other members shall have these items paid by the Department of Social and Rehabilitation Services which shall also provide support services to the Task Force. The Task Force may also request assistance and support from the Department of Health and Environment.

The Kansas Governor's Task Force on Childhood Hunger shall:

1. Review the findings of the Report on Childhood Hunger in Kansas and other information available from appropriate public and private local, state, and national authorities as well as members of the Resource Committee regarding the extent and causes of hunger and malnutrition among children in Kansas;

2. Inventory all resources that can be brought to bear on the problems associated with childhood hunger in Kansas;

3. Develop the criteria for an implementation plan to respond to changes in the delivery of federal welfare assistance to the States as it relates to childhood hunger;

4. Identify methods through which assistance resources can be leveraged and made more effective through planned cooperative efforts and enhanced outreach;

5. Establish goals, priorities, and a plan with performance measures to focus and coordinate resources to diminish the problem of childhood hunger in Kansas (encompassing changes brought about by the "new welfare implementation plan"); and

6. Present this plan with recommendations for implementation to the Governor no later than November 1, 1995.

7. Upon presentation of its recommendations and plans to the Governor—and not later than November 1, 1995—the Governor's Task Force on Childhood Hunger shall disband, and the provisions of this Executive Order shall expire, unless rescinded earlier by Executive Order.

This document shall be filed with the Secretary of State as Executive Order 95-175 and shall be effective immediately.

Dated April 24, 1995.

Bill Graves  
Governor

Attest: Ron Thornburgh  
Secretary of State

Doc. No. 016245

## State of Kansas

## Kansas State University

## Notice to Bidders

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

Monday, May 15, 1995

50187

UV-VIS spectrophotometer starter package

William H. Sesler  
Director of Purchasing

Doc. No. 016276

## State of Kansas

## Attorney General

## Opinion No. 95-43

**Public Health—Solid and Hazardous Waste; Solid Waste—Collection and Disposal by County; Assessment and Collection of Fees. Senator Janice L. Hardenburger, 21st District, Haddam, April 20, 1995.**

The solid waste collection fee established by Washington County for the months of May through December 1994 was not properly imposed, because the authorizing resolution was not adopted prior to July 1, 1994. The resolution timely established a monthly solid waste collection fee on a prospective basis effective January 1995. The county's classification of real property within the solid waste service area does not comply with K.S.A. 65-3410(a), which requires adoption of a fee schedule that reasonably relates the amount of the solid waste fee to the relevant characteristics of the real property on which it is imposed. The method set forth in the resolution for collecting delinquent fees is consistent with the exclusive method set forth in K.S.A. 65-3410(a)(1)-(4). Cited herein: K.S.A. 65-3401; 65-3410. LEG

## Opinion No. 95-44

**Counties and County Officers—County Commissioners—Sale or Disposition of County Property; Conveying Park Property to a City.**

**Cities and Municipalities—General Provisions—Corporate Powers; Home Rule of Local Affairs; Accepting Gift of Park from a County. Delton M. Gilliland, Osage County Counselor, Lyndon; Patrick G. Walsh, Lyndon City Attorney, Lyndon, April 20, 1995.**

In light of K.S.A. 12-406a, K.S.A. 19-101 and the common law, we believe that a county may generally transfer fee simple title held by the county in dedicated park property to a city if public use of the real estate is continued and if not otherwise prohibited by the grantor or trust. The value of the property is a fact question. As dedicated park property can only be owned by a public entity and used for a public purpose, its marketable value is substantially decreased and it may not be necessary that the

transfer of deed be associated with payment of public moneys. If it is valued at less than \$1,000, the provisions of K.S.A. 19-211(c) may provide a simplified procedure for accomplishing a transfer of title to park land located outside the boundaries of the city. If the park is located within the city, K.S.A. 12-406a makes such a transfer mandatory. Cited herein: K.S.A. 12-101; 12-406; 12-406a; 12-1301; 13-2535; 13-1335; 19-101; K.S.A. 19-211; 19-2803b; K.S.A. 19-2890; 75-3304b; 75-3350; K.S.A. 19-211; 19-2803b; K.S.A. 19-2890; 75-3304b; 75-3350; K.S.A. 19-211; 19-2803b; K.S.A. 19-2890; 75-3304b; 75-3350; K.S.A. 1994 Supp. 76-183; 76-184; 76-187; K.S.A. 1994 Supp. 79-1466. TMN

## Opinion No. 95-45

**Elections—Election Expense Apportionment—Expenses Subject to Apportionment; Apportionment By County Election Officer; Appeal to State Election Board; Effect of Determination of Appeal; Fire Benefit District. Senator Gerald "Jerry" Karr, 17th District, Emporia, April 20, 1995.**

Because the Reading fire benefit district is a public special district subject to K.S.A. 25-2201 et seq., and the Reading fire benefit district failed to exercise its right of appeal under K.S.A. 25-2204, the Reading fire benefit district is liable for apportionment and reimbursement of direct election expenses incurred by Lyon County when the Lyon County election officer conducted a question submitted election for the Reading fire benefit district. Cited herein: K.S.A. 19-101b; 19-270; K.S.A. 1994 Supp. 19-3610; K.S.A. 25-119; 25-2201; 25-2204; 31-301; 31-302; 60-512; K.S.A. 1994 Supp. 79-5021; 79-5036; L. 1992, ch. 161, § 1; L. 1986, ch. 70, §§ 1,33. RDS

## Opinion No. 95-46

**Schools—Teachers' Contracts; Administrators; Contracts; Nonrenewal Procedure—Meeting With Board; Executive Session; Counsel. Fred W. Rausch, Jr., Counsel for Unified School District No. 447, Topeka, April 20, 1995.**

The term "counsel" as used in K.S.A. 72-5453 includes an attorney or lawyer. Cited herein: K.S.A. 72-5451; 72-5453. RDS

## Opinion No. 95-47

**Counties and County Officers—Public Improvements; Improvement and Service Districts; Improvement Districts—Powers and Duties; Authority to Expend Funds for Repair to Dam Located Outside District Boundaries. Craig J. Spomer, Attorney for Lake Wabaunsee Improvement District, Topeka, April 20, 1995.**

If, in the reasonable exercise of its discretion, the board of the Lake Wabaunsee improvement district determines that repairs are necessary to secure outlets, disposal, etc., and permit satisfactory performance of the sewer system within the district, it may expend district moneys to help make the necessary repairs to a dam located outside the corporate limits of the district. Cited herein: K.S.A. 19-2753; 19-2765; K.S.A. 1994 Supp. 77-201. TMN

Carla Stovall  
Attorney General

Doc. No. 016283

(Published in the Kansas Register May 4, 1995.)

**Notice of Redemption  
Shawnee County, Kansas  
Temporary Notes, Series 1994-4**

Notice is given to the holders of Temporary Notes, Series 1994-4, of Shawnee County, Kansas, that the county hereby calls for redemption on June 15, 1995, the full principal amount of the Series 1994-4 Temporary Notes in the amount of \$642,000.

On such date, the Series 1994-4 Temporary Notes shall become due and payable at a redemption price equal to 100 percent of the principal amount thereof, plus accrued interest to June 15, 1995. From and after June 15, 1995, interest shall cease to accrue and be payable on such notes.

The notes described in this notice shall be presented for payment and redemption at the office of the Shawnee County Treasurer, 200 S.E. 7th, Topeka, KS 66603, on or after June 15, 1995.

Dated May 4, 1995.

Shawnee County, Kansas  
By: Patsy A. McDonald  
County Clerk

Doc. No. 016266

(Published in the Kansas Register May 4, 1995.)

**Summary Notice of Note Sale  
City of Mulvane, Kansas  
\$1,139,000  
Temporary Notes, Series 1995-1**

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

**Sealed Bids**

Subject to the notice of note sale dated May 4, 1995, sealed bids will be received by the clerk of the City of Mulvane, Kansas (the issuer), on behalf of the governing body at City Hall, 211 N. 2nd, Mulvane, KS 67110, until 5 p.m. C.D.T. on May 15, 1995, for the purchase of \$1,139,000 principal amount of Temporary Notes, Series 1995-1. No bid of less than the entire par value of the notes, except a discount of not greater than 1 percent of the par value of the notes, and accrued interest thereon to the date of delivery will be considered.

**Note Details**

The notes will consist of fully registered notes in the denomination of \$5,000 or any integral multiple thereof, except one note in the denomination of \$9,000. The notes will be dated June 1, 1995, and will become due on December 1, 1996.

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

**Paying Agent and Note Registrar**

The treasurer of the City of Mulvane, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States

of America in the amount of \$22,780 (2 percent of the principal amount of the notes).

**Delivery**

The issuer will pay for printing the notes and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before June 1, 1995, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1994 is \$18,200,924. The total general obligation indebtedness of the issuer as of the date of the notes, including the notes being sold, is \$1,631,000.

**Approval of Notes**

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

**Additional Information**

Additional information regarding the notes may be obtained from the city clerk, (316) 777-1143; or from the financial advisor, Ranson Capital Corporation, Wichita, Kansas, Attention: John Haas, (316) 262-4955.

Dated May 4, 1995.

City of Mulvane, Kansas

Doc. No. 016270

(Published in the Kansas Register May 4, 1995.)

**Notice of Redemption  
Shawnee County, Kansas  
Temporary Notes, Series 1994-5**

Notice is given to the holders of Temporary Notes, Series 1994-5, of Shawnee County, Kansas, that the county hereby calls for redemption on June 15, 1995, the full principal amount of the Series 1994-5 Temporary Notes in the amount of \$858,000.

On such date, the Series 1994-5 Temporary Notes shall become due and payable at a redemption price equal to 100 percent of the principal amount thereof, plus accrued interest to June 15, 1995. From and after June 15, 1995, interest shall cease to accrue and be payable on such notes.

The notes described in this notice shall be presented for payment and redemption at the office of the Shawnee County Treasurer, 200 S.E. 7th, Topeka, KS 66603, on or after June 15, 1995.

Dated May 4, 1995.

Shawnee County, Kansas  
By: Patsy A. McDonald  
County Clerk

Doc. No. 016267

(Published in the Kansas Register May 4, 1995.)

**Notice of Redemption  
Shawnee County, Kansas  
Temporary Notes, Series 1995-1**

Notice is given to the holders of Temporary Notes, Series 1995-1, of Shawnee County, Kansas, that the county hereby calls for redemption on June 15, 1995, the full principal amount of the Series 1995-1 Temporary Notes in the amount of \$1,138,000.

On such date, the Series 1995-1 Temporary Notes shall become due and payable at a redemption price equal to 100 percent thereof, plus accrued interest to June 15, 1995. From and after June 15, 1995, interest shall cease to accrue and be payable on such notes.

The notes described in this notice shall be presented for payment and redemption at the office of the Shawnee County Treasurer, 200 S.E. 7th, Topeka, KS 66603, on or after June 15, 1995.

Dated May 4, 1995.

Shawnee County, Kansas  
By: Patsy A. McDonald  
County Clerk

Doc. No. 016268

(Published in the Kansas Register May 4, 1995.)

**Summary Notice of Bond Sale  
\$94,191.08  
Harvey County, Kansas  
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 24, 1995, sealed bids will be received by the county administrator of Harvey County, Kansas (the issuer), on behalf of the governing body at the Harvey County Courthouse, P.O. Box 687, Newton, KS 67114, until 9 a.m. C.D.T. on May 15, 1995, for the purchase of \$94,191.08 principal amount of General Obligation Bonds, Series 1995-1. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$4,191.08. The bonds will be dated June 1, 1995, and will become due on November 1 in the years as follows:

Year	Principal Amount
1996	\$ 4,191.08
1997	10,000.00
1998	10,000.00
1999	10,000.00
2000	10,000.00
2001	10,000.00
2002	10,000.00
2003	10,000.00
2004	10,000.00
2005	10,000.00

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semi-annually on May 1 and November 1 in each year, beginning on 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 \$1,883.82 (2 percent of the principal amount of the bonds).

**Delivery**

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before June 1, 1995, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1994 is \$158,205,727. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, but excluding temporary notes to be retired in conjunction therewith, is \$2,450,191.08.

**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 county administrator, (316) 284-6806.

Dated April 24, 1995.

Harvey County, Kansas

Doc. No. 016271

(Published in the Kansas Register May 4, 1995.)

**Summary Notice of Bond Sale  
\$370,000  
City of Rose Hill, Kansas  
General Obligation Bonds, Series 1995  
(General obligation bonds payable from  
unlimited ad valorem taxes)**

**Sealed Bids**

Subject to the notice of bond sale dated April 17, 1995, sealed bids will be received by the clerk of the City of Rose Hill, Kansas (the issuer), on behalf of the governing body at City Hall, P.O. Box 175, Rose Hill, KS 67133, until 6:45 p.m. C.D.T. on May 15, 1995, for the purchase of \$370,000 principal amount of General Obligation Bonds, Series 1995. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

(Published in the Kansas Register May 4, 1995.)

**Bond Details**

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

Year	Principal Amount
1996	\$35,000
1997	35,000
1998	35,000
1999	35,000
2000	35,000
2001	35,000
2002	40,000
2003	40,000
2004	40,000
2005	40,000

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 April 1 and October 1 in each year, beginning on April 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 \$7,400 (2 percent of the principal amount of the bonds).

**Delivery**

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before June 21, 1995, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1994 is \$11,386,611. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, but excluding temporary notes to be retired in conjunction therewith, is \$2,577,000.

**Approval of Bonds**

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

**Additional Information**

Additional information regarding the bonds may be obtained from the city clerk, (316) 776-2712; or from the financial advisor, George K. Baum & Company, 100 N. Main, Suite 810, Wichita, KS 67202, Attention: Charles M. Bouilly, (316) 264-9351.

Dated April 17, 1995.

City of Rose Hill, Kansas

**Summary Notice of Bond Sale**

City of Ottawa, Kansas

\$307,000

General Obligation Bonds

Series 1995

(General obligation bonds payable from unlimited ad valorem taxes)

**Sealed Bids**

Subject to the notice of bond sale dated May 4, 1995, sealed bids will be received by the city clerk of the City of Ottawa, Kansas, on behalf of the governing body at 123 W. 4th, Ottawa, KS 66067, until 9:30 a.m. Central Time on May 17, 1995, for the purchase of \$307,000 principal amount of General Obligation Bonds, Series 1995. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

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

Maturity	Principal Amount
March 1	
1996	\$22,000
1997	25,000
1998	25,000
1999	30,000
2000	30,000
2001	30,000
2002	35,000
2003	35,000
2004	35,000
2005	40,000

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

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$6,140 (2 percent of the principal amount of the bonds).

**Delivery**

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before May 31, 1995, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1994 is

(continued)

\$31,853,000. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$4,551,864.

#### Approval of Bonds

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

#### Additional Information

Additional information regarding the bonds may be obtained from the city clerk, (913) 242-2190; or from Logan, Riley, Carson & Kaup, L.C. Bond Counsel, 9200 Indian Creek Parkway, Suite 230, Overland Park, KS 66210, (913) 661-0399.

Dated May 4, 1995.

City of Ottawa, Kansas  
By Scott Bird  
Ottawa City Hall  
123 W. 4th  
Ottawa, KS 66067  
(913) 242-2190

Doc. No. 016263

(Published in the Kansas Register May 4, 1995.)

#### Summary Notice of Bond Sale \$10,800,000

Unified School District No. 409  
Atchison County, Kansas (Atchison)  
General Obligation Bonds, Series 1995

(General obligation bonds payable from  
unlimited ad valorem taxes)

#### Sealed Bids

Subject to the notice of bond sale dated April 18, 1995, sealed bids will be received by the clerk of Unified School District No. 409, Atchison County, Kansas (Atchison) (the issuer), on behalf of the governing body at the office of the Board of Education, 605 Kansas Ave., Atchison, KS 66002, until 7 p.m. C.D.T. on May 15, 1995, for the purchase of \$10,800,000 principal amount of General Obligation Bonds, Series 1995. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

#### Bond Details

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

Year	Principal Amount
1997	\$ 115,000
1998	280,000
1999	305,000
2000	335,000
2001	365,000
2002	400,000
2003	435,000

2004	470,000
2005	505,000
2006	545,000
2007	585,000
2008	625,000
2009	670,000
2010	720,000
2011	770,000
2012	825,000
2013	885,000
2014	950,000
2015	1,015,000

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

#### Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, KS.

#### 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 \$216,000 (2 percent of the principal amount of the bonds).

#### Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before June 13, 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 \$48,859,292. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, but excluding temporary notes to be retired in conjunction therewith, is \$10,800,000.

#### 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) 367-4384; or from the financial advisor, Ranson Capital Corporation, 120 S. Market, Suite 450, Wichita, KS 67202, Attention: Stephen E. Shogren, (316) 262-4955.

Dated April 18, 1995.

Unified School District No. 409  
Atchison County, Kansas (Atchison)

Doc. No. 016273

State of Kansas

Office of the State Treasurer

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 1994 Supp. 75-4210, as amended. These rates and their uses are defined in K.S.A. 75-4201(l), 12-1675(b)(c)(d) and 75-4209(a)(1)(B), as amended.

Effective 5-8-95 through 5-14-95

Term	Rate
0-90 days	6.06%
3 months	5.87%
6 months	6.14%
9 months	6.28%
12 months	6.34%
18 months	6.51%
24 months	6.60%
36 months	6.74%
48 months	6.83%

Sally Thompson  
State Treasurer

Doc. No. 016261

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, May 15, 1995

31113

Youth Center at Atchison—Medical services, Atchison

31126

Department of Transportation—Embroidered caps

Tuesday, May 16, 1995

31105

University of Kansas Medical Center—Human serum albumin

31127

Statewide—Work gloves

31130

Animal Health Department—Animal tags

Wednesday, May 17, 1995

A-7536

University of Kansas—Safety code improvements, Phases I and II, Oldfathers Studios

31128

Statewide—Basic clothing

01466

Kansas Insurance Department—Furnish and install carpet

01467

University of Kansas—Furnish and install carpet

01468

Department of Transportation—Radio equipment shelter, Sedan

01469

Kansas State University—Plumbing materials

01470

Kansas State University—IDL software

01475

Department of Transportation—Standby power system, Chanute and Topeka

01476

Department of Transportation—Concrete spray gun, various locations

01477

University of Kansas—Watermark cotton bond

01478

Department of Corrections—AS/400 model E60 to E70 upgrade

Thursday, May 18, 1995

31129

Statewide—1996 calendars

31132

University of Kansas—Small animal feed

31134

Department of Wildlife and Parks—Printing of "Kansas Wildlife and Parks" Magazine

01488

University of Kansas—Steam sterilizer with microcomputer control

01489

Department of Transportation—Laboratory oven, Hutchinson

01490

Kansas State University—Street sweeper

01491

Adjutant General's Department—Furnish and install metal doors, McConnell AFB

01492

Kansas State University—Portable offices

01495

Adjutant General's Department—Street repair, McConnell AFB

01520

Kansas State Historical Society—Furnish and setup microfilm reader/printer

Friday, May 19, 1995

31131

Statewide—Seasonal clothing

31133

Department of Corrections—Consulting services for computer code generation

31139

Wichita State University—Waxed corrugated boxes

01502

Fort Hays State University—Data acquisition system

01503

Pittsburg State University—Gas chromatograph/mass spectrometer system

01504

Adjutant General's Department—Furnish and install A/C compressor, McConnell AFB

(continued)



01507

University of Kansas Medical Center—Fiber optic components

01508

University of Kansas Medical Center—Radio paging system

01509

University of Kansas Medical Center—Optical scanners

01510

Department of Transportation—Radio antenna supplies, Chanute

01511

University of Kansas Medical Center—TCP/IP software

01519

Department of Wildlife and Parks—Trailer mounted water pump, Milford Wildlife Area

01521

Fort Hays State University—Floor maintenance equipment

01522

Department of Human Resources—Interconnect controller, 3745 processor upgrade and 6590

01530

Department of Wildlife and Parks—Lake destratification unit, Crawford State Lake

**Tuesday, May 23, 1995**

A-7308(a)

Kansas State University—Lightning protection, Anderson Hall

**Wednesday, May 24, 1995**

A-6967(a)

Winfield State Hospital—Resident privacy remodel, Holly Building

A-7436

Youth Center at Beloit—Upgrade electrical services and intercom, Education Building

A-7438

Youth Center at Beloit—Roof, gutter and downspout replacement

**Thursday, May 25, 1995**

A-7366(a)

Kansas State School for the Deaf—Moveable furnishings and accessories, New Emery Hall

A-7434

Parsons State Hospital and Training Center—Partial reroof of Recreation Building

**Thursday, June 1, 1995**

A-7065(c)

Kansas State School for the Blind—Asbestos abatement, Administration Building

Leo E. Vogel

Acting Director of Purchases

Doc. No. 016274

State of Kansas

**Kansas Insurance Department**

**Temporary Administrative  
Regulations**

**Article 4.—ACCIDENT AND HEALTH INSURANCE**

**40-4-41. Utilization review organizations; application; definitions.** (a) Except as provided in K.S.A. 1994 Supp. 40-22a06(b), each organization offering utilization review services which is required to apply for a certificate pursuant to K.S.A. 1994 Supp. 40-22a01, et seq., and amendments thereto, shall comply with these regulations. Utilization review services subject to these regulations shall include:

(1) prospective, concurrent and retrospective utilization review for inpatient and outpatient care rendered by a health care provider; and

(2) utilization review activity conducted in connection with health benefit plans.

(b) Notwithstanding adherence to the standards prescribed by these regulations, the decision as to what treatment to prescribe for an individual patient shall remain that of the health care provider, and the patient or the patient's representative. The final decision as to whether the prescribed treatment constitutes a covered benefit shall be the responsibility of the claims administrator or health benefit plan.

(c) As used in these regulations, these terms shall have the following meanings.

(1) "Appeal" means a formal request to reconsider a determination not to certify an admission, extension of stay or other health care service.

(2) "Attending health care provider" means the health care provider selected by, or assigned to the patient and who has primary responsibility for the treatment and care of the patient as provided by the applicable licensing, registration or certification requirements of Kansas.

(3) "Certification" means a determination by a utilization review organization that an admission, extension of stay, or other health care service, based on a review of the information provided, meets the clinical review requirements of the applicable health benefit plan.

(4) "Claims administrator" means any entity that reviews and determines whether to pay claims to enrollees, health care providers or others on behalf of the health benefit plan. Such payment determinations are made based on contract provisions. Claims administrators may be insurance companies, third party administrators or other private contractors.

(5) "Clinical criteria" means the written policies, decision rules, medical protocols, or guidelines used by the utilization review organization.

(6) "Concurrent review" means a utilization review conducted during a patient's inpatient stay or course of treatment, sometimes called a "continued stay review."

(7) "Discharge planning" means the process that assesses a patient's needs for treatment after an inpatient stay or course of treatment to help arrange for the necessary services and resources to effect an appropriate and timely discharge.



(8) "Enrollee" means the individual, including dependents of the individual, who has elected to contract for, or participate in, a health benefit plan.

(9) "Health benefit plan" means any public or private organization's written plan that insures or pays for specific health care expenses on behalf of enrollees or covered persons.

(A) "Health benefit plan" includes:

(i) any individual, group or blanket policy of accident and sickness, medical or surgical expense coverage; and

(ii) any provision of a policy, contract, plan or agreement for medical service, including any contract of a health maintenance organization, non-profit medical and hospital service corporation, or municipal group-funded sickness and accident pool.

(B) "Health benefit plan" does not include:

(i) a policy or certificate covering only credit;

(ii) a policy or certificate covering only disability income;

(iii) coverage issued as a supplement to liability insurance;

(iv) insurance arising out of a workers compensation or similar law;

(v) automobile medical payment insurance;

(vi) insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy;

(vii) Medicare; or

(viii) Medicaid.

(10) "Health care provider" shall have the meaning ascribed by K.S.A. 1994 Supp. 40-22a03(d) and amendments thereto.

(11) "Inpatient care" means admissions to and services provided in all licensed medical care facilities and other licensed inpatient facilities, including skilled nursing facilities, residential treatment centers and free standing rehabilitation facilities.

(12) "Outpatient care" means health care provider diagnostic and therapeutic services provided at any medical care facility, and other outpatient locations, including laboratories, radiology facilities, provider offices and patient homes.

(13) "Peer clinical reviewer" means a health care provider who holds a non-restricted license in a state of the United States and who is in the same or similar profession which typically manages the health condition, procedure or treatment under review.

(14) "Prospective review" means a utilization review conducted prior to a patient's inpatient stay or course of treatment.

(15) "Retrospective review" means a review of services provided after the discharge of the patient.

(16) "Utilization review" shall have the meaning ascribed by K.S.A. 1994 Supp. 40-22a03(b) and amendments thereto.

(17) "Utilization review organization" shall have the meaning ascribed by K.S.A. 1994 Supp. 40-22a03(c) and amendments thereto. (Authorized by K.S.A. 40-103 and K.S.A. 1994 Supp. 40-22a01, et seq.; implementing K.S.A. 1994 Supp. 40-22a04; effective, T-40-4-26-95, April 26, 1995.)

**40-4-41a. Utilization review organizations; responsibility for requesting certification.** If specified in the health benefit plan which imposes the utilization review requirements:

(a) The insured individual seeking the health care services shall be responsible for notifying the utilization review organization in a timely manner and initiating the request for certification of health care services; and

(b) any health care provider or responsible patient representative, including a family member, may assist in fulfilling the responsibility of initiating the request for certification. (Authorized by K.S.A. 40-103 and K.S.A. 1994 Supp. 40-22a01, et seq.; implementing K.S.A. 1994 Supp. 40-22a04; effective, T-40-4-26-95, April 26, 1995.)

**40-4-41b. Utilization review organizations; requirements for collecting information.** When conducting routine prospective, concurrent and retrospective utilization reviews, each utilization review organization shall comply with the following requirements.

(a) Each utilization review organization shall collect only the information necessary to certify the admission, procedure or treatment and length of stay. Utilization review organizations shall not:

(1) Routinely require health care providers to supply numerically codified diagnoses or procedures to be considered for certification. Utilization review organizations may ask for such coding, since if it is known, its inclusion in the data collected increases the effectiveness of the communication;

(2) routinely request copies of clinical records on all patients reviewed prospectively or concurrently. During prospective and concurrent review, copies of clinical records shall only be required when a difficulty develops in certifying the necessity or appropriateness of the admission or extension of stay. In those cases, only the necessary or pertinent sections of the record shall be required; or

(3) request all records on all patients reviewed. This shall not preclude a request for copies of relevant clinical records retrospectively for clinical review for a number of purposes, including auditing the services provided, quality assurance, evaluation of compliance with the terms of the health benefit plan or utilization review provisions. With the exception of reviewing records associated with an appeal or with an investigation of data discrepancies and unless otherwise provided for by contract or law, health care providers shall be entitled to reimbursement for the reasonable direct costs of duplicating requested records.

(b) Each utilization review organization shall accept required or requested information when submitted on claim forms as authorized by K.S.A. 40-2253 and K.A.R. 40-4-40.

(c) Each utilization review organization shall limit its data requirements to the following elements unless otherwise prescribed in these regulations:

(1) Patient information, which shall include the patient's name, address, telephone number, date of birth, gender, social security number or patient identification number, the name of the carrier or plan, including the plan type, and plan identification number;

(continued)

(2) enrollee information, which shall include the enrollee's name, address, telephone number, social security number or employee identification number, relation to patient, employer, health benefit plan, group number or plan identification number, and other coverages available, including workers compensation, auto, champus, medicare, or other coverages;

(3) health care provider information, which shall include the provider's name, address, telephone number, degree, specialty or certification status, and tax identification or other identification number;

(4) diagnosis or treatment information, which shall include the primary diagnosis, secondary diagnosis, tertiary diagnosis, proposed or provided procedures or treatments, surgical assistant requirement, anesthesia requirement, admission or service dates, the procedure date and the proposed length of stay;

(5) clinical information sufficient to support the appropriateness and level of service proposed or provided, and the name of a contact person for detailed clinical information;

(6) facility information, which shall include:

(A) The type of facility, including an in-patient or out-patient facility, special unit, skilled nursing facility, rehabilitation facility, office or clinic;

(B) the licensing or certification status of the facility, including any applicable diagnostic related group exempt status; and

(C) the facility's name, address, telephone number and tax identification number or other identification number;

(7) concurrent or continued stay review information, which shall include:

(A) The number of additional days, services or procedures proposed;

(B) a description of the reasons for the extension, including clinical information sufficient to support the appropriateness and level of service proposed; and

(C) information regarding the continued or changed diagnoses;

(8) information on admissions to facilities other than medical care facilities, which shall include a history of the present illness, the patient treatment plan and goals, the prognosis, staff qualifications, and 24 hour availability of appropriate staff;

(9) additional information for specific review functions, which may include discharge planning or catastrophic case management, or when applicable, second opinion information sufficient to support benefit plan requirements; and

(10) other additional information when there is a significant lack of agreement between the utilization review organization and health care provider regarding the appropriateness of certification. Significant lack of agreement means that the utilization review organization:

(A) Has tentatively determined, through its professional staff, that a service cannot be certified;

(B) has referred the case to a peer clinical reviewer for review; and

(C) for prospective and concurrent review, has talked to or attempted to talk to the health care provider for further information.

(d) Each utilization review organization shall share all clinical and demographic information on individual patients among its various divisions to avoid duplicate requests for information from enrollees or providers. (Authorized by K.S.A. 40-103 and K.S.A. 40-22a01, et seq.; implementing K.S.A. 40-22a04; effective, T-40-4-26-95, April 26, 1995.)

**40-4-41c. Utilization review organizations; written procedures.** Each utilization review organization shall maintain the following written procedures:

(a) Written procedures to assure that reviews are conducted in a timely manner shall be maintained as follows:

(1) Each utilization review organization shall make prospective or concurrent certification determinations within two working days of receipt of the necessary information on a proposed admission or service requiring a review determination. Collection of the necessary information may necessitate a discussion with the health care provider or, based on the requirements of the health benefit plan, may involve a completed second opinion review.

(2) The utilization review organization may review ongoing inpatient stays, but shall not routinely conduct daily review of all such stays. The frequency of the review for extension of the initial determination may vary, based on the severity or complexity of the patient's condition or on necessary treatment and discharge planning activity.

(3) Each utilization review organization shall make retrospective determinations within 30 days of the receipt of the necessary information.

