



Kansas Register

Ron Thornburgh, Secretary of State

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May 23, 1996

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Register Office:
 Room 233-N, State Capitol
 (913) 296-3489

State of Kansas

State Banking Board**Notice of Meeting**

The State Banking Board will meet at 9 a.m. Monday, June 17, in the conference room of the Office of the State Bank Commissioner, Suite 300, Jayhawk Tower, 700 S.W. Jackson, Topeka. The board reviews matters relating to its supervisory authority as set forth in K.S.A. 9-1801 et seq.

W. Newton Male
State Bank Commissioner

Doc. No. 017668

State of Kansas

Social and Rehabilitation Services**Request for Public Testimony**

Opportunity will be provided to present public testimony on the FY 1998 SRS budget immediately following the SRS open meeting June 11 at Staff Development, 300 S.W. Oakley, Topeka. Any organization or individual wishing to present views may do so by contacting Jackie Aubert at (913) 296-6216 by Friday, May 31. Please state the person speaking and the content of testimony. Testimony should be limited to five minutes maximum. Two copies of the testimony are requested at the time of the presentation. Presentations will begin at 10 a.m. and end at noon, or as soon as those present to testify have been given an opportunity.

Rochelle Chronister
Secretary of Social and
Rehabilitation Services

Doc. No. 017687

State of Kansas

Social and Rehabilitation Services**Notice of Hearing on 1997 Low Income Home Energy Assistance Block Grant**

The public is invited to comment on the Department of Social and Rehabilitation Services' plan for using the 1997 Low Income Home Energy Assistance Block Grant. A plan summary is available from SRS area directors or by calling (913) 296-4047.

A teleconference hearing will be at 9 a.m. Tuesday, June 11, for the purpose of receiving public input. The hearing will originate from the Topeka Staff Development Office, 300 S.W. Oakley, and will be interactive with participants at the following SRS offices: Chanute, Emporia, Garden City, Hays, Hutchinson, Kansas City, Lawrence, Manhattan, Olathe, Salina and Wichita. Written comments received by July 5 also will be considered. Comments should be mailed to SRS, Room 651-West, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1570.

Rochelle Chronister
Secretary of Social and
Rehabilitation Services

Doc. No. 017677

State of Kansas

**Department of Administration
Division of Architectural Services****Notice of Commencement of
Negotiations for Architectural Services**

Notice is hereby given of the commencement of negotiations for architectural services for the remodeling of McKinley Hall at Wichita State University for the Department of Chemistry. The estimated project cost is \$15 million.

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

Any questions or expressions of interest should be submitted to Gary Grimes by 5 p.m. June 7.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 017669

State of Kansas

**Department of Administration
Division of Architectural Services****Notice of Commencement of Negotiations
for Architectural/Engineering Services**

Notice is hereby given of the commencement of negotiations for architectural/engineering services for the Department of Wildlife and Parks for the design of Phase II of the Prairie Spirit Rail-Trail within previously-owned Santa Fe railroad right of way. The trail will run from Richmond to Ottawa in Franklin County (approximately 15 miles).

Services will include trail surfacing, trail heads and rest stops, signage, access control barriers, bridge railings, surveying and site development. Work will require a multi-discipline team of landscape architects, architects, engineers (civil and structural) and possibly bicycle/pedestrian trail planners.

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

Any questions or expressions of interest should be submitted to Gary Grimes by 5 p.m. June 7.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 017686

State of Kansas

Board of Emergency Medical Services

Notice of Meeting

The Board of Emergency Medical Services will meet at 9 a.m. Friday, June 7, at the Pozez Education Center, Stormont-Vail Medical Center, 1500 S.W. 10th, Topeka. Agenda items include committee reports, action on I/C and training officer workshop proposals, EMT-B task analyses, enrichment lesson plans and strategic planning.

All meetings of the board are open to the public. For more information, contact the administrator at 109 S.W. 6th, Topeka, 66603, (913) 296-7296.

Bob McDanel
Administrator

Doc. No. 017671

State of Kansas

Social and Rehabilitation Services

Request for Proposals

The Kansas Mental Health and Development Disabilities Commission of SRS (MH&DD) announces the availability of federal Projects for Assistance in Transition from Homelessness (PATH) funds in the amount of \$300,000, of which \$94,713 is available to be distributed to the successful applicant(s) under this request for proposals. The purpose of this grant is to provide assertive outreach to, and engage into mainstream community services and housing for, people who are literally homeless, who have a mental illness and who were previously unknown to or not engaged in the mental health system. In urban areas, the target population may include people found in streets, in shelters and in jails. In rural areas, the target population may include people in unsuitable or unstable housing situations, such as those with no permanent address and/or those who have been living at more than three addresses over the prior six months. Successful completion of the grant includes regular progress reports and accurate counting of services.

Applicants will be funded based on adequacy and completeness of proposal; vendor's understanding of the project; compliance with the terms and conditions of the request; qualified staff, methodology to accomplish tasks, and experience in providing like services; and costs. Only nonprofit or governmental entities may apply. There is a match requirement of providing \$1 of nonfederal services for every \$3 of federal monies used in the program.

To receive a Request for Proposal package, contact Kelly Matthews or Judy Marrs at MH&DD, Docking State Office Building, Room 5-North, 915 S.W. Harrison, Topeka, 66612-1570, (913) 296-3471. Deadline for application is 5 p.m. June 21.

Rochelle Chronister
Secretary of Social and
Rehabilitation Services

Doc. No. 017675

State of Kansas

Department of Human Resources

Request for Proposals

The Kansas Department of Human Resources is soliciting proposals for the establishment of at least four projects under the Neighborhood Improvement and Youth Employment Act, reauthorized by 1996 House Bill 3091. A maximum of \$24,990 per project may be awarded in each congressional district. The grantee must agree to provide in-school youth with a mentor to gain work experience in repairing, maintaining or renovating essential community facilities; in community service; or in work with low-income senior citizens.

Eligible youth must meet income guidelines. Eligible entities include units of local government, nonprofit organizations, Native American tribes, and private businesses. Project duration is June 28, 1996 to July 1, 1998. The deadline for submitting proposals is noon June 21.

A Request for Proposals package is available by contacting Linda J. Weaver, Director, Program Planning and Development Unit, Kansas Department of Human Resources, 401 Topeka Blvd., Topeka, 66603, (913) 296-2159.

Wayne L. Franklin
Secretary of Human Resources

Doc. No. 017696

State of Kansas

Department of Administration
Division of Architectural ServicesNotice of Commencement of
Negotiations for Engineering Services

Notice is hereby given of the commencement of negotiations for a limited study, design and construction inspection services for the rehabilitation and upgrade of the earthen dam and concrete spillway at Ottawa State Fishing Lake in Ottawa County. The dam was built in 1927, and has seepage problems and an inadequate spillway. The lake is 111 surface acres in size and does not have any detention storage. Questions regarding the scope of the project should be directed to Russell LaForce, Department of Wildlife and Parks, (913) 296-2281.

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

Any question or expressions of interest should be submitted to Gary Grimes by 5 p.m. June 7.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 017694

State of Kansas

Social and Rehabilitation Services

Notice of Change of Meeting Date

Previously, the Department of Social and Rehabilitation Services announced that the draft Social and Services Block Grant (SSBG) State Plan for fiscal year 1997 was scheduled to be adopted by the secretary at the June 4 SRS open meeting. Please note the new date for the meeting will be Tuesday, June 11, at 9 a.m. at SRS Staff Development, 300 S.W. Oakley, Topeka.

Rochelle Chronister
Secretary of Social and
Rehabilitation Services

Doc. No. 017676

State of Kansas

Board of Accountancy

Notice of Meeting and Hearing on
Proposed Administrative Regulations

The State Board of Accountancy will conduct a regularly scheduled meeting, as well as a public hearing on proposed administrative regulation amendments, Friday, July 16, in Conference Room 108, Landon State Office Building, 900 S.W. Jackson, Topeka. The meeting will begin at 9 a.m., and the hearing will begin at 11 a.m.

The board is planning to increase fees for CPA certification, examination and licenses to practice under K.A.R. 74-12-1. The fiscal impact will be directly on applicants for the CPA certificate by reciprocity and licensure from other states, candidates seeking to sit for the CPA examination to become Kansas CPAs, and only CPAs holding permits to practice. Present Kansas CPAs not in public practice would not be affected by this fee increase, as the board does not have any annual registration to keep the CPA certificate alive. These fee increases could potentially add between \$30,000 and \$40,000 revenue to the Board of Accountancy fee fund, as well as provide between \$8,000 and \$10,000 to the state's general revenue fund. The proposed fee increases should not have any economic impact on other state agencies, other government bodies or the general public.

Persons interested in agenda items, or in testifying at the hearing, should contact the board office, Suite 556S of the Landon Building, (913) 296-2162. Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting the board office at the above number or the Kansas Relay Center at 1-800-766-3777.

A copy of the full text of the regulation and its economic impact statement may be obtained by contacting the board at the address and phone number given above.