(b) Written procedures for providing notification of determinations regarding all forms of certification shall be maintained in accordance with the following:

(1) When an initial determination is made to certify, the utilization review organization shall notify the health care provider promptly either in writing, by telephone or by electronic transmission.

(2) A determination to certify an extended stay or additional services resulting from concurrent review shall be transmitted to the health care provider by telephone, electronic transmission or in writing within one working day of receipt of all information necessary to complete the review process, but not later than the end of a current certified period.

(3) If a utilization review organization transmits written confirmation of certification for continued hospitalization, that notification shall include, when possible, the number of extended days or the next review date, the new total number of days approved and the date of admission.

(4) When a prospective or concurrent review determination is made not to certify an admission or extension of an inpatient stay, course of treatment, or other service requiring review determination, such decision shall be made only by a peer clinical reviewer after not less than two bona fide attempts have been made to contact and consult with the attending health care provider.

(A) If the attending health care provider cannot be contacted in a timely manner, written notification shall be sent to the health care provider and the enrollee or patient within one working day following the determination. Any such notification shall be accompanied by the most

appropriate telephone number necessary to facilitate an expedited appeal.

(B) The written notification shall include the principal reasons for the determination and procedures to initiate an appeal of the determination. Reasons for a determination not to certify may include the lack of adequate information to certify after a reasonable attempt has been made to contact the health care provider.

(5) When a retrospective determination is made not to certify an admission, stay or other service requiring review determination, the decision shall be made only by a peer clinical reviewer. Written notification of the determination shall be provided to the health care provider and the enrollee or patient. The written notification shall include the principal reasons for the determination and procedures to initiate an appeal of the determination. Reasons for a determination not to certify may include the lack of adequate information to certify after a reasonable attempt has been made to contact the health care provider.

(c) Written procedures to address the failure of a health care provider, patient or other representative to provide the necessary information for review shall be maintained. If the patient or provider will not release the necessary, clinically relevant information to the utilization review organization, the utilization review organization may deny certification in accordance with its own policy or that of the health benefit plan. (Authorized by K.S.A. 40-103 and K.S.A. 1994 Supp. 40-22a01, et seq.; implementing K.S.A. 1994 Supp. 40-22a04; effective, T-40-4-26-95, April 26, 1995.)

**40-4-41d. Utilization review organizations; appeal procedures.** Each utilization review organization shall have in place procedures for appeals of a determination not to certify an admission, procedure, service or extension of stay. The right to appeal shall be available to the patient or enrollee, the representative of the patient or enrollee, and to the attending health care provider on behalf of the patient. Hospitals or other health care providers may assist in an appeal. The procedures for appeals shall include, at a minimum, the following:

(a) Expedited appeal.

(1) When an initial determination not to certify a health care service is made prior to or during an ongoing service requiring review, and the attending health care provider believes that the determination warrants immediate appeal, the attending health care provider shall have an opportunity to appeal that determination over the telephone or via facsimile on an expedited basis.

(2) Each utilization review organization shall provide reasonable access to a peer clinical reviewer who did not make the original decision. The peer clinical reviewer shall be available for such appeals during normal business hours.

(3) The peer clinical reviewer shall have immediate access to the material which formed the basis for the original determination when discussing an appeal.

(4) The utilization review organization shall not be required to provide a peer clinical reviewer other than the peer clinical reviewer who made the original decision if the attending health care provider only needs to supply

additional or new information which will justify the need for the health care service or treatment.

(5) Health care providers and utilization review organizations shall attempt to share the maximum information by telephone, facsimile or otherwise to resolve the expedited appeal satisfactorily.

(6) The utilization review organization shall notify the health care provider of its decision regarding the expedited appeal by telephone at the time the decision is made and shall notify the health care provider and the enrollee in writing within one working day.

(7) Expedited appeals which do not resolve a difference of opinion may be resubmitted through the standard appeal process.

(8) Non-certifications made on a retrospective basis may be appealed only through the standard appeal process.

(b) Standard appeal. The utilization review organization shall establish procedures for appeals to be made either in writing or by telephone.

(1) Each utilization review organization shall notify in writing the enrollee or patient, health care provider and the claims administrator of its determination on the appeal as soon as practical, but never later than 30 days after receiving the required documentation for the appeal.

(2) The documentation required by the utilization review organization may include copies of part or all of the clinical record or a written statement from the attending health care provider.

(3) Prior to upholding the original decision not to certify for clinical reasons, a peer clinical reviewer who did not make the original non-certification determination shall review the documentation.

(4) The process established by a utilization review organization may include a period within which an appeal must be filed to be considered.

(5) Each attending health care provider who unsuccessfully appeals a determination not to certify shall be provided the clinical basis for that determination upon request.

(6) In cases involving physician-directed services where an appeal to reverse a determination not to certify for medical reasons is unsuccessful, the utilization review organization shall assure that a peer clinical reviewer, in the same or a similar medical specialty as the attending health care provider, is reasonably available to review the case as mutually deemed appropriate.

(7) In cases involving other than physician-directed services where an appeal to reverse a determination not to certify for clinical reasons is unsuccessful, the utilization review organization shall assure that a peer clinical reviewer in the same or similar profession as the attending health care provider is reasonably available to review the case as mutually deemed appropriate.

(8) Each utilization review organization shall forward, electronically or in writing, a notification of certification or a determination not to certify to the appropriate claims administrator for the health benefit plan. (Authorized by K.S.A. 40-103 and K.S.A. 40-22a01, et seq.; implementing K.S.A. 40-22a04; effective, T-40-4-26-95, April 26, 1995.)

**40-4-41e. Utilization review organizations; staff requirements.** Each utilization review organization shall

(continued)

have utilization review staff who are properly trained, qualified, supervised and supported by written clinically substantiated criteria and review procedures established under the direct supervision and appropriate involvement of health care providers.

(a) All nurses, physicians, accredited records technicians, registered record administrators and other properly credentialed health professionals conducting reviews of medical services, and all other clinical reviewers conducting specialized reviews in their area of specialty, shall be currently licensed or certified by an approved state licensing agency in the United States.

(b) A peer clinical reviewer shall review all cases in which the utilization review organization has concluded that a determination not to certify for clinical reasons is appropriate. The peer clinical reviewer shall be reasonably available by telephone to discuss the determination with the health care provider. (Authorized by K.S.A. 40-103 and K.S.A. 40-22a01, et seq.; implementing K.S.A. 40-22a04; effective, T-40-4-26-95, April 26, 1995.)

**40-4-41f. Utilization review organizations; review requirements.** (a) Each utilization review organization shall use written, clinically substantiated criteria, as needed, for the purpose of determining or screening the appropriateness of the certification.

(1) Such criteria shall be periodically evaluated and updated, and shall be made available to the attending health care provider upon request.

(2) Professionally accepted, pre-established review criteria shall be used for concurrent reviews and shall be periodically evaluated and updated.

(3) When copyright laws prohibit the copying of criteria for health care providers, the utilization review organization shall identify the type of criteria being utilized so that the health care provider may purchase the criteria directly from the source.

(4) Clinical protocols, as well as other relevant review processes used in a health benefit plan's concurrent review program, shall be established with appropriate involvement from health care provider panels made up of health care providers contracting with the utilization review organization.

(b) Each utilization review organization shall use one or more health care provider consultants, including, as needed and available, one or more specialists who are board-certified or board-eligible and working toward certification in a specialty board approved by the American board of medical specialists or the American board of osteopathy from the major areas of clinical services.

(c) Each utilization review organization shall use one or more peer clinical reviewers who have a firm understanding of clinical practice, are familiar with current treatment guidelines, are able to access expert clinical opinions when necessary, and take into consideration any local specific issues as described by the attending health care provider.

(d) Each utilization review organization shall provide a formal program for orientation and training of utilization review staff and professional consultants.

(e) Each utilization review organization shall maintain written documentation of an active quality assessment pro-

gram. "Quality assessment program" means a structured mechanism that, at a minimum, monitors and evaluates a utilization review organization's program and provides management intervention, as needed, to support compliance with these standards. (Authorized by K.S.A. 40-103 and K.S.A. 40-22a01, et seq.; implementing K.S.A. 40-22a04; effective, T-40-4-26-95, April 26, 1995.)

**40-4-41g. Utilization review organizations; access to review staff.** (a) Each utilization review organization shall provide access to its review staff by a toll free or collect call telephone line, at a minimum, from 9:00 a.m. to 4:00 p.m. of each normal business day in the Central Standard Time zone. Each utilization review organization shall also have a mechanism to receive timely call-backs from health care providers and shall establish written procedures for receiving or redirecting after-hour calls, either in person or by recording.

(b) Each utilization review organization and its staff shall conduct its telephone reviews, on-site information gathering reviews, and health care provider communications during reasonable and normal business hours for health care providers, unless otherwise mutually agreed.

(c) Utilization review organization staff members shall identify themselves by name and by the name of their organization, and for on-site reviews, shall carry photograph identification and their organization's company identification card. On-site concurrent reviews shall, whenever possible, be scheduled at least one business day in advance of the appropriate health care provider contact. If requested by a health care provider or in-patient facility, the utilization review organization shall assure that its on-site review staff register with the appropriate contact person, if available, prior to requesting any clinical information or assistance from health care provider staff and the on-site review staff shall wear appropriate hospital-supplied identification while on the premises.

(d) Each utilization review organization and its staff shall agree, if so requested, that the clinical records remain available in designated areas during the on-site review and that reasonable health care provider administrative procedures shall be followed by on-site review staff so as to not disrupt health care provider operations or patient care. Such procedures, however, should not limit the ability of a utilization review organization to efficiently conduct the necessary review on behalf of the patient's health benefit plan.

(e) Upon request, each utilization review organization shall:

(1) verbally inform designated health care provider personnel of the utilization review requirements of the specific health benefit plan and the general type of criteria used by the review agent; and

(2) verbally inform health care providers of the organization's operational procedures in order to facilitate the review process. (Authorized by K.S.A. 40-103 and K.S.A. 1994 Supp. 40-22a01, et seq.; implementing K.S.A. Supp. 40-22a04; effective, T-40-4-26-95, April 26, 1995.)

Kathleen Sebelius  
Kansas Insurance Commissioner

Doc. No. 016259

## State of Kansas

## Secretary of State

## Usury Rate for May

Pursuant to the provisions of K.S.A. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate executed during the period of May 1, 1995 through May 31, 1995, is 10.06 percent.

Ron Thornburgh  
Secretary of State

Doc. No. 016247

## State of Kansas

## State Conservation Commission

Permanent Administrative  
Regulations

## Article 8.—LAND RECLAMATION PROGRAM

**11-8-1. Definitions.** In addition to the terms defined in K.S.A. 49-603, the following terms shall be defined as set out below. (a) "Site" means a tract or consolidated tracts of land which can be described by the operator as a single operating unit.

(b) "New site" means an area that has or will have affected land during the registration year but does not have affected land from any previous year.

(c) "Tons of material extracted" means tons of material sold through direct sales or tons of material consumed in the operation of a business, or both. (Authorized by K.S.A. 49-623; implementing K.S.A. 49-603; effective June 19, 1995.)

**11-8-2. Mining license renewal.** (a) Each operator licensed by the director under K.S.A. 49-605 shall renew the mining license annually until all sites registered by that person have been properly reclaimed or transferred to another licensed operator. The mining license renewal fee, except for political subdivisions, shall be based on the annual tons of material extracted by the operator and shall be:

- (1) if less than 10,000 tons, \$25.00;
- (2) if between 10,000 tons and 99,999 tons, \$50.00;
- (3) if between 100,000 tons and 499,999 tons, \$100.00; and
- (4) if 500,000 tons or greater, \$150.00.

(b) The renewal application shall be signed by the operator or an authorized representative of the operator.

(c) Any operator who fails to renew the operator's mining license before the expiration date shall be required to apply for a new license and pay the \$300 initial license fee established under K.S.A. 49-605, and amendments thereto. (Authorized by K.S.A. 49-623; implementing K.S.A. 49-605; effective June 19, 1995.)

**11-8-3. Initial site registration.** (a) Each person, business, corporation or political subdivision of the state of Kansas which engages in or intends to engage in operating a surface mine shall register the site with the director. In addition to the application requirements of K.S.A.

49-607, and amendments thereto, each application for site registration shall include:

- (1) the name and license number of the operator;
  - (2) for each site which is active or inactive on the effective date of this regulation, the number of tons of material extracted and the number of acres of affected land created during the preceding year;
  - (3) the site registration fee, except for political subdivisions; and
  - (4) the signature of the operator.
- (b) (1) The initial registration fee for active sites in existence on the effective date of this regulation shall be \$40 per acre of land affected during the previous year and \$0.002 per ton of material extracted during the preceding year.
- (2) The initial registration fee for new sites shall be \$40.
  - (3) The initial registration fee for inactive sites which are returning to an active status shall be \$40.
  - (4) The minimum initial registration fee shall be \$40.
  - (5) The initial registration fee for sites active during the preceding year but being registered inactive, shall be as stated in paragraph (1) of this subsection.

(c) If more than one operator is extracting materials from a given site within the same time frame, then each operator shall register the site and adequately distinguish each operator's scope of operation and responsibility. (Authorized by K.S.A. 49-623; implementing K.S.A. 49-607; effective June 19, 1995.)

**11-8-4. Site registration renewal.** (a) Each site registration shall be renewed annually. Each application for renewal of a site registration shall be submitted to the director within 30 days prior to the expiration date of the registration.

(b) The renewal form, in addition to information required in K.S.A. 49-607, and amendments thereto, shall include:

- (1) for each active site, the number of tons of material extracted and the number of acres of affected land created during the previous year; and
- (2) the signature of the operator.

(c) (1) The minimum renewal fee shall be \$40.

- (2) The annual site registration renewal fee for each active site shall be \$40 per acre of land affected during the previous year and \$0.002 per ton of material extracted during the previous year.

(3) The renewal fee for a site which was active during the previous year but is to be registered as an inactive site upon renewal shall be as stated in paragraph (2) of this subsection.

(4) The renewal fee for each site which is registered as an inactive site for greater than one year shall be \$40 annually until additional acres are affected or material is extracted, or both, during the year preceding renewal.

(5) The renewal fee for each site undergoing reclamation shall be \$40 per year until reclamation is approved and the site is released by the director. (Authorized by K.S.A. 49-623; implementing K.S.A. 49-607; effective June 19, 1995.)

**11-8-5. Annual report.** (a) An annual report of mining operations for each registered site shall be submitted

(continued)



to the director within 30 days of the site registration expiration. The report, in addition to information required by K.S.A. 49-612(a), and amendments thereto, shall include:

- (1) the site registration number;
- (2) any proposed changes to the reclamation plan;
- (3) any proposed changes to the bonding agreement; and
- (4) an aerial photograph, survey map, engineered drawing or other representation approved by the director, of all land affected by mining during the period covered by the report.

(b) If mining operations will be completed within 90 days of the registration expiration date, the final completion report may be substituted for the annual report. (Authorized by K.S.A. 49-623; implementing K.S.A. 49-612; effective June 19, 1995.)

**11-8-6. Reclamation plan.** (a) A reclamation plan shall be completed for each registered site and submitted with the initial registration application. The plan shall include the following:

- (1) a legal description of where the site is located including the nearest quarter quarter section, township, range and county;
- (2) the total acreage of the site;
- (3) a general description of the material to be mined, including:
  - (A) the average depth of the mineral layer;
  - (B) the average depth of overburden; and
  - (C) the average depth of the topsoil;
- (4) the estimated life-span of the mine or the time period covered by the operator's long-term plan;
- (5) an aerial photograph, survey map, engineered drawing or other representation approved by the director describing the land to be mined first and how the mining will proceed across the site;
- (6) a description of the estimated total number of acres to be affected by mining, including the proportion to be reclaimed if different than the total affected areas;
- (7) an aerial photograph, survey map, engineered drawing or other representation approved by the director outlining the affected land, water bodies remaining after reclamation, stockpiles, crushing areas, roads and buildings;
- (8) a general description of the pre-mining and post-mining land-use;
- (9) a general description of the final grading and revegetation that will be completed and an estimated timeline for completion of those activities;
- (10) an illustration of the final topography;
- (11) a general description of the types of plants to be used in revegetation;
- (12) the approximate amount of topsoil and overburden, or if topsoil is not present the amount of overburden, to be stockpiled and used for reclamation of the site; and
- (13) the name, address, telephone number and signature of the person responsible for reclamation. (Authorized by K.S.A. 49-623; implementing K.S.A. 49-607; effective June 19, 1995.)

**11-8-7. Reclamation requirements.** Reclamation of affected lands shall meet the following standards, in ad-

dition to the standards listed in K.S.A. 49-611, and amendments thereto. (a) Affected lands shall be graded to allowable slopes within six months after filing the final report for the site.

(b) In grading the affected lands, all mining-related waste products and machinery incompatible with the care and growth of vegetation shall be removed from the affected lands. Boulders and stones incompatible with the proposed post-mining use of the site shall be buried or removed from the site.

(c) Topsoil and overburden, or if topsoil was not present initially, then overburden only, shall be preserved in an amount specified in the reclamation plan on the site for reclamation of affected lands.

(d) Within one year following the conclusion of all earthwork, seeding of all areas in which vegetation is to be provided shall be completed to the extent permitted by weather and planting requirements.

(e) Erosion control methods shall be used where necessary to prevent rill and gully formation.

(f) Each operator shall allow the seeded vegetation at least one year to become established before filing a release request.

(g) A variance from the requirements of subsections (a), (d) and (f) of this regulation, may be granted by the director if the operator submits a written request at least 30 days before the initiation of affected reclamation activities. (Authorized by K.S.A. 49-623; implementing K.S.A. 49-611; effective June 19, 1995.)

**11-8-8. Bond or other security.** (a) Each surety bond shall be written on a form provided by the director.

(b) An attachment shall be included as part of the bond document which lists the sites by registration number and legal description. This attachment shall be signed by representatives of the surety and the operator and shall be notarized.

(c) Each certificate of deposit posted as bond shall be made payable to the state of Kansas, state conservation commission. All interest earned shall be paid to the operator.

(d) All cash bonds accepted in lieu of a surety bond shall not draw interest. All checks shall be made payable to the state of Kansas, state conservation commission.

(e) Subject to the limitations of K.S.A. 49-615, and amendments thereto, the amount of bond or other security shall be based on the estimated cost to the commission in the event the commission had to contract with an entity to perform the reclamation stated in the reclamation plan or required by K.S.A. 49-611, or both.

(f) The bond shall cover all affected land not previously reclaimed.

(g) The amount of bond or other security may be adjusted for annual variations in the amount of affected land by the director or by request from the operator, if approved by the director. (Authorized by K.S.A. 49-623; implementing K.S.A. 49-615; effective June 19, 1995.)

Kenneth F. Kern  
Executive Director

Doc. No. 016246

State of Kansas

State Corporation Commission

Notice of Motor Carrier Hearings

Applications set for hearing are to be heard at 9:30 a.m. May 23 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 May 23, 1995

Application for Certificate of Convenience and Necessity:

AVP, Inc. ) Docket No. 131,338 M  
330 N. Athenian )  
Wichita, KS 67203 ) MC ID No. 110610

Applicant's Attorney: John Jandera, 2101 S.W. 21st, Topeka, KS 66604-3174

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

Between all points and places in the state of Kansas.

\*\*\*\*\*

Application for Certificate of Convenience and Necessity:

Roger D. Bales, dba ) Docket No. 192,021 M  
R. B.'s Mobile Home )  
Transport )  
203 S. Coats St. )  
Sawyer, KS 67134 ) MC ID No. 151632

Applicant's Attorney: None

Manufactured and mobile homes,

Between all points and places in the state of Kansas.

\*\*\*\*\*

Application for Abandonment of Certificate of Convenience and Necessity:

Kevin M. Benton and ) Docket No. 190,349 M  
James L. Chambers II, dba )  
K.C. Towing & Recovery )  
2506 S. 48th )  
Kansas City, KS 66106 ) MC ID No. 150827

Applicant's Attorney: None

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Application for Certificate of Convenience and Necessity:

Chris A. DeBoard, dba ) Docket No. 192,017 M  
Big D Trucking Trust )  
513 Lowe )  
Braman, OK 74632 ) MC ID No. 151629

Applicant's Attorney: None

Grain, feed, feed ingredients, fertilizer, fertilizer ingredients, building materials, machinery, livestock, hazardous fertilizer (except anhydrous ammonia, explosives and household goods),

Between all points and places in the state of Kansas.

\*\*\*\*\*

Application for Certificate of Convenience and Necessity:

Mark W. Domann and ) Docket No. 192,534 M  
John C. Domann, dba )  
Domann Bros. Farms )  
Route 1, Box 136b )  
Winchester, KS 66097 ) MC ID No. 151955

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

General commodities (except hazardous commodities and household goods),

Between all points and places in the state of Kansas.

\*\*\*\*\*

Application for Extension of Certificate of Convenience and Necessity:

Double T Industries, Inc. ) Docket No. 151,500 M  
Hwy. Jct. 51 and 56 )  
Rolla, KS 67954 ) MC ID No. 124109

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:

Steve Gfeller, dba ) Docket No. 192,018 M  
Gfeller Trucking )  
1689 3400 Ave. )  
Abilene, KS 67410 ) MC ID No. 151630

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

General commodities (except household goods and hazardous commodities),

Between all points and places in the state of Kansas.

\*\*\*\*\*

Application for Certificate of Convenience and Necessity:

Mike Gilbreath, dba ) Docket No. 192,462 M  
Gilbreath Cattle Co. )  
629 Sherman )  
Emporia, KS 66801 ) MC ID No. 151919

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.

(continued)

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

Heartland Express, Inc. of Iowa ) Docket No. 152,725 M  
2777 Heartland Drive )  
Coralville, IA 52241 ) MC ID No. 107216

Applicant's Attorney: None

*General commodities (except household goods),*

Between all points and places in the state of Kansas.

\*\*\*\*\*

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

Terry R. Knight and Jeffery W. Knight, dba ) Docket No. 192,020 M  
Knight Trucking )  
2424 Fauna Road N.W. )  
Lebo, KS 66856-9269 ) MC ID No. 151631

Applicant's Attorney: None

*Wheat, corn, milo, soybeans, sunflower seeds, oats, barley, animal feed ingredients,*

Between all points and places in the state of Kansas.

\*\*\*\*\*

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

OIX, Inc. ) Docket No. 192,019 M  
4224 S. Hocker )  
Independence, MO 64055 ) MC ID No. 201276

Applicant's Attorney: Frank Taylor, 4420 Madison Ave., Kansas City, MO 64111

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

Between all points and places in the state of Kansas.

\*\*\*\*\*

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

Larry J. Oeding ) Docket No. 192,457 M  
Route 2, Box 82L )  
Pratt, KS 67124 ) MC ID No. 151914

Applicant's Attorney: None

*Grain, grain products and agricultural commodities,*

Between all points and places in the state of Kansas.

\*\*\*\*\*

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

PSI Armored, Inc. ) Docket No. 192,016 M  
2901 S.W. Burlingame Road )  
Topeka, KS 66611 ) MC ID No. 151628

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

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

Between all points and places in the state of Kansas.

\*\*\*\*\*

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

Roadway Package System, Inc. ) Docket No. 150,925 M  
410 Rouser Road )  
Coraopolis, PA 15108 ) MC ID No. 125200

Applicant's Attorney: None

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

Between all points and places in the state of Kansas.

\*\*\*\*\*

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

Curtis Robinson & Son, Inc. ) Docket No. 192,015 M  
Route 3 )  
Great Bend, KS 67530 ) MC ID No. 151627

Applicant's Attorney: W. Robert Alderson, 2101 S.W. 21st, Topeka, KS 66604-3174

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

Between all points and places in the state of Kansas.

\*\*\*\*\*

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

Kevin Charles Robinson, dba ) Docket No. 191,279 M  
Robinson Trucking )  
915 Marion St. )  
Florence, KS 66851 ) MC ID No. 151126

Applicant's Attorney: None

*Grain and livestock,*

Between all points and places in the state of Kansas.

\*\*\*\*\*

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

Kurt Siegrist, dba ) Docket No. 192,478 M  
Kurt Siegrist Trucking )  
2422 Southgate )  
Wichita, KS 67217 ) MC ID No. 151935

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:**

Ted B. Winn, dba ) Docket No. 192,022 M  
Winn Trucking )  
Route 2, Box 137 )  
Howard, KS 67349 ) MC ID No. 151633

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



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

Between all points and places in the state of Kansas.

\*\*\*\*\*

Don Carlile  
Administrator  
Transportation Division

Doc. No. 016279

State of Kansas

**Department of Health and Environment**

**Request for Comments**

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Williams Field Services Company has applied for an air quality construction permit to install and operate one natural gas compressor engine in accordance with the provisions of K.A.R. 28-19-300. Potential emissions of NOx, CO, and VOCs were evaluated during the permit review process.

Williams Field Services Company, P.O. Box 3102, Mail Drop 46-4, Tulsa, OK 74101-3102, owns and operates the stationary source, located at SE 1/4, Sec. 1, T33S, R34W, in Seward County, at which the natural gas compressor engine is proposed for installation.

A copy of the proposed permit, permit application, all supporting, nonconfidential documentation and all information relied upon during the permit application review process, is available for public review during normal business hours at the Kansas Department of Health and Environment, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka; and at the Southwest District KDHE Office, 302 W. McArtor Road, Dodge City. To obtain or review the proposed permit and supporting documentation, contact Art Hofmeister at the central office of the Kansas Department of Health and Environment, (913) 296-0910, or Wayne Neese at the Southwest District KDHE Office, (316) 225-0596. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Art Hofmeister, Kansas Department of Health and Environment, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620, (913) 296-0910. Written comments must be received no later than the close of business on June 5 in order to be considered in formulating a final permit decision.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, no later than the close of business on June 5 in order for the Secretary of Health and Environment to consider the request.

James J. O'Connell  
Secretary of Health and Environment

Doc. No. 016281

State of Kansas

**Kansas Development Finance Authority**

**Notice of Change of Meeting Date**

The Kansas Development Finance Authority Board of Directors meeting scheduled for 9:30 a.m. Friday, May 5, has been changed to 9:30 a.m. Monday, May 8. For further information, contact the Kansas Development Finance Authority at (913) 296-6747.

Wm. F. Caton  
President

Doc. No. 016278

State of Kansas

**Department of Health and Environment**

**Request for Comments**

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Cargill, Inc. has applied for an air quality construction permit to construct and operate a new country grain elevator in accordance with the provisions of K.A.R. 28-19-300. Potential emissions of particulate matter were evaluated during the permit review process.

Cargill, Inc., P.O. Box 9300, MS-1, Minneapolis, MN 55440, owns and operates the stationary source, located at Sec. 14, T11S, R23W, in Trego County, at which the new country grain elevator is proposed for construction.

A copy of the proposed permit, permit application, all supporting, nonconfidential documentation and all information relied upon during the permit application review process, is available for public review during normal business hours at the Kansas Department of Health and Environment, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka; and at the KDHE Northwest District Office, 2301 E. 13th, Hays. To obtain or review the proposed permit and supporting documentation, contact Art Hofmeister at the central office of the Kansas Department of Health and Environment, (913) 296-0910, or Richard Robinson at the KDHE Northwest District Office, (913) 625-5663. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Art Hofmeister, Kansas Department of Health and Environment, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620, (913) 296-0910. Written comments must be received no later than the close of business on June 5 in order to be considered in formulating a final permit decision.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, no later than the close of business on June 5 in order for the Secretary of Health and Environment to consider the request.

James J. O'Connell  
Secretary of Health and Environment

Doc. No. 016282

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Binney and Smith, Inc. has applied for an air quality construction permit to operate a crayon, paint and marker manufacturing plant in accordance with the provisions of K.A.R. 28-19-300. Potential emissions of particulate matter (PM), volatile organic compounds (VOC), sulfur oxides (SOx), oxides of nitrogen (NOx) and carbon monoxide (CO) were evaluated during the permit review process.

Binney and Smith, Inc., P.O. Box 546, Winfield, owns and operates the stationary source, located at 2000 Liquitex Lane, Winfield, at which the crayon, paint and marker manufacturing plant is operating.

A copy of the proposed permit, permit application, all supporting, nonconfidential documentation and all information relied upon during the permit application review process, is available for public review during normal business hours at the Bureau of Air and Radiation, Kansas Department of Health and Environment, Building 283, Forbes Field, Topeka; and at the South Central District KDHE Office, 130 S. Market, 6th Floor, Wichita. To obtain or review the proposed permit and supporting documentation, contact Mindy Bowman at the central office of the Kansas Department of Health and Environment, (913) 296-3414, or David Butler at the South Central District KDHE Office, (316) 337-6202. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Mindy Bowman, Bureau of Air and Radiation, Kansas Department of Health and Environment, Building 283, Forbes Field, Topeka, 66620, (913) 296-3414. Written comments must be received no later than the close of business on June 5 in order to be considered in formulating a final permit decision.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, no later than the close of business on June 5 in order for the Secretary of Health and Environment to consider the request.

James J. O'Connell
Secretary of Health and Environment

Doc. No. 016265

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-95-46/63

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Row 1: Baumgartner Brothers, Jay and Jeff, Route 1, Box 53, Bern, KS 66408. Legal: N/2, Sec. 25, T1S, R13E, Nemaha County. Receiving: Missouri River Basin.

Kansas Permit No. A-MONM-S046

The proposed facility will have capacity for approximately 450 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.

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Row 1: Farmland Industries, 3705 N. 139th, Kansas City, KS 66109. Legal: NW/4, Sec. 30, T10S, R23E, Wyandotte County. Receiving: Kansas River Basin.

Kansas Permit No. A-KSWY-S001

The existing facility has the capacity for approximately 685 swine, 500 beef cattle, 100 dairy cattle and 102 head kennel.

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.

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Row 1: Virgil Deters, Route 1, Box 72, Baileyville, KS 66404. Legal: NW/4, Sec. 15, T2S, R11E, Nemaha County. Receiving: Missouri River Basin.

Kansas Permit No. A-MONM-M014

The feedlot has capacity for approximately 200 dairy cattle, dairy parlor, and a contributing drainage area of approximately 4 acres. This is an existing facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 2.7 acre-feet.