Glenda Moore
Executive Director

Doc. No. 017688

State of Kansas

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, KDOT, Topeka, until 2 p.m. June 19 and then publicly opened:

District One—Northeast

Brown—73-7 K-5845-01—U.S. 73, Mission Creek bridge, bridge overlay. (State Funds)

Brown—7 X-1918-02—Realignment of township road 228 at Baker, grading and surfacing. (Federal Funds)

Districtwide—106 K-5911-01—Various locations throughout the district, guard fence replacement. (State Funds)

Districtwide—106 K-5925-96—Various locations in the district, signing. (State Funds)

Douglas—23 TE-0014-01—Clinton Parkway to ½ mile northeast of U.S. 59 along the South Lawrence Trafficway, 6.5 miles (10.5 kilometers), pedestrian and bicycle paths. (Federal Funds)

Johnson—C-3011-01—County route 2148 from U.S. 56 to the Olathe city limits, 3.2 miles (5.1 kilometers), grading and surfacing. (Federal Funds)

Johnson—46 K-5912-01—Various locations in the county, guard fence replacement. (State Funds)

Johnson—46 N-0059-01—Johnson Drive from Lamar Avenue to Metcalf Avenue in Mission, grading and surfacing. (Federal Funds)

Johnson—46 U-1370-01—127th Street over Indian Creek in Olathe, grading, bridge and surfacing. (Federal Funds)

Leavenworth—52 C-3105-01—County route 2153 from Lowmont east 5.6 miles (9 kilometers), surfacing. (Federal Funds)

Leavenworth—73-52 K-5266-01—U.S. 73, Pennsylvania Street to Linn Street in Leavenworth, 0.3 mile (0.5 kilometer), grading and surfacing. (State Funds)

Leavenworth—73-52 K-5276-01—U.S. 73, Eisenhower Road north to Muncie/K-5 in Leavenworth, 0.5 mile (0.8 kilometer), grading and surfacing. (State Funds)

Nemaha—178-66 K-5853-01—K-178, culvert 530, culvert improvement. (State Funds)

Riley—18-81 K-3346-04—K-18, Kansas River bridge approaches at Manhattan, seeding and sodding. (State Funds)

Shawnee—75-89 K-3371-01—U.S. 75, from 49th Street north to I-470 and Burlingame Road, 1.5 miles (2.4 kilometers), grading, bridge and surfacing. (State Funds)

Shawnee—470-89 K-4470-02—I-470, from Gage Boulevard east to west of Martin Drive, 2 miles (3.2 kilometers), grading, bridge and surfacing. (Federal Funds)

Shawnee—75-89 K-5666-03—U.S. 75, ramp from west-bound I-70 east and north to the Kansas River Bridge, pavement reconstruction. (Federal Funds)

(continued)

Shawnee—75-89 K-6054-01—U.S. 75 northbound bridge over I-70, bridge overlay. (State Funds)

District Two—Northcentral

Ellsworth—70-27 M-1833-01—I-70, westbound safety rest area, 2 miles west of K-156, rest area improvement. (State Funds)

Lincoln—70-53 K-5980-01—I-70, from Ellsworth-Lincoln county line east to the Lincoln-Saline county line, 7.2 miles (11.6 kilometers), grading, bridge and surfacing. (State Funds)

Morris—64 TE-0033-01—Neosho riverfront area in Council Grove, pedestrian and bicycle paths. (Federal Funds)

District Three—Northwest

Gove—70-32 K-5978-01—I-70, southeast to 1 mile (1.6 kilometers) east of the west K-23 interchange, 19.3 miles (30.9 kilometers), surfacing and bridge. (State Funds)

Gove—216-32 K-6292-01—K-216, from the junction of I-70, north and west to Grinnell, 0.6 mile (0.9 kilometer), recycle and overlay. (State Funds)

Logan—70-55 K-5977-01—I-70, from the Thomas-Logan county line east to the Logan-Gove county line, 0.8 mile (1.3 kilometers), recycle and overlay. (State Funds)

Rooks—82 C-3195-01—Various locations in the county, signing. (State Funds)

Thomas—70-97 K-5979-01—I-70, ½ mile southeast of the Mingo interchange southeast to the Thomas-Logan county line, 11.5 miles (18.5 kilometers), surface and bridge. (State Funds)

District Four—Southeast

Anderson—2 C-2802-01—County road, 1.7 miles (2.7 kilometers) north and 1.5 miles (2.4 kilometers) west of Harris, then east 0.2 mile (0.3 kilometer), grade and bridge. (Federal Funds)

Cherokee—11 C-3223-01—County road, 1 mile (1.6 kilometers) north and 6.8 miles (11 kilometers) west of Columbus, 0.2 mile (0.3 kilometer), grading and bridge. (Federal Funds)

Crawford—69-19 K-6009-01—Junction of U.S. 160, K-57 and K-126 west of Pittsburg, traffic signals. (Federal Funds)

Crawford—129-19 X-1921-01—Southeast Railroad and K-126 in Pittsburg, flash light signals. (Federal Funds)

Franklin—30 C-3374-01—Various locations in Franklin County, signing. (Federal Funds)

Greenwood—96-37 K-3293-03—K-96, from the east junction of county route 227 east to 5 miles (8 kilometers) east of the east junction of K-99, 12.2 miles (19.6 kilometers), surfacing. (State Funds)

Labette—160-50 K-3302-01—U.S. 160 from Parsons, east to county route 1137, 4 miles (6.4 kilometers), grading and surfacing. (Federal Funds)

Labette—59-50 K-4359-01—Union Pacific Railroad bridge over U.S. 59, 1.5 miles (2.4 kilometers) north of Oswego, bridge replacement. (Federal Funds)

Linn—54 C-2054-01—County road from Boicourt, east 0.4 mile (0.6 kilometer), bridge replacement. (Federal Funds)

Montgomery—160-63 K-3316-01—U.S. 160 from the south junction of U.S. 169, northeast to the north junction of U.S. 169, 8.9 miles (14.3 kilometers), grading, bridge and surfacing. (State Funds)

Montgomery—166-63 K-5973-01—U.S. 166 (11th and Lewark Street) in the city of Coffeyville, traffic signals. (State Funds)

Montgomery—75-63 M-1828-01—U.S. 75, west junction of U.S. 160 and U.S. 75, lighting. (State Funds)

District Five—Southcentral

Harvey—50-40 K-4350-01—U.S. 50, from the north junction of I-135, northeast to the east city limits of Walton, 5.8 miles (9.3 kilometers), grading, bridge and surfacing. (Federal Funds)

Harvey—135-40 K-5917-01—I-135, various locations in Harvey County, guard fence replacement. (State Funds)

Sedgwick—87 K-5916-01—Various locations in Sedgwick County, guard fence replacement. (State Funds)

Sedgwick—54-87 K-6006-01—Junction of U.S. 54 and 143rd Street East, east of Wichita 0.2 mile (0.4 kilometer), intersection improvement. (Federal Funds)

District Six—Southwest

Clark—160-13 K-5274-01—U.S. 160, Highland Street east to Dodge Street in Ashland, 0.5 mile (0.8 kilometer), pavement reconstruction. (State Funds)

Morton—54-61 K-2084-01—K-51, Cimarron River Bridge, 10.5 miles (16.8 kilometers), southeast of the north junction of K-27, bridge replacement. (Federal Funds)

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

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

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

E. Dean Carlson
Secretary of Transportation

Doc. No. 017697

State of Kansas

Department of Transportation

Notice of Public Auction

The Kansas Secretary of Transportation will offer for sale and removal at public auction June 21 the following improvements located in Shawnee County and Jefferson County, described as follows:

9 a.m.—Tr. 35—3620 N.W. 44th Court, Topeka (Highway 75 north to 46th Street, east on 46th to Oakley, south on Oakley to 44th Court, west on 44th Court)

- 1. 1518 sq. ft. one-story mason/stone ranch home with 3 BR, LR, Den, Kit/DR, 2 bath, fireplace and two-car attached garage.
2. 6' x 10' storage shed.
(Items 1 and 2 will be sold separately.)

10 a.m.—Tr. 36—located 1/4 mile south of 46th Street on west side of K-4 Highway, Topeka
1568 sq. ft. ranch-type house with 2 BR, LR, DR, Kit/DR, and 1 bath.

11 a.m.—Tr. 29—located 1/4 mile south of 46th Street on east side of K-4 Highway, Topeka
3090 sq. ft. two-story brick house with wood deck, 5 BR, LR, DR, 2 bath with jacuzzi and utility room.

Noon—Tr. 19—2546 N.E. 39th (located west of K-4 Highway on 39th Street)

- 1. 2098 sq. ft. 1.5 story rough cedar house with wood deck, 4 BR, LR, Den, DR, Kit., 2 bath and two-car attached garage.
2. 1700 sq. ft. wood barn.
3. 1105 sq. ft. corrugated metal shed.
4. 256 sq. ft. wood/corrugated metal shed.
5. 650 sq. ft. pole shed.
6. 140 sq. ft. hog shed.
(Items 1, 2, 3, 4, 5 and 6 sold separately.)

An inspection of properties will be June 17 from 1 to 3 p.m. and 30 minutes prior to each sale.

Performance Bonds

Table with 2 columns: Item, Amount. Houses \$2,500; Sheds and Barn \$100.

The successful bidders will be required to remove the structures from the right of way on or before July 22. A performance bond equal to the amount specified above for each sale must be posted on the day of the sale as guarantee of removal of the structures.

Purchasers shall not permit use or occupancy of said structures pending removal from highway right of way. If applicable, the purchaser shall, during interim period of moving the improvement and filling in the basement, mark the area with tape, ribbon or fencing, warning the public of the opening.

The Kansas Department of Transportation ensures the acceptance of any bid pursuant to this notice will be without discrimination on the grounds of sex, race, color, religion, physical handicap or national origin.

Terms of the Sale

Money order, certified check or cashier's check for full price on the day of sale, payable to the "Secretary of Transportation." Purchasers will receive a bill of sale.

The seller reserves the right to reject any and all bids and is not responsible for accidents. For additional information, contact Sally Johnson, Universal Field Services, Inc., 1-800-890-5237.

E. Dean Carlson
Secretary of Transportation

Doc. No. 017674

(Published in the Kansas Register May 23, 1996.)

Butler County Community College

Notice of Intent to Issue Revenue Bonds

The Board of Trustees of Butler County Community College, Butler County, Kansas, adopted a resolution May 14, 1996, declaring it necessary to and authorizing additions to the existing dormitory system by expanding the east dormitory located on the campus of Butler County Community College, El Dorado, Kansas, at an estimated cost of \$1,850,000 under the authority of K.S.A. 76-6a12 to 76-6a25, inclusive, as amended and supplemented.

The resolution declares it necessary to and authorizes the issuance and sale of system revenue bonds of the college in an amount not to exceed \$2,200,000, in order to pay the costs of the project and to provide for the deposit of bond reserve funds and related costs of issuance.

Unless an action to contest the legality of the proposed revenue bonds of the college shall be filed in a court of law within 30 days of the date of publication of this notice, the right to contest the legality of any revenue bonds issued in compliance with the aforesaid resolution and other proceedings duly and legally had and taken by the board prior to the date of publication of this notice, and the right to contest the validity of the provisions of such proceedings, shall cease to exist, and no court shall thereafter have the authority to inquire into such matters. After the expiration of said 30 days from the date of publication of this notice, no one shall have any right to commence an action contesting the validity of such revenue bonds or the provisions of such proceedings of the board, all such revenue bonds shall be conclusively presumed to be legal, and no court shall thereafter have the authority to inquire into such matters.

Dated May 14, 1996.

Board of Trustees
Butler County Community College
Butler County, Kansas
By John Grange, Chairman
Attest: LeRoy Bowen, Secretary

Doc. No. 017690

State of Kansas

Office of the State Treasurer

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 1995 Supp. 75-4210, as amended. These rates and their uses are defined in K.S.A. 75-4201(I), 12-1675(b)(c)(d) and 75-4209(a)(1)(B), as amended.

Effective 5-27-96 through 6-2-96	
Term	Rate
0-90 days	5.24%
3 months	5.15%
6 months	5.36%
9 months	5.54%
12 months	5.68%
18 months	5.92%
24 months	6.04%
36 months	6.24%
48 months	6.35%

Sally Thompson
State Treasurer

Doc. No. 017667

State of Kansas

Department of Administration
Division of Purchases

Notice to Bidders

Sealed bids for the following items 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, June 3, 1996

31830

Kansas Correctional Industries—Steel and fabrication

31833

Youth Center at Atchison—Recreation equipment
(all-purpose court shoes)

Tuesday, June 4, 1996

03945

Kansas State University—Diode array
spectrophotometer system

03962

Kansas State University—Graphics animation system

Wednesday, June 5, 1996

03946

University of Kansas—Superspeed refrigerated
centrifuge

03967

University of Kansas—Furnish and install carpet and
cove base

03979

Kansas State University—Gas chromatograph

Thursday, June 6, 1996

A-7485 Rev.

Department of Transportation—Equipment wash
building, Garnett

A-7486 Rebid

Department of Transportation—Equipment wash
building, Fort Scott

A-7490 Rebid

Department of Transportation—Equipment wash
building, Dodge City

A-7492 Rebid

Department of Transportation—Equipment wash
building, Syracuse

A-7496

Department of Transportation—Equipment wash
building, Atchison

A-7498

Department of Transportation—Equipment wash
building, Osage City

31838

Kansas State University—Laboratory equipment
maintenance

03944

Kansas State University—New or used gravity steam
sterilizer

03947

University of Kansas—UV-VIS spectrophotometer

03948

Department of Agriculture—Self-contained hydraulic
crane for truck mounting

03949

Department of Transportation—Trailer mounted fuel
storage tank, Salina

03950

Department of Transportation—Truck with high-lift
dump bed, Hutchinson

03951

Department of Transportation—Pavement crack
router, Hutchinson

03952

Department of Transportation—Hydraulic driven
pavement breaker, Hutchinson

03953

Department of Transportation—Gas engine driven
breaker/drill, Hutchinson

03954

Department of Transportation—Salt elevating auger,
Hutchinson

03980

Department of Health and Environment—Operating
system upgrade for gas chromatograph/mass spectrom

03981

Lansing Correctional Facility—Tractor

03984

Department of Transportation—Storage cabinets and
lockers, Chanute

03985

Department of Wildlife and Parks—Limestone rip rap
(Glen Elder)

Friday, June 7, 1996

31828

Department of Commerce and Housing—Printing of
data book project

31839

Statewide—Dairy products

03943

Fort Hays State University—Miscellaneous laboratory equipment, microcentrifuge, shakers and oven

03955

Department of Transportation—Portable concrete mixer, Hutchinson and Chanute

03956

Department of Transportation—Flat bed truck, Tandem axle, various locations

03957

Department of Transportation—Truck mounted asphalt distributor, Salina

03958

Department of Transportation—Aboveground fueling system, Wichita

03959

Department of Transportation—Truck mounted hydraulic derrick, Norton

03960

Department of Transportation—Boom mounted earth auger

03961

Department of Wildlife and Parks—Asphalt seal coat, Clark State Fishing Lake

03963

Hutchinson Correctional Facility—Furnish all labor and material for retubing boiler

03964

Kansas State University—Furnish and install carpet and pad

03965

Topeka Correctional Facility—Gate operators

03966

University of Kansas—Furnish and install carpet and cove base

03968

Adjutant General's Department—Modifications to ADA regulations, Garden City

03969

Lansing Correctional Facility—Floor machines

03970

Department of Transportation—Transmission tools, various locations

03971

Emporia State University—VM-ESA E-mail and Unix backup management software

03972

Department of Administration, Division of Information Systems and Communications—Sale of Unisys 2200 System

03973

Department of Commerce and Housing—AS/400 Model 500-2140

03974

Kansas Public Employees Retirement System—AS/400 upgrade

03976

Topeka Correctional Facility—Pad mounting transformers

03990

Department of Transportation—Gyatory compactor

Monday, June 10, 1996

03982

Department of Social and Rehabilitation Services—Vending machines, various locations

03983

Pittsburg State University—Furnish and install audio/video multi-media equipment

03986

Kansas State University—Furnish and install digital video nonlinear edit system

03987

Kansas State University—Furnish and install digital nonlinear edit system

03989

University of Kansas—Furnish and install digital video nonlinear edit system

Tuesday, June 11, 1996

A-7795

School for the Deaf—A/C second floor, boys'/girls' dormitories, Roth Administration Building

31832

Osawatomie State Hospital—Pest control services

31840

University of Kansas—Dry ice

Wednesday, June 12, 1996

A-7787

Department of Transportation—Renovate sub-area shop, Louisburg

03978

Fort Hays State University—Elevator modernization

03988

Lansing Correctional Facility—Commercial clothes dryers and presses

Thursday, June 13, 1996

A-7817

Wichita State University—Entry steps and ramp, Wilner Auditorium

A-7822

Wichita State University—Repair of campus streets

Thursday, June 20, 1996

A-7843

Emporia State University—Bruder Theater lighting improvements, King Hall

Monday, June 24, 1996

31831

Department of Wildlife and Parks—Land lease, Tuttle Creek area

Request for Proposals

Tuesday, June 11, 1996

03975

Implementation of Phase 1 of criminal records plan for the Kansas Sentencing Commission

John T. Houlihan
Director of Purchases

Doc. No. 017695

(Published in the Kansas Register May 23, 1996.)

State of Kansas

Department of Agriculture

Request for Comments on Proposed
Special Local Need Registration

Pursuant to 7 U.S.C. § 136V(c)(1), Valent U.S.A. Corporation has filed an application for a special local need (SLN) registration for Select 2 EC Herbicide (EPA No. 59639-3), a postemergence herbicide that controls Prairie Cupgrass on fallow ground. The SLN registration is needed because other registered herbicides do not control established Prairie Cupgrass in fallow wheat or sorghum fields. For food producing crops, the proposed SLN label has a 60-day plantback restriction.

Information submitted by the applicant is on file with the Kansas Department of Agriculture. Written comments, data, or other evidence in support of or in opposition to the proposed special local need registration may be submitted on or before June 22 to Gary E. Boutz, Plant Health Division, Kansas Department of Agriculture, 901 S. Kansas Ave., Topeka, 66612.

Alice A. Devine
Secretary of Agriculture

Doc. No. 017693

(Published in the Kansas Register May 23, 1996.)

Notice of Redemption
City of Louisburg, Kansas
Natural Gas System Revenue Bonds
Series 1979
Dated January 1, 1979

Notice is hereby given to the owners of certain Natural Gas System Revenue Bonds, Series 1979, dated January 1, 1979, of the City of Louisburg, Kansas, that the city hereby calls for redemption on July 1, 1996, the following bonds of said series:

Principal Amount	Maturity January 1	Interest Rate
\$15,000	1997	8.5%
\$20,000	1998	8.5%
\$25,000	1999	8.5%
\$25,000	2000	8.5%
\$25,000	2001	8.5%
\$30,000	2002	8.5%
\$35,000	2003	8.5%

On such date, each of such bonds shall become due and payable at a redemption price equal to 102.5 percent of the principal amount thereof, plus accrued interest thereon to July 1, 1996, and from and after such redemption date interest shall cease to accrue and be payable on such bonds. The bonds so called for redemption should be presented for payment and redemption at the office of Peoples National Bank & Trust, 212 S. Broadway, Louisburg, KS 66053, on or after July 1, 1996.

Dated May 1, 1996.