Compliance Schedule: None, existing controls adequate.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Seaboard Farms, Inc. Farm Unit #10 Doug McCright 506 N. Roosevelt Guymon, OK 73942	NE/4, Sec. 12, T30S, R40W, Stanton County	Cimarron River Basin

Kansas Permit No. A-CIST-H002      Federal Permit No. KS-0091588

The proposed facility will have capacity for approximately 2,856 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.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Seaboard Farms, Inc. Farm Unit #2 Doug McCright 506 N. Roosevelt Guymon, OK 73942	NW/4, Sec. 5, T31S, R40W, Morton County	Cimarron River Basin

Kansas Permit No. A-CIMT-S002

The proposed facility will have capacity for approximately 440 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.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Chuck Springer Route 4, Box 260 Independence, KS 67301	SW/4, Sec. 4, T31S, R14E, Montgomery County	Verdigris River Basin

Kansas Permit No. A-VEMG-S034

The existing facility has the capacity for approximately 2,200 swine.

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

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

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Steven L. Allen 1391 Reaper Road S.E. Burlington, KS 66839	NW/4, Sec. 15, T21S, R16E, Coffey County	Neosho River Basin

Kansas Permit No. A-NECF-S006

The existing facility has the capacity for approximately 600 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.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Warren and Charlotte Scott c/o Long Branch Farms Route #1, Box 119 Scammon, KS 66773	NW/4, Sec. 18, T32S, R25E, Cherokee County	Neosho River Basin

Kansas Permit No. A-NECK-F023

The proposed facility will have capacity for approximately 33,000 turkeys.

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

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

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Miller-Wise Dairy c/o Matt Wise Route 3, Box 117 Garnett, KS 66032	SW/4, Sec. 1, T20S, R17E, Anderson County	Marais des Cygnes River Basin

Kansas Permit No. A-MCAN-M003

The feedlot has capacity for approximately 150 dairy cattle and a contributing drainage area of approximately 0.6 acre. This is a new facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 1.5 acre-feet.

Compliance Schedule: None, existing controls adequate.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Cedar Hill, Inc. 467-800 Ave. Carlton, KS 67429	S/2, Sec. 27, T15S, R1E, Dickinson County	Smoky Hill River Basin

Kansas Permit No. A-SHDK-M011

The feedlot has capacity for approximately 350 dairy cattle and a contributing drainage area of approximately 3.3 acres plus the dairy parlor wastes. This is a new facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 4.3 acre-feet.

Compliance Schedule: None, existing controls adequate.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Roland Martin Route 1, Box 65 Hartford, KS 66854	SE/4, Sec. 23, T21S, R12E, Lyon County	Neosho River Basin

Kansas Permit No. A-NELY-M002

The dairy has capacity for approximately 200 dairy cattle and a contributing drainage area of approximately 5.9 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 4.6 acre-feet.

Compliance Schedule: The waste management plan developed by Soil Conservation Services and approved by the department shall be adhered to as a condition of this permit. The plan calls for nutrient analysis of both liquids and solids with applications to meet crop nutrient needs. If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than 2 acre inch per acre per year and solids shall be applied at no greater than 20 ton per acre.

Dewatering equipment shall be obtained within four months after this facility becomes active through purchase, rental or custom application agreement. It shall be capable of pumping and dispersing the liquids and solids as outlined in this permit and the SCS operational plan. Written verification of the acquisition of the equipment shall be submitted to the department.

(continued)

Name and Address of Applicant	Legal Description	Receiving Water
Allen Brothers Greg and/or Rick Allen Route 1, Box 124 Centralia, KS 66415	NW/4, Sec. 9, T4S, R12E, Nemaha County	Missouri River Basin

Kansas Permit No. A-MONM-5034

The proposed expanded facility will have capacity for approximately 350 swine.

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

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Charles Mueller Prairie Flower Dairy Route 2, Box 33 Halstead, KS 67056	SW/4, Sec. 20, T23S, R2W, Harvey County	Little Arkansas River Basin

Kansas Permit No. A-LAHV-M008

The feedlot has capacity for approximately 50 dairy cattle and a contributing drainage area of approximately 1 acre. This is a new facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 32,702 cubic feet.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Robert Lowe Route 1, Box 129 Prescott, KS 66767	NW/4, Sec. 3, T23S, R25E, Linn County	Marais des Cygnes River Basin

Kansas Permit No. A-MCLN-M005

The dairy has capacity for approximately 180 dairy cattle and a contributing drainage area of approximately 0.5 acre. This is a new facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent application to agricultural land for beneficial use.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
John Ferdinand 2013 Road 370 Reading, KS 66868	NW/4, Sec. 5, T16S, R13E, Lyon County	Marais des Cygnes River Basin

Kansas Permit No. A-MCLY-M001

The dairy has capacity for approximately 150 dairy cattle and a contributing drainage area of approximately 0.6 acre. This is a new facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 1.0 acre-feet.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Marc Newell 285 Prairie Road Wakefield, KS 67847	NE/4, Sec. 28, T10S, R3E, Clay County	Smoky Hill River Basin

Kansas Permit No. A-SHCY-B001

The feedlot has capacity for approximately 990 cattle and a contributing drainage area of approximately 5.3 acres. This is a new facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 3.1 acre-feet.

Compliance Schedule: Dewatering equipment shall be obtained within 45 days after issuance of this permit through purchase, rental or custom application agreement. It shall be capable of pumping at least 150 gpm and dispersing the wastewater over 20 acres of land suitable for waste application. Written verification of acquisition of the equipment shall be submitted to the department.

Name and Address of Applicant	Legal Description	Receiving Water
Elmer Nisley 4311 S. Herren Road Hutchinson, KS 67501	SE/4, Sec. 35, T23S, R7W, Reno County	Lower Arkansas River Basin

Kansas Permit No. A-ARRN-M015

The feedlot has capacity for approximately 75 dairy cattle with expansion planned for an additional 25 cattle and a contributing drainage area of approximately 1.6 acres plus dairy parlor. 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 1.2 acre-feet.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Terry Schrag Route 3, Box 103 Kingman, KS 67068	SW/4, Sec. 33, T28S, R7W, Kingman County	Lower Arkansas River Basin

Kansas Permit No. A-ARKM-M003

The feedlot has capacity for approximately 30 dairy cattle and a contributing drainage area of approximately 2.5 acres plus 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 1.6 acre-feet.

Compliance Schedule: None, existing controls adequate.

### Public Notice No. KS-ND-95-19/20

Name and Address of Applicant	Waterway	Type of Discharge
Cook's Mobile Home Court Hesston, Kansas Facility c/o Chilson Cook 1617 S.E. 14th Newton, KS 67114 Harvey County, Kansas	Nonoverflowing	Nonoverflowing

Kansas Permit No. C-LA07-N001

Description of Facility: This is a two-cell, nondischarging waste stabilization lagoon with total surface area of 13,400 feet at a maximum operating depth of five feet. This facility is designed for domestic waste only. This is a new facility.

Name and Address of Applicant	Waterway	Type of Discharge
Utility Construction Wichita Hydrodemolition Project c/o Utility Contractors, Inc. P.O. Box 2079 Wichita, KS 67201 Sedgwick County, Kansas	Nonoverflowing	Nonoverflowing

Kansas Permit No. I-AR94-NP12

Description of Facility: This facility is engaged in a hydrodemolition project. The hydrodemolition water is directed to settling basins. Discharge of wastewater from this treatment facility to surface waters of the state of Kansas is prohibited. This is a new facility.

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, or Dorothy Geisler (agricultural permits), Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka, 66620. All comments postmarked or received on or before June 2 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-95-46/63 and KS-ND-95-19/

20) and the name of applicant as listed when preparing comments.

If no objections are received during the public notice period, the Secretary of Health and Environment will issue the final determinations. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61. Media coordination (newspapers, radio) for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 283, Forbes Field, Topeka, from 8 a.m. to 4:30 p.m. Monday through Friday.

The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

James J. O'Connell  
Secretary of Health  
and Environment

Doc. No. 016264

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 May 4, 1995.)

HOUSE BILL No. 2234

AN ACT making and concerning appropriations for the fiscal year ending June 30, 1995, for the Kansas technology enterprise corporation, Emporia state university, Fort Hays state university, Pittsburg state university, attorney general—Kansas bureau of investigation, real estate appraisal board, adjutant general, board of nursing, department of administration, Kansas highway patrol, Kansas parole board, state department of credit unions, Kansas state university, university of Kansas, Wichita state university, department on aging, Kansas human rights commission, state board of mortuary arts, department of health and environment, department of revenue—homestead property tax refunds, Kansas commission on veterans affairs, university of Kansas medical center, attorney general, board of examiners in optometry, Kansas real estate commission, Kansas public employees retirement system, department of revenue, Kansas racing commission, secretary of state, citizens' utility ratepayer board, Kansas lottery, Kansas state university veterinary medical center and legislature; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing; amending K.S.A. 1994 Supp. 79-32,193 and repealing the existing section.

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

Section 1. (a) For the fiscal year ending June 30, 1995, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, fees, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

Sec. 2.

KANSAS TECHNOLOGY ENTERPRISE CORPORATION

(a) The expenditure limitation established by section 9(a) of chapter

306 of the 1994 Session Laws of Kansas on the operations, assistance and grants (including official hospitality) account of the economic development research and development fund is hereby increased from \$8,137,935 to \$8,218,600.

(b) The expenditure limitation established by section 9(a) of chapter 306 of the 1994 Session Laws of Kansas on the economic development research and development fund is hereby increased from \$13,518,216 to \$13,598,881.

(c) On the effective date of this act, the director of accounts and reports shall transfer \$20,147 from the Kansas economic development endowment account of the state economic development initiatives fund of the department of commerce and housing to the economic development research and development fund of the Kansas technology enterprise corporation.

(d) The expenditure limitation established by section 9(a) of chapter 306 of the 1994 Session Laws of Kansas on the EPSCoR matching grants account of the economic development research and development fund is hereby increased from \$2,000,000 to \$2,028,793.

Sec. 3.

EMPORIA STATE UNIVERSITY

(a) The expenditure limitation established by section 48(b) of chapter 360 of the 1994 Session Laws of Kansas on the general fees fund is hereby decreased from \$8,201,500 to \$8,061,936.

(b) There is appropriated for the above agency from the Kansas educational building fund for the fiscal year ending June 30, 1995, for the capital improvement project or projects specified as follows:

Peterson planetarium—repairs and rehabilitation ..... \$450,000

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

Operating expenditures (including official hospitality) ..... \$270,045

Sec. 4.

FORT HAYS STATE UNIVERSITY

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

Operating expenditures (including official hospitality) ..... \$209,790

(b) The expenditure limitation established by section 49(b) of chapter 360 of the 1994 Session Laws of Kansas on the general fees fund is hereby decreased from \$7,505,158 to \$7,228,646.

(c) On the effective date of this act, the limitation of \$125,000 on the amount authorized by section 2(c) of chapter 313 of the 1994 Session Laws of Kansas to be transferred from the general fees fund of Fort Hays state university to the national direct student loan fund of Fort Hays state university is hereby decreased to \$109,000.

(d) On the effective date of this act, the limitation of \$60,000 on the amount authorized by section 2(d) of chapter 313 of the 1994 Session Laws of Kansas to be transferred from the general fees fund of Fort Hays state university to the education opportunity act — federal fund of Fort Hays state university is hereby increased to \$76,000.

Sec. 5.

PITTSBURG STATE UNIVERSITY

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

Operating expenditures (including official hospitality) ..... \$917,928

(b) The expenditure limitation established by section 50(b) of chapter 360 of the 1994 Session Laws of Kansas on the general fees fund is hereby decreased from \$11,072,980 to \$10,069,045.

Sec. 6.

ATTORNEY GENERAL—KANSAS BUREAU OF INVESTIGATION

(a) On the effective date of this act, of the \$9,233,278 appropriated for the above agency for the fiscal year ending June 30, 1995, by section 6(a) of chapter 323 of the 1994 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$116,555 is hereby lapsed.

(b) On the effective date of this act, of the \$210,545 appropriated for the above agency for the fiscal year ending June 30, 1995, by section 6(a) of chapter 323 of the 1994 Session Laws of Kansas from the state general fund in the debt service payment—purchase of headquarters building at 1620 S.W. Tyler Street in Topeka account, the sum of \$17,320 is hereby lapsed.

Sec. 7.

REAL ESTATE APPRAISAL BOARD

(a) The expenditure limitation established by the state finance council (continued)



on the appraiser fee fund is hereby increased from \$110,289 to \$115,526.

Sec. 8.

ADJUTANT GENERAL

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

Operating expenditures ..... \$62,232

(b) The expenditure limitation established by the state finance council on the emergency preparedness—RADEF instrument maintenance fund is hereby increased from \$94,933 to \$108,603.

Sec. 9.

BOARD OF NURSING

(a) The expenditure limitation established by the state finance council on the board of nursing fee fund is hereby decreased from \$880,044 to \$879,409.

Sec. 10.

DEPARTMENT OF ADMINISTRATION

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

Planning for Memorial Hall renovation ..... \$104,400

(b) In addition to the other purposes for which expenditures may be made by the above agency from the building and ground fund for fiscal year 1995, expenditures may be made by the above agency from any unencumbered balance as of June 30, 1994, in each of the following capital improvement accounts of the building and ground fund: Parking lot rehabilitation and repair: *Provided, however,* That expenditures for fiscal year 1995 from the unencumbered balance in any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 1994: *Provided further,* That all expenditures for fiscal year 1995 from such unencumbered balance in any such account of the building and ground fund shall be in addition to any expenditure limitation imposed on the building and ground fund for fiscal year 1995.

Sec. 11.

KANSAS HIGHWAY PATROL

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

Operating expenditures ..... \$1,152,980

(b) The expenditure limitation established by the state finance council on the general fees fund is hereby increased from \$96,654 to \$145,654.

(c) The expenditure limitation established by section 24(c) of chapter 360 of the 1994 Session Laws of Kansas on the highway patrol training center fund is hereby increased from \$938,320 to \$997,295.

Sec. 12.

KANSAS PAROLE BOARD

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

Parole from adult correctional institutions ..... \$3,147

Sec. 13.

STATE DEPARTMENT OF CREDIT UNIONS

(a) The expenditure limitation established by the state finance council on the credit union fee fund is hereby increased from \$662,601 to \$667,026.

Sec. 14.

KANSAS STATE UNIVERSITY

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

Operating expenditures (including official hospitality) ..... \$1,001,548

(b) The expenditure limitation established by section 53(c) of chapter 360 of the 1994 Session Laws of Kansas on the general fees fund is hereby decreased from \$36,604,930 to \$35,355,088.

(c) The expenditure limitation established by section 3(a) of chapter 313 of the 1994 Session Laws of Kansas on expenditures for salaries and benefits of graduate teaching assistants from the operating expenditures (including official hospitality) account of the state general fund is hereby increased from \$2,874,500 to \$3,800,000.

Sec. 15.

UNIVERSITY OF KANSAS

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

Operating expenditures (including official hospitality) ..... \$3,491,464

(b) The expenditure limitation established by section 51(c) of chapter 360 of the 1994 Session Laws of Kansas on the general fees fund is hereby decreased from \$66,362,427 to \$62,533,413.

(c) The expenditure limitation established by section 9(a) of chapter 313 of the 1994 Session Laws of Kansas on expenditures for salaries and benefits of graduate teaching assistants from the operating expenditures (including official hospitality) account of the state general fund is hereby increased from \$7,265,890 to \$8,200,000.

Sec. 16.

WICHITA STATE UNIVERSITY

(a) The expenditure limitation established by section 57(b) of chapter 360 of the 1994 Session Laws of Kansas on the general fees fund is hereby decreased from \$23,740,737 to \$23,569,668.

Sec. 17.

DEPARTMENT ON AGING

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

Administration ..... \$198,502

(b) There is appropriated for the above agency for the following special revenue fund or funds all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following: KSU healthy lifestyle grant fund ..... No limit

(c) On the effective date of this act, of the \$4,528,808 appropriated for the above agency for the fiscal year ending June 30, 1995, by section 6(a) of chapter 305 of the 1994 Session Laws of Kansas from the state general fund in the program grants account, the sum of \$198,502 is hereby lapsed.

Sec. 18.

KANSAS HUMAN RIGHTS COMMISSION

(a) The expenditure limitation established by section 4(b) of chapter 314 of the 1994 Session Laws of Kansas on the federal fund is hereby increased from \$557,289 to \$569,774.

Sec. 19.

STATE BOARD OF MORTUARY ARTS

(a) The expenditure limitation established by the state finance council on the mortuary arts fee fund is hereby increased from \$154,304 to \$155,113.

Sec. 20.

DEPARTMENT OF HEALTH AND ENVIRONMENT

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

Grant for Cowley county teen pregnancy prevention project ..... \$14,786

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

Federal cancer registry fund ..... \$341,611

(c) The expenditure limitation established by the state finance council on the office of rural health—federal fund is hereby increased from \$54,001 to \$124,381.

(d) The expenditure limitation established by the state finance council on the state operations account of the preventive health and health services block grant fund is hereby increased from \$705,139 to \$754,486.

(e) The expenditure limitation established by the state finance council on the EPA non-point source implementation—federal fund is hereby increased from \$707,574 to \$872,039.

(f) The expenditure limitation established by the state finance council on the sponsored project overhead fund is hereby increased from \$2,230,443 to \$2,670,065.

(g) On the effective date of this act, the position limitation established by section 29(n) of chapter 360 of the 1994 Session Laws of Kansas for the above agency is hereby decreased from 727.6 to 719.6, except for adjustments made pursuant to K.S.A. 1994 Supp. 75-6801 and amendments thereto.

(h) On the effective date of this act, the position limitation established by section 29(o) of chapter 360 of the 1994 Session Laws of Kansas for the above agency is hereby decreased from 115.5 to 114.5, except for adjustments made pursuant to K.S.A. 1994 Supp. 75-6801 and amendments thereto.

Sec. 21.

DEPARTMENT OF REVENUE—HOMESTEAD PROPERTY TAX REFUNDS

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

Homestead tax refunds ..... \$391,683
Sec. 22.

KANSAS COMMISSION ON VETERANS AFFAIRS

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

Operating expenditures—veterans affairs ..... \$9,557

(b) The expenditure limitation established by the state finance council on the soldiers' home fee fund is hereby increased from \$2,639,447 to \$3,104,447.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the soldiers' home fee fund for fiscal year 1995, expenditures may be made by the above agency from the following capital improvement account of the soldiers' home fee fund for fiscal year 1995 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Life safety improvements ..... \$215,000

Sec. 23.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) On the effective date of this act, of the \$69,459,388 appropriated for the above agency for the fiscal year ending June 30, 1995, by section 10(a) of chapter 313 of the 1994 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$47,334 is hereby lapsed.

(b) The expenditure limitation established by section 52(b) of chapter 360 of the 1994 Session Laws of Kansas on the general fees fund is hereby decreased from \$9,171,106 to \$8,681,614.

Sec. 24.

ATTORNEY GENERAL

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

Additional operating expenditures for investigation and litigation regarding interstate water rights ..... \$500,000
Litigation costs ..... \$60,000

Sec. 25.

BOARD OF EXAMINERS IN OPTOMETRY

(a) The expenditure limitation established by the state finance council on the optometry fee fund is hereby increased from \$45,850 to \$53,900.

Sec. 26.

KANSAS REAL ESTATE COMMISSION

(a) The expenditure limitation established by section 18(a) of chapter 151 of the 1994 Session Laws of Kansas on the real estate fee fund is hereby decreased from \$599,243 to \$586,963.

Sec. 27.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) The expenditure limitation established by the state finance council on the agency operations account of the Kansas public employees retirement fund is hereby increased from \$4,157,364 to \$4,166,598.

(b) The expenditure limitation established by section 2(a) of chapter 314 of the 1994 Session Laws of Kansas on the investment related expenses account of the Kansas public employees retirement fund is hereby decreased from \$17,627,496 to \$16,456,374.

Sec. 28.

DEPARTMENT OF REVENUE

(a) The expenditure limitation established by the state finance council on the division of vehicles operating fund is hereby decreased from \$27,735,447 to \$26,587,881.

Sec. 29.

KANSAS RACING COMMISSION

(a) The expenditure limitation established by the state finance council on the state racing fund is hereby decreased from \$2,207,526 to \$1,992,236.

Sec. 30.

SECRETARY OF STATE

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

Publication of 1995 Senate Concurrent Resolution No. 1602 ..... \$25,570

(b) On the effective date of this act, of the \$1,486,496 appropriated for the above agency for the fiscal year ending June 30, 1995, by the state finance council from the state general fund in the agency's operating expenditures account, the sum of \$5,898 is hereby lapsed.

Sec. 31.

CITIZENS' UTILITY RATEPAYER BOARD

(a) The expenditure limitation established by section 6(a) of chapter

314 of the 1994 Session Laws of Kansas on the utility regulation fee fund is hereby decreased from \$361,750 to \$251,750.

Sec. 32.

KANSAS LOTTERY

(a) The expenditure limitation established by the state finance council on the lottery operating fund is hereby increased from \$9,350,542 to \$9,580,542.

(b) On May 31, 1995, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$500,000 from the lottery operating fund to the state gaming revenues fund.

Sec. 33.

KANSAS STATE UNIVERSITY VETERINARY MEDICAL CENTER

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

Operating expenditures (including official hospitality) ..... \$30,603

(b) The expenditure limitation established by section 5(b) of chapter 313 of the 1994 Session Laws of Kansas on the general fees fund is hereby decreased from \$4,037,980 to \$3,972,310.

Sec. 34.

LEGISLATURE

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

Operations (including official hospitality) ..... \$208,940

Sec. 35. K.S.A. 1994 Supp. 79-32,193 is hereby amended to read as follows: 79-32,193. (a) The secretary of revenue is hereby authorized and directed to promptly negotiate, approve and recommend judicial approval of a settlement agreement to resolve all tax refund claims pending in the Barker class action for the amounts set forth in subsection (d). As used in this section, "Barker class action" means the consolidated class action styled Keyton E. Barker, et al. v. State of Kansas, et al., Nos. 89-CV-666 and 89-CV-1100, filed in the district court of Shawnee county, Kansas. The settlement agreement shall include:

(1) Any stipulations, terms and conditions which may be necessary to effectuate the prompt and final disposition of the Barker class action;

(2) stipulations that the plaintiffs in the Barker class action shall dismiss, with prejudice, their pending motion for an award of attorney's fees under 42 U.S.C. 1988, and that class counsel in the Barker class action may submit one or more applications with the district court of Shawnee county, Kansas, for an award of reasonable litigation costs and expenses, including reasonable attorney's fees; and

(3) provisions for joint administration under the supervision of the secretary of revenue and class counsel or their respective designees in accordance with methodologies for the calculation and payment of refund claims to eligible persons. The settlement agreement shall be submitted to the district court of Shawnee county, Kansas, no later than June 15, 1994, and such court shall have all necessary jurisdiction to fully implement the provisions of this act.

(b) Subject to the provisions of subsection (c), any person who paid Kansas individual income tax on or on account of federal military retirement benefits for any or all of the tax years from 1984 through 1991 shall be entitled to receive refund payments in an aggregate amount equal to that portion of the tax actually paid pursuant to the Kansas income tax act which is attributable to federal military retirement benefits, plus interest on the amount of overpayment at the rate of 5% per annum from the date of overpayment through December 31, 1991, in accordance with the terms of the settlement agreement referenced in subsection (a) and the provisions of this act. Refund payments of such aggregate amount shall be made in three equal annual installments. As used in this section, "federal military retirement benefits" shall include all benefits calculated and paid by the United States in accordance with applicable provisions of title 10 and 14 of the United States code as retired pay, retainer pay or survivor's benefits. Where any person otherwise entitled to receive a refund payment under this section is deceased, such refund shall be paid upon a claim duly made on behalf of the estate of the deceased or in the absence of any such claim upon a claim by or on behalf of a surviving spouse and if none upon the claim of any heir at law.

(c) There is hereby created a military retirees income tax refund fund in the state treasury which shall be administered by the secretary of revenue in accordance with this section and appropriation acts. No expenditures from the military retirees income tax refund fund shall be made until and unless the settlement agreement referenced in subsection (a) is approved by the district court of Shawnee county, Kansas, after eligible

(continued)

persons have been afforded reasonable notice and an opportunity to be heard.

(1) In the event of judicial approval, administration of the military retirees income tax refund fund shall be subject to the jurisdiction and supervisory control of the district court of Shawnee county, Kansas, until such time as all refund payments have been made to eligible persons in accordance with the terms of the settlement agreement. The payment of refunds as provided in the settlement agreement shall represent a final and complete settlement of all claims, including any appeal or administrative process perfected pursuant to law for the purpose of obtaining a refund of income tax imposed upon federal military retirement benefits, of all federal military retired personnel for taxable years 1984 through 1991 against the state of Kansas, its departments, agencies, officials, employees and agents regarding the taxation of federal military retirement benefits for the taxable years 1984 through 1991. No claim for refund submitted by a federal military retired individual or, if such individual is deceased, on behalf of the estate of the deceased or, in the absence of any such claim, upon a claim by or on behalf of a surviving spouse and, if none, upon the claim of any heir-at-law, after 18 months from the date of judicial approval of the settlement agreement shall be allowed if due diligence has been exercised in attempting to locate any such individual. For so long as the judicial process is active in regard to the settlement agreement described herein, all administrative appeals or related activity by the director of taxation or the state board of tax appeals concerning claims for refunds of income tax imposed upon federal military retirement benefits for taxable years 1984 through 1991 shall be held in abeyance. Upon final judicial approval of the settlement agreement, all such administrative appeals shall be deemed dismissed with prejudice to all parties.

(2) In the event that the settlement agreement does not receive judicial approval, no expenditures or refund payments shall be made pursuant to this section, and all pending administrative appeals or related activities shall proceed in accordance with applicable law.

(d) (1) The aggregate amount, including interest thereon as provided by subsection (b), equal to that portion of Kansas individual income tax actually paid by all individuals for any or all of the taxable years 1984 through 1991, pursuant to the Kansas income tax act which is attributable to federal military retirement benefits, as calculated and determined pursuant to subsection (b), shall be certified on or before December 15, 1994, by the secretary of revenue to the director of accounts and reports.

(2) On December 20, 1994, the director of accounts and reports shall transfer the amount equal to 1/3 of the amount certified pursuant to paragraph (1) from the state budget stabilization fund to the military retirees income tax refund fund. On July 1, 1995, the director of accounts and reports shall transfer the amount equal to 1/3 of the amount certified pursuant to paragraph (1) from the state general fund to the military retirees income tax refund fund. On July 1, 1996, the director of accounts and reports shall transfer the amount equal to 1/3 of the amount certified pursuant to paragraph (1) from the state general fund to the military retirees income tax refund fund.

(3) Expenditures from the military retirees income tax refund fund shall be made upon warrants of the director of accounts and reports pursuant to vouchers approved by the secretary of revenue or by the secretary's designee in accordance with the settlement agreement referenced in subsection (a) as approved by the district court of Shawnee county, Kansas.

(e) If any clause, paragraph or subsection of this act shall be held invalid or unconstitutional, it shall be conclusively presumed that the legislature would have enacted the remainder of this act without such invalid or unconstitutional clause, paragraph or subsection.

Sec. 36. K.S.A. 1994 Supp. 79-32,193 is hereby repealed.

Sec. 37. *Appeals to exceed position limitations.* The limitations imposed by this act on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for fiscal year 1995 made in this act or in any appropriation act of the 1994 regular session of the legislature or in any other appropriation act of the 1995 regular session of the legislature may be exceeded upon approval of the state finance council.

Sec. 38. *Appeals to exceed limitations.* Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

Sec. 39. *Effective date.* This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register May 4, 1995.)

#### HOUSE BILL No. 2486

AN ACT concerning roads and highways; relating to the powers, duties and functions of the township board; amending K.S.A. 68-115 and 68-530 and repealing the existing sections.

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

Section 1. K.S.A. 68-115 is hereby amended to read as follows: 68-115. (a) *Except as provided by subsection (b), it shall be the duty of each and every county engineer to open or cause to be opened all state and county roads and of each and every township trustee to open or cause to be opened all mail routes and township roads which have been or may hereafter be laid out or established through any part of the respective county or township; first giving Notice of such action shall be given to the owner or owners, or their agent or agents, if residing in the county, or, if such owner be a minor, idiot, or insane person; then is incapacitated, to the guardian of such person, if a resident of the county, through whose inclosed or cultivated lands such road is laid out or established; notifying such owners aforesaid. Such notice shall direct such property owners to open said such road through their lands within ninety 90 days after service of such notice; and. If the person or persons so notified do not open such road within the time named stated in such notice, it shall be lawful and it is hereby made the duty of such county engineer on state and county roads and of such trustee on township roads and mail route roads to respectively enter upon said lands and open said such property and open such roads: Provided, If such notice be given between the first day of March March 1, and the first day of October October 1, the notice shall designate the first day of January next following January 1, as the time of opening such road. And the county engineer or township trustee respectively shall keep the same in repair, and remove or cause to be removed all obstructions that may be found therein; for which purpose. The township trustee and the county engineer are hereby authorized to enter upon any land near or adjoining such public road, to dig and carry away any gravel, sand, stone, clay, gypsum or any other road-building material and to purchase any timber which may be necessary to improve or repair said the road, and to enter upon any land adjoining or lying near to said such road, to make such drains or ditches through the same as the county engineer or township trustee may deem deems necessary for the benefit of the roads, doing as little damage to said the lands as the nature of the case and the public good will permit; and. The drains and ditches thus made shall be kept open if necessary by the township trustee or county engineer and shall not be obstructed by the owner or occupants of said the land or by any other person, under the penalty of being fined not exceeding ten dollars \$10 for each offense, before any justice of the peace in the county.*

The owner of any gravel, sand, stone, clay, gypsum or any other road-building material so taken, or the owner of the land through which ditches or drains may be made, as herein provided, or the owner of the crops thereon, shall be allowed a fair and reasonable compensation for the material so taken or for any injuries his the lands or crops may sustain in consequence of the making of said such drains or ditches. The amount of such compensation to shall be determined, allowed and paid by the highway commissioners in event such material is used upon a mail route or a township road, and determined, allowed and paid by the board of county commissioners of the county when such material is used upon a county or state road. Such claims shall be allowed and paid in the same manner as other ordinary claims against the county or township and the claimant shall have the same right of appeal as is now provided by law in other cases.

(b) *If the owner of any property adjacent to or abutting a township road which has been laid out but not opened prior to the effective date of this act desires to have such road opened, it shall be the duty of such owner to open such road. Such property owner shall establish a maintainable road bed and drainage in accordance with the standards established by the township board pursuant to section 2. Thereafter, it shall be the duty of the township board to maintain such road as required by subsection (a).*

New Sec. 2. The township board of each township may establish by resolution of the board minimum standards for road beds and road drainage.

Sec. 3. K.S.A. 68-530 is hereby amended to read as follows: 68-530. The township board, with the approval of the county engineer, shall appoint, on his merits only, a competent experienced road builder for road



overseer for the entire township; ~~who~~. *The township road overseer shall have charge of the construction and maintenance of all township roads, bridges, and culverts, under the supervision of the township board and the county engineer. When in the opinion of the county engineer the conditions demand it, the overseer may appoint one or more competent assistants, subject to the approval of the township board: Provided, In any township having a population of five hundred (500) 500 or less, the township board by unanimous vote may designate the township trustee to act as road overseer or patrolman: Provided further, That* The officers of any such township are hereby authorized to perform repair, maintenance and improvement work on township roads ~~not to~~. *Compensation and the cost of benefits provided to each such officer for such work and labor shall not exceed a total cost to such township of one thousand dollars (\$1,000) \$3,000 per annum. Reimbursement for actual and necessary expenses shall not be included within such limitation.*

Sec. 4. K.S.A. 68-115 and 68-530 are hereby repealed.

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

(Published in the Kansas Register May 4, 1995.)

HOUSE BILL No. 2235

AN ACT making and concerning appropriations for the fiscal years ending June 30, 1995, and June 30, 1996, and authorizing certain financing, for certain capital improvement projects for the insurance department, department of administration, department of commerce and housing, Fort Hays state university, Kansas state university, Kansas state university—Salina, college of technology, Emporia state university, Pittsburg state university, university of Kansas, university of Kansas medical center, Wichita state university, department of human resources, Kansas commission on veterans affairs, attorney general—Kansas bureau of investigation, Kansas highway patrol, adjutant general, department of wildlife and parks and Kansas state university — extension systems and agriculture research programs; authorizing the initiation and completion of certain capital improvement projects; and directing or authorizing certain disbursements and acts incidental to the foregoing.

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

Section 1. (a) For the fiscal years ending June 30, 1995, and June 30, 1996, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, disbursements and acts incidental to the foregoing are hereby directed or authorized to initiate and complete capital improvement projects as provided in this act.

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

(c) This act shall not be subject to the provisions of subsection (a) of K.S.A. 1994 Supp. 75-6702 and amendments thereto.

Sec. 2.

INSURANCE DEPARTMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1996, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Insurance building principal and interest payment fund .....	No limit
Insurance department rehabilitation and repair fund .....	No limit

Sec. 3.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1996, for the capital improvement projects specified as follows:

Energy conservation improvements—debt service .....	\$1,599,474
Rehabilitation and repair—statehouse, judicial center and governor's residence .....	\$117,000
Fire and safety alarms—statehouse .....	\$253,500

Any unencumbered balance in excess of \$100 as of June 30, 1995, in each of the following capital improvement accounts is hereby reappropriated for fiscal year 1996: Rehabilitation and repair—statehouse, judicial center and governor's residence; fire and safety alarms—statehouse; planning for memorial hall renovation.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1996, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Memorial Hall renovation fund .....	No limit
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Provided, That the department of administration may make expenditures from the Memorial hall renovation fund for the capital improvement project to renovate and equip Memorial Hall in an amount of not more than the total of \$4,094,992 plus all amounts required for

the cost of bond issuance, the cost of interest on the bonds during the construction of the project and the required reserves for the payment of principal and interest on the bonds: *Provided further, That such capital improvement project is hereby approved for the department of administration for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: And provided further, That no bonds shall be issued for Memorial hall renovation until the department of administration has presented to the joint committee on state building construction a plan for Memorial hall renovation, including which agencies are to occupy the building, and until the state finance council has authorized issuance of the bonds upon its review of the joint committee's recommendation: And provided further, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund: And provided further, That such capital improvement project to renovate and equip Memorial Hall is exempt from the provisions of K.S.A. 1994 Supp. 75-2724 and amendments thereto.*

Energy conservation improvements fund .....	No limit
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(c) In addition to the other purposes for which expenditures may be made from the state budget stabilization fund for fiscal year 1996, expenditures may be made by the above agency from the unencumbered balance as of June 30, 1995, in each of the following capital improvement accounts of the state budget stabilization fund: Rehabilitation and repair—statehouse, judicial center and governor's residence; ADA capital improvement projects for state agencies; fire and safety alarms—statehouse; Shawnee county space usage and needs study: *Provided, That expenditures for fiscal year 1996 from the unencumbered balance in any such account shall not exceed the amount of the unencumbered balance in such account as of June 30, 1995: Provided further, That all expenditures for fiscal year 1996 from such unencumbered balance of any such account shall be in addition to any expenditure imposed on total expenditures from the state budget stabilization fund for fiscal year 1996: And provided further, That the secretary of administration may transfer moneys from the unencumbered balance as of June 30, 1995, in the ADA capital improvement projects account of the state budget stabilization fund to one or more other accounts of the state budget stabilization fund for another state agency to be expended by that state agency for one or more capital improvement projects which are approved by the secretary of administration for the state agency and which are related to requirements applicable to the state agency that are prescribed pursuant to public law 101-336, the federal Americans with disabilities act.*

(d) In addition to the other purposes for which expenditures may be made by the above agency from the building and ground fund for fiscal year 1996, expenditures may be made by the above agency from the following capital improvement account of the building and ground fund for fiscal year 1996 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Parking lot rehabilitation and repair .....	\$44,000
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(e) In addition to the other purposes for which expenditures may be made by the above agency from the building and ground fund for fiscal year 1996, expenditures may be made by the above agency from any unencumbered balance as of June 30, 1995, in each of the following capital improvement accounts of the building and ground fund: Parking lot rehabilitation and repair: *Provided, That expenditures for fiscal year 1996 from the unencumbered balance in any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 1995: Provided further, That all expenditures for fiscal year 1996 from such unencumbered balance in any such account of the building and ground fund shall be in addition to any expenditure limitation imposed on the building and ground fund for fiscal year 1996.*

(f) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 1996, expenditures may be made by the above agency from the following capital improvement account or accounts of the state buildings depreciation fund during fiscal year 1996 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Special maintenance, repairs and improvements—state office buildings .....	\$279,500
Convert chillers to HCFC refrigerants .....	\$150,000
Replace roof of Landon state office building .....	\$105,000
Docking renovation debt service .....	\$157,223

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the state buildings depreciation fund for fiscal year 1996.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 1996, expenditures may be made by the above agency from the state buildings depreciation fund from the unencumbered balance as of June 30, 1995, in each capital improvement account of the state build-

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ings depreciation fund for one or more projects approved for prior fiscal years: *Provided*, That expenditures from the unencumbered balance in any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 1995: *Provided further*, That all expenditures from any such account shall be in addition to any expenditure limitation imposed on the state buildings depreciation fund for fiscal year 1996.

(h) Any unencumbered balance as of June 30, 1995, in each of the following capital improvement accounts of the building and ground fund is hereby lapsed: Lighting improvements—state parking lots.

(i) Any unencumbered balance as of June 30, 1995, in each of the following capital improvement accounts of the state buildings depreciation fund is hereby lapsed: Window replacement—Landon office building; renovate Docking office building and Forbes office building 740; handicapped accessibility—Landon office building.

(j) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings operating fund for fiscal year 1996, expenditures may be made by the above agency from the following capital improvement account or accounts of the state buildings operating fund during fiscal year 1996 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Landon state office building debt service ..... \$1,474,080

*Provided*, That all expenditures by the above agency from the state buildings operating fund for fiscal year 1996 for Landon state office building debt service shall be in addition to any expenditure limitation imposed on the state buildings operating fund for fiscal year 1996.

(k) In addition to the other purposes for which expenditures may be made from the state budget stabilization fund for fiscal year 1996, expenditures may be made by the above agency from the state budget stabilization fund for fiscal year 1996 for the following specified purpose subject to the expenditure limitation prescribed therefor:

Roof replacement and scupper installation—judicial center ..... \$250,000

*Provided*, That all expenditures by the above agency from the state budget stabilization fund for fiscal year 1996 for the roof replacement and scupper installation—judicial center shall be in addition to any expenditure limitation imposed on the state budget stabilization fund for fiscal year 1996.

Sec. 4.

DEPARTMENT OF COMMERCE AND HOUSING

(a) In addition to the other purposes for which expenditures may be made from the Kansas economic development endowment account of the state economic development initiatives fund for fiscal year 1996, moneys may be expended by the above agency from the Kansas economic development endowment account of the state economic development initiatives fund during the fiscal year 1996 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair—travel information centers ..... \$35,000

(b) Expenditures may be made from the construct Olathe travel information center subaccount of the Kansas economic development endowment account of the state economic development initiatives fund during the fiscal year ending June 30, 1996: *Provided*, That such expenditures shall not exceed the amount of the unencumbered balance in such subaccount on June 30, 1995: *Provided further*, That all expenditures from the unencumbered balance of such subaccount shall be in addition to any expenditure limitation imposed on the total expenditures from the Kansas economic development endowment account of the state economic development initiatives fund for fiscal year 1996.

Sec. 5.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1996, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Student union annex fund .....	No limit
Housing system—maintenance and equipment reserve fund .....	No limit
Housing system bond and interest sinking fund .....	No limit
Physical education building construction—bond and interest sinking fund .....	No limit
Physical sciences building—federal grant fund .....	No limit
Lewis field renovation—bond and interest sinking fund .....	No limit
Lewis field renovation—revenue fund .....	No limit
Sternberg museum gift fund .....	No limit
Wiest hall—project revenue fund .....	No limit
Wiest hall—bond and interest sinking fund .....	No limit
Wiest hall—maintenance and equipment reserve fund .....	No limit
McMindes hall—project revenue fund .....	No limit

McMindes hall—bond and interest sinking fund .....	No limit
McMindes hall—maintenance and equipment reserve fund .....	No limit
Agnew hall—project revenue fund .....	No limit
Agnew hall—bond and interest sinking fund .....	No limit
Agnew hall—maintenance and equipment reserve fund .....	No limit
McGrath hall—project revenue fund .....	No limit
McGrath hall—bond and interest sinking fund .....	No limit
McGrath hall—maintenance and equipment reserve fund .....	No limit
Residence hall renovation revenue fund .....	No limit

(b) During the fiscal years ending June 30, 1995, and June 30, 1996, Fort Hays state university is hereby authorized to make expenditures to raze McGrath hall.

Sec. 6.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1996, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Student fee project reserve fund .....	No limit
Student fee bonds principal and interest fund .....	No limit

*Provided*, That expenditures may be made from the student fee bonds principal and interest fund for debt service, financing costs and required reserves for the capital improvement project to renovate Van Zile hall, Putnam hall and Boyd hall pursuant to section 17(c) of chapter 25 of the 1989 Session Laws of Kansas.

Student fee bonds repair, equipment and improvement fund .....	No limit
Federal construction funds fund .....	No limit
Bond construction funds fund .....	No limit
Coliseum bond proceeds fund .....	No limit
Coliseum repair, equipment and improvement fund .....	No limit
Stadium bond and interest sinking fund .....	No limit
Student union annex II bond and interest sinking fund .....	No limit
Housing system project revenue fund .....	No limit
Housing system bond and interest sinking fund .....	No limit
Haymaker hall bond and interest sinking fund .....	No limit
Student union annex I bond and interest sinking fund .....	No limit
Jardine terrace III bond and interest sinking fund .....	No limit
Student recreational building bond and interest sinking fund .....	No limit
Shellenberger hall third floor expansion private gifts fund .....	No limit
Engineering complex—phase II—private gifts fund .....	No limit
Student coliseum bond fee fund .....	No limit
Plan, construct and equip plant science building—phase II—federal fund .....	No limit
Plant science building—phase II—special revenue fund .....	No limit

*Provided*, That Kansas state university may make expenditures from the plant science building—phase II—special revenue fund for the capital improvement project to construct and equip phase II of the plant science building in addition to the expenditure of other moneys appropriated therefor: *Provided, however*, That expenditures from this fund for such capital improvement project shall not exceed \$5,000,000 plus all amounts required for costs of any bond or loan issuance, costs of interest on any bond or loan issued or obtained for such capital improvement project and any required reserves for payment of principal and interest on any bond or loan: *Provided further*, That all gifts and grants received for the capital improvement project to construct and equip phase II of the plant science building, other than those received from the federal government for such capital improvement project, shall be deposited in the state treasury to the credit of this fund: *And provided further*, That the above agency may transfer moneys from the sponsored research overhead fund and from appropriate accounts of the restricted fees fund to this fund for such capital improvement project or for debt service for such capital improvement project: *And provided further*, That all transfers of moneys for fiscal year 1996 from the sponsored research overhead fund to this fund shall be in addition to any expenditure limitation imposed on the sponsored research overhead fund for fiscal year 1996: *And provided further*, That such capital improvement project is hereby approved for Kansas state university for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund: *And provided further*, That, upon request of the president of Kansas state university to provide for any amounts that may be required to be paid for all or part of the cost of such capital improvement project and expenses related thereto, in addition to other available moneys, the pooled money investment board is authorized and directed to loan to Kansas state university sufficient moneys therefor: *And provided further*, That all loan amounts shall be transferred and credited to this fund upon certifications by the president of Kansas state university: *And provided further*, That the pooled money investment board is authorized and directed to use any moneys in operating accounts, investment accounts or other investments of the state of Kansas to provide moneys for such loan: *And provided further*, That such loan shall bear interest from the date of the loan transfer or transfers at an annual rate of interest which is not less than the average yield before taxes received on 91-day United States treasury bills as determined by the federal reserve banks as fiscal agents of the United States at its most recent public offering of such bills in effect on January 1 of such year and shall have such other terms as may be agreed upon by the president of Kansas state university and the pooled money investment board: *And provided further*, That such loan shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas.

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

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

Student union renovation and expansion fund ..... No limit

*Provided*, That Kansas state university may make expenditures from the student union renovation and expansion fund for the capital improvement project to renovate and expand the student union in an amount of not more than \$9,200,000, plus all amounts required for cost of bond issuance, cost of interest on the bonds during the construction of the project and required reserves for the payment of principal and interest on the bonds: *Provided further*, That such capital improvement project is hereby approved for Kansas state university for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

(b) On or before July 10, 1995, and on or before the 10th day of each month thereafter during fiscal year 1996, the director of accounts and reports shall transfer from the state general fund to the student coliseum bond fee fund the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to July 10, 1995, and prior to the 10th day of each month thereafter during fiscal year 1996, the pooled money investment board shall certify to the director of accounts and reports an amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding month, pursuant to K.S.A. 75-4210a and amendments thereto, that is attributable to moneys in the student coliseum bond fee fund. Such amount of money shall be determined by the pooled money investment board based on: (1) The average daily balance of moneys in the student coliseum bond fee fund during the preceding month as certified to the board by the president of Kansas state university and (2) the average interest rate on repurchase agreements of less than 30 days duration entered into by the pooled money investment board for that period of time. On or before July 5, 1995, and on or before the fifth day of each month thereafter during fiscal year 1996, the president of Kansas state university shall certify to the pooled money investment board the average daily balance of moneys in the student coliseum bond fee fund during the preceding month.

Sec. 7.

KANSAS STATE UNIVERSITY—SALINA,  
COLLEGE OF TECHNOLOGY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1996, for the capital improvement project or projects specified as follows:

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

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1996, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

New dormitory construction fund ..... No limit

*Provided*, That expenditures may be made from the new dormitory construction fund to construct and equip a student dormitory for the above agency on the campus at Salina, Kansas: *Provided further*, That the capital improvement project to construct and equip a dormitory at the Kansas state university—Salina, college of technology is hereby approved for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *And provided further*, That all moneys received from the issuance of such bonds, local sales tax proceeds and any other source to construct and equip such dormitory shall be deposited in the state treasury to the credit of this fund.

Site improvements fund ..... No limit

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

Technology center addition fund ..... No limit

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

College center construction fund ..... No limit

*Provided*, That expenditures may be made from the college center construction fund to construct a college center for the above agency on the campus at Salina, Kansas: *Provided further*, That all moneys received from local sales tax proceeds or any other source for

construction of a college center shall be deposited in the state treasury to the credit of this fund.

(c) During the fiscal years ending June 30, 1995, and June 30, 1996, Kansas state university—Salina, college of technology is hereby authorized to make expenditures to raze the general studies building, the storage building, the mechanical laboratory building and the student union building.

Sec. 8.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1996, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Men's dormitory No. 1—project revenue fund .....	No limit
Men's dormitory No. 1—bond and interest sinking fund .....	No limit
Men's dormitory No. 1—building maintenance and equipment reserve fund .....	No limit
Men's dormitory No. 2—project revenue fund .....	No limit
Men's dormitory No. 2—bond and interest sinking fund .....	No limit
Men's dormitory No. 2—maintenance and equipment reserve fund .....	No limit
Women's dormitory No. 2—project revenue fund .....	No limit
Women's dormitory No. 2—bond and interest sinking fund .....	No limit
Women's dormitory No. 2—maintenance and equipment fund .....	No limit
Women's dormitory No. 3 and student apartments—project revenue fund .....	No limit
Women's dormitory No. 3 and student apartments—bond and interest sinking fund .....	No limit
Women's dormitory No. 3 and student apartments—maintenance and equipment reserve fund .....	No limit
Women's dormitory No. 4—project revenue fund .....	No limit
Women's dormitory No. 4—bond and interest sinking fund .....	No limit
Women's dormitory No. 4—maintenance and equipment reserve fund .....	No limit
Student union bond and interest sinking fund .....	No limit
Student union refurbishing fund .....	No limit
Bond construction funds fund .....	No limit
Student union addition bond and interest sinking fund .....	No limit
Men's dormitory No. 3—project revenue fund .....	No limit
Men's dormitory No. 3—bond and interest sinking fund .....	No limit
Men's dormitory No. 3—maintenance and equipment reserve fund .....	No limit
Residence hall renovation revenue fund .....	No limit

Sec. 9.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1996, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

1962 dormitory and student apartments sinking fund .....	No limit
1962 dormitory and student apartments revenue fund .....	No limit
1962 dormitory and student apartment repair and replacement fund .....	No limit
East campus apartments and Shirk hall revenue fund .....	No limit
East campus apartments and Shirk hall bond and interest sinking fund .....	No limit
East campus apartments and Shirk hall repair and replacement fund .....	No limit
Married student housing and men's dormitory—bond and interest sinking fund .....	No limit
Married student housing and men's dormitory project revenue fund .....	No limit
Married student housing and men's dormitory repair and replacement fund .....	No limit
Suspense fund .....	No limit
Kansas technology center federal fund .....	No limit
Kansas technology center gifts and donations fund .....	No limit
Jack C. Overman student center renovation fund .....	No limit

Sec. 10.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1996, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Plan and construct human development center—gift fund .....	No limit
Student union renovation revenue fund .....	No limit
Student union renovation bond and interest sinking fund .....	No limit
Student union renovation bond reserve fund .....	No limit
Student health facility maintenance, repair, and equipment fee fund .....	No limit
<i>Provided</i> , That expenditures may be made from the student health facility maintenance, repair and equipment fee fund for the capital improvement project for the addition to and renovation of the student health facility.	
Housing system revenue fund .....	No limit
Housing system bond and interest sinking fund .....	No limit
Parking facilities surplus fund—KDFA A bonds, 1988 .....	No limit
Regents center revenue fund—KDFA D bonds, 1990 .....	No limit
Regents center bond reserve fund—KDFA D bonds, 1990 .....	No limit
Regents center surplus fund .....	No limit
Regents center rebate fund .....	No limit
Regents center project fund—KDFA D bonds, 1990 .....	No limit

(continued)

Biosciences research center—federal fund	No limit
Student union renovation rebate fund (phase I)	No limit
Student union renovation principal and interest—K DFA C bonds, 1992	No limit
Student union renovation bond reserve—K DFA C bonds, 1992	No limit
Student union renovation surplus fund—K DFA C bonds, 1992	No limit
Student union renovation rebate fund—K DFA C bonds, 1992	No limit
Student union renovation project fund—K DFA C bonds, 1992	No limit
Energy conservation—university project account—K DFA G bond, 1992	No limit
Bioscience research center project fund—K DFA series Q bonds, 1992	No limit
Bioscience research center rebate fund—K DFA series Q bonds, 1992	No limit
Bioscience research center project account—K DFA A bonds, 1994	No limit
fund	No limit
Bioscience research center principal and interest payment account—K DFA A bonds, 1994 fund	No limit
Bioscience research center cost of issuance account—K DFA A bonds, 1994 fund	No limit
Bioscience research center reserve account—K DFA A bonds, 1994	No limit
fund	No limit
Bioscience research center rebate account—K DFA A bonds, 1994 fund	No limit
Parking facilities refunding bonds principal and interest fund—K DFA C bonds, 1993	No limit
Parking facilities refunding bonds reserve fund—K DFA G bonds, 1993	No limit
Parking facilities refunding bonds rebate fund—K DFA G bonds, 1993	No limit
Energy conservation KU project account fund—K DFA L bonds, 1993	No limit
Student health facility addition revenue fund	No limit

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

**Biosciences research center—special revenue fund** No limit  
*Provided*, That the university of Kansas may make expenditures from the biosciences research center—special revenue fund for the capital improvement project to construct and equip a biosciences research center in addition to the expenditure of other moneys appropriated therefor: *Provided, however*, That expenditures from this fund for such capital improvement project shall not exceed \$4,053,000 plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for such capital improvement project and any required reserves for payment of principal and interest on any bond: *Provided further*, That all gifts and grants received for the capital improvement project to construct and equip a biosciences research center, other than those received from the federal government for such capital improvement project, shall be deposited in the state treasury to the credit of this fund: *And provided further*, That the above agency may transfer moneys for fiscal year 1996 from the sponsored research overhead fund and from appropriate accounts of the restricted fees fund to this fund for such capital improvement project or for debt service for such capital improvement project: *And provided further*, That all transfers of moneys for fiscal year 1996 from the sponsored research overhead fund to this fund shall be in addition to any expenditure limitation imposed on the sponsored research overhead fund for fiscal year 1996: *And provided further*, That such capital improvement project is hereby approved for the university of Kansas for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

**Law enforcement training center improvements special revenue fund** No limit  
*Provided*, That the university of Kansas may make expenditures from the law enforcement training center improvements special revenue fund for a capital improvement project for planning and construction—phase II—for law enforcement training center improvements: *Provided, however*, That expenditures from this fund for such capital improvement project shall not exceed \$5,436,000: *Provided further*, That the above agency may transfer moneys for fiscal year 1996 from the law enforcement training center fund to this fund for such capital improvement project: *And provided further*, That all transfers of moneys for fiscal year 1996 from the law enforcement training center fund to this fund shall be in addition to any expenditure limitation imposed on the law enforcement training center fund for fiscal year 1996.

**Sunflower research landfill remediation fund** No limit

(b) In addition to the other purposes for which expenditures may be made from the state budget stabilization fund for fiscal year 1996, expenditures may be made by the above agency from the state budget stabilization fund for fiscal year 1996 for the following specified capital improvement project subject to the expenditure limitation prescribed therefor:

Plan, construct, reconstruct and equip Hoch auditorium \$3,800,000  
*Provided*, That all expenditures by the above agency from the state budget stabilization fund for fiscal year 1996 for the capital improvement project to plan, construct, reconstruct and equip Hoch auditorium shall be in addition to any expenditure limitation imposed on the state budget stabilization fund for fiscal year 1996.

(c) On July 1, 1995, the appropriation of \$3,800,000 for the above agency for the fiscal year ending June 30, 1996, by section 51(e) of chapter 360 of the 1994 Session Laws of Kansas from the state general fund in the plan, construct, reconstruct and equip Hoch auditorium, including instructional and library facilities account is hereby lapsed.

Sec. 11.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1996, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking facility K DFA principal and interest fund	No limit
Parking facility K DFA bond reserve fund	No limit
Parking facility K DFA surplus fund	No limit
Medical library bond and interest sinking fund	No limit
Parking facility revenue fund	No limit
Parking facility bond and interest sinking fund	No limit
Parking facility refunding interest and sinking fund	No limit
Parking facility refunding repair and construction fund	No limit
Hospital refunding bond reserve fund	No limit

Sec. 12.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1996, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

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

(b) During the fiscal years ending June 30, 1995, and June 30, 1996, Wichita state university is hereby authorized to make expenditures to raze the communications building.

Sec. 13.

DEPARTMENT OF HUMAN RESOURCES

(a) In addition to the other purposes for which expenditures may be made by the above agency from the special employment security fund for fiscal year 1996, expenditures may be made by the above agency from the unencumbered balance as of June 30, 1995, in each of the following capital improvement accounts of the special employment security fund for fiscal year 1996: Handicapped accessibility upgrades at existing buildings used by department of human resources: *Provided*, That expenditures from the unencumbered balance of any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 1995: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the special employment security fund for fiscal year 1996.

(b) In addition to the other purposes for which expenditures may be made by the above agency from the employment security administration fund for the fiscal year ending June 30, 1996, expenditures may be made by the above agency from the employment security administration fund from moneys made available to the state under section 903 of the federal social security act, as amended, during fiscal year 1996: *Provided*, That expenditures from this fund during fiscal year 1996 of moneys made available to the state under section 903 of the federal social security act, as amended, shall be made only for the following capital improvement purposes: (1) For major maintenance of existing buildings used by the department of human resources for employment security purposes; (2) for paving, landscaping and acquiring fixed equipment as may be required for the use and operation of such buildings; or (3) for any combination of these purposes: *Provided further*, That expenditures from this fund during fiscal year 1996 of moneys made available to the state under section 903 of the federal social security act, as amended, for such capital improvement purposes shall not exceed \$91,131 plus the amounts of unencumbered balances on June 30, 1995, for capital improvement projects approved for fiscal years prior to fiscal year 1996: *And provided further*, That all expenditures from this fund for such capital improvement purposes or projects shall be in addition to any expenditure limitation imposed on the employment security administration fund for fiscal year 1996.

Sec. 14.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 1996, for the

capital improvement project or projects specified as follows:

Repair and rehabilitation projects ..... \$150,000

(b) In addition to the other purposes for which expenditures may be made by the above agency from the soldiers' home fee fund for fiscal year 1996, expenditures may be made by the above agency from the unencumbered balance as of June 30, 1995, in each of the following capital improvement accounts of the soldiers' home fee fund for fiscal year 1996: Life safety improvements: *Provided*, That expenditures for fiscal year 1996 from the unencumbered balance in any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 1995: *Provided further*, That all expenditures for fiscal year 1996 from the unencumbered balance in any such account shall be in addition to any expenditure limitation imposed on the soldiers' home fee fund for fiscal year 1996.

Sec. 15.

ATTORNEY GENERAL—KANSAS BUREAU OF INVESTIGATION

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1996, for the capital improvement project or projects specified as follows:

Rehabilitation and repair—headquarters building ..... \$60,000  
Debt service principal payment—headquarters building ..... \$130,000

Sec. 16.

KANSAS HIGHWAY PATROL

(a) In addition to the other purposes for which expenditures may be made from the highway patrol training center fund for fiscal year 1996, expenditures may be made by the above agency from the highway patrol training center fund for fiscal year 1996 to make debt service payments for the Kansas highway patrol training center at Salina for the bonds issued for such project pursuant to subsection (b) of section 6 of chapter 326 of the 1992 Session Laws of Kansas.

(b) In addition to the other purposes for which expenditures may be made by the above agency from the motor carrier inspection fund for fiscal year 1996, expenditures may be made by the above agency from the unencumbered balance as of June 30, 1995, in each of the following capital improvement accounts of the motor carrier inspection fund for fiscal year 1996: Install concrete barriers: *Provided*, That expenditures for fiscal year 1996 from the unencumbered balance in any such account shall not exceed the unencumbered balance in such account on June 30, 1995: *Provided further*, That all expenditures for fiscal year 1996 from the unencumbered balance in any such account shall be in addition to any expenditure limitation imposed on the motor carrier inspection fund for fiscal year 1996.

Sec. 17.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1996, for the capital improvement project or projects specified as follows:

Rehabilitation and repair projects ..... \$161,200

(b) On July 1, 1995, any unencumbered balance in excess of \$100 as of June 30, 1995, in each of the following capital improvement accounts of the state general fund is hereby reappropriated for fiscal year 1996: Rehabilitation and repair projects.

Sec. 18.

DEPARTMENT OF WILDLIFE AND PARKS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1996, for the capital improvement projects specified as follows:

Flood damage repair ..... \$650,000

*Provided*, That any unencumbered balance in the flood damage repair account in excess of \$100 as of June 30, 1995, is hereby reappropriated for fiscal year 1996.

(b) Any unencumbered balance in excess of \$100 as of June 30, 1995, in each of the following capital improvement accounts of the state general fund is hereby reappropriated for fiscal year 1996: Campground development; handicapped accessibility renovation; rehabilitation and repair projects.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1996, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Department access road fund ..... No limit

(d) In addition to the other purposes for which expenditures may be made from the state budget stabilization fund for fiscal year 1996, ex-

penditures may be made by the above agency from the state budget stabilization fund for fiscal year 1996 for the following specified purpose subject to the expenditure limitation prescribed therefor:

Flood damage repair ..... \$100,000

*Provided*, That all expenditures by the above agency from the state budget stabilization fund for fiscal year 1996 for flood damage repair shall be in addition to any expenditure limitation imposed on the state budget stabilization fund for fiscal year 1996.

(e) On July 1, 1995, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,350,000 from the state highway fund of the department of transportation to the department access road fund of the department of wildlife and parks.

(f) On the effective date of this act, any unencumbered balance in the following account of the wildlife fee fund is hereby lapsed: Rehabilitate Smoky Hill river channel.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 1995, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund during fiscal year 1995 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Cedar Bluff reservoir — payment to federal bureau of reclamation ..... \$37,098  
Smoky Hill river channel maintenance — Cedar Bluff reservoir ..... \$79,843

Sec. 19.