City of Louisburg, Kansas
By Peoples National Bank & Trust
Louisburg, Kansas
as Escrow Trustee

Doc. No. 017691

Summary Notice of Bond Sale
\$195,000

Rawlins County, Kansas
General Obligation Fairground Improvement Bonds
(General obligation bonds payable from
unlimited ad valorem taxes)

Details of the Sale

Subject to the terms and conditions of the complete official notice of bond sale dated April 30, 1996, of Rawlins County, Kansas, in connection with the county's General Obligation Fairground Improvement Bonds, Series 1996, hereinafter described, sealed, written bids shall be received at the office of the county clerk at the Rawlins County Courthouse, 607 Main, Atwood, Kansas, until 10:30 a.m. Friday, May 31, 1996, for the purchase of the bonds. All bids shall be publicly opened, read aloud and tabulated on said date and at said time and shall thereafter be immediately considered and acted upon by the Board of County Commissioners of the county.

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

Bids shall be accepted only on the official bid form which has been prepared for the public bidding on these bonds, and which may be obtained from the county clerk or from the county's financial advisor. Bids may be submitted by mail or may be delivered in person, and must be received at the place and not later than the date and time hereinafter specified. Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located within the United States and made payable to the order of the county, and shall be in an amount equal to 2 percent of the principal amount of the bonds.

Details of the Bonds

The bonds to be sold are in the aggregate principal amount of \$195,000, and shall bear a dated date of June 1, 1996. The bonds shall be issued as fully registered bonds in the denomination of \$5,000, or any integral multiple thereof not exceeding the principal amount of bonds maturing in any year. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds. Certain of the bonds are subject to redemption prior to their maturities as set forth in the official notice of bond sale.

Interest on the bonds shall be payable semiannually on June 1 and December 1 in each year, commencing June 1, 1997, and the bonds shall mature serially on December 1 in each of the years and principal amounts as follows:

Principal Amount	Maturity Date
\$15,000	1997
15,000	1998
15,000	1999
20,000	2000
20,000	2001
20,000	2002
20,000	2003
20,000	2004

25,000	2005
25,000	2006

Payment of Principal and Interest

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

Security for the Bonds

The bonds and the interest thereon shall constitute general obligations of the county, and the full faith, credit and resources of the county, shall be pledged to the payment thereof. The county is obligated to levy ad valorem taxes without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the county for the purpose of paying the bonds and the interest thereon.

Delivery of the Bonds

The bonds, duly printed, executed and registered, shall be furnished and delivered at the expense of the county to the successful bidder, or at its direction, on or before June 20, 1996, at such bank or trust company or other qualified depository in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere shall be made at the expense of the successful bidder.

Legal Opinion

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

Financial Matters

The county's 1995 equalized assessed tangible valuation for computation of bonded debt limitations during calendar year 1996 is \$30,445,990. The county's outstanding general obligation bonded indebtedness at June 1, 1996, totals the principal amount of \$255,000, including the bonds described herein.

Official Statement

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

Securities and Exchange Commission Rule 15c2-12

The Securities and Exchange Commission Rule 15c2-12, as amended effective July 3, 1996, provides that bro-

kers, dealers and municipal securities dealers must comply with certain requirements before acting as an underwriter in a primary offering of municipal securities with an aggregate principal amount of \$1,000,000 or more.

The bonds described herein will be offered in a primary offering with an aggregate principal amount of less than \$1,000,000. Accordingly, in the opinion of bond counsel, the offering and sale of the bonds described herein does not constitute an offering as defined by the rule, and the requirements of the rule do not apply to brokers, dealers and municipal securities dealers acting as underwriters in connection with the bonds described herein.

Additional Information

For additional information regarding the county, the bonds and the public sale, interested parties are invited to request copies of the complete official notice of bond sale and official bid form and the county's preliminary official statement for the bonds, all of which may be obtained from the county clerk at the address and telephone number shown below.

Meredith L. Hrnchir
 County Clerk
 Rawlins County Courthouse
 607 Main
 Atwood, KS 67730
 (913) 626-3351

Doc. No. 017685

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, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared for discharges to the waters of the United States and the State of Kansas for the class of dischargers described below. The determinations for permit content are based on 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 subject to certain conditions.

Public Notice No. KS-AG-96-136/160

Name and Address of Applicant	Legal Description	Receiving Water
Michael L. Croucher Arrowhead Valley Farms Route 2, Box 188A Westphalia, KS 66093	NE/4, Sec. 16, T21S, R18E, Anderson County	Marais des Cygnes River Basin

Kansas Permit No. A-MCAN-S020

This is an existing facility for 900 head (360 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Waste-

(continued)

water storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: At this time, only the finish units are being used. Before the A-frames or Cargill style units in Section 16 can be used, some changes in waste control need to be made.

Name and Address of Applicant	Legal Description	Receiving Water
Glen Riffey Box 63, Route 2 Westphalia, KS 66093	SW/4, Sec. 36, T20S, R17E, Anderson County	Marais des Cygnes River Basin

Kansas Permit No. A-MCAN-S022

This is an existing facility for 150 head (60 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Allen Feedlot, Inc. c/o Darrell Allen Route 1, Box 95 Hoxie, KS 67740	NW/4, Sec. 23, T8S, R29W, Sheridan County	Solomon River Basin

Kansas Permit No. A-SOSD-C004 Federal Permit No. KS-0118524

This is an existing facility for 3,000 head (3,000 animal units) of beef cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided for 112 acre-feet, which meets or exceeds KDHE 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.

Name and Address of Applicant	Legal Description	Receiving Water
Kopfer Farms Kellan F. Kopfer 630 Cherokee Road Oak Hill, KS 67432	NW/4, Sec. 4, T10S, R1E, Clay County	Smoky Hill River Basin

Kansas Permit No. A-SHCY-S007

This is an existing facility for 1,200 head (480 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE 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.

Name and Address of Applicant	Legal Description	Receiving Water
Lehmann Farms, Inc. c/o Dennis Lehmann Route 1, Box 22 Gaylord, KS 67638	NE/4, Sec. 24, T4S, R14W, Smith County	Solomon River Basin

Kansas Permit No. A-SOSM-B005

This is an existing facility for 980 head (980 animal units) of beef cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided for 10.2 acre-feet, which meets or exceeds KDHE 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.

Name and Address of Applicant	Legal Description	Receiving Water
Marvin Van Derveen Box 74 Prairie View, KS 67664	SE/4, Sec. 11, T2S, R20W, Phillips County	Upper Republican River Basin

Kansas Permit No. A-URPL-M001

This is an existing facility for 50 head (70 animal units) of dairy cows.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE 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.

Name and Address of Applicant	Legal Description	Receiving Water
Keith A. Hoyt Route 2, Box 210 Brewster, KS 67732	SW/4, Sec. 36, T5S, R37W, Cheyenne County	Upper Republican River Basin

Kansas Permit No. A-URCN-S008

This is an existing facility for 400 head (160 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE 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.

Name and Address of Applicant	Legal Description	Receiving Water
Ronald Morrison Route 2, Box 58 Phillipsburg, KS 67661	NW/4, Sec. 23, T2S, R18W, Phillips County	Solomon River Basin

Kansas Permit No. A-SOPL-S020

This is an existing facility for 150 head (60 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE 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.

Name and Address of Applicant	Legal Description	Receiving Water
Windholz Brothers Route 1, Box 6A Ogallah, KS 67656	NW/4, Sec. 18, T12S, R21W, Trego County	Smoky Hill River Basin

Kansas Permit No. A-SHTR-S002

This is an existing facility for 900 head (280 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE 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.

Name and Address of Applicant	Legal Description	Receiving Water
MPK Land & Livestock LLC 407 Shelton Dr. Smith Center, KS 66967	SW/4 & SE/4, Sec. 1, & NE/4, Sec. 12, T3S, R12W, Smith County	Solomon River Basin

Kansas Permit No. A-SOSM-C002 Federal Permit No. KS-0092567

This is a new owner, existing expansion facility for 1,800 head (1,800 animal units) of cattle and 3,300 head (750 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE 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.

Name and Address of Applicant	Legal Description	Receiving Water
Averie Acres, Inc. Robert Hall 10727 258th Effingham, KS 66023	N/2, Sec. 20, T6S, R19E, Atchison County	Kansas River Basin

Kansas Permit No. A-KSAT-S001

This is an existing facility for 600 head (240 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule:

1. Ponds: On December 1st of each year the water pollution control facilities shall have a minimum of 120 days of wastewater and rainfall storage available. The uppermost two feet of the facility are reserved for structure protection and are not to be considered storage.
2. Pits: On December 1st of each year, the concrete manure pits shall have a minimum of 120 days of storage available.

Name and Address of Applicant	Legal Description	Receiving Water
Dale Aue, Jr. Route 1, Box 114 Morrill, KS 66515	NE/4, Sec. 16, T1S, R15E, Brown County	Missouri River Basin

Kansas Permit No. A-MOBR-B004

This is an existing facility for 700 head of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: On December 1st of each year, the concrete manure pits shall be pumped down to provide maximum storage.

Name and Address of Applicant	Legal Description	Receiving Water
Charles K. Griffith Route 1, Box 94A Uniontown, KS 66779	NW/4, Sec. 26, T25S, R22E, Bourbon County	Marais des Cygnes River Basin

Kansas Permit No. A-MCBB-S004

This is an existing facility for 800 head (320 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Davis Farms Route 4, Box 100 Fort Scott, KS 66701	NW/4, Sec. 5, R23E, T27S, Bourbon County	Marais des Cygnes River Basin

Kansas Permit No. A-MCBB-M003

This is an existing facility for 200 head (280 animal units) of dairy cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Alvin Selland 1695 2nd Ave. West Horton, KS 66439	Sec. 5, T5S, R18E, Atchison County	Kansas River Basin

Kansas Permit No. A-KSAT-S005

This is an existing facility for 500 head (200 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: On December 1st of each year, the concrete manure pit(s) shall have a minimum of 120 days of storage available.