KANSAS STATE UNIVERSITY — EXTENSION SYSTEMS AND AGRICULTURE RESEARCH PROGRAMS

(a) In addition to the other purposes for which expenditures may be made by the above agency from the restricted fees fund for the fiscal year ending June 30, 1996, expenditures may be made by the above agency from the appropriate account or accounts of the restricted fees fund during fiscal year 1996 for the following capital improvement projects:

Renovate lath houses ..... No limit  
Disassemble barn — Colby experiment station ..... No limit

(b) During the fiscal years ending June 30, 1995, and June 30, 1996, Kansas state university — extension systems and agriculture research programs is hereby authorized to make expenditures to raze and reconstruct the barn, building number 808, at the Colby experiment station.

Sec. 20. *Appeals to exceed limitations*. Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

Sec. 21. *Savings*. Any unencumbered balance as of June 30, 1995, in any special revenue fund, or account thereof, which is not otherwise specifically appropriated or limited by this or other appropriation act of the 1995 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 1996, for the same use and purpose as the same was heretofore appropriated.

Sec. 22. Any Kansas educational building fund appropriation heretofore appropriated to any institution named in this or other appropriation act of the 1995 regular session of the legislature and having an unencumbered balance as of June 30, 1995, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 1996, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

Sec. 23. Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 1995 regular session of the legislature and having an unencumbered balance as of June 30, 1995, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 1996, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

Sec. 24. Any Kansas special capital improvements fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 1995 regular session of the legislature, and having an unencumbered balance as of June 30, 1995, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 1996, for the same use and purpose as originally appropriated unless specific provision is made for lapsing such appropriation.

Sec. 25. *Effective date*. This act shall take effect and be in force from and after its publication in the Kansas register.



(Published in the Kansas Register May 4, 1995.)

## SENATE BILL No. 16

AN ACT concerning the criminal code; creating the crimes of injury to a pregnant woman and injury to a pregnant woman by vehicle and prescribing penalties therefor.

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

Section 1. (a) Injury to a pregnant woman is injury to a pregnant woman by a person other than the pregnant woman in the commission of a felony or misdemeanor causing the pregnant woman to suffer a miscarriage as a result of that injury.

(b) As used in this section, "miscarriage" means the interruption of the normal development of the fetus, other than by a live birth, resulting in the complete expulsion or extraction from a pregnant woman of a product of human conception.

(c) Injury to a pregnant woman in the commission of a felony is a severity level 4, person felony. Injury to a pregnant woman in the commission of a violation of K.S.A. 21-3412, subsection (a)(1) of K.S.A. 21-3413 or K.S.A. 21-3517 and amendments thereto is a severity level 5, person felony. Injury to a pregnant woman in the commission of a misdemeanor other than a violation of K.S.A. 21-3412, subsection (a)(1) of K.S.A. 21-3413 or K.S.A. 21-3517 and amendments thereto is a class A person misdemeanor.

(d) The provisions of this section shall be part of and supplemental to the Kansas criminal code.

Sec. 2. (a) Injury to a pregnant woman by vehicle is injury to a pregnant woman by a person other than the pregnant woman in the unlawful operation of a motor vehicle causing the pregnant woman to suffer a miscarriage as a result of that injury.

(b) As used in this section, "miscarriage" means the interruption of the normal development of the fetus, other than by a live birth, resulting in the complete expulsion or extraction from a pregnant woman of a product of human conception.

(c) (1) Injury to a pregnant woman by vehicle while committing a violation of K.S.A. 8-1567 and amendments thereto is a severity level 5, person felony.

(2) Injury to a pregnant woman by vehicle while committing a violation of law related to the operation of a motor vehicle other than K.S.A. 8-1567 and amendments thereto is a class A person misdemeanor.

(d) The provisions of this section shall be part of and supplemental to the Kansas criminal code.

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

(Published in the Kansas Register May 4, 1995.)

## HOUSE BILL No. 2553

AN ACT establishing the Kansas council on the future of postsecondary education; providing for the membership, powers and duties thereof.

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

Section 1. (a) There is hereby established the Kansas council on the future of postsecondary education. The council shall be composed of 16 members as follows:

(1) Two persons who shall be from the general public and representative of the governor, appointed by the governor;

(2) four legislators, one each of whom shall be appointed by the speaker of the house of representatives, the minority leader of the house of representatives, the president of the senate, and the minority leader of the senate;

(3) the chairperson and three additional members of the state board of education, appointed by the state board of education;

(4) the chairperson and three additional members of the state board of regents, appointed by the state board of regents;

(5) one member of the board of regents of Washburn university, appointed by the board of regents of the university; and

(6) one representative of the independent colleges and universities, appointed by the Kansas independent college association.

(b) The governor shall make appointments to the council in such manner that neither of the persons who are appointed from the general public are or ever have been elected or appointed members of a governing authority having jurisdiction over any institution of postsecondary education and that neither of such persons are or ever have been officers or employees of any institution of postsecondary education.

(c) The chairperson of the state board of education and the chairperson of the state board of regents shall serve as co-chairpersons of the council.

(d) The council shall meet at such times and places as the co-chairpersons shall designate. Preparation and distribution of meeting agenda, agenda materials, and minutes shall be the responsibility of the staff of the authority furnishing space for the meeting, with consultation from counterpart staffs of the other authorities represented on the council.

(e) Each authority represented on the council shall furnish such information, data, reports and statistics as may be requested by the council.

(f) The staff of each authority represented on the council shall furnish such assistance as may be requested by the council and authorized by the authority.

(g) Each member of the council attending meetings of the council, or attending a subcommittee meeting thereof authorized by the council, or performing any function imposed on the member by the council, shall be paid compensation, subsistence allowances, mileage and other expenses as are provided for performance of official duties on behalf of the authority which the member represents on the council. Amounts paid under this subsection to each member of the council shall be paid by the authority that the member represents on the council.

Sec. 2. (a) The Kansas council on the future of postsecondary education shall develop a comprehensive state plan for postsecondary education. The state plan shall include within its scope the state educational institutions under the state board of regents, the institutions of postsecondary education under the state board of education, the municipal university, and the independent colleges and universities. The state plan shall address issues of concern to all sectors of postsecondary education, including governance, coordination and cooperation among and between institutions of postsecondary education, access to programs, articulation and transfer policies and procedures, finance, and delivery and content of programs and services. In developing the state plan, the principal goal of the council shall be enhancement of the overall quality, responsiveness, and accountability of the postsecondary education system in Kansas.

(b) The Kansas council on the future of postsecondary education shall:

(1) Make a status report concerning its activities and progress toward development of the state plan to the legislative educational planning committee on or before November 1, 1995;

(2) complete its duties with respect to development of the state plan, formulate recommendations for implementation of the plan and for legislation deemed necessary for implementation, present the state plan and recommendations with respect to implementation thereof to the legislative educational planning committee on or before August 1, 1996, and submit copies of the plan and recommendations to the governor and the other authorities represented on the council;

(3) monitor implementation of the state plan, evaluate the effect of operation of the state plan on the postsecondary education system, determine whether operation of the state plan fosters successful accomplishment of the principal goal of the council by enhancing the overall quality, responsiveness, and accountability of the postsecondary education system;

(4) make a status report concerning its activities and findings with respect to implementation and operation of the state plan to the legislative educational planning committee on or before November 1, 1997; and

(5) complete its duties with respect to implementation and operation of the state plan on or before November 1, 1998, and submit a final report thereon, together with any recommendations for legislation deemed necessary for facilitating operation of the state plan, to the legislative educational planning committee, the governor and the other authorities represented on the council.

Sec. 3. The governor shall, by no later than January 15, 1997, transmit to the legislature a message containing the governor's recommendations with respect to implementation of the state plan.

Sec. 4. The provisions of this act shall expire on December 30, 1998.

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

(Published in the Kansas Register May 4, 1995.)

## SENATE BILL No. 158

AN ACT concerning flood control; relating to drainage districts; relating to watershed districts; amending K.S.A. 24-132, 24-133, 24-605, 24-1203, 24-1206, 24-1207, 24-1208 and 24-1214 and repealing the existing sections.

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

Section 1. K.S.A. 24-133 is hereby amended to read as follows: 24-133. (a) Subject to the provisions of subsection (b), the governing body of any drainage district may issue emergency no-fund warrants of the drainage district to pay the costs and expenses resulting from an emergency within the district. An emergency within the district exists by reason of current injuries to persons or property, or imminent danger thereof, from floods or other injurious action of water in any watercourse within the district. In case of an emergency, the governing body of the district may build new dikes and levees, and repair, expand and strengthen old ones, dig ditches, build jetties, or make any other changes, alterations and additions in existing improvements. The governing body also may build any other new structure or other improvement it deems necessary to solve the problems created by the emergency.

The governing body shall levy a tax at the first tax levying period after the issuance to pay the emergency no-fund warrants and interest thereon. The levy shall be in addition to all other levies authorized or limited by law. Emergency no-fund warrants shall be issued, registered, redeemed and bear interest in the manner and in the form prescribed by K.S.A. 79-2940, except they shall be issued without the approval of the state board of tax appeals and shall not bear the notation required by K.S.A. 79-2940 and amendments thereto, except that such no-fund warrants shall be issued without the approval of the state board of tax appeals and shall not bear the notation required thereby.

(b) Except as provided by subsection (c), the authorized and outstanding no-fund warrant indebtedness of any drainage district shall not exceed 5% of the assessed valuation of the drainage district.

(c) If the governing body of a drainage district determines it is necessary to issue no-fund warrants and the amount of such no-fund warrants together with any outstanding no-fund warrants exceed 5% of the assessed valuation of the drainage district prior to issuing any such no-fund warrants under the authority of this section, the governing body shall publish once in a newspaper of general circulation within the district a notice of the intention of the governing body to issue such no-fund warrants. If within 60 days after the publication of such notice, a petition requesting an election on the question of the issuance of the no-fund warrants signed by not less than 5% of the owners of land within the district is filed with the county election officer of the county in which the greater portion of the district is located, the governing body shall submit the question of the issuance of such no-fund warrants at an election held under the provisions of the general bond law.

(d) For the purpose of this section, assessed valuation means the value of all taxable tangible property within the drainage district as certified to the county clerk on the preceding August 25 which includes the assessed valuation of motor vehicles as provided by K.S.A. 10-310, and amendments thereto.

Sec. 2. K.S.A. 24-605 is hereby amended to read as follows: 24-605.

(a) Within 30 days after the district court has declared that the drainage district is organized, the clerk of the court shall call a meeting of the owners of the real estate located within the district for the purpose of electing a board of five supervisors to be composed of owners of real estate located within the district. A majority of the supervisors shall be residents of the county, or counties, in which the drainage district is located. Notice of such meeting shall be published at least 15 days prior to the meeting and shall specify the time, place and purpose of the meeting. The landowners, when assembled, shall organize by the election of a chairperson and a secretary of the meeting, who shall conduct the election. At such election and all succeeding elections, including elections to approve the issuance of bonds or no-fund warrants, each and every acre of land in the district shall represent one share and each owner shall be entitled to one vote for each acre owned in such district. A vote at any election may be cast by the landowner or by a legally appointed proxy.

At the first election one person shall be elected supervisor for a term of one year, two persons for terms of two years, and two persons for terms of three years, thereafter all supervisors shall be elected for terms of three years and until their successors are elected and qualified. Elections to choose supervisors or their successors shall be at the annual meeting of the owners of the real estate located within the district. Supervisors

electd in any district prior to the effective date of this act shall hold their office until their successors are elected and qualified.

If a vacancy occurs at any time in the office of a supervisor of any such drainage district, the remaining supervisors shall appoint from the qualified residents in the district a person to hold the office of supervisor until the next election.

(b) For the purpose of determining the total number of acre votes which each landowner is entitled to cast at the meeting for the first election of supervisors, the clerk of the district court shall deliver to the secretary elected at the first landowners' meeting, at the time of the secretary's election, a written certificate, prepared from the proceedings in the district court for the formation of such drainage district, which sets forth the names of all landowners in the district and the legal description and acreage of all land located within the district. In all elections, except the first, the county clerk shall determine the names of all landowners within the drainage district and the number of acres owned by each landowner as of 20 days prior to the date of any election.

Any landowner within the district whose name or total acreage does not appear or appears incorrectly on such certificate may request the county clerk to add the landowner's name to the certificate or to correct the acreage on the certificate. The county clerk may administer oaths and affirm witnesses, take testimony and examine documents and records necessary to determine the qualification of any landowner to vote and the total acreage of the landowner. After the completion of the investigation, the county clerk shall issue a certificate stating that the landowner to whom the same is issued is entitled to vote and certifying the total acreage owned by the landowner to whom the certificate is issued. Such certificate shall be accepted by the judges and clerks of the election and the landowner shall be allowed to vote the number of acre votes stated in the certificate.

Sec. 3. K.S.A. 24-132 is hereby amended to read as follows: 24-132. (a) Except as provided by this section and subject to the provisions of K.S.A. 19-270, and amendments thereto, all of the rights, powers, authority and jurisdiction conferred on counties and boards of county commissioners by the provisions of K.S.A. 19-3301, 19-3302, 19-3303, 19-3304, 19-3305, 19-3306 and 19-3308 and 19-3309, and amendments thereto, are hereby also conferred upon and vested in any drainage district traversed or touched by the Kansas river, and contiguous to or including a part of a city of the first class, and the governing body thereof.

(b) The governing body of any such drainage district, in the name of the drainage district, shall have the power to enter into undertakings and contracts and make agreements in like manner and for like purposes as the board of county commissioners are authorized by this act to enter into undertakings and contracts and make agreements in the name of the county; and may acquire lands, rights of way and easements either within or without the limits of the drainage district for like purposes as the board of county commissioners are authorized by K.S.A. 19-3302 and 19-3308, and amendments thereto, by purchase, gift or by eminent domain proceedings in the manner prescribed by K.S.A. 26-501 to 26-516, inclusive, and amendments thereto, and may issue general obligation bonds of the drainage district to pay the costs thereof and expenses connected therewith in the manner now provided by law, but the aggregate of any such bonds so issued shall not be in excess of 3½% of the total assessed tangible valuation of the drainage district. The governing body of any drainage district may issue additional general obligation bonds of the drainage district for such purposes not in excess of 1½% of the total assessed tangible valuation of the drainage district, but before such additional bonds may be issued, the governing body of the drainage district shall submit the question of the issuance of such additional bonds and the amount thereof to the qualified electors of the drainage district at a regular drainage district election or at a special election called for that purpose as provided by law. The total aggregate of all such bonds which may be issued under the provisions of this section shall not be in excess of 5% of the total assessed tangible valuation of the drainage district. Such bonds shall not be subject to, nor included in any restrictions or limitations upon the amount of bonded indebtedness of the drainage district contained in any other law.

Funds received from the sale of bonds by any such drainage district may be used to pay any loss, damage or expense for which the drainage district or the governing body thereof may be liable in like manner as counties are authorized to pay such loss, damage or expense under the provisions of K.S.A. 19-3304, and amendments thereto.

(continued)

(c) For the purposes of maintaining and operating such flood control works as shall be constructed by the United States army corps of engineers or other agencies of the United States government, when the same shall have been completed and turned over to the drainage district, and for the purpose of maintaining and operating any flood control works or dikes heretofore or hereafter constructed for the purpose of protecting such drainage district from floods, the governing body of such drainage district shall be empowered to make an annual tax levy upon all the taxable tangible property within the drainage district, of not to exceed one mill and such levy shall be in addition to all other levies authorized or limited by law.

(d) Except as provided by this subsection, the governing body of the drainage district may regulate excavations within the boundaries in the same manner provided by K.S.A. 19-3309, and amendments thereto. Applications for permits shall be submitted to and reviewed by the district engineer. If the engineer determines that the proposed excavation shall be detrimental or will impair or endanger the function of any flood protection works, permission for such excavation shall be denied. If the engineer determines that a restricted or conditional permit for excavation can be granted to the applicant which will not be detrimental or will not impair or endanger the function of such flood protection works, the engineer shall issue such restricted or conditional permit. If the engineer determines that no impairment of or danger to such flood protection works will occur as a result of such excavation, the engineer shall issue a permit to the applicant. The issuance of any permits hereunder shall not authorize the violation of any existing zoning laws or building codes.

Any person feeling aggrieved by the determination of the engineer may appeal such decision in writing to the governing body of the drainage district within 10 days of determination and the governing body after a public hearing may affirm, reverse or modify the determination.

(e) It shall be the duty of the governing body of the drainage district to keep all such flood control works and dikes in serviceable condition and to make such repairs as may, from time to time, be necessary.

New Sec. 4. (a) In lieu of the procedures provided by K.S.A. 24-1203, 24-1204 and 24-1205, and amendments thereto, the board of county commissioners of any county may adopt a resolution proposing the establishment of one or more watershed districts within the county and appointing the steering committee of each proposed district if:

(1) The lands within each proposed district comprise substantially a watershed or two or more adjoining watersheds, as determined by the chief engineer; and

(2) in the preceding five-year period, the governor has issued a proclamation declaring a state of disaster emergency in the county due to flooding.

(b) The resolution shall contain the information required for a petition under K.S.A. 12-1204, and amendments thereto, and shall have appended and incorporated by reference a map showing the lands to be included in each proposed district and the subwatersheds therein, prepared in consultation with the chief engineer.

Upon adoption of such resolution, the county commission shall transmit a certified copy of the resolution to the chief engineer.

(c) All costs of projects and works of a watershed district established under this section shall be paid by a general levy against all taxable tangible property located within the district.

(d) This section shall be part of and supplemental to the watershed district act.

Sec. 5. K.S.A. 24-1203 is hereby amended to read as follows: 24-1203. Except as otherwise provided by section 4, before any watershed district shall be organized, a petition shall be filed in the office of the secretary of state, signed by not less than twenty percent (20%) 20% of the landowners and representing twenty-five percent (25%) 25% of the acreage within said proposed district as shown by a verified enumeration of said landowners taken by a landowner of said proposed district to be selected by the first ten (10) 10 signers of the petition. A verified copy of said such enumeration shall be attached to and filed with the petition in the office of the secretary of state: ~~Provided, That~~ For purposes of determining ownership, the county clerk of the county in which any part of the watershed is described shall, upon demand, shall furnish the record of the ownership of the lands within the county from the tax rolls of said the county, and said such record of ownership shall be satisfactory evidence of title.

Sec. 6. K.S.A. 24-1206 is hereby amended to read as follows: 24-1206. (a) If the secretary of state finds the petition to be sufficient as to

form and the number and qualifications of the petitioners, he the secretary of state shall prepare a certified copy of the petition and transmit the same it to the chief engineer within five (5) days from the date of his days after the secretary of state's determination of sufficiency.

(b) Upon receipt of such certified copy a certified copy of a petition transmitted pursuant to subsection (a) or a certified copy of a resolution transmitted pursuant to section 4, the chief engineer shall institute an investigation of the each proposed district, its territory and purposes, and shall within ninety (90) and, within 90 days after receipt of said copy such copy shall transmit a written report of his the chief engineer's findings on the petition or resolution, together with his the chief engineer's written approval or disapproval of the petition or resolution, to the secretary of state and the acting chairman chairperson of the steering committee named in the petition or resolution.

(c) The chief engineer shall approve such petition if he the petition or resolution if the chief engineer finds and discloses by his report the chief engineer's report that:

(1) That The lands proposed to be included in the each district comprise substantially a watershed or two or more adjoining watersheds;

(2) that the each proposed district would not include lands in any existing watershed district;

(3) that the statement of purposes contained in the petition or resolution conforms with the intents and purposes of this act;

(4) that the lands within the each proposed district or a part thereof, are subject to erosion, floodwater or sediment damage or would be benefited by the construction of works for the conservation, development, utilization or disposal of water;

(5) that the boundary of any each proposed district is defined, as far as practicable, so as to include all quarter-quarter sections of which more than one-half 1/2 of each is within the watershed;

(6) that the downstream limit of any each proposed district is established with due regard to the location of highways and railroads and the location and character of existing works of improvement, the boundaries of any organized levee, drainage, irrigation and watershed districts; and the physical characteristics of and the probable relative effect of the operation of the proposed district upon any flood plane area common to both the stream or watercourse and any other stream or watercourse; and

(7) that the map attached to the petition or resolution and the description of lands proposed to be included in the each district are adequate and correct: ~~Provided, That, except~~ the chief engineer, in his the chief engineer's report, may make any minor corrections with respect to the map or the description of lands proposed to be included in the district to make such map and description of lands conform to the map previously prepared in consultation with the chief engineer; and such corrections shall thereupon become a part of the petition or resolution and be deemed effective without a recirculation of the corrected petition among the landowners or amendment of the resolution.

(d) If the chief engineer shall approve such petition, he approves the petition or resolution, the chief engineer shall transmit a certified copy of his the chief engineer's report to the secretary of state and to the chairman chairperson of the steering committee of the district.

Sec. 7. K.S.A. 24-1207 is hereby amended to read as follows: 24-1207. (a) Within ten (10) 10 days after receipt of a certified copy of the chief engineer's report approving the petition or resolution, or the petition as amended or resolution as amended or revised by the chief engineer, the chairman chairperson of the steering committee of the proposed district shall call a meeting of the committee by mailing a written notice fixing the time and place of such meeting to each member of the committee at least five (5) days in advance of the time so fixed, unless such notice is duly waived. The committee shall meet at the time and place fixed in said the notice for the purpose of electing from their number a board of directors consistent with the number set out in the petition, and this board of directors, after being duly elected, shall elect from their number a president, a vice-president, a secretary, and a treasurer: ~~Provided, That, except that~~ in a district having only three (3) directors, the board shall elect one person to hold the offices of secretary and treasurer. The board shall, by resolution, shall provide for the calling of an election of the qualified voters of the district for the purpose of submitting the question of whether the district should be organized and created in accordance with the petition or resolution, or the petition or resolution as amended or revised by the chief engineer.

(b) The board shall designate one or more centrally located voting places with within the proposed district, but if the territory of such the



proposed district lies in more than one county, then at least one voting place shall be designated within each county of said the proposed district, and shall name and appoint three (3) judges and two (2) clerks for each voting place designated, which judges and clerks shall take an oath to faithfully perform their duties as judges and clerks, respectively, and shall each receive compensation of eight dollars (\$8) \$8 per day for their services; and. The board shall cause a notice of said the special election to be published for three (3) consecutive weeks in some a newspaper of general circulation within the proposed district, the first publication to be not less than twenty-one (21) 21 days prior to such election. If the proposed district lies in more than one county, then a similar notice shall be published in a newspaper of general circulation in each of the counties in which a part of said the proposed district is located. Such The notice shall set forth the time and place or places of holding the election; and the proposition to be voted on, shall contain a copy of the petition or resolution, or the amended or revised petition or resolution (omitting the map attached thereto as an exhibit) and shall be signed by the president and attested by the secretary of the board. Any qualified voter shall be entitled to vote at such election. The vote at such election shall be by ballot, and such ballot shall comply with the usual requirements for an official ballot for public office insofar as such requirements are applicable thereto. Upon such ballot shall be printed the proposition submitted, preceded by the words, "Shall the following be adopted?" and followed by the words "To vote in favor of the proposition make a cross X mark in the square after the word 'Yes' " "To vote against the proposition make a cross X mark in the square after the word 'No.' "

(c) Returns from such the election shall be made to the board of directors who shall canvass the votes cast at such the election on the second Friday following the date of said election; and said the election. The board shall immediately certify the results of said the election to the secretary of state. If a majority of those voting on the proposition voted in favor of the organization and creation of the district upon the petition or resolution, or amended petition or revised petition or resolution, the secretary of state shall thereupon issue to the board of directors a certificate of incorporation for said the district, which shall be filed of record in the office of the register of deeds of each county in which all or a portion of the district lies. Upon such recordation of the certificate of incorporation the district shall be authorized to function in accordance with the provision of this act and its certificate of incorporation. If a majority of those voting on the proposition voted against the organization and creation of the district, the secretary of state shall endorse that fact on the face of the petition or resolution and the proceedings shall be closed. No action attacking the legal incorporation of any watershed district organized under this section shall be maintained unless filed within ninety (90) 90 days after the issuance of the certificate of incorporation for such district by the secretary of state, nor shall the alleged illegality of the incorporation of any such watershed district be interposed as a defense to any action brought after such time.

Sec. 8. K.S.A. 24-1208 is hereby amended to read as follows: 24-1208. If the organization of the proposed district is defeated at the special election or if the petition or resolution is disapproved by the chief engineer, the board of directors or steering committee named in the petition or resolution shall continue to function in a limited capacity for the purposes hereinafter set forth in this action. Said Such board or steering committee shall determine the amount of money necessary to pay all of the costs and expenses incurred in the preparation and filing of the petition or resolution and in the conduct of the special election and shall certify a statement of such amount to the county clerk of each county in which the proposed district was to be located. Said Such county clerks shall thereupon ascertain the total assessed valuation of all taxable tangible property in their respective counties within the proposed district and certify same such valuation to the county clerk of the county in which the acting chairman chairperson of the board or steering committee of the proposed district resides.

Said Such county clerk shall determine the levy necessary to be spread against the taxable tangible property in the entire proposed district in order to raise funds sufficient to pay the amount set forth in said the statement and shall certify said such levy to the county clerk of the other counties in which a portion of said the proposed district is located. Each of the county clerks shall then cause said such levy to be extended against the taxable tangible property lying within the boundaries of said the proposed district and within his the clerk's county. The county treasurers of the respective counties involved shall remit the funds raised by such levy in their counties to the county treasurer of the county in which the acting

chairman chairperson of the board or steering committee resides who. Such treasurer shall hold said such funds and shall honor warrants drawn upon said such funds by the acting chairman chairperson of the board or steering committee and countersigned by the acting secretary of the board or steering committee in payment of the costs and expenses incurred in the proposed organization of the district and shown on the aforementioned statement of expenses.

Sec. 9. K.S.A. 24-1214 is hereby amended to read as follows: 24-1214. Subject to the provisions of subsection (b) of section 4, when the general plan is approved by the chief engineer the board shall then, by resolution, shall propose that the cost to the district of all works contemplated in the plan be paid either by a general levy against all of the taxable tangible property located within the district or, that such cost be paid by special assessment against lands within the district to be specially benefited by any of the proposed projects or that such cost be paid by both such general levy and special assessment, stating the portion proposed to be paid by each method. The board shall also set forth in said the resolution any proposal to issue improvement bonds of the district to provide for the payment of all or any part of the cost to the district of proposed projects by installments instead of levying the entire tax or special assessment at one time.

The board shall thereupon fix a time and place either within or conveniently near the district for a public hearing upon the general plan and the resolution proposing a method of financing costs of the works contemplated in the plan. A notice of such hearing shall be given by one publication at least twenty (20) 20 days prior to the date fixed for said the hearing, setting forth the time and place of hearing upon said the plan and resolution, that a copy of said the plan and resolution is available for public inspection in the office of the secretary of the district and that any electors or landowners desiring to be heard in the matter must file, in duplicate, with the secretary of the board at his the secretary's office, at least five (5) days before the date of said the hearing, a written statement of their intent to appear at the hearing and the substance of the views they wish to express. Upon receipt of any such statements the secretary of the board shall immediately transmit one copy of said the statements to the chief engineer. The chief engineer or his the chief engineer's duly appointed representative may attend said the hearing. At the hearing any elector or landowner who has duly filed his a written statement shall be heard and may present information in support of his the elector's or landowner's position in the matter. After hearing all such statements the board shall, by resolution, shall adopt as official or reject the general plan and adopt as official or reject the proposed method of financing costs of the works contemplated in the plan or determine that the general plan or the proposed method of financing or both should be modified and notify the chief engineer of their the board's action. If it is determined that the general plan should be modified, any proposed changes approved by the board shall be incorporated in a modified general plan which shall be submitted to the chief engineer for further consideration.

The chief engineer shall review the modified plan and shall transmit a supplemental written report of the results of his the chief engineer's study and investigation to the board, including his the chief engineer's written approval or disapproval of the modified general plan. If the modified general plan is approved by the chief engineer, the board shall, by resolution, shall adopt # the modified plan as the official general plan of the district and notify the chief engineer of their the board's action. If it is determined that the proposed method of financing should be modified, the board shall give consideration to the same; and the modified method of financing and, following adoption of the general plan or an approved modification thereof, the board shall, by further resolution; setting forth such modified method of financing, shall adopt it as the official method of the district for financing costs of the works contemplated in the official general plan: Provided, however, That If a board is unable to carry out a general plan because of disapproval of a bond issue at an election or because insufficient funds have been provided, they may reconsider the general plan and/or the resolution or the method of financing, or both, and by following the procedure hereinbefore set forth, resubmit a general plan and/or resolution or method of financing, or both.

Sec. 10. K.S.A. 24-132, 24-133, 24-605, 24-1203, 24-1206, 24-1207, 24-1208 and 24-1214 are hereby repealed.

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

(Published in the Kansas Register May 4, 1995.)

## SENATE BILL No. 3

AN ACT concerning persons who commit sexually violent offenses; relating to such person's civil commitment, evaluation, care and treatment; confidentiality; jurisdiction of district magistrate judges; aggravated escape from custody; commitment proceedings handled by the attorney general; docket fees; amending K.S.A. 59-104, 59-29a02, 59-29a03, 59-29a04, 59-29a05, 59-29a06, 59-29a07, 59-29a08 and 59-29a10 and K.S.A. 1994 Supp. 20-302b and 21-3810 and repealing the existing sections.

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

Section 1. K.S.A. 59-29a02 is hereby amended to read as follows: 59-29a02. As used in this act:

(a) "Sexually violent predator" means any person who has been convicted of or charged with a sexually violent offense and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in the predatory acts of sexual violence, *if not confined in a secure facility.*

(b) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to commit sexually violent offenses in a degree constituting such person a menace to the health and safety of others.

(c) "Predatory" means acts directed towards strangers or individuals with whom relationships have been established or promoted for the primary purpose of victimization.

(d) "Sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(e) "Sexually violent offense" means:

- (1) Rape as defined in K.S.A. 21-3502 and amendments thereto;
- (2) indecent liberties with a child as defined in K.S.A. 21-3503 and amendments thereto;
- (3) aggravated indecent liberties with a child as defined in K.S.A. 21-3504 and amendments thereto;
- (4) criminal sodomy as defined in subsection (a)(2) and (a)(3) of K.S.A. 21-3505 and amendments thereto;
- (5) aggravated criminal sodomy as defined in K.S.A. 21-3506 and amendments thereto;
- (6) indecent solicitation of a child as defined in K.S.A. 21-3510 and amendments thereto;
- (7) aggravated indecent solicitation of a child as defined in K.S.A. 21-2511 and amendments thereto;
- (8) sexual exploitation of a child as defined in K.S.A. 21-3516 and amendments thereto;
- (9) aggravated sexual battery as defined in K.S.A. 21-3518 and amendments thereto;

(10) any conviction for a felony offense in effect at any time prior to the effective date of this act, that is comparable to a sexually violent offense as defined in subparagraphs (1) through (9) or any federal or other state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this section;

(11) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 and 21-3303, and amendments thereto, of a sexually violent offense as defined in this subsection; or

(12) any act which either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to this act, has been determined beyond a reasonable doubt to have been sexually motivated.

(f) "Agency with jurisdiction" means that agency with the authority to direct the release of which releases upon lawful order or authority a person serving a sentence or term of confinement and includes the department of corrections and the department of social and rehabilitation services and the Kansas parole board.

Sec. 2. K.S.A. 59-29a03 is hereby amended to read as follows: 59-29a03. (a) When it appears that a person may meet the criteria of a sexually violent predator as defined in K.S.A. 59-29a02 and amendments thereto, the agency with jurisdiction shall give written notice of such to the prosecuting attorney of the county where that person was charged attorney general and the multidisciplinary team established in subsection (d), 60 90 days prior to:

- (1) The anticipated release from total confinement of a person who has been convicted of a sexually violent offense, *except that in the case of persons who are returned to prison for no more than 90 days as a result of revocation of postrelease supervision, written notice shall be given as soon as practicable following the person's readmission to prison;*

(2) release of a person who has been charged with a sexually violent offense and who has been determined to be incompetent to stand trial pursuant to K.S.A. 22-3305 and amendments thereto; or

(3) release of a person who has been found not guilty by reason of insanity of a sexually violent offense pursuant to K.S.A. 22-3428 and amendments thereto.

(b) The agency with jurisdiction shall inform the prosecutor attorney general and the multidisciplinary team established in subsection (d) of the following:

(1) The person's name, identifying factors, anticipated future residence and offense history; and

(2) documentation of institutional adjustment and any treatment received.

(c) The agency with jurisdiction, its employees, officials, members of the multidisciplinary team established in subsection (d), members of the prosecutor's review committee appointed as provided in subsection (e) and individuals contracting, appointed or volunteering to perform services hereunder shall be immune from liability for any good-faith conduct under this section.

(d) The secretary of corrections shall establish a multidisciplinary team which may include individuals from other state agencies to review available records of each person referred to such team pursuant to subsection (a). The team, within 30 days of receiving notice, shall assess whether or not the person meets the definition of a sexually violent predator, as established in K.S.A. 59-29a02 and amendments thereto. The team shall notify the attorney general of its assessment.

(e) The attorney general shall appoint a prosecutor's review committee to review the records of each person referred to the attorney general pursuant to subsection (a). The prosecutor's review committee shall assist the attorney general in the determination of whether or not the person meets the definition of a sexually violent predator. The assessment of the multidisciplinary team shall be made available to the attorney general and the prosecutor's review committee.

Sec. 3. K.S.A. 59-29a04 is hereby amended to read as follows: 59-29a04. When it appears that the person presently confined may be a sexually violent predator and the prosecutor's review committee appointed as provided in subsection (e) of K.S.A. 59-29a03 and amendments thereto has determined that the person meets the definition of a sexually violent predator, the prosecuting attorney of the county where the person was convicted or charged or the attorney general if requested by the prosecuting attorney may file a petition, within 45 75 days of the date the prosecuting attorney general received the written notice by the agency of jurisdiction as provided in subsection (a) of K.S.A. 59-29a03 and amendments thereto, alleging that the person is a sexually violent predator and stating sufficient facts to support such allegation.

Sec. 4. K.S.A. 59-29a05 is hereby amended to read as follows: 59-29a05. (a) Upon filing of a petition under K.S.A. 59-29a04, the judge shall determine whether probable cause exists to believe that the person named in the petition is a sexually violent predator. If such determination is made, the judge shall direct that person be taken into custody and

(b) Within 72 hours after a person is taken into custody pursuant to subsection (a), such person shall be provided with notice of, and an opportunity to appear in person at, a hearing to contest probable cause as to whether the detained person is a sexually violent predator. At this hearing the court shall: (1) Verify the detainer's identity; and (2) determine whether probable cause exists to believe that the person is a sexually violent predator. The state may rely upon the petition and supplement the petition with additional documentary evidence or live testimony.

(c) At the probable cause hearing as provided in subsection (b), the detained person shall have the following rights in addition to the rights previously specified: (1) To be represented by counsel; (2) to present evidence on such person's behalf; (3) to cross-examine witnesses who testify against such person; and (4) to view and copy all petitions and reports in the court file.

(d) If the probable cause determination is made, the court shall direct that the person shall be transferred to an appropriate secure facility, including, but not limited to, a county jail, for an evaluation as to whether the person is a sexually violent predator. The evaluation shall be conducted by a person deemed to be professionally qualified to conduct such an examination.

Sec. 5. K.S.A. 59-29a06 is hereby amended to read as follows: 59-29a06. Within 45 days after the filing of a petition pursuant to K.S.A. 59-29a04 60 days after the completion of any hearing held pursuant to K.S.A.

59-29a05 and amendments thereto, the court shall conduct a trial to determine whether the person is a sexually violent predator. *The trial may be continued upon the request of either party and a showing of good cause, or by the court on its own motion in the due administration of justice, and when the respondent will not be substantially prejudiced.* At all stages of the proceedings under this act, any person subject to this act shall be entitled to the assistance of counsel, and if the person is indigent, the court shall appoint counsel to assist such person. Whenever any person is subjected to an examination under this act, such person may retain experts or professional persons to perform an examination of such person's behalf. When the person wishes to be examined by a qualified expert or professional person of such person's own choice, such examiner shall be permitted to have reasonable access to the person for the purpose of such examination, as well as to all relevant medical and psychological records and reports. In the case of a person who is indigent, the court, upon the person's request, shall *determine whether the services are necessary and reasonable compensation for such services. If the court determines that the services are necessary and the expert or professional person's requested compensation for such services is reasonable, the court shall* assist the person in obtaining an expert or professional person to perform an examination or participate in the trial on the person's behalf. *The court shall approve payment for such services upon the filing of a certified claim for compensation supported by a written statement specifying the time expended, services rendered, expenses incurred on behalf of the person and compensation received in the same case or for the same services from any other source.* The person, the ~~county or district attorney~~ or attorney general, or the judge shall have the right to demand that the trial be before a jury. Such demand for the trial to be before a jury shall be filed, in writing, at least four days prior to trial. Number and selection of jurors shall be determined as provided in K.S.A. 22-3403, and amendments thereto. If no demand is made, the trial shall be before the court.

Sec. 6. K.S.A. 59-29a07 is hereby amended to read as follows: 59-29a07. (a) The court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. If such determination that the person is a sexually violent predator is made by a jury, such determination shall be by unanimous verdict of such jury. Such determination may be appealed. If the court or jury determines that the person is a sexually violent predator, the person shall be committed to the custody of the secretary of social and rehabilitation services for control, care and treatment until such time as the person's mental abnormality or personality disorder has so changed that the person is safe to be at large. Such control, care and treatment shall be provided at a facility operated by the department of social and rehabilitation services. At all times, persons committed for control, care and treatment by the department of social and rehabilitation services pursuant to this act shall be kept in a secure facility and such persons shall be segregated at all times from any other patient under the supervision of the secretary of social and rehabilitation services and commencing June 1, 1995, such persons committed pursuant to this act shall be kept in a facility or building separate from any other patient under the supervision of the secretary. *The department of social and rehabilitation services is authorized to enter into an interagency agreement with the department of corrections for the confinement of such persons. Such persons who are in the confinement of the secretary of corrections pursuant to an interagency agreement shall be housed and managed separately from offenders in the custody of the secretary of corrections, and except for occasional instances of supervised incidental contact, shall be segregated from such offenders.* If the court or jury is not satisfied beyond a reasonable doubt that the person is a sexually violent predator, the court shall direct the person's release. *Upon a mistrial, the court shall direct that the person be held at an appropriate secure facility, including, but not limited to, a county jail, until another trial is conducted. Any subsequent trial following a mistrial shall be held within 90 days of the previous trial, unless such subsequent trial is continued as provided in K.S.A. 59-29a06 and amendments thereto.*

(b) If the person charged with a sexually violent offense has been found incompetent to stand trial, and is about to be released pursuant to K.S.A. 22-3305 and amendments thereto, and such person's commitment is sought pursuant to subsection (a), the court shall first hear evidence and determine whether the person did commit the act or acts charged. The hearing on this issue must comply with all the procedures specified in this section. In addition, the rules of evidence applicable in criminal cases shall apply, and all constitutional rights available to defendants at criminal trials, other than the right not to be tried while incompetent, shall apply. After hearing evidence on this issue, the court shall make

specific findings on whether the person did commit the act or acts charged, the extent to which the person's incompetence or developmental disability affected the outcome of the hearing, including its effect on the person's ability to consult with and assist counsel and to testify on such person's own behalf, the extent to which the evidence could be reconstructed without the assistance of the person and the strength of the prosecution's case. If after the conclusion of the hearing on this issue, the court finds, beyond a reasonable doubt, that the person did commit the act or acts charged, the court shall enter a final order, appealable by the person, on that issue, and may proceed to consider whether the person should be committed pursuant to this section.

Sec. 7. K.S.A. 59-29a08 is hereby amended to read as follows: 59-29a08. Each person committed under this act shall have a current examination of the person's mental condition made once every year. The person may retain, or if the person is indigent and so requests the court may appoint a qualified professional person to examine such person, and such expert or professional person shall have access to all records concerning the person. The yearly report shall be provided to the court that committed the person under this act. The court shall conduct an annual review of the status of the committed person. Nothing contained in this act shall prohibit the person from otherwise petitioning the court for discharge at this hearing. The secretary of the department of social and rehabilitation services shall provide the committed person with an annual written notice of the person's right to petition the court for release over the secretary's objection. The notice shall contain a waiver of rights. The secretary shall forward the notice and waiver form to the court with the annual report. The committed person shall have a right to have an attorney represent the person at the hearing but the person is not entitled to be present at the hearing. If the court at the hearing determines that probable cause exists to believe that the person's mental abnormality or personality disorder has so changed that the person is safe to be at large and will not engage in acts of sexual violence if discharged, then the court shall set a hearing on the issue. At the hearing, the committed person shall be entitled to be present and entitled to the benefit of all constitutional protections that were afforded the person at the initial commitment proceeding. ~~The county or district attorney or the attorney general if requested by the county~~ shall represent the state and shall have a right to a jury trial and to have the committed person evaluated by experts chosen by the state. The committed person shall also have the right to have experts evaluate the person on the person's behalf and the court shall appoint an expert if the person is indigent and requests an appointment. The burden of proof at the hearing shall be upon the state to prove beyond a reasonable doubt that the committed person's mental abnormality or personality disorder remains such that the person is not safe to be at large and if released is likely to engage in acts of sexual violence.

Sec. 8. K.S.A. 59-29a10 is hereby amended to read as follows: 59-29a10. If the secretary of the department of social and rehabilitation services determines that the person's mental abnormality or personality disorder has so changed that the person is not likely to commit predatory acts of sexual violence if released, the secretary shall authorize the person to petition the court for release. The petition shall be served upon the court and the ~~county or district attorney general~~. The court, upon receipt of the petition for release, shall order a hearing within 30 days. ~~The county or district attorney or the attorney general, if requested by the county,~~ shall represent the state, and shall have the right to have the petitioner examined by an expert or professional person of such attorney's choice. The hearing shall be before a jury if demanded by either the petitioner or the ~~county or district attorney or attorney general~~. The burden of proof shall be upon the ~~county or district attorney or attorney general~~ to show beyond a reasonable doubt that the petitioner's mental abnormality or personality disorder remains such that the petitioner is not safe to be at large and that if discharged is likely to commit predatory acts of sexual violence.

New Sec. 9. In order to protect the public, relevant information and records which are otherwise confidential or privileged shall be released to the agency with jurisdiction or the attorney general for the purpose of meeting the notice requirement provided in K.S.A. 59-29a03 and amendments thereto and determining whether a person is or continues to be a sexually violent predator. The provisions of this section shall be part of and supplemental to the provisions of K.S.A. 59-29a01 through 59-29a15 and amendments thereto.

New Sec. 10. Any psychological reports, drug and alcohol reports,  
(continued)

treatment records, reports of the diagnostic center, medical records or victim impact statements which have been submitted to the court or admitted into evidence under this act shall be part of the record but shall be sealed and opened only on order of the court or as provided in K.S.A. 59-29a01 et seq. and amendments thereto. The provisions of this section shall be part of and supplemental to the provisions of K.S.A. 59-29a01 through 59-29a15 and amendments thereto.

Sec. 11. K.S.A. 1994 Supp. 20-302b is hereby amended to read as follows: 20-302b. (a) A district magistrate judge shall have the jurisdiction, power and duty, in any case in which a violation of the laws of the state is charged, to conduct the trial of traffic infractions or misdemeanor charges and the preliminary examination of felony charges. In civil cases, a district magistrate judge shall have concurrent jurisdiction, powers and duties with a district judge, except that, unless otherwise specifically provided in subsection (b), a district magistrate judge shall not have jurisdiction or cognizance over the following actions:

(1) Any action, other than an action seeking judgment for an unsecured debt not sounding in tort and arising out of a contract for the provision of goods, services or money, in which the amount in controversy, exclusive of interests and costs, exceeds \$10,000, except that in actions of replevin, the affidavit in replevin or the verified petition fixing the value of the property shall govern the jurisdiction; nothing in this paragraph shall be construed as limiting the power of a district magistrate judge to hear any action pursuant to the Kansas probate code or to issue support orders as provided by paragraph (6) of this subsection (a);

(2) actions against any officers of the state, or any subdivisions thereof, for misconduct in office;

(3) actions for specific performance of contracts for real estate;

(4) actions in which title to real estate is sought to be recovered or in which an interest in real estate, either legal or equitable, is sought to be established, except that nothing in this paragraph shall be construed as limiting the right to bring an action for forcible detainer as provided in the acts contained in article 23 of chapter 61 of the Kansas Statutes Annotated, and any acts amendatory thereof or supplemental thereto; and nothing in this paragraph shall be construed as limiting the power of a district magistrate judge to hear any action pursuant to the Kansas probate code;

(5) actions to foreclose real estate mortgages or to establish and foreclose liens on real estate as provided in the acts contained in article 11 of chapter 60 of the Kansas Statutes Annotated, and any acts amendatory thereof or supplemental thereto;

(6) actions for divorce, separate maintenance or custody of minor children, except that nothing in this paragraph shall be construed as limiting the power of a district magistrate judge to: (A) Hear any action pursuant to the Kansas code for care of children or the Kansas juvenile offenders code; (B) establish, modify or enforce orders of support, including, but not limited to, orders of support pursuant to the Kansas parentage act, K.S.A. 23-451 et seq., 39-718a, 39-718b, 39-755 or 60-1610 or K.S.A. 23-4.105 through 23-4.118, 23-4.125 through 23-4.137, 38-1542, 38-1543 or 38-1563, and amendments thereto; or (C) enforce orders granting a parent visitation rights to the parent's child;

(7) habeas corpus;

(8) receiverships;

(9) change of name;

(10) declaratory judgments;

(11) mandamus and quo warranto;

(12) injunctions;

(13) class actions;

(14) rights of majority; and

(15) actions pursuant to the protection from abuse act; and

(16) actions pursuant to K.S.A. 59-29a01 et seq. and amendments thereto.

(b) Notwithstanding the provisions of subsection (a), in the absence, disability or disqualification of a district judge, a district magistrate judge may:

(1) Grant a restraining order, as provided in K.S.A. 60-902 and amendments thereto;

(2) appoint a receiver, as provided in K.S.A. 60-1301 and amendments thereto;

(3) make any order authorized by K.S.A. 60-1607 and amendments thereto; and

(4) grant any order authorized by the protection from abuse act.

(c) In accordance with the limitations and procedures prescribed by law, and subject to any rules of the supreme court relating thereto, any

appeal permitted to be taken from an order or final decision of a district magistrate judge shall be tried and determined *de novo* by a district judge, except that in civil cases where a record was made of the action or proceeding before the district magistrate judge, the appeal shall be tried and determined on the record by a district judge.

(d) Upon motion of a party, the administrative judge may reassign an action from a district magistrate judge to a district judge.

Sec. 12. K.S.A. 1994 Supp. 21-3810 is hereby amended to read as follows: 21-3810. Aggravated escape from custody is:

(a) Escaping while held in lawful custody upon a charge or conviction of felony, prior to or upon a finding of probable cause for evaluation as a sexually violent predator as provided in K.S.A. 59-29a05 and amendments thereto, upon commitment to a treatment facility as a sexually violent predator as provided pursuant to K.S.A. 59-29a01 et seq. and amendments thereto or upon a commitment to the state security hospital as provided in K.S.A. 22-3428 and amendments thereto based on a finding that the person committed an act constituting a felony; or

(b) Escaping while held in custody on a charge or conviction of any crime, prior to or upon a finding of probable cause for evaluation as a sexually violent predator as provided in K.S.A. 59-29a05 and amendments thereto, upon commitment to a treatment facility as a sexually violent predator as provided in K.S.A. 59-29a01 et seq. and amendments thereto or upon a commitment to the state security hospital as provided in K.S.A. 22-3428 and amendments thereto based on a finding that the person committed an act constituting any crime when such escape is effected or facilitated by the use of violence or the threat of violence against any person.

(c) (1) Aggravated escape from custody as described in subsection (a) is a severity level 8, nonperson felony.

(2) Aggravated escape from custody as described in subsection (b) is a severity level 6, person felony.

Sec. 13. K.S.A. 59-104 is hereby amended to read as follows: 59-104. (a) *Docket fee.* Except as otherwise provided by law, no case shall be filed or docketed in the district court under the provisions of chapter 59 of the Kansas Statutes Annotated or of articles 40 and 52 of chapter 65 of the Kansas Statutes Annotated without payment of an appropriate docket fee as follows:

Treatment of mentally ill .....	\$21.50
Treatment of alcoholism or drug abuse .....	21.50
Determination of descent of property .....	36.50
Termination of life estate .....	36.50
Termination of joint tenancy .....	36.50
Refusal to grant letters of administration .....	36.50
Adoption .....	36.50
Filing a will and affidavit under K.S.A. 59-618a .....	36.50
Guardianship .....	56.50
Conservatorship .....	56.50
Trusteeship .....	56.50
Combined guardianship and conservatorship .....	56.50
Certified probate proceedings under K.S.A. 59-213, and amendments thereto .....	11.50
Decrees in probate from another state .....	96.50
Probate of an estate or of a will .....	96.50
Civil commitment under K.S.A. 59-29a01 et seq. ....	21.50

(b) *Poverty affidavit in lieu of docket fee and exemptions.* The provisions of subsection (b) of K.S.A. 60-2001 and K.S.A. 60-2005, and amendments thereto, shall apply to probate docket fees prescribed by this section.

(c) *Disposition of docket fee.* Statutory charges for the law library and for the prosecuting attorneys' training fund shall be paid from the docket fee. The remainder of the docket fee shall be paid to the state treasurer in accordance with K.S.A. 20-362, and amendments thereto.

(d) *Additional court costs.* Other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Other fees shall include, but not be limited to, witness fees, appraiser fees, fees for service of process outside the state, fees for depositions, transcripts and publication of legal notice, executor or administrator fees, attorney fees, court costs from other courts and any other fees and expenses required by statute. All additional court costs shall be taxed and billed against the parties or estate as directed by the court. No sheriff in this state shall charge any district court in this state a fee or mileage for serving any paper or process.

Sec. 14. K.S.A. 59-104, 59-29a02, 59-29a03, 59-29a04, 59-29a05, 59-29a06, 59-29a07, 59-29a08 and 59-29a10 and K.S.A. 1994 Supp. 20-302b and 21-3810 are hereby repealed.

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



(Published in the Kansas Register May 4, 1995.)

## HOUSE BILL No. 2343

AN ACT concerning insurance; relating to mutual hail insurance companies; amending K.S.A. 40-1519 and repealing the existing section.

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

Section 1. K.S.A. 40-1519 is hereby amended to read as follows: 40-1519. Any insurance company organized and doing business as provided in K.S.A. 40-1501, and amendments thereto may, in addition to the class of business authorized in said such section, may make and issue contracts of insurance upon growing crops against direct loss or damage by fire and for any loss caused while the harvested crop is being transported to the initial place of storage or to an initial market location of such crops or to cede or accept reinsurance on any portion of any such risk: *Provided*, That Such company shall have a bona fide net surplus exceeding all liabilities and reserve funds required by law of not less than \$100,000 of which \$50,000 shall be invested and deposited as provided in K.S.A. 40-227 and 40-230, and amendments thereto, for the protection of all policyholders: *Provided further*, That Before issuing any such contracts or accepting any such reinsurance as heretofore provided, the board of directors of said such company shall by a majority vote of the whole number of directors as provided in K.S.A. 40-1510, and amendments thereto, authorize the writing of such fire coverage: *Provided further*, That such. The company shall file with the commissioner of insurance a certified copy of the resolution of the board of directors taking such action as herein provided and a certified copy of its amended bylaws and amended charter as provided in K.S.A. 40-216, and amendments thereto.

Sec. 2. K.S.A. 40-1519 is hereby repealed.

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

(Published in the Kansas Register May 4, 1995.)

## SENATE BILL No. 169

AN ACT concerning the university of Kansas school of medicine; relating to medical student scholarships and loans; service obligations; amending K.S.A. 1994 Supp. 76-375 and 76-384 and repealing the existing sections.

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

Section 1. K.S.A. 1994 Supp. 76-375 is hereby amended to read as follows: 76-375. (a) On or before December 31 in each year, the chancellor of the university of Kansas, or the designee of the chancellor, shall prepare a list of the areas of this state which the chancellor, or designee of the chancellor, determines to be critically medically underserved areas by specialty and the areas of this state which the chancellor, or designee of the chancellor, determines to be medically underserved areas by specialty. In preparing such a list the chancellor, or designee of the chancellor, shall consult with the medical scholarship advisory committee. All state medical care facilities or institutions, all medical centers operated in the state of Kansas by the veterans administration of the United States, and all full-time faculty positions at the university of Kansas school of medicine in family medicine or family practice are qualified for service in both service commitment area I and service commitment area II without being determined medically underserved areas. In preparing such a list, the portion of time of persons engaged in the practice of medicine and surgery at any institution under the jurisdiction and control of the secretary of social and rehabilitation services shall not be included in determining whether an area is critically medically underserved or medically underserved. Every such list shall note that all state medical care facilities or institutions qualify for such service commitments, in addition to listing those areas determined to be critically medically underserved or medically underserved. Critically medically underserved areas by specialty and medically underserved areas by specialty established prior to the effective date of this act by the secretary of health and environment shall continue in effect for the purposes of this act until changed by the chancellor of the university of Kansas, or the designee of the chancellor. The chancellor of the university of Kansas, or the designee of the chancellor, upon a finding of exceptional circumstances may modify areas or portions of areas determined to be critically medically underserved or medically underserved by specialty.

(b) (1) A service commitment area shall be designated as a service commitment area I or a service commitment area II. Service commitment area I shall be any area determined by the chancellor of the university of

Kansas, or the designee of the chancellor, under subsection (a) to be, for purposes of all agreements entered into under K.S.A. 76-374 and amendments thereto, a medically underserved area or a critically medically underserved area. Service commitment area II shall be, for purposes of all agreements entered into under K.S.A. 76-374 and amendments thereto, the state of Kansas.

(2) The service commitment area I or II for persons first awarded scholarships after December 31, 1985, shall be an incorporated city of this state as specified in subsection (d)(2) of K.S.A. 76-374 and amendments thereto, all state medical care facilities or institutions, all medical centers operated in the state of Kansas by the veterans administration of the United States, and all the full-time faculty positions at the university of Kansas school of medicine in general internal medicine, general pediatrics, family medicine or family practice, except that, at the time any person commences satisfying a service commitment under this subsection as a full-time faculty member, the number of persons satisfying service commitments or service obligations, pursuant to agreements under K.S.A. 76-374 and amendments thereto or the medical student loan act, as full-time faculty members pursuant to this subsection shall not exceed the number equal to 25% of the total number of full-time faculty members of the university of Kansas school of medicine in general internal medicine, general pediatrics, family medicine or family practice.

(c) In selecting a service commitment area I or II, whichever is applicable, prior to the commencement of the full-time practice of medicine and surgery pursuant to all agreements entered into under K.S.A. 76-374 and amendments thereto requiring service for a period of time in a service commitment area I or II, whichever is applicable, the person so selecting shall select such area from among those areas appearing on the list of areas prepared by the chancellor of the university of Kansas, or the designee of the chancellor, under this section. The service commitment area selected shall have appeared on any such list not more than 36 months prior to the commencement of such full-time practice of medicine and surgery by the person selecting such service commitment area. Upon the selection of such service commitment area, the person so selecting shall inform the university of Kansas school of medicine of the area selected.

(d) A person serving in a service commitment area I or II, whichever is applicable, pursuant to any agreement under this act may serve all or part of any commitment in the service commitment area initially selected by such person. If such person moves from one service commitment area I or II to another service commitment area I or II, as applicable, such person shall notify the university of Kansas school of medicine of such person's change of service commitment area. Service in any such service commitment area I or II, as applicable, selected from the appropriate lists of service commitment areas, shall be deemed to be continuous for the purpose of satisfying any agreement entered into under this act. Any service commitment area I or II, as applicable, selected after the initially selected service commitment area I or II shall have appeared on a service commitment area I list or on a service commitment area II list, as applicable, which shall have been prepared not more than 12 months prior to the move by such person from one service commitment area I or II to another service commitment area I or II, as applicable.

(e) (1) A person awarded a scholarship prior to January 1, 1986, may satisfy the obligation to engage in the full-time practice of medicine and surgery in a service commitment area I even though such person is engaged in such practice in two or more locations within the state of Kansas, at least one of which is not located in a service commitment area I, if the person is engaged in the full-time practice of medicine and surgery in such locations pursuant to a practice affiliation agreement approved by the chancellor of the university of Kansas, or the designee of the chancellor.

(2) A person awarded a scholarship prior to January 1, 1986, may satisfy the obligation to engage in the full-time practice of medicine and surgery in either service commitment area I or service commitment area II by devoting performing at least 100 hours per month to of on-site primary care as defined in K.S.A. 76-374 and amendments thereto at a medical facility operated by a local health department or nonprofit organization in this state serving medically indigent persons. As used in this paragraph, "medically indigent" means a person: (A) Who is unable to secure health care because of inability to pay for all or a part of the costs thereof due to inadequate personal resources, being uninsured, being underinsured, being ineligible for governmental health benefits; or (B) who is eligible for governmental benefits but is unable to obtain medical services.

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(3) A person awarded a scholarship prior to January 1, 1986, may satisfy the obligation to engage in the full-time practice of medicine and surgery in either service commitment area I or II by engaging in such full-time practice of medicine and surgery, other than in a primary care specialty, anywhere in the state of Kansas with the exception of the following counties: Douglas, Johnson, Leavenworth, Sedgwick, Shawnee or Wyandotte, except that the full-time practice of medicine and surgery within the six listed counties will qualify if the selected county is designated as a service commitment area I or II in accordance with the provisions of this section, or whenever there are fewer than three persons engaged in the full-time practice of medicine and surgery in a designated specialty in the selected county. Any person who satisfies the obligation to engage in the full-time practice of medicine and surgery in accordance with this subsection (e)(3) shall remain obligated to repay the amounts received for living expenses as prescribed in subsection (a)(5) of K.S.A. 75-376 and amendments thereto. As used in this subsection (e)(3), "primary care" means general pediatrics, general internal medicine or family practice.

(f) A person awarded a scholarship in accordance with the provisions of K.S.A. 76-373 through 76-377a and amendments thereto may satisfy the obligation to engage in the practice of medicine and surgery, under an agreement entered into pursuant to K.S.A. 76-374 and amendments thereto even though such person is engaged in practice in an area not designated a medically underserved area by specialty, or a critically medically underserved area by specialty, through employment on a part-time basis by the state of Kansas which has been approved by the chancellor of the university of Kansas, or the designee of the chancellor, for the practice of medicine and surgery at any state medical care facility or institution.

(g) In connection with the determination of critically medically underserved areas and medically underserved areas under this section, the chancellor of the university of Kansas, or the designee of the chancellor, shall assess annually the need in the state as a whole for medical services provided by persons engaged in the practice of medicine and surgery and shall report thereon annually to the legislature. Each report shall include any recommendations for needed legislation, including any recommended amendments to this act, which relate to the need for such medical services in the various areas of this state.

(h) There is hereby established the medical scholarship advisory committee. Members of the medical scholarship advisory committee shall be appointed by the chancellor of the university of Kansas as follows: (1) One member shall be from the office of the chancellor of the university of Kansas; (2) one member shall be a representative of the Kansas medical society; (3) one member shall be a member of the Kansas legislature; (4) one member shall be a student at the university of Kansas school of medicine; and (5) one member shall be a representative of the Kansas hospital association. The medical scholarship advisory committee shall meet periodically upon the call of the chancellor, or the designee of the chancellor, and shall make recommendations to the chancellor, or the designee of the chancellor, in regard to the administration of the provisions of this act.

(i) The chancellor of the university of Kansas may appoint a medical scholarship program coordinator for the purpose of planning and administering the provisions of this act. The coordinator shall be in the unclassified service under the Kansas civil service act.

(j) For all purposes under this section, service or employment after June 30, 1988, on a part-time basis (1) pursuant to a practice affiliation agreement approved by the chancellor of the university of Kansas, or the chancellor's designee, or (2) at a state medical care facility or institution, shall be on the basis of at least the equivalent of 1/2 time in order to satisfy the obligation to engage in the practice of medicine and surgery under an agreement entered into pursuant to K.S.A. 76-374 and amendments thereto.

(k) As used in this section, "state medical care facility or institution" includes, but is not limited to, the Kansas state school for the visually handicapped, the Kansas state school for the deaf, any institution under the secretary of social and rehabilitation services, as defined by subsection (b) of K.S.A. 76-12a01 and amendments thereto or by subsection (b) of K.S.A. 76-12a18 and amendments thereto, the Kansas soldiers' home and any correctional institution under the secretary of corrections, as defined by subsection (d) of K.S.A. 75-5202 and amendments thereto, but shall not include any state educational institution under the state board of regents, as defined by subsection (a) of K.S.A. 76-711 and amendments thereto, except as specifically provided by statute.