Name and Address of Applicant	Legal Description	Receiving Water
Ralph & Larry Rogers 11181 Anderson Road Horton, KS 66439	NE/4, Sec. 28, T5S, R17E, Atchison County	Kansas River Basin

Kansas Permit No. A-KSAT-S004

This is an existing facility for 450 head (180 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: On December 1st of each year, the concrete manure pit(s) shall have a minimum of 120 days of storage available.

Name and Address of Applicant	Legal Description	Receiving Water
Ronald W. Rockers Rockers Dairy Route 1, Box 120 Greeley, KS 66033	SW/4, Sec. 27, T19S, R20E, Anderson County	Marais des Cygnes River Basin

Kansas Permit No. A-MCAN-M011

This is an existing facility for 250 head (350 animal units) of dairy cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

(continued)

Compliance Schedule: If problems develop with the lagoon, the permit holder will take the necessary steps to correct any problems in a timely manner.

Name and Address of Applicant	Legal Description	Receiving Water
Taylor Farms Lee and Brian Taylor Route 1 Phillipsburg, KS 67661	SE/4, Sec. 30, T2S, R17W, Phillips County	Solomon River Basin

Kansas Permit No. A-SOPL-S019

This is an existing facility for 980 head (392 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided for 16,300 cubic feet, which meets or exceeds KDHE 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.

Name and Address of Applicant	Legal Description	Receiving Water
Spring Valley Farm Mick Summerville Route 2, Box 106 Marion, KS 66861	SW/4, Sec. 16, T20S, R4E, Marion County	Neosho River Basin

Kansas Permit No. A-NEMN-B001

This is an existing facility for 950 head (950 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: Ponds: On December 1st of each year, the water pollution control facilities shall be dewatered sufficiently to provide a minimum of 120 days of storage of wastewater and rainfall. The uppermost two feet of the facility are reserved for structure protection and are not to be considered storage.

Name and Address of Applicant	Legal Description	Receiving Water
Carpenter Cattle Company, Inc. 2257 County Road 2 Brewster, KS 67732	SW/4, Sec. 8, & NW/4, Sec. 17, T7S, R36W, Thomas County	Upper Republican River Basin

Kansas Permit No. A-URTH-C003 Federal Permit No. KS-0086592

This is an existing facility for 7,500 head (7,500 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: Additional dewatering equipment capable of providing 326 gpm shall be obtained within six months after the issuance of this permit through purchase, rental or custom application agreement. This will provide the required pumping capacity of 926 gpm. Written verification of the acquisition of the pumping equipment shall be submitted to the department.

Name and Address of Applicant	Legal Description	Receiving Water
Oltjen Feedyards Larry Oltjen Route 1, Box 31 Robinson, KS 66532	S/2, Sec. 12, T3S, R17E, Brown County	Missouri River Basin

Kansas Permit No. A-MOBR-C001 Federal Permit No. KS-0087360

This is an expansion facility for 4,950 head (4,950 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided for 72 acre-feet, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: The waste management plan developed by the designer 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 6 acre inch per acre per year and solids shall be applied at not greater than 20 ton per acre. Dewatering equipment shall be obtained within six months after issuance of this permit through purchase, rental or custom application agreement. It shall be capable of pumping at least 1,420 gallons per minute and dispersing the wastewater over 214 acres of land suitable for waste application. Written verification of the acquisition of the equipment shall be submitted to the department.

Name and Address of Applicant	Legal Description	Receiving Water
Vering Land & Pork, Inc. Greg Vering 1325 8th Road Marysville, KS 66508	NE/4, Sec. 6, T7S, R3E, Marshall County	Big Blue River Basin

Kansas Permit No. A-BBMS-S023

This is an existing facility for 1,638 head (375 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Brink Kennel Charles Brink 31760 Hedgelane Paola, KS 66071	SW/4, Sec. 22, T17S, R23E, Miami County	Marais des Cygnes River Basin

Kansas Permit No. A-MCMI-K001

This is an existing facility for 750 dogs.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Bill Selby Feedlot P.O. Box 37 Brewster, KS 67732	NE/4, Sec. 15, T8S, R37W, Sherman County	Upper Republican River Basin

Kansas Permit No. A-URSH-B004

This is an existing facility for 950 head (950 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE 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.

Name and Address of Applicant	Legal Description	Receiving Water
Eugene Talkington Route 1, Box 1C Matfield Green, KS 66862	SW/4, Sec. 9, T27S, R8E, Chase County	Neosho River Basin

Kansas Permit No. A-NECS-C001

This is an existing facility for 800 head (800 animal units) of beef cattle plus 2,200 head (880 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided for 21.0 acre-feet, which meets or exceeds KDHE 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 solids and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Public Notice No. KS-96-070/083

Name and Address of Applicant	Waterway	Type of Discharge
City of Tyro City Hall Tyro, KS 67364	Little Caney River via Cheyenne Creek via Hafer Run	Treated domestic wastewater
Kansas Permit No. M-VE37-0001		Fed. Permit No. KS-0081264

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of an existing wastewater treatment facility. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Seaman USD #345 Elmont Elementary 901 N.W. Lyman Road Topeka, KS 66608-1900	Kansas River via Soldier Creek via Halfday Creek	Treated domestic wastewater
Kansas Permit No. M-KS72-0021		Fed. Permit No. KS-0091871

Facility Description: The proposed permit is for issuance of a new permit for operation of a new wastewater treatment facility treating domestic wastewater. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Mark Martin % Brookville Hotel Brookville, KS 67425	Spring Creek via West Spring Creek via unnamed tributary	Treated domestic wastewater
Kansas Permit No. C-SA02-0001		Fed. Permit No. KS-0083488

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of an existing wastewater treatment facility. The draft permit proposes a schedule of compliance for the permittee to obtain the services of a KDHE-certified operator. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
National Marketing Co. 636 Minnesota P.O. Box 171335 Kansas City, KS 66117	Marais des Cygnes River via Joe Creek via Lone Creek via unnamed tributary	Treated domestic wastewater
Kansas Permit No. C-MC57-0002		Fed. Permit No. KS-0083577

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of an existing wastewater treatment facility. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Kansas Turnpike Authority Matfield Green P.O. Box 780007 Wichita, KS 67218	Cottonwood River via south fork Cottonwood River via Mercer Creek via unnamed tributary	Treated domestic wastewater
Kansas Permit No. C-NE46-0001		Fed. Permit No. KS-0053660

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of an existing wastewater treatment facility. The draft permit proposes a schedule of compliance to provide an engineering report to upgrade the facility as necessary to meet the requirements of this permit. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Kansas Turnpike Authority Lawrence Service Area P.O. Box 780007 Wichita, KS 67218	Kansas River via Stranger Creek via Nine Mile Creek via unnamed tributary	Treated domestic wastewater
Kansas Permit No. C-KS31-0002		Fed. Permit No. KS-0053694

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of an existing wastewater treatment facility. The draft permit proposes a schedule of compliance to provide an engineering report to upgrade the facility as necessary to meet the requirements of this permit. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Kansas Turnpike Authority Emporia Service Area P.O. Box 780007 Wichita, KS 67218	Neosho River via Dow Creek via unnamed tributary	Treated domestic wastewater
Kansas Permit No. C-NE24-0002		Fed. Permit No. KS-0053678

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of an existing wastewater treatment facility. The draft permit proposes a schedule of compliance to provide an engineering report to upgrade the facility as necessary to meet the requirements of this permit. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Kansas Turnpike Authority Towanda Service Area P.O. Box 780007 Wichita, KS 67218	Whitewater River via unnamed tributary	Treated domestic wastewater
Kansas Permit No. C-WA09-0002		Fed. Permit No. KS-0053651

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of an existing wastewater treatment facility. The draft permit proposes a schedule of compliance to provide an engineering report to upgrade the facility as necessary to meet the requirements of this permit. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Kansas Turnpike Authority Wellington Service Facility P.O. Box 780007 Wichita, KS 67218	Ninneschaw River via unnamed tributary	Treated domestic wastewater
Kansas Permit No. C-AR09-0002		Fed. Permit No. KS-0053643

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of an existing wastewater treatment facility. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
George Collinge Maple Ridge MHP Route 2, Lot 12 Fort Scott, KS 66701	Marmaton River via Wolverine Creek via unnamed tributary	Treated domestic wastewater
Kansas Permit No. C-MC11-TO01		Fed. Permit No. KS-0081094

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of an existing wastewater treatment facility.