Sec. 2. K.S.A. 1994 Supp. 76-384 is hereby amended to read as follows: 76-384. (a) Upon the selection of a service commitment area for the purposes of satisfying a service obligation under a medical student loan agreement entered into under this act, the person so selecting shall inform the university of Kansas school of medicine of the service commitment area selected.

(b) A person serving in a service commitment area pursuant to an agreement under this act may serve all or part of any commitment in the service commitment area initially selected by such person. If such person moves from one service commitment area to another service commitment area, such person shall notify the university of Kansas school of medicine of such person's change of service commitment area. Service in any such service commitment area shall be deemed to be continuous for the purpose of satisfying any agreement entered into under this act.

(c) A person receiving a medical student loan under this act, may satisfy the obligation to engage in the full-time practice of medicine and surgery in a service commitment area if the person serves as a full-time faculty member of the university of Kansas school of medicine in *general internal medicine, general pediatrics, family medicine or family practice* and serves two years for each one year of such obligation, or the equivalent thereof on a two-for-one basis, *except that, at the time any person commences satisfying such service obligation as a full-time faculty member pursuant to this subsection, the number of persons satisfying service commitments or service obligations, pursuant to agreements under K.S.A. 76-374 and amendments thereto or the medical student loan act, as full-time faculty members pursuant to this subsection shall not exceed the number equal to 25% of the total number of full-time faculty members of the university of Kansas school of medicine in general internal medicine, general pediatrics, family medicine or family practice.*

(d) A person may satisfy the obligation to engage in the full-time practice of medicine and surgery in a service commitment area by *devoting performing at least 100 hours per month to of on-site primary care as defined in K.S.A. 76-374 and amendments thereto at a medical facility operated by a local health department or nonprofit organization in this state serving medically indigent persons.* As used in this subsection, "medically indigent" means a person: (1) Who is unable to secure health care because of inability to pay for all or a part of the costs thereof due to inadequate personal resources, being uninsured, being underinsured, being ineligible for governmental health benefits; or (2) who is eligible for governmental benefits but is unable to obtain medical services.

Sec. 3. K.S.A. 1994 Supp. 76-375 and 76-384 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 May 4, 1995.)

#### SENATE BILL No. 236

AN ACT making and concerning appropriations for the fiscal year ending June 30, 1995, for the Kansas state school for the blind, state board of indigents' defense services, Kansas animal health department, department of education, department of social and rehabilitation services, Kansas water office, department of wildlife and parks, Kansas state library, Topeka state hospital and department of transportation; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

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

Section 1. (a) For the fiscal year ending June 30, 1995, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, fees, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

Sec. 2.

#### KANSAS STATE SCHOOL FOR THE BLIND

(a) The expenditure limitation established by section 4(b) of chapter 295 of the 1994 Session Laws of Kansas on the general fees fund is hereby increased from \$44,692 to \$52,457.

(b) On the effective date of this act, of the \$6,136,748 appropriated for the above agency for the fiscal year ending June 30, 1995, by section 5(a) of chapter 295 of the 1994 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$1,787 is hereby lapsed.

Sec. 3.

#### STATE BOARD OF INDIGENTS' DEFENSE SERVICES

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



Agency operations ..... \$1,063,792

Sec. 4.

KANSAS ANIMAL HEALTH DEPARTMENT

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

Operating expenditures ..... \$44,737

Sec. 5.

DEPARTMENT OF EDUCATION

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

KPERS—employer contributions ..... \$2,833,622

(b) The expenditure limitation established by the state finance council on the certificate fee fund is hereby increased from \$473,160 to \$571,983.

(c) On June 1, 1995, the director of accounts and reports shall transfer \$14,472 from the state highway fund of the department of transportation to the school bus safety fund of the department of education for the purpose of financing the cost of operation and general expense of the school bus safety program.

Sec. 6.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

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

State operations ..... \$350,020

Other medical assistance ..... \$12,208,884

Youth services aid and assistance ..... \$1,526,583

Vocational rehabilitation aid and assistance ..... \$34,375

(b) On the effective date of this act, of the \$670,898 appropriated for the above agency for the fiscal year ending June 30, 1995, by section 58(a) of chapter 360 of the 1994 Session Laws of Kansas from the state general fund in the welfare reform operating expenditures account, the sum of \$298,752 is hereby lapsed.

(c) The expenditure limitation established by the state finance council on the alcoholism treatment fund is hereby increased from \$1,018,844 to \$1,368,745.

(d) The expenditure limitation established by the state finance council on the community alcoholism and intoxication programs fund is hereby decreased from \$2,505,804 to \$2,155,704.

(e) The expenditure limitation established by the state finance council on the special projects fund is hereby increased from \$2,462,558 to \$3,294,967.

(f) The expenditure limitation established by the state finance council on the vocational rehabilitation—client assistance project—federal fund is hereby increased from \$107,870 to \$111,545.

(g) The expenditure limitation established by section 58(j) of chapter 360 of the 1994 Session Laws of Kansas on the state operations account of the social welfare fund is hereby increased from \$5,471,506 to \$9,060,467.

(h) The expenditure limitation established by section 2(b) of chapter 361 of the 1994 Session Laws of Kansas on the Kansas vocational rehabilitation center fees fund is hereby increased from \$145,000 to \$186,291.

(i) The expenditure limitation established by the state finance council on the state operations account of the social services clearing fund is hereby increased from \$247,020,208 to \$267,131,231.

(j) The expenditure limitation established by the state finance council on the juvenile detention facilities fund is hereby increased from \$2,101,620 to \$2,825,895.

Sec. 7.

KANSAS WATER OFFICE

(a) The expenditure limitation established by section 8(b) of chapter 297 of the 1994 Session Laws of Kansas on the state water plan fund is hereby increased from \$1,514,870 to \$1,893,035.

(b) In addition to the purposes for which expenditures may be made by the above agency from the state water plan fund for the fiscal year ending June 30, 1995, as authorized by section 8(b) of chapter 297 of the 1994 Session Laws of Kansas, expenditures may be made from the state water plan fund for fiscal year 1995 for operations and maintenance costs related to additional water storage space acquired in John Redmond, Council Grove, Elk City, Marion, Melvern, Pomona, and Tuttle Creek Reservoirs.

Sec. 8.

DEPARTMENT OF WILDLIFE AND PARKS

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

fund the following:

Operating expenditures ..... \$327,807

(b) On the effective date of this act, the director of accounts and reports shall transfer \$87,668 from the parks fee fund to the wildlife fee fund.

(c) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$30,614 from the wildlife fee fund of the department of wildlife and parks to the El Dorado correctional facility—general fees fund.

(d) In addition to expenditures authorized from the wildlife fee fund for operating expenditures for fiscal year 1995, expenditures of \$382,834 may be made by the above agency from the wildlife fee fund for the fiscal year ending June 30, 1995, for additional operating expenditures.

(e) In addition to the purposes for which expenditures may be made from the wildlife fee fund for the fiscal year ending June 30, 1995, expenditures may be made by the above agency from the wildlife fee fund for fiscal year 1995 for the following capital improvement project, subject to the expenditure limitation prescribed therefor:

Fisheries projects ..... \$199,784

Provided, That all such expenditures shall be in addition to any expenditure limitation imposed on the wildlife fee fund for fiscal year 1995.

Sec. 9.

KANSAS STATE LIBRARY

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

Grants to local libraries for data base services EDIF grant fund ..... \$100,000

(b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$100,000 from the Kansas economic development endowment account of the state economic development initiatives fund of the department of commerce and housing to the grants to local libraries for data base services EDIF grant fund of the state library.

Sec. 10.

TOPEKA STATE HOSPITAL

(a) The expenditure limitation established by section 8(b) of chapter 361 of the 1994 Session Laws of Kansas on the general fees fund is hereby increased from \$3,918,431 to \$4,026,969.

Sec. 11.

DEPARTMENT OF TRANSPORTATION

(a) On the effective date of this act, the expenditure limitation established by section 31(a) of chapter 360 of the 1994 Session Laws of Kansas on the agency operations account of the state highway fund is hereby decreased from \$177,424,932 to \$174,967,688.

Sec. 12. *Appeals to exceed position limitations.* The limitations imposed by this act on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for fiscal year 1995 made in this act or in any appropriation act of the 1994 regular session of the legislature or in any other appropriation act of the 1995 regular session of the legislature may be exceeded upon approval of the state finance council.

Sec. 13. *Appeals to exceed limitations.* Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

Sec. 14. *Effective date.* This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register May 4, 1995.)

Substitute for SENATE BILL No. 9

AN ACT concerning public funds; relating to the municipal investment pool fund; establishing certain requirements; concerning the pooled money investment board; amending K.S.A. 1994 Supp. 12-1677a, 75-4209, 75-4221a and 75-4263 and repealing the existing sections.

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

Section 1. K.S.A. 1994 Supp. 12-1677a is hereby amended to read as follows: 12-1677a. (a) Moneys deposited by any municipality with the state treasurer for investment authorized in paragraph (6) of subsection (b) of K.S.A. 12-1675, and amendments thereto, shall be deposited in the municipal investment pool fund which is hereby created in the state treasury.

(b) The pooled money investment board may invest and reinvest moneys in the municipal investment pool fund in the following investments:

(1) Direct obligations of, or obligations that are insured as to principal and interest by, the United States of America or any agency thereof and obligations and securities of United States sponsored enterprises which under federal law may be accepted as security for public funds, except that: (A) Not more than 10% of the moneys available for investment under this subsection may be invested in mortgage backed securities of such enterprises and of the government national mortgage association; and (B) investments in other than direct obligations under this paragraph shall be rated at the time of investment, in the highest rating category by Moody's investors service or Standard and Poor's corporation;

(2) interest-bearing time deposits in any of the following, which is doing business within the state of Kansas, any state or national bank, state or federally chartered savings and loan association, or federally chartered savings bank; or

(3) repurchase agreements with a Kansas bank, Kansas savings and loan association, a federally chartered savings bank having an office or offices in the state of Kansas or with a primary government securities dealer which reports to the market reports division of the federal reserve bank of New York for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof and obligations and securities of United States government sponsored enterprises which under federal law may be accepted as security for public funds.

(c) All interest earnings received from investments of money in the municipal investment pool fund shall be credited to the municipal investment pool fund. Interest earnings experienced by the fund on investments attributable to each participating municipality shall be prorated and applied to the individual accounts of the municipalities, maintained by the state treasurer. Deferred earnings transferred from the municipal investment pool reserve fund to the municipal investment pool fund shall be prorated and applied to the individual accounts of the municipalities, maintained by the state treasurer. A statement for each municipality participating unit account showing deposits, withdrawals, earnings and losses distributions shall be provided periodically monthly to the municipality. The state treasurer shall make comprehensive reports monthly to those municipalities participating in the municipal investment pool fund; including and to other interested parties requesting such reports. Such reports shall include a summary of transactions for the period month as well as, the current market value of the pool investments, the weighted average maturity ratio of the fund, the original costs of the investments in the fund, including any fees associated with such investments and such other relevant information the state treasurer may wish to include in such report.

(d) The state treasurer may assess reasonable charges not to exceed 1% of the interest earned against the fund for reimbursement of expenses incurred in administering the fund. The state treasurer shall certify, periodically, the amount of the assessment and the director of accounts and reports shall transfer the amount certified from the municipal investment pool fund to the municipal investment pool fund fee fund, which is hereby created. All expenditures from the municipal investment pool fund fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state treasurer or a person or persons designated by the state treasurer. Amounts of gains realized on disposition of investments of the municipal investment pool fund shall be periodically certified by the state treasurer, and the director of accounts and reports shall transfer

the amount certified from the municipal investment pool fund to the municipal investment pool reserve fund which is hereby created in the state treasury. The state treasurer shall make a determination of the amount needed for a reserve for possible losses to the municipal investment pool fund and shall certify periodically such amount, and the director of accounts and reports shall transfer the amount so certified from the municipal investment pool fund fee fund to the municipal investment pool reserve fund. If the state treasurer makes a determination that significant losses or gains have occurred to the municipal investment pool fund, the state treasurer shall certify the amount thereof to the director of accounts and reports, and the director of accounts and reports shall transfer the amount so certified from the municipal investment pool reserve fund to the municipal investment pool fund.

(e) The state treasurer may adopt rules and regulations necessary to carry out the provisions of this section for the administration and operation of the municipal investment pool fund and may enter into agreements with any municipality as to methods of deposits, withdrawals and investments.

(f) Investments under subsection (b) shall be for a period of not to exceed four years, except for mortgage backed securities.

(g) A comparative investment performance review shall be contracted for annually periodically by the state treasurer's office pooled money investment board. The cost of such review shall be paid by the municipal investment pool fund from moneys in the municipal investment pool fund fee fund.

(h) Deposits in the municipal investment pool fund: (1) May only be made for the same maturity as the maturity which is offered under paragraphs (2) and (3) of subsection (b) of K.S.A. 12-1675 and amendments thereto; and (2) upon the maturity of such deposits, such moneys shall be offered for investment under paragraphs (2) or (3) of subsection (b) of K.S.A. 12-1675, and amendments thereto, and may be reinvested in such fund only if the conditions contained in subsection (c) of K.S.A. 12-1675, and amendments thereto, have been satisfied.

(i) Moneys and investments in the municipal investment pool fund and any separate portfolio within such fund shall be managed by the pooled money investment board in accordance with investment policies provided by law and by rules and regulations of such board developed, approved, published and updated on an annual basis by such board. Such investment policies shall include at a minimum guidelines which identify credit standards, eligible instruments, allowable maturity ranges, methods for valuing the portfolio, calculating earnings and yields and limits on portfolio concentration for each type of investment. Any changes in such investment policies shall be approved by the pooled money investment board. A copy of such published policies shall be distributed to all municipalities participating in the municipal investment pool fund and to other interested persons requesting a copy of such policies. The pooled money investment board shall not contract for management of investments by a money manager. The pooled money investment board shall contract for the services of an external investment advisor to provide advisory services concerning the investment policies and practices for the municipal investment pool fund. Such investment advisor shall be different from the person or firm contracted with under subsection (g).

(j) Investments in securities under paragraph (1) of subsection (b) shall be limited to securities which do not have any more interest rate risk than do direct United States government obligations of similar maturities, except for the 10% limitation on mortgage-backed securities. For purposes of this subsection, "interest rate risk" means market value changes due to changes in current interest rates.

(k) On and after July 1, 1996:

(1) Except as provided in paragraph (2), the weighted average maturity of all investments in the municipal investment pool fund shall not exceed the weighted average maturity of all deposits in the municipal investment pool fund by more than 100%, except that the weighted average maturity of investments in such fund shall not exceed the weighted average maturity of deposits in such fund by more than 90 days.

(2) The pooled money investment board, for the purposes of insuring and maintaining the soundness of and the liquidity of the municipal investment pool fund, may increase the ninety-day limitation contained in paragraph (1), except that such increase shall not exceed 180 days. The increased limitations established by the board under this paragraph shall be effective for periods not exceeding 120 days. Upon the expiration of the limitations established pursuant to this paragraph (2), the limitations contained in paragraph (1) shall be applicable, unless the board establishes new limitations under the provisions of this paragraph (2).

(3) For the purpose of determining the weighted average maturity under this subsection, all deposits in the municipal investment pool fund without a stated maturity shall be assumed to have a maturity of one day.

(4) The pooled money investment board shall not be required to sell any investments at a loss held by the municipal investment pool fund on the effective date of this act in order to meet the requirements of paragraphs (1) or (2) of this subsection.

(l) The pooled money investment board shall not: (A) Invest moneys in the municipal investment pool fund in derivatives, except in direct obligations of the United States of America; (B) enter into reverse repurchase agreements, except for the purposes authorized under subsection (b) of K.S.A. 1994 Supp. 12-1677c, and amendments thereto.

(m) On and after January 1, 1996, investments made under paragraph (2) of subsection (a) of K.S.A. 75-4209, and amendments thereto, shall not be exchanged with investments of the municipal investment pool fund without prior approval of the pooled money investment board and the prior approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto. All such exchanges shall be made in accordance with generally accepted accounting principles.

(n) The pooled money investment board may adopt such rules and regulations for the management of such moneys and investments in the municipal investment pool fund as the board deems necessary.

(\*) (o) For the purpose of this section:

(1) "Municipality" means those entities specified in subsection (a) of K.S.A. 12-1675, and amendments thereto;

(2) "derivatives" means a financial contract whose value depends on the value of an underlying asset or index of asset values; and

(3) "weighted average maturity" means: (A) For investments, the sum of the total number of days to maturity for each individual security multiplied by the par value of each individual security divided by the sum of the par values of all securities; and (B) for deposits, the sum of the total number of days for each individual deposit multiplied by the dollar value of each individual deposit divided by the sum of the dollar values of all deposits.

Sec. 2. K.S.A. 1994 Supp. 75-4209 is hereby amended to read as follows: 75-4209. (a) After the board determines the liquidity needs for the state, and determines the varying maturities of the investment accounts to be offered and the amount of state moneys to be invested in each of the maturities offered, in accordance with rules and regulations adopted pursuant to K.S.A. 1994 Supp. 75-4232, and amendments thereto, the board shall make available state moneys eligible for investment accounts in the following manner:

(1) (A) The board shall offer to qualified banks, on a competitive bid basis, state moneys for deposit in investment accounts at maturities of not more than four years and such bids shall be at a rate of at least the market rate, as defined in subsection (k) of K.S.A. 75-4201, and amendments thereto.

(B) As part of the offering under subparagraph (A) the board shall offer to qualified banks, on a twelve-month average, 50% of the amount of state moneys available for investment or \$350,000,000, whichever amount is greater, at maturities of not more than four years and at the investment rate as defined in subsection (l) of K.S.A. 75-4201, and amendments thereto. Such accounts shall be apportioned by the board among the banks which propose to receive such accounts and which qualify therefor on the basis of the ratio of each bank's combined capital, undivided profits and surplus to the total capital, undivided profits and surplus of all such banks.

(C) Qualified banks shall be determined in accordance with requirements established by rules and regulations adopted pursuant to K.S.A. 1994 Supp. 75-4232, and amendments thereto.

(2) The board may invest and reinvest state moneys eligible for investment which are not invested in accordance with paragraph (1), in the following investments:

(A) Direct obligations of, or obligations that are insured as to principal and interest by, the United States of America or any agency thereof and obligations and securities of the United States sponsored enterprises which under federal law may be accepted as security for public funds, except that not more than 10% of the moneys available for investment under this subsection may be invested in mortgage backed securities of such enterprises and of the government national mortgage association;

(B) repurchase agreements with a Kansas bank or a primary govern-

ment securities dealer which reports to the market reports division of the federal reserve bank of New York for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof and obligations and securities of United States government sponsored enterprises which under federal law may be accepted as security for public funds; or

(C) investments in SKILL act projects and bonds pursuant to K.S.A. 1994 Supp. 74-8920, and amendments thereto, and investments in any state agency bonds or bond project; or

(D) until July 1, 1996, in the municipal investment pool fund, created under K.S.A. 1994 Supp. 12-1677a, and amendments thereto, in accordance with the policies adopted by the board on January 30, 1995. Any investment of such state moneys in such fund prior to the effective date of this act are hereby authorized, confirmed and validated. On July 1, 1996, all state moneys invested in the municipal investment pool fund under this paragraph shall be removed from such fund.

(b) At any time moneys are available for deposits or investments for a period of time which is insufficient to permit deposit in investment accounts or to provide for the liquidity needs for the state, the board may invest such moneys in repurchase agreements as authorized in subparagraph (B) of paragraph (2) of subsection (a).

(c) When moneys are available for deposits or investments, the board may invest in preferred stock of Kansas venture capital, inc., under terms and conditions prescribed by K.S.A. 74-8203, and amendments thereto, but such investments shall not in the aggregate exceed a total amount of \$10,000,000.

(d) When moneys are available for deposits or investments, the board may invest in loans pursuant to legislative mandates, except that not more than the lesser of 10% or \$80,000,000 of the state moneys shall be invested.

(e) Interest on investment accounts in banks is to be paid at maturity, but not less than annually.

(f) Investments made by the board under the provisions of this section shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

(g) Investments under subsection (a) shall be for a period not to exceed four years, except for investments in mortgage-backed securities.

(h) Investments in securities under subparagraph (A) of paragraph (2) of subsection (a) shall be limited to securities which do not have any more interest rate risk than do direct United States government obligations of similar maturities except for the 10% limitation on mortgage-backed securities. For purposes of this subsection, "interest rate risk" means market value changes due to changes in current interest rates.

(i) On and after July 1, 1996, the board shall not invest state moneys eligible for investment under paragraph (2) of subsection (a), in the municipal investment pool fund, created under K.S.A. 1994 Supp. 12-1677a, and amendments thereto.

Sec. 3. K.S.A. 1994 Supp. 75-4221a is hereby amended to read as follows: 75-4221a. (a) There is hereby established the pooled money investment board which shall consist of five members, four of whom shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b and amendments thereto. The fifth member shall be the state treasurer. Not more than three members of the board shall be of the same political party. At least three All members appointed to the board shall be persons with not less than five 10 years of direct work experience in the management of fixed income securities as an investment or trust officer for a financial institution, association or corporation or is currently a certified public accountant or certified financial planner. Members currently serving on the board shall continue to serve their current terms as members of the board.

(b) On July 1, 1992, the two appointive board members serving on the board immediately prior to such date shall cease to be members of the board and on such date, or as soon thereafter as possible, the governor shall appoint four members to the board to serve for terms as specified by this subsection. The two appointive members serving on the board immediately prior to July 1, 1992, may be reappointed to the board on or after such date under this subsection. Of the members first appointed on or after July 1, 1992, two members shall be appointed for a term commencing on July 1, 1992, and ending on June 30, 1994, and two

(continued)

members shall be appointed for a term commencing on July 1, 1992, and ending on June 30, 1996. The governor shall designate the term for each member so appointed. Thereafter, members appointed to the board shall serve for four-year terms and until their successors are appointed and qualified. Whenever a vacancy occurs in the membership of the board prior to the expiration of a term of office, the governor shall appoint a qualified successor to fill the unexpired term.

(c) Members of the pooled money investment board attending meetings of such board, or attending a subcommittee meeting thereof authorized by such board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223 and amendments thereto.

Sec. 4. K.S.A. 1994 Supp. 75-4263 is hereby amended to read as follows: 75-4263. (a) Except as provided in subsection (b), moneys of a state agency or public instrumentality of this state which may be invested by the pooled money investment board expressly for such agency or instrumentality, or invested directly by the agency or instrumentality, may be invested in the municipal investment pool fund established in K.S.A. 1994 Supp. 12-1677a and amendments thereto. Such agency or instrumentality shall be treated as a municipality for purposes of participation in such fund.

(b) On and after July 1, 1996, state moneys eligible for investment under paragraph (2) of subsection (a) of K.S.A. 75-4209, and amendments thereto, shall not be invested in the municipal investment pool fund.

New Sec. 5. (a) There is hereby established the municipal investment pool advisory committee which shall have nine voting members. Initially, the league of Kansas municipalities shall nominate six persons of whom the governor shall appoint three to be members of the advisory committee. Initially, the association of counties shall nominate six persons of whom the governor shall appoint three to be members of the advisory committee. Initially, the Kansas association of school boards shall nominate six persons of whom the governor shall appoint three to be members of the advisory committee. Of the persons initially appointed to the advisory committee, one from each of the three members nominated by each nominating body and appointed by the governor to be members shall have a term of four years. Of the persons initially appointed to the advisory committee, one from each of the three members nominated by each nominating body and appointed by the governor to be members of the advisory committee shall have terms of two years. Of the persons initially appointed to the advisory committee, one from each of the three members nominated by each nominating body and appointed by the governor to be members of the advisory committee shall have terms of one year. Of the persons so appointed the governor shall designate the term of each in accordance with the above. The governor shall also appoint two nonvoting ex officio members of the advisory committee to serve for terms of three years. One of such ex officio members shall be selected by the governor from three persons nominated by the Kansas bankers association.

(b) Upon the expiration of the terms of each member initially appointed to the advisory committee, the nominating body specified in subsection (a) which nominated the member whose term has expired shall nominate three persons to fill such vacancy, and the governor shall appoint one of such persons to fill such vacancy for a term of four years. In like manner persons shall be nominated and appointed to fill all vacancies which occur upon the expiration of a member's term and each person so appointed shall serve for a term of four years. When a vacancy occurs before the term of the member expires, the vacancy shall be filled for the balance of the unexpired term in the same manner as for vacancies occurring when terms expire.

(c) The municipal investment pool advisory committee shall organize annually by electing from its members a chairperson and vice-chairperson. The advisory committee shall meet on call of the chairperson or any four voting members, or upon call of the state treasurer. Members of the advisory committee shall receive such compensation and expense reimbursement as is provided by the governing body of the city, county or board of education which nominated such member.

(d) Persons nominated under subsection (a), and members appointed to the advisory committee, except ex officio members, shall be from a city, county or school district that is an active participant in the municipal investment pool fund. Nominees and members appointed to the advisory committee shall be from geographically diverse areas and communities of the state. Persons nominated and members appointed to the advisory committee shall be nominated and appointed without regard to political

party affiliation. Nominees and members appointed to the advisory committee shall be educated in, and have substantial work experience in, matters of money management and investments. Such education and work experience may be as an investment manager, municipal investment officer or trust officer for a financial institution, association or corporation or be a currently certified public accountant, certified financial analyst or certified cash manager. In lieu of such education and work experience, nominees and members appointed to the advisory board may have substantial experience as a local government money manager.

(e) The municipal government investment pool advisory committee shall advise the state treasurer on matters of investment strategies, policies and operational procedures for the municipal investment pool fund.

Sec. 6. K.S.A. 1994 Supp. 12-1677a, 75-4209, 75-4221a and 75-4263 are hereby repealed.

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

(Published in the Kansas Register May 4, 1995.)

#### HOUSE BILL No. 2588

AN ACT creating the department of agriculture; relating to the appointment of the secretary of agriculture and the state board of agriculture; amending K.S.A. 1994 Supp. 75-2935 and repealing the existing section; also repealing K.S.A. 74-502, 74-503 and 74-504c, K.S.A. 1994 Supp. 75-2935, as amended by section 15 of 1995 Senate Substitute for House Bill No. 2384, and sections 1 through 14 of 1995 Senate Substitute for House Bill No. 2384.

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

New Section 1. (a) On and after the effective date of this act, in order to reorganize the administration, planning and regulation of the state's agriculture industry there is hereby established within the executive branch of government the Kansas department of agriculture, which shall be administered under the direction and supervision of a secretary of agriculture.

(b) The state board of agriculture, established pursuant to section 3, shall nominate three individuals to the governor for the appointment as secretary of agriculture. The governor either shall select and appoint a person nominated to be secretary or shall reject the nominations and request the board to nominate three new individuals for the appointment as secretary. Upon receipt of any such request for the nomination of three new individuals, the board shall nominate three new individuals for the appointment as secretary in the same manner. The nominees shall have a demonstrated executive and administrative ability to discharge the duties of the office of secretary. Every appointed secretary of agriculture shall be appointed subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. The secretary shall be a member of the governor's cabinet. The secretary shall serve at the pleasure of the governor. The secretary shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary to be fixed by the governor. The acting secretary of agriculture who is serving as the secretary on the effective date of this act shall be the secretary of agriculture as established by this act, shall serve at the pleasure of the governor and shall be subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Any action of the Senate taken prior to the effective date of this act which confirms an individual as the secretary of agriculture is hereby validated and shall constitute confirmation by the Senate of such individual as secretary of agriculture under this section.

(c) The secretary shall organize an annual public informational meeting. The meeting shall take place in each congressional district on a rotating basis.

(d) The provisions of the Kansas governmental operations accountability law apply to the office of secretary of agriculture and the Kansas department of agriculture, and the office and department are subject to audit, review and evaluation under such law.

New Sec. 2. The secretary of agriculture may appoint an assistant secretary or secretaries of agriculture, who shall serve at the pleasure of the secretary of agriculture. Any such assistant secretary of agriculture shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of agriculture with the approval of the governor. The secretary of agriculture also may appoint such other staff assistants and employees as are necessary to enable the secretary to carry out the duties of the office. Except as otherwise provided in this act and in K.S.A. 75-2935, and amendments thereto, such



staff assistants and employees shall be within the classified service under the Kansas civil service act. The assistant secretary or secretaries of agriculture and such other staff assistants and employees shall be within the department of agriculture and shall have such powers, duties and functions as are assigned to them by the secretary or are prescribed by law. Such assistant secretary or secretaries of agriculture, staff assistants and employees shall act for and exercise the powers of the secretary of agriculture to the extent authority to do so is delegated by the secretary of agriculture.

New Sec. 3. (a) On the effective date of this act, there is hereby created within and as part of the department of agriculture a state board of agriculture.

(b) The board shall be composed of nine members who shall be appointed by the governor. One member shall be appointed from each congressional district with the remaining members appointed at large, however, no two members shall reside in the same county at the time of their appointment. At no time shall more than five members of the board of agriculture be members of the same political party.

(c) Subsequent redistricting shall not disqualify any member of the board from service for the remainder of such member's term.

(d) The regular term of office of members of the board of agriculture shall be four years. Regular terms shall commence on the second Monday in January following appointment of the board member.

(e) Of the members of the board appointed in the year 1995: (1) Four members shall have terms ending on the second Monday in January 2001 and no more than two such members shall be members of the same political party; and (2) five members shall have terms ending on the second Monday in January 1999 and no more than three such members shall be members of the same political party.

(f) Any member appointed subsequent to 1995 shall be appointed for a four-year term, unless such appointment is to fill the unexpired term where a vacancy has occurred on the board, in which case the member shall be appointed for the remainder of the unexpired term.

(g) No officer or employee of the department of agriculture shall be a member of the state board of agriculture.

New Sec. 4. (a) The initial meeting of the board shall commence following the appointment of all board members by the governor. The governor shall certify to the secretary of state that all board members have been appointed. Such certification shall be published in the Kansas register. One week following such publication, the board shall meet in the office of the secretary of state in the state capitol building, and such meeting shall commence at 10:00 o'clock a.m. The initial meeting of the board may be recessed and moved to another meeting place by common consent of the members.

(b) Meetings of the board subsequent to its initial meeting shall be held and conducted as provided in this act in accordance with policies and procedures established by the board.

(c) Commencing at the time of the initial meeting of the board, the powers, authorities, duties and responsibilities conferred and imposed upon the board by this act shall be operative and effective.

New Sec. 5. At the board's initial meeting and at the board's first meeting after the second Monday in January of each odd-numbered year, the board shall organize by election of a chairperson, vice-chairperson and such other officers as the board deems appropriate.

New Sec. 6. A quorum of the board shall be five members and no meeting shall commence until a quorum is present, but any number of members less than a quorum may recess a meeting to a later time. Official actions of the board shall be adopted by a favorable vote of five or more members. A recorded vote shall be taken and made a part of the board's public record.

New Sec. 7. The state board of agriculture may authorize members thereof to attend in-state meetings for participation in matters of agricultural interest to the state of Kansas, and when attending a meeting so authorized, members shall receive compensation and travel expenses and subsistence allowances as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature. Whenever under any provision of law, a member of the state board of agriculture is authorized to attend an out-of-state meeting, or whenever the state board of agriculture authorizes one of its members to attend an out-of-state meeting for participation in matters of agricultural interest to the state of Kansas, such members, when attending a meeting so authorized, shall receive compensation and travel expenses and subsistence allowances as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature.

New Sec. 8. The state board of agriculture shall have such powers, duties and functions as prescribed by this section. The board shall serve in an advisory capacity to the governor and the secretary to review and make recommendations on department legislative initiatives and proposed rules and regulations or proposed revised rules and regulations prior to the submission of such rules and regulations to the secretary of administration pursuant to K.S.A. 77-420, and amendments thereto, other than rules and regulations pertaining to personnel matters of the department and rules and regulations of the division of water resources. The board shall not have any powers, duties or functions concerning the day-to-day operations of the department of agriculture.

New Sec. 9. (a) The state board of agriculture created by K.S.A. 74-503, and amendments thereto, and the office of secretary of the state board of agriculture created by K.S.A. 74-503, and amendments thereto, are hereby abolished.

(b) Except as otherwise provided by this act, all of the powers, duties and functions of the existing state board of agriculture and the existing secretary of the state board of agriculture are hereby transferred to and conferred and imposed upon, the department of agriculture and the secretary of agriculture established by this act.

(c) Except as otherwise provided by this act, the department of agriculture and the secretary of agriculture established by this act shall be the successor in every way to the powers, duties and functions of the state board of agriculture and the secretary of agriculture in which the same were vested prior to the effective date of this act. Every act performed in the exercise of such powers, duties and functions by or under the authority of the department of agriculture or the secretary of agriculture established by this act shall be deemed to have the same force and effect as if performed by the state board of agriculture or the secretary of the state board of agriculture, respectively, in which such powers, duties and functions were vested prior to the effective date of this act.

(d) Except as otherwise provided by this act, whenever the state board of agriculture, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the secretary of agriculture established by this act.

(e) Except as otherwise provided by this act, whenever the secretary of the state board of agriculture, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the secretary of agriculture established by this act.

(f) All rules and regulations of the state board of agriculture or the secretary of the state board of agriculture in existence on the effective date of this act shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary of agriculture established by this act until revised, amended, revoked or nullified pursuant to law.

(g) All rules and regulations of the division of water resources of the state board of agriculture or the chief engineer of the division of water resources of the state board of agriculture in existence on the effective date of this act shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the chief engineer of the division of water resources of the department of agriculture established by this act until revised, amended, revoked or nullified pursuant to law.

(h) All orders and directives of the state board of agriculture or the secretary of the state board of agriculture in existence on the effective date of this act shall continue to be effective and shall be deemed to be orders and directives of the secretary of agriculture established by this act, until revised, amended or nullified pursuant to law.

(i) On the effective date of this act, the secretary of agriculture shall succeed to whatever right, title or interest the state board of agriculture has acquired in any real property in this state, and the secretary shall hold the same for and in the name of the state of Kansas. On and after the effective date of this act, whenever any statute, contract, deed or other document concerns the power or authority of the state board of agriculture or the secretary of the state board of agriculture to acquire, hold or dispose of real property or any interest therein, the secretary of agriculture shall succeed to such power or authority.

(j) The secretary of agriculture established by this act shall be continuations of the state board of agriculture and the secretary of the state board of agriculture.

New Sec. 10. (a) The secretary of agriculture may organize the de-

(continued)

partment of agriculture in the manner the secretary deems most efficient, so long as the same is not in conflict with the provisions of this act or with the provisions of law, and the secretary may establish policies governing the transaction of business of the department and the administration of each of the divisions within the department. The chief administrative officer of each division of the department shall be within the classified service under the Kansas civil service act and shall perform such duties and exercise such powers as the secretary of agriculture may prescribe and such duties and powers as are prescribed by law. Such chief administrative officers shall act for and exercise the powers of the secretary of agriculture to the extent authority to do so is delegated by the secretary of agriculture.

(b) Except as otherwise provided in this act, and subject to the Kansas civil service act, the chief administrative officer of each division of the department of agriculture shall appoint all subordinate officers and employees of such officer's division, subject to the approval of the secretary, and all such subordinate officers and employees shall be within the classified service of the Kansas civil service act. Personnel of each such division shall perform such duties and exercise such powers as the chief administrative officer of their division to the extent authority to do so is delegated by such administrative officer.

New Sec. 11. Except as otherwise provided in this act, on the effective date of this act, officers and employees who, immediately prior to such date, were engaged in the performance of powers, duties or functions of any state agency or office which is abolished by this act, or which becomes a part of the department of agriculture, or the powers, duties and functions of which are transferred to the secretary of agriculture, and who, in the opinion of the secretary of agriculture, are necessary to perform the powers, duties and functions of the department of agriculture, shall be transferred to, and shall become officers and employees of the department. Any such officer or employee shall retain all retirement benefits and all rights of civil service which had accrued to or vested in such officer or employee prior to the effective date of this act. The service of each such officer and employee so transferred shall be deemed to have been continuous. All transfers and any abolition of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder.

New Sec. 12. (a) When any conflict arises as to the disposition of any power, function or duty or the unexpended balance of any appropriation as a result of any abolition, transfer, attachment or change made by or under authority of this act, such conflict shall be resolved by the governor, whose decision shall be final.

(b) The secretary of agriculture shall succeed to all property and records which were used for or pertain to the performance of the powers, duties and functions transferred to the secretary of agriculture. Any conflict as to the proper disposition of property or records arising under this section, and resulting from the transfer, attachment or abolition of any state agency, or all or part of the powers, duties and functions thereof, shall be determined by the governor, whose decision shall be final.

New Sec. 13. (a) The secretary of agriculture shall have the legal custody of all records, memoranda, writings, entries, prints, representations or combinations thereof of any act, transaction, occurrence or event of the department of agriculture and any agency or office abolished or transferred thereto under this act.

(b) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency mentioned in this act, or by or against any officer of the state in such officer's official capacity or in relation to the discharge of such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this act. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(c) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this act.

New Sec. 14. (a) On the effective date of this act, the balance of all funds appropriated and reappropriated to any of the state agencies abolished by this act is hereby transferred to the secretary of agriculture and shall be used only for the purpose for which the appropriation was originally made.

(b) On the effective date of this act, the liability for all accrued compensation or salaries of officers and employees who, immediately prior to such date, were engaged in the performance of powers, duties or func-

tions of any state agency or office abolished by this act, or which becomes a part of the department of agriculture established by this act, or the powers, duties and functions of which are transferred to the secretary of agriculture provided for by this act, shall be assumed and paid by the secretary of agriculture established by this act.

Sec. 15. K.S.A. 1994 Supp. 75-2935 is hereby amended to read as follows: 75-2935. The civil service of the state of Kansas is hereby divided into the unclassified and the classified services.

(1) The unclassified service comprises positions held by state officers or employees who are:

(a) Chosen by election or appointment to fill an elective office;

(b) members of boards and commissions, heads of departments required by law to be appointed by the governor or by other elective officers, and the executive or administrative heads of offices, departments, divisions and institutions specifically established by law;

(c) except as otherwise provided under this section, one personal secretary to each elective officer of this state, and in addition thereto, 10 deputies, clerks or employees designated by such elective officer;

(d) all employees in the office of the governor;

(e) officers and employees of the senate and house of representatives of the legislature and of the legislative coordinating council and all officers and employees of the office of revisor of statutes, of the legislative research department, of the division of legislative administrative services, of the division of post audit and the legislative counsel;

(f) chancellor, president, deans, administrative officers, student health service physicians, pharmacists, teaching and research personnel, health care employees and student employees in the institutions under the state board of regents, the executive officer of the board of regents and the executive officer's employees other than clerical employees; and, at the discretion of the state board of regents, directors or administrative officers of departments and divisions of the institution and county extension agents, except that this subsection (1)(f) shall not be construed to include the custodial, clerical or maintenance employees, or any employees performing duties in connection with the business operations of any such institution, except administrative officers and directors; as used in this subsection (1)(f), "health care employees" means employees of the university of Kansas medical center who provide health care services at the university of Kansas medical center and who are medical technicians or technologists or respiratory therapists, who are licensed professional nurses or licensed practical nurses, or who are in job classes which are designated for this purpose by the chancellor of the university of Kansas upon a finding by the chancellor that such designation is required for the university of Kansas medical center to recruit or retain personnel for positions in the designated job classes; and employees of any institution under the state board of regents who are medical technologists;

(g) operations, maintenance and security personnel employed to implement agreements entered into by the adjutant general and the federal national guard bureau, and officers and enlisted persons in the national guard and the naval militia;

(h) persons engaged in public work for the state but employed by contractors when the performance of such contract is authorized by the legislature or other competent authority;

(i) persons temporarily employed or designated by the legislature or by a legislative committee or commission or other competent authority to make or conduct a special inquiry, investigation, examination or installation;

(j) officers and employees in the office of the attorney general and special counsel to state departments appointed by the attorney general, except that officers and employees of the division of the Kansas bureau of investigation shall be in the classified or unclassified service as provided in K.S.A. 75-711, and amendments thereto;

(k) all employees of courts;

(l) client, patient and inmate help in any state facility or institution;

(m) all attorneys for boards, commissions and departments;

(n) the secretary and assistant secretary of the Kansas state historical society;

(o) physician specialists, dentists, dental hygienists, pharmacists and medical technologists employed by the commissioner of mental health and retardation services and assigned by the commissioner to a position in mental health and retardation services or any institution under the supervision of the state department of social and rehabilitation services;

(p) physician specialists, dentists and medical technologists employed



by any board, commission or department or by any institution under the jurisdiction thereof;

(q) student employees enrolled in public institutions of higher learning;

(r) administrative officers, directors and teaching personnel of the state board of education and the state department of education and of any institution under the supervision and control of the state board of education, except that this subsection (1)(r) shall not be construed to include the custodial, clerical or maintenance employees, or any employees performing duties in connection with the business operations of any such institution, except administrative officers and directors;

(s) all officers and employees in the office of the secretary of state;

(t) one personal secretary and one special assistant to the following: The secretary of administration, the secretary of aging, the secretary of agriculture, the secretary of commerce and housing, the secretary of corrections, the secretary of health and environment, the superintendent of the Kansas highway patrol, the secretary of human resources, the secretary of revenue, the secretary of social and rehabilitation services, the secretary of transportation and the secretary of wildlife and parks;

(u) one personal secretary and one special assistant to the chancellor and presidents of institutions under the state board of regents;

(v) one personal secretary and one special assistant to the executive vice chancellor of the university of Kansas medical center;

(w) one public information officer and one chief attorney for the following: The department of administration, the department on aging, the department of agriculture, the department of commerce and housing, the department of corrections, the department of health and environment, the department of human resources, the department of revenue, the department of social and rehabilitation services, the department of transportation and the Kansas department of wildlife and parks;

(x) civil service examination monitors;

(y) one executive director, one general counsel and one director of

public affairs and consumer protection in the office of the state corporation commission;

(z) specifically designated by law as being in the unclassified service.

(2) The classified service comprises all positions now existing or hereafter created which are not included in the unclassified service. Appointments in the classified service shall be made according to merit and fitness from eligible lists prepared upon the basis of examination which so far as practicable shall be competitive. No person shall be appointed, promoted, reduced or discharged as an officer, clerk, employee or laborer in the classified service in any manner or by any means other than those prescribed in the Kansas civil service act and the rules adopted in accordance therewith.

(3) For positions involving unskilled, or semiskilled labor, the secretary of administration, as provided by law, shall establish rules and regulations concerning certifications, appointments, layoffs and reemployment which may be different from the rules and regulations established concerning these processes for other positions in the classified service.

(4) Officers authorized by law to make appointments to positions in the unclassified service, and appointing officers of departments or institutions whose employees are exempt from the provisions of the Kansas civil service act because of the constitutional status of such departments or institutions shall be permitted to make appointments from appropriate registers of eligibles maintained by the division of personnel services.

Sec. 16. K.S.A. 74-502, 74-503 and 74-504c and K.S.A. 1994 Supp. 75-2935 are hereby repealed.

Sec. 17. On and after July 1, 1995, K.S.A. 1994 Supp. 75-2935, as amended by section 15 of 1995 Senate Substitute for House Bill No. 2384, and sections 1 through 14 of 1995 Senate Substitute for House Bill No. 2384 are hereby repealed.

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

**INDEX TO ADMINISTRATIVE REGULATIONS**

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

**AGENCY 1: DEPARTMENT OF ADMINISTRATION**

Reg. No.	Action	Register
1-2-20	New	V. 14, p. 172, 483
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, 483
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
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1-49-11	New
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1-63-2	New

**AGENCY 2: MUNICIPAL ACCOUNTING BOARD**

Reg. No.	Action	Register
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**AGENCY 4: BOARD OF AGRICULTURE**

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AGENCY 7: SECRETARY OF STATE

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AGENCY 19: KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

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30-6-60w	New	V. 13, p. 1710
30-6-65w	New	V. 13, p. 1710
30-6-70w	New	V. 13, p. 1711
30-6-72w	New	V. 13, p. 1711
30-6-77	Amended	V. 13, p. 1711
30-6-77w	New	V. 13, p. 1712
30-6-78w	New	V. 13, p. 1712
30-6-81w	New	v. 13, p. 1713
30-6-82w	New	V. 13, p. 1713
30-6-85w	New	V. 13, p. 1713
30-6-86w	New	V. 13, p. 1713
30-6-87w	New	V. 13, p. 1713
30-6-94w	New	V. 13, p. 1714
30-6-103	Amended	V. 13, p. 1714
30-6-103w	New	V. 13, p. 1714
30-6-105w	New	V. 13, p. 1715
30-6-106	Amended	V. 13, p. 1966
30-6-106w	Amended	V. 13, p. 1968
30-6-107	Amended	V. 13, p. 1717
30-6-107w	New	V. 13, p. 1717
30-6-109	Amended	V. 13, p. 735
30-6-109w	New	V. 13, p. 1717
30-6-110w	New	V. 13, p. 1719
30-6-111	Amended	V. 13, p. 1719
30-6-111w	New	V. 13, p. 1720
30-6-112	Amended	V. 13, p. 1722
30-6-112w	New	V. 13, p. 1723
30-6-113	Amended	V. 13, p. 1724
30-6-113w	New	V. 13, p. 1725
30-6-150	Amended	V. 12, p. 1745, 1789
30-6-150w	New	V. 13, p. 1726
30-7-100	Amended	V. 12, p. 398
30-10-1a	Amended	V. 13, p. 1163
30-10-1b	Amended	V. 13, p. 1165
30-10-1c	Amended	V. 12, p. 1748
30-10-1d	Amended	V. 12, p. 1748
30-10-2	Amended	V. 13, p. 1165
30-10-6	Amended	V. 14, p. 4
30-10-7	Amended	V. 14, p. 5
30-10-11	Amended	V. 12, p. 1749
30-10-15a	Amended	V. 12, p. 1751
30-10-17	Amended	V. 12, p. 1753
30-10-18	Amended	V. 13, p. 1167
30-10-19	Amended	V. 12, p. 1756
30-10-20	Amended	V. 14, p. 169
30-10-23a	Amended	V. 12, p. 1756
30-10-25	Amended	V. 12, p. 1757
30-10-28	Amended	V. 12, p. 1758
30-31-7	Amended	V. 12, p. 901, 975
30-41-1	Amended	V. 13, p. 1970
30-44-2	New	V. 13, p. 1971
30-44-3	New	V. 13, p. 1972
30-46-10	Amended	V. 12, p. 1231
30-65-1	New	V. 12, p. 1592, 1632
30-65-2	New	V. 12, p. 1593, 1633
30-65-3	New	V. 12, p. 1593, 1633

AGENCY 33: DEPARTMENT OF WILDLIFE AND PARKS

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

AGENCY 36: DEPARTMENT OF TRANSPORTATION

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

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-22	Amended	V. 13, p. 185
40-1-39	New	V. 12, p. 1563
40-1-41	New	V. 12, p. 1563
40-2-23	New	V. 12, p. 1564
40-3-10	Revoked	V. 12, p. 1564
40-3-32	Amended	V. 12, p. 1564
40-3-33	Amended	V. 12, p. 1565
40-3-47	Amended	V. 13, p. 185
40-3-50	New	V. 12, p. 1568
40-4-2	Amended	V. 12, p. 1568
40-4-41	New	V. 14, p. 583
40-4-41a through		
40-40-41g	New	V. 14, p. 584-587
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		V. 13, p. 89-91,
56-3-6	New	111-112

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-1-101	Revoked	V. 12, p. 1205
60-1-102	Amended	V. 12, p. 348
60-1-103	Amended	V. 12, p. 348
60-3-101	Amended	V. 12, p. 348
60-3-102	Amended	V. 13, p. 1498
60-3-104	Revoked	V. 13, p. 365
60-3-105	Amended	V. 13, p. 365
60-3-106	Amended	V. 13, p. 365
60-3-106a	New	V. 13, p. 365
60-3-110	Amended	V. 13, p. 1086
60-3-111	New	V. 12, p. 349
60-4-101	Amended	V. 13, p. 1964
60-4-103	Amended	V. 13, p. 365
60-7-104	Amended	V. 13, p. 366
60-7-106	Amended	V. 13, p. 1086
60-7-108	New	V. 12, p. 349
60-8-101	Amended	V. 13, p. 1964
60-9-105	Amended	V. 12, p. 349
60-9-107	Amended	V. 12, p. 1206
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

(continued)

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
102-1-4	Amended	V. 14, p. 488
102-1-5	Amended	V. 14, p. 488
102-1-13	Amended	V. 12, p. 1038
102-2-3	Amended	V. 14, p. 588
102-4-1	Amended	V. 14, p. 489
102-4-4	Amended	V. 14, p. 490
102-4-5	Amended	V. 14, p. 490
102-4-6	Amended	V. 14, p. 491
102-4-7	Revoked	V. 14, p. 492
102-4-10	Amended	V. 14, p. 492
102-5-1		
through		
102-5-12	New	V. 12, p. 189-194
102-5-2	Amended	V. 12, p. 1038

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

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

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-1-1	Amended	V. 13, p. 1928
109-2-5	Amended	V. 12, p. 1015
109-2-8	Amended	V. 12, p. 1016
109-5-1	Amended	V. 13, p. 1649
109-8-1	Amended	V. 13, p. 1650
109-9-4	Amended	V. 12, p. 1874
109-9-5	Amended	V. 12, p. 1875
109-10-1	Amended	V. 14, p. 235
109-10-2	New	V. 12, p. 1091
109-10-3	New	V. 12, p. 1875
109-10-4	New	V. 12, p. 1876
109-10-5	New	V. 13, p. 1651
109-11-1	Amended	V. 12, p. 1876
109-11-4	Amended	V. 12, p. 1019
109-11-8	Amended	V. 12, p. 1876
109-13-1	New	V. 12, p. 1877
109-13-3	New	V. 12, p. 1877

AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING

Reg. No.	Action	Register
110-6-1		
through		
110-6-6	New	V. 12, p. 1294, 1295 1489, 1490
110-7-1		
through		
110-7-4	New	V. 13, p. 1407, 1408 1571, 1572
110-6-7	New	V. 12, p. 1490
110-40-5	Amended	V. 13, p. 1132

AGENCY 111: THE KANSAS LOTTERY

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 13, p. 1045

111-2-1	Amended	V. 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			111-4-474 through			111-5-17 Amended	V. 8, p. 211
111-4-365 Revoked	V. 12, p. 114, 115		111-4-488 New	V. 12, p. 522-524		111-5-18 Amended	V. 10, p. 13
111-4-362 Amended	V. 11, p. 13		111-4-489 through			111-5-19 Amended	V. 8, p. 212
111-4-366 through			111-4-492 New	V. 12, p. 861		111-5-21 through	
111-4-379 New	V. 11, p. 136-139		111-4-493 through			111-5-33 New	V. 11, p. 415-418
111-4-366 through			111-4-496 New	V. 12, p. 525		111-5-22 Amended	V. 13, p. 1438
111-4-369 Revoked	V. 12, p. 1373		111-4-497 through			111-5-23 Amended	V. 11, p. 481
111-4-370 through			111-4-500 New	V. 12, p. 913, 914		111-5-24 Amended	V. 11, p. 983
111-4-379 Revoked	V. 14, p. 7, 8		111-4-501 through			111-5-25 Amended	V. 11, p. 482
111-4-380 through			111-4-512 V. 12, p. 1115-1118			111-5-27 Amended	V. 11, p. 482
111-4-383 Revoked	V. 12, p. 1664		111-4-513 through			111-5-28 Amended	V. 12, p. 317
111-4-384 through			111-4-521 V. 12, p. 1374, 1375			111-5-34 New	V. 12, p. 318
111-4-387 Revoked	V. 12, p. 1373		111-4-522 through			111-5-34a Amended	V. 13, p. 1568
111-4-388 through			111-4-530 New	V. 12, p. 1569, 1570		111-5-35 through	
111-4-400 New	V. 11, p. 478-481		111-4-531 through			111-5-38 Revoked	V. 13, p. 1439
111-4-388 through			111-4-534 New	V. 12, p. 1665, 1666		111-6-1 through	
111-4-391 Revoked	V. 12, p. 1373		111-4-535 through			111-6-15 New	V. 7, p. 213-217
111-4-392 Amended	V. 12, p. 520		111-4-542 New	V. 12, p. 1844-1846		111-6-1 Amended	V. 13, p. 339
111-4-394 through			111-4-543 through			111-6-3 Amended	V. 14, p. 313
111-4-400 Amended	V. 12, p. 521, 522		111-4-546 New	V. 13, p. 150		111-6-4 Amended	V. 10, p. 1413
111-4-401 through			111-4-547 through			111-6-5 Amended	V. 13, p. 1405
111-4-404 Revoked	V. 12, p. 1373		111-4-554 New	V. 13, p. 337-339		111-6-6 Amended	V. 11, p. 1973
111-4-405 through			111-4-555 through			111-6-7 Amended	V. 11, p. 1477
111-4-413 New	V. 11, p. 756, 757		111-4-563 New	V. 13, p. 396-398		111-6-7a New	V. 12, p. 1118
111-4-405 Amended	V. 13, p. 877		111-4-564 through			111-6-8 Revoked	V. 12, p. 1263
111-4-407 Amended	V. 13, p. 877		111-4-571 New	V. 13, p. 635-637		111-6-9 Revoked	V. 14, p. 313
111-4-408 Amended	V. 13, p. 877		111-4-572 through			111-6-11 Revoked	V. 12, p. 1376
111-4-409 Amended	V. 11, p. 1474		111-4-585 New	V. 13, p. 878-880		111-6-12 Amended	V. 8, p. 212
111-4-411 Amended	V. 11, p. 1475		111-4-586 through			111-6-13 Amended	V. 8, p. 299
111-4-412 Amended	V. 11, p. 1475		111-4-593 New	V. 13, p. 1047-1049		111-6-15 Amended	V. 12, p. 677
111-4-413 Amended	V. 11, p. 1475		111-4-594 through			111-6-17 Revoked	V. 10, p. 1475
111-4-414 through			111-4-606 New	V. 13, p. 1402-1405		111-6-18 New	V. 13, p. 150
111-4-428 Revoked	V. 14, p. 8		111-4-607 through			111-6-19 New	V. 13, p. 340
111-4-414 Amended	V. 11, p. 1150		111-4-619 New	V. 13, p. 1436-1438		111-6-20 New	V. 13, p. 340
111-4-429 through			111-4-620 through			111-6-21 New	V. 13, p. 881
111-4-432 Revoked	V. 12, p. 1373		111-4-623 New	V. 13, p. 1567		111-6-22 New	V. 13, p. 881
111-4-433 through			111-4-624 through			111-6-23 New	V. 13, p. 881
111-4-436 Revoked	V. 12, p. 1374		111-4-652 New	V. 13, p. 1828-1835		111-7-1 through	
111-4-437 through			111-4-640 Amended	V. 13, p. 1922		111-7-10 New	V. 7, p. 1192, 1193
111-4-444 New	V. 11, p. 1475-1477		111-4-652 Amended	V. 13, p. 1922		111-7-1 Amended	V. 8, p. 212
111-4-437 through			111-4-653 through			111-7-3 Amended	V. 11, p. 1796
111-4-440 Revoked	V. 12, p. 1374		111-4-664 New	V. 13, p. 1923-1925		111-7-3a Revoked	V. 13, p. 340
111-4-441 through			111-4-665 through			111-7-4 Amended	V. 9, p. 1367
111-4-443 Revoked	V. 14, p. 8		111-4-669 New	V. 14, p. 8, 9		111-7-5 Amended	V. 9, p. 986
111-4-445 through			111-4-670 through			111-7-6 Amended	V. 9, p. 987
111-4-453 New	V. 11, p. 1794-1796		111-4-673 New	V. 14, p. 170		111-7-9 Amended	V. 12, p. 1263
111-4-445 through			111-4-674 through			111-7-11 Amended	V. 10, p. 1475
111-4-448 Revoked	V. 12, p. 1374		111-4-677 New	V. 14, p. 312, 313		111-7-12 through	
111-4-449 through			111-4-678 through			111-7-32 New	V. 7, p. 1194-1196
111-4-453 Revoked	V. 14, p. 8		111-4-682 New	V. 14, p. 438, 439		111-7-33 through	
111-4-454 through			111-4-683 through			111-7-43 New	V. 7, p. 1197, 1198
700through			111-4-694 New	V. 14, p. 404-406		111-7-33a New	V. 8, p. 300
111-4-465 Revoked	V. 12, p. 1664, 1665		111-5-1 through			111-7-44 through	
111-4-466 through			111-5-23 New	V. 7, p. 209-213		111-7-54 Revoked	V. 13, p. 340
111-4-473 New	V. 12, p. 316, 317		111-5-9 through			111-7-54 Amended	V. 11, p. 1152
111-4-466 through			111-5-15 Amended	V. 8, p. 210, 211		111-7-55 Amended	V. 11, p. 1511
111-4-473 New	V. 12, p. 316, 317		111-5-11 Amended	V. 9, p. 505		111-7-55 through	
111-4-466 through			111-5-12 Amended	V. 11, p. 415		111-7-63 Revoked	V. 10, p. 1217
111-4-469 Revoked	V. 12, p. 1665					111-7-60 Amended	V. 10, p. 262
111-4-470 Amended	V. 12, p. 522					111-7-64 through	

(continued)

111-7-91 through		
111-7-94	Revoked	V. 13, p. 340
111-7-98	New	V. 12, p. 914
111-7-99 through		
111-7-105	New	V. 12, p. 1376, 1377
111-7-106 through		
111-7-112	New	V. 13, p. 1568, 1569
111-7-113 through		
111-7-117	New	V. 14, p. 171
111-8-1	New	V. 7, p. 1633
111-8-2	New	V. 7, p. 1633
111-8-3	Amended	V. 10, p. 886
111-8-4	New	V. 7, p. 1714
111-8-4a	Revoked	V. 13, p. 1406
111-8-5 through		
111-8-13	New	V. 7, p. 1634
111-8-14	New	V. 13, p. 881
111-8-15	New	V. 13, p. 881
111-9-1 through		
111-9-12	New	V. 7, p. 1714-1716
111-9-1 through		
111-9-6	Revoked	V. 9, p. 1680
111-9-13 through		
111-9-18	Revoked	V. 9, p. 1680
111-9-25 through		
111-9-30	New	V. 9, p. 699, 700
111-9-31 through		
111-9-36	New	V. 10, p. 262
111-9-37 through		
111-9-48	New	V. 10, p. 1439, 1440
111-9-49 through		
111-9-54	New	V. 12, p. 318, 319
111-9-55 through		
111-9-60	New	V. 12, p. 1263, 1264
111-10-1 through		
111-10-9	New	V. 8, p. 136-138
111-10-7	Amended	V. 8, p. 301

**AGENCY 112: KANSAS RACING COMMISSION**

Reg. No.	Action	Register
112-4-1	Amended	V. 14, p. 200
112-4-24	New	V. 12, p. 1153, 1370

112-4-25	New	V. 13, p. 1088
112-5-10	New	V. 13, p. 1088
112-6-1	Amended	V. 13, p. 1088
112-6-2	Amended	V. 13, p. 1088
112-6-9	New	V. 13, p. 1089
112-6-10	New	V. 13, p. 1089
112-7-24	New	V. 13, p. 843, 1090
112-8-13	New	V. 13, p. 1090
112-9-1	New	V. 13, p. 1090
112-9-2	Amended	V. 12, p. 975, 1211
112-9-18a	Amended	V. 12, p. 355, 378
112-9-30	Amended	V. 12, p. 975, 1211
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. 14, p. 535
115-4-1	Amended	V. 12, p. 570
115-4-3	Amended	V. 14, p. 493
115-4-5	Amended	V. 14, p. 494
115-4-6	Amended	V. 14, p. 495
115-4-7	Amended	V. 14, p. 497
115-4-8	Amended	V. 14, p. 498
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. 14, p. 533
117-2-4	Amended	V. 12, p. 529
117-3-1	Amended	V. 12, p. 529
117-3-2	Amended	V. 14, p. 534
117-4-1	Amended	V. 12, p. 1699
117-4-2	Amended	V. 14, p. 534
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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