(continued)

The proposed permit has a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified operator. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
V. Gene Bosse Country Park MHC P.O. Box 2315 Emporia, KS 66801	Cottonwood River via Dry Creek via unnamed tributary	Treated domestic wastewater

Kansas Permit No. C-NE24-TO01 Fed. Permit No. KS-0115584

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of an existing wastewater treatment facility. The proposed permit has a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified operator. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Harshman Construction Pringle Quarry Route 1, Box 21A Cedar Point, KS 66843	Verdigris River via Buffalo Creek via West Buffalo Creek via unnamed tributary	Quarry dewatering and stormwater

Kansas Permit No. I-VE44-PO01 Fed. Permit No. KS-0092371

Quarry Location: NW¼ Section 19, Township 26S, Range 16E,
Woodson County

Facility Description: The proposed permit is for re-activation of a permit for operation of an existing quarry. Activities include limestone quarrying and crushing with no washing. This quarry was previously owned by Nelson Quarries under the name of Rose Quarry. The effluent limits are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

Name and Address of Applicant	Waterway	Type of Discharge
Ash Grove Aggregates Fort Scott—East Quarry P.O. Box 70 Butler, MO 64730	Marais des Cygnes River via Marmaton River via Lath Branch Creek	Quarry dewatering and stormwater

Kansas Permit No. I-MC11-PO02 Fed. Permit No. KS-0117552

Quarry Location: NW¼ Section 2, Township 26S, Range 25E,
Bourbon County

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of an existing quarry. This facility is a limestone quarrying and crushing operation with no washing. The wastewater discharged from this facility consists of uncontaminated stormwater runoff and quarry pit dewatering. The effluent limits are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

Name and Address of Applicant	Waterway	Type of Discharge
Pratt & Lambert, Inc. P.O. Box 2153 Wichita, KS 67201	Walnut River via Four Mile Creek via Republican Creek	Noncontact cooling water

Kansas Permit No. I-WA01-CO01 Fed. Permit No. KS-0080411

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of a noncontact cooling water discharge. This facility manufactures industrial coatings, oil and water-based trade sales coating, General Services Administration coatings, lacquers, enamels and primers. On-site groundwater is the water supply for noncontact cooling water. The cooling water is routed to a storage tank for fire protection purposes. The storage tanks overflow on a continuous basis to the Republican Creek. The cooling water flow is about 7,200 gpd. The effluent limits are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are water quality based.

Public Notice No. KS-ND-96-050/055

Name and Address of Applicant	Legal Location	Type of Discharge
Dickinson Company SD #1 County Commissioners Dickinson County Courthouse Abilene, KS 67410	NE¼, S12, T12S, R1E, Dickinson County	Nondischarging

Kansas Permit No. M-SH47-NO01

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of an existing nonoverflowing wastewater treatment lagoon treating domestic wastewater. Disposal of the lagoon wastewater is by percolation and evaporation. The proposed permit has a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified operator.

Name and Address of Applicant	Legal Location	Type of Discharge
City of Holcomb P.O. Box 69 Holcomb, KS 67851	SE¼, S7, T24S, R33W, Finney County	Nondischarging

Kansas Permit No. M-UA18-NO02

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of an existing nonoverflowing wastewater treatment lagoon treating domestic wastewater. Disposal of the lagoon wastewater is by percolation, irrigation and evaporation.

Name and Address of Applicant	Legal Location	Type of Discharge
Chihowa Retreat Center c/o Frances Reeves 808 Denney Lane Leavenworth, KS 66048	NE¼, S7, T11S, R19E, Jefferson County	Nondischarging

Kansas Permit No. C-KS58-NO06

Facility Description: The proposed permit is for issuance of a new permit for operation of an existing nonoverflowing wastewater treatment lagoon treating domestic wastewater. Disposal of the lagoon wastewater is by percolation and evaporation. The proposed permit has a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified operator.

Name and Address of Applicant	Legal Location	Type of Discharge
Emporia RV Park 4601 W. 50 Highway Emporia, KS 66801	SW¼, S7, T19S, R11E, Lyon County	Nondischarging

Kansas Permit No. C-NE24-NO04

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of an existing nondischarging wastewater treatment lagoon treating domestic wastewater. Disposal of the lagoon wastewater is by percolation and evaporation. The proposed permit has a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified operator.

Name and Address of Applicant	Legal Location	Type of Discharge
Kansas Department of Transportation I-70 Ellsworth County Rest Area	SE¼ S6 & NE¼ S8, T14S, R7W, Ellsworth County	Nondischarging

Landscape Section
Docking State Office
Building
Topeka, KS 66612

Kansas Permit No. M-SH07-NR02

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of existing nondischarging wastewater treatment lagoon systems treating domestic wastewater. Disposal of the lagoon wastewater is by percolation and evaporation. The proposed permit has a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified operator.

Name and Address of Applicant	Legal Location	Type of Discharge
Lyle Parsons Trailer Ct. Route 3, Box 201 Independence, KS 67301	SE¼ S34, T32S, R15E, Montgomery County	Nondischarging

Kansas Permit No. C-VE23-NO06

Facility Description: The proposed permit is for issuance of a new permit for operation of an existing nondischarging wastewater treatment lagoon treating domestic wastewater. Disposal of the lagoon wastewater is by percolation and evaporation. The proposed permit has a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified operator.

Written comments on the draft permits must be submitted to the attention of Lisa Duncan for agricultural permits, or to the permit clerk for all other permits, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, J Street and 2 North, Forbes Field, Building 283, Topeka, 66620. All comments postmarked or received on or before June 21 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-96-136/160, KS-96-070/083, KS-ND-96-050/055) 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 determination. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61 (28-46-21 for UIC). Media coordination for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

The applications, proposed permits, 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. 017692

State of Kansas

Employee Award Board

Notice of Meeting

The Employee Award Board will meet at 9 a.m. Thursday, May 30, in the Division of Personnel Services, Room 951-S, Landon State Office Building, 900 S.W. Jackson, Topeka.

Ben Barrett
Chairperson

Doc. No. 017700

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 Class II operating permit. Kaw Valley Sand & Gravel, Inc. has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Kaw Valley Sand & Gravel is a sand drying facility. Emissions of PM₁₀ were evaluated during the permit review process. The purpose of the Class II operating permit is to limit the potential-to-emit of PM₁₀ to below 100 tons per year.

Kaw Valley Sand & Gravel, Inc., Kansas City, Kansas, owns and operates the stationary source located at 5900 Thorn Drive, Kansas City, Kansas.

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 Department of Air Quality, Wyandotte County Health Department, 619 Ann Ave., Kansas City, Kansas, and at the Bureau of Air and Radiation, Kansas Department of Health and Environment, Building 283, Forbes Field, Topeka. To obtain or review the proposed permit and supporting documentation, contact Roylene A. Cunningham at the Wyandotte County Health Department, (913) 573-6700, or Connie Carreno at the Kansas Department of Health and Environment, (913) 296-6422. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Roylene A. Cunningham, Department of Air Quality, Wyandotte County Health Department, 619 Ann Ave., Kansas City, KS 66101. Written comments must be received by the close of business June 24 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, Kansas Department of Health and Environment, Building 283, Forbes Field, Topeka, 66620, not later than the close of business June 24 in order for the Secretary of Health and Environment to consider the request.

James J. O'Connell
Secretary of Health
and Environment

Doc. No. 017672

State of Kansas

Grain Inspection Department

Permanent Administrative
Regulations

Article 4.—FEES AND CHARGES

25-4-4. Fees and charges; warehouse division. (a) The annual fee for a public warehouse license shall be computed as follows, based on the capacity of the public warehouse:

Capacity in Bushels	Annual Fee
1 to 100,000	\$400.00
100,001 to 150,000	430.00
150,001 to 250,000	460.00
250,001 to 300,000	490.00
300,001 to 350,000	520.00
350,001 to 400,000	550.00
400,001 to 450,000	575.00
450,001 to 500,000	605.00
500,001 to 600,000	630.00
600,001 to 700,000	660.00
700,001 to 800,000	690.00
800,001 to 900,000	720.00
900,001 to 1,000,000	750.00
1,000,001 to 1,750,000	1,010.00
1,750,001 to 2,500,000	1,150.00
2,500,001 to 5,000,000	1,440.00
5,000,001 to 7,500,000	1,725.00
7,500,001 to 10,000,000	1,955.00
10,000,001 to 12,500,000	2,130.00
12,500,001 to 15,000,000	2,300.00
15,000,001 to 17,500,000	2,475.00
17,500,001 to 20,000,000	2,645.00
Over 20,000,000 bushels	add 290.00

for each 2,500,000 bushels or fraction thereof

(b) The charge for amending a warehouse license shall be \$75.00.

(c) The charges for each special or requested examination of a warehouse shall be:

- (1) \$20.00 per hour for each examiner with minimum of four hours charged;
- (2) subsistence expenses for each examiner; and
- (3) mileage expenses which shall be charged per mile driven, at the rate per mile determined by the secretary of administration pursuant to K.S.A. 75-4607 or amendments thereto.

(d) The license fee shall be the applicable amount shown in the fee schedule plus \$350 for each functional unit. (Authorized by and implementing K.S.A. 1995 Supp. 34-228; effective, E-67-18, Sept. 13, 1967; effective Jan. 1, 1968; amended, E-69-7, May 28, 1969; amended Jan. 1, 1970; amended May 1, 1982; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended, T-88-16, July 1, 1987; amended May 1, 1988; amended Oct. 22, 1990; amended March 23, 1992; amended June 7, 1996.)

Gary M. Bothwell
Director

Doc. No. 017673

State of Kansas

Board of Cosmetology

Permanent Administrative
Regulations

Article 3.—SCHOOLS

69-3-3. Curriculum and credits. (a) The curriculum requirements entitled "Cosmetology School Course Curriculums," as in effect on June 1, 1996, is adopted by reference.

(b) Among other teaching tools used to provide a course of training, a school shall use a textbook which substantially covers the curriculum areas.

(c) A person who has completed a course of manicuring training may receive 180 clock hours credit in manicuring which may apply toward completion of a course of cosmetology training.

(d) A person who has completed a course in esthetics training may receive 150 clock hours credit in facials and make-up which may apply toward completion of a course of cosmetology training. (Authorized by and implementing K.S.A. 65-1907 and 65-1903, as amended by L. 1995, Ch. 120, Sec. 3; effective Jan. 1, 1966; amended, E-67-9, June 16, 1967; amended, E-69-19, Aug. 26, 1969; amended, E-70-12, Jan. 1, 1970; amended Jan. 1, 1971; amended May 1, 1981; amended May 1, 1982; amended, T-85-44, Dec. 19, 1984; amended May 1, 1985; amended June 7, 1996.)

Nancy Shobe
Executive Director

Doc. No. 017689

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 23, 1996.)

HOUSE BILL No. 2745

AN ACT concerning business entities; relating to agricultural corporations; relating to the penalty for failure to file the annual report on time; amending K.S.A. 17-5903, 17-5904 and 17-7509 and repealing the existing sections.

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

Section 1. K.S.A. 17-5903 is hereby amended to read as follows: 17-5903. As used in this act:

(a) "Corporation" means a domestic or foreign corporation organized for profit or nonprofit purposes.

(b) "Nonprofit corporation" means a corporation organized not for profit and which qualifies under section 501(c)(3) of the federal internal revenue code of 1954 1986 as amended.

(c) "Limited partnership" has the meaning provided by K.S.A. 56-1a01, and amendments thereto.

(d) "Limited agricultural partnership" means a limited partnership founded for the purpose of farming and ownership of agricultural land, in which:

- (1) The partners do not exceed 10 in number;

(2) the partners are all natural persons, persons acting in a fiduciary capacity for the benefit of natural persons or nonprofit corporations, or general partnerships other than corporate partnerships formed under the laws of the state of Kansas; and

(3) at least one of the general partners is a person residing on the farm or actively engaged in the labor or management of the farming operation. If only one partner is meeting the requirement of this provision and such partner dies, the requirement of this provision does not apply for the period of time that the partner's estate is being administered in any district court in Kansas.

(e) "Corporate partnership" means a partnership, as defined in K.S.A. 56-306, and amendments thereto, which has within the association one or more corporations or one or more limited liability companies.

(f) "Feedlot" means a lot, yard, corral, or other area in which livestock fed for slaughter are confined. The term includes within its meaning agricultural land in such acreage as is necessary for the operation of the feedlot.

(g) "Agricultural land" means land suitable for use in farming.

(h) "Farming" means the cultivation of land for the production of agricultural crops, the raising of poultry, the production of eggs, the production of milk, the production of fruit or other horticultural crops, grazing or the production of livestock. Farming does not include the production of timber, forest products, nursery products or sod, and farming does not include a contract to provide spraying, harvesting or other farm services.

(i) "Fiduciary capacity" means an undertaking to act as executor, administrator, guardian, conservator, trustee for a family trust, authorized trust or testamentary trust or receiver or trustee in bankruptcy.

(j) "Family farm corporation" means a corporation:

(1) Founded for the purpose of farming and the ownership of agricultural land in which the majority of the voting stock is held by and the majority of the stockholders are persons related to each other, all of whom have a common ancestor within the third degree of relationship; by blood or by adoption, or the spouses or the stepchildren of any such persons, or persons acting in a fiduciary capacity for persons so related;

(2) all of its stockholders are natural persons or persons acting in a fiduciary capacity for the benefit of natural persons; and

(3) at least one of the stockholders is a person residing on the farm or actively engaged in the labor or management of the farming operation. A stockholder who is an officer of any corporation referred to in this subsection and who is one of the related stockholders holding a majority of the voting stock shall be deemed to be actively engaged in the management of the farming corporation. If only one stockholder is meeting the requirement of this provision and such stockholder dies, the requirement of this provision does not apply for the period of time that the stockholder's estate is being administered in any district court in Kansas.

(k) "Authorized farm corporation" means a Kansas corporation, other than a family farm corporation, all of the incorporators of which are Kansas residents, family farm corporations or family farm limited liability agricultural companies or any combination thereof, and which is founded for the purpose of farming and the ownership of agricultural land in which:

(1) The stockholders do not exceed 15 in number; and

(2) the stockholders are all natural persons, family farm corporations, family farm limited liability agricultural companies or persons acting in a fiduciary capacity for the benefit of natural persons, family farm corporations, family farm limited liability agricultural companies or nonprofit corporations; and

(3) at least 30% of the stockholders are persons residing on the farm or actively engaged in the day-to-day labor or management of the farming operation. If only one of the stockholders is meeting the requirement of this provision and such stockholder dies, the requirement of this provision does not apply for the period of time that the stockholder's estate is being administered in any district court in Kansas.

For the purposes of this definition, if more than one person receives stock by bequest from a deceased stockholder, all of such persons, collectively, shall be deemed to be one stockholder, and a husband and wife, and their estates, collectively, shall be deemed to be one stockholder; and

(3) if all of the stockholders are natural persons, at least one stockholder must be a person residing on the farm or actively engaged in labor or management of the farming operation. If only one stockholder is meeting the requirement of this provision and such stockholder dies, the requirement of this provision does not apply for the period of time that the stockholder's estate is being administered in any district court in Kansas.

(l) "Trust" means a fiduciary relationship with respect to property, subjecting the person by whom the property is held to equitable duties to deal with the property for the benefit of another person, which arises as a result of a manifestation of an intention to create it. A trust includes a legal entity holding property as trustee, agent, escrow agent, attorney-in-fact and in any similar capacity.

(m) "Family trust" means a trust in which:

(1) A majority of the equitable interest in the trust is held by and the majority of the beneficiaries are persons related to each other, all of whom have a common ancestor within the third degree of relationship, by blood or by adoption, or the spouses or stepchildren of any such persons, or persons acting in a fiduciary capacity for persons so related; and

(2) all the beneficiaries are natural persons, are persons acting in a fiduciary capacity, other than as trustee for a trust, or are nonprofit corporations.

(n) "Authorized trust" means a trust other than a family trust in which:

(1) The beneficiaries do not exceed 15 in number;

(2) the beneficiaries are all natural persons, are persons acting in a fiduciary capacity, other than as trustee for a trust, or are nonprofit corporations; and

(3) the gross income thereof is not exempt from taxation under the laws of either the United States or the state of Kansas.

For the purposes of this definition, if one of the beneficiaries dies, and more than one person succeeds, by bequest, to the deceased beneficiary's interest in the trust, all of such persons, collectively, shall be deemed to be one beneficiary, and a husband and wife, and their estates, collectively, shall be deemed to be one beneficiary.

(o) "Testamentary trust" means a trust created by devising or bequeathing property in trust in a will as such terms are used in the Kansas probate code.

(p) "Poultry confinement facility" means the structures and related equipment used for housing, breeding, laying of eggs or feeding of poultry in a restricted environment. The term includes within its meaning only such agricultural land as is necessary for proper disposal of liquid and solid wastes and for isolation of the facility to reasonably protect the confined poultry from exposure to disease. As used in this subsection, "poultry" means chickens, turkeys, ducks, geese or other fowl.

(q) "Rabbit confinement facility" means the structures and related equipment used for housing, breeding, raising, feeding or processing of rabbits in a restricted environment. The term includes within its meaning only such agricultural land as is necessary for proper disposal of liquid and solid wastes and for isolation of the facility to reasonably protect the confined rabbits from exposure to disease.

(r) "Swine marketing pool" means an association whose membership includes three or more business entities or individuals formed for the sale of hogs to buyers but shall not include any trust, corporation, limited partnership or corporate partnership, or limited liability company other than a family farm corporation, authorized farm corporation, limited liability agricultural company, limited agricultural partnership, family trust, authorized trust or testamentary trust.

(s) "Swine production facility" means the land, structures and related equipment owned or leased by a corporation or limited liability company and used for housing, breeding, farrowing or feeding of swine. The term includes within its meaning only such agricultural land as is necessary for proper disposal of liquid and solid wastes in environmentally sound amounts for crop production and to avoid nitrate buildup and for isolation of the facility to reasonably protect the confined animals from exposure to disease.

(t) "Limited liability company" has the meaning provided by K.S.A. 17-7602, and amendments thereto.

(u) "Limited liability agricultural company" means a limited liability company founded for the purpose of farming and ownership of agricultural land in which:

(1) The members do not exceed 10 in number; and

(2) the members are all natural persons, family farm corporations, family farm limited liability agriculture companies, persons acting in a fiduciary capacity for the benefit of natural persons, family farm corporations, family farm limited liability agricultural companies or nonprofit corporations, or general partnerships other than corporate partnerships formed under the laws of the state of Kansas; and

(3) at least one of the members is a person residing on the farm or actively engaged in the labor or management of the farming operation. If only one member is meeting the requirement of this provision and

(continued)

such member dies, the requirement of this provision does not apply for the period of time that the member's estate is being administered in any district court in Kansas; and

(3) if all of the members are natural persons, at least one member must be a person residing on the farm or actively engaged in labor or management of the farming operation. If only one member is meeting the requirement of this provision and such member dies, the requirement of this provision does not apply for the period of time that the member's estate is being administered in any district court in Kansas.

(v) "Dairy production facility" means the land, structures and related equipment used for housing, breeding, raising, feeding or milking dairy cows. The term includes within its meaning only such agricultural land as is necessary for proper disposal of liquid and solid wastes and for isolation of the facility to reasonably protect the confined cows from exposure to disease.

(w) "Family farm limited liability agricultural company" means a limited liability company founded for the purpose of farming and ownership of agricultural land in which:

(1) The majority of the members are persons related to each other, all of whom have a common ancestor within the third degree of relationship, by blood or by adoption, or the spouses or the stepchildren of any such persons, or persons acting in a fiduciary capacity for persons so related;

(2) the members are natural persons or persons acting in a fiduciary capacity for the benefit of natural persons; and

(3) at least one of the members is a person residing on the farm or actively engaged in the labor or management of the farming operation. If only one member is meeting the requirement of this provision and such member dies, the requirement of this provision does not apply for the period of time that the member's estate is being administered in any district court in Kansas.

(x) "Hydroponics" means the growing of vegetables, flowers, herbs, or plants used for medicinal purposes, in a growing medium other than soil.

Sec. 2. K.S.A. 17-5904 is hereby amended to read as follows: 17-5904. (a) No corporation, trust, limited liability company, limited partnership or corporate partnership, other than a family farm corporation, authorized farm corporation, limited liability agricultural company, family farm limited liability agricultural company, limited agricultural partnership, family trust, authorized trust or testamentary trust shall, either directly or indirectly, own, acquire or otherwise obtain or lease any agricultural land in this state. The restrictions provided in this section do not apply to the following:

(1) A bona fide encumbrance taken for purposes of security.

(2) Agricultural land when acquired as a gift, either by grant or devise, by a bona fide educational, religious or charitable nonprofit corporation.

(3) Agricultural land acquired by a corporation or a limited liability company in such acreage as is necessary for the operation of a nonfarming business. Such land may not be used for farming except under lease to one or more natural persons, a family farm corporation, authorized farm corporation, family trust, authorized trust or testamentary trust. The corporation shall not engage, either directly or indirectly, in the farming operation and shall not receive any financial benefit, other than rent, from the farming operation.

(4) Agricultural land acquired by a corporation or a limited liability company by process of law in the collection of debts, or pursuant to a contract for deed executed prior to the effective date of this act, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise, if such corporation divests itself of any such agricultural land within 10 years after such process of law, contract or procedure, except that provisions of K.S.A. 9-1102, and amendments thereto, shall apply to any bank which acquires agricultural land.

(5) A municipal corporation.

(6) Agricultural land which is acquired by a trust company or bank in a fiduciary capacity or as a trustee for a nonprofit corporation.

(7) Agricultural land owned or leased or held under a lease purchase agreement as described in K.S.A. 12-1741, and amendments thereto, by a corporation, corporate partnership, limited corporate partnership or trust on the effective date of this act if: (A) Any such entity owned or leased such agricultural land prior to July 1, 1965, provided such entity shall not own or lease any greater acreage of agricultural land than it owned or leased prior to the effective date of this act unless it is in compliance with the provisions of this act; (B) any such entity was in compliance with the provisions of K.S.A. 17-5901 prior to its repeal by this act, provided such entity shall not own or lease any greater acreage of agri-

cultural land than it owned or leased prior to the effective date of this act unless it is in compliance with the provisions of this act, and absence of evidence in the records of the county where such land is located of a judicial determination that such entity violated the provisions of K.S.A. 17-5901 prior to its repeal shall constitute proof that the provisions of this act do not apply to such agricultural land, and that such entity was in compliance with the provisions of K.S.A. 17-5901 prior to its repeal; or (C) any such entity was not in compliance with the provisions of K.S.A. 17-5901 prior to its repeal by this act, but is in compliance with the provisions of this act by July 1, 1991.

(8) Agricultural land held or leased by a corporation or a limited liability company for use as a feedlot, a poultry confinement facility or rabbit confinement facility.

(9) Agricultural land held or leased by a corporation for the purpose of the production of timber, forest products, nursery products or sod.

(10) Agricultural land used for bona fide educational research or scientific or experimental farming.

(11) Agricultural land used for the commercial production and conditioning of seed for sale or resale as seed or for the growing of alfalfa by an alfalfa processing entity if such land is located within 30 miles of such entity's plant site.

(12) Agricultural land owned or leased by a corporate partnership or limited corporate partnership in which the partners associated therein are either natural persons, family farm corporations, authorized farm corporations, limited liability agricultural companies, family trusts, authorized trusts or testamentary trusts.

(13) Any corporation, either domestic or foreign, or any limited liability company, organized for coal mining purposes which engages in farming on any tract of land owned by it which has been strip mined for coal.

(14) Agricultural land owned or leased by a limited partnership prior to the effective date of this act.

(15) Except as provided by K.S.A. 17-5908 and amendments thereto, agricultural land held or leased by a corporation or a limited liability company for use as a swine production facility in any county which has voted favorably pursuant to K.S.A. 17-5908 and amendments thereto, either by county resolution or by the electorate.

(16) Agricultural land held or leased by a corporation or a limited liability company for use as a dairy production facility in any county which has voted favorably pursuant to K.S.A. 17-5907 and amendments thereto, either by county resolution or by the electorate.

(17) Agricultural land held or leased by a corporation or a limited liability company used in a hydroponics setting.

(b) Production contracts entered into by a corporation, trust, limited liability company, limited partnership or corporate partnership and a person engaged in farming for the production of agricultural products shall not be construed to mean the ownership, acquisition, obtainment or lease, either directly or indirectly, of any agricultural land in this state.

(c) Any corporation, trust, limited liability company, limited partnership or corporate partnership, other than a family farm corporation, authorized farm corporation, limited liability agricultural company, family farm limited liability agricultural company, limited agricultural partnership, family trust, authorized trust or testamentary trust, violating the provisions of this section shall be subject to a civil penalty of not more than \$50,000 and shall divest itself of any land acquired in violation of this section within one year after judgment is entered in the action. The district courts of this state may prevent and restrain violations of this section through the issuance of an injunction. The attorney general or district or county attorney shall institute suits on behalf of the state to enforce the provisions of this section.

(d) Civil penalties sued for and recovered by the attorney general shall be paid into the state general fund. Civil penalties sued for and recovered by the county attorney or district attorney shall be paid into the general fund of the county where the proceedings were instigated.

Sec. 3. On or after July 1, 1996, K.S.A. 17-7509 is hereby amended to read as follows: 17-7509: (a) In case any corporation organized for profit which is required to file an annual report and pay the annual franchise tax prescribed by this act shall fail or neglect to make such report at the time prescribed, such corporation shall be subject to a penalty of one hundred dollars (\$100); and an additional penalty of five dollars (\$5) per day for each day's omission after the time limited in this act for filing such report and paying such tax \$75. Such penalty and the annual tax or taxes required to be paid by this act may be recovered by an action in the name of the state, and all moneys recovered shall be paid into the state treasury to the credit of the general fund. Any corporation shall have the

right to be heard by the secretary of state upon the matter of determination of the amount of taxes or penalties due under the provisions of this act. For good cause shown, the secretary of state may remit or waive all or any part of any penalties due under this act.

(b) On complaint of the secretary of state that any corporation has failed to pay the annual taxes prescribed by this act, it shall be the duty of the county or district attorney, or the attorney general, to institute such action in the district court of Shawnee county, Kansas, or of any county in which such corporation has an office or place of business.

(c) The penalties provided for in subsection (a) also may be assessed against any corporation for the reason that such corporation has been canceled or its existence forfeited pursuant to the Kansas general corporation code. No penalty shall be charged pursuant to this subsection, if a corporation is assessed penalties pursuant to grounds specified in subsection (a).

Sec. 4. On and after July 1, 1996, K.S.A. 17-7509 is hereby repealed.

Sec. 5. K.S.A. 17-5903 and 17-5904 are hereby repealed.

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

(Published in the Kansas Register May 23, 1996.)

SENATE BILL No. 710

AN ACT concerning real estate transactions; relating to agency relationships; repealing the brokerage relationships in real estate transactions act; amending K.S.A. 1995 Supp. 58-3035, 58-3035, as amended by section 19 of this bill, 58-3036, 58-3037, 58-3042, 58-3050, 58-3050, as amended by section 6 of this bill, 58-3062, 58-3062, as amended by section 7 of this bill, 58-3064, 58-3064, as amended by section 8 of this bill, 58-3065, 58-3065, as amended by section 9 of this bill, 58-3068, 58-3068, as amended by section 10 of this bill, 58-30,110, 74-4202 and 74-4202, as amended by section 11 of this bill, and repealing the existing sections; also repealing K.S.A. 1995 Supp. 58-3035a, 58-3039a and 58-30,101 through 58-30,112.

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

Section 1. K.S.A. 1995 Supp. 58-30,101 is hereby amended to read as follows: 58-30,101. (a) K.S.A. 1995 Supp. 58-30,101 through 58-30,112 shall be known and may be cited as the brokerage relationships in real estate transactions act.

(b) *Any application of this act to transactions regarding the sale or lease of commercial or investment real estate property shall be suspended and shall not be enforceable on and after the effective date of this act. Commercial or investment real estate property means any real estate for which the present or intended use is other than one to four residential units.*

(c) *The provisions of K.S.A. 1995 Supp. 58-30,101 through 58-30,112 shall be and hereby are abolished on July 1, 1997.*

New Sec. 2. (a) The chairperson of the real estate commission shall appoint a real estate task force for the purpose of studying the issues involved in the brokerage relationships in real estate transactions act, K.S.A. 1995 Supp. 58-30,101 through 58-30,112, and amendments thereto.

(b) The task force shall present its report and recommendations to the speaker of the house of representatives and the president of the senate on or before January 1, 1997.

(c) Task force members shall not be paid compensation, subsistence allowances, mileage or other expenses for serving on such task force.

Sec. 3. K.S.A. 1995 Supp. 58-3036 is hereby amended to read as follows: 58-3036. Unless exempt from this act under K.S.A. 58-3037 and amendments thereto, no person shall:

(a) Directly or indirectly engage in or conduct or represent that such person engages in or conducts the business of a broker, associate broker or salesperson within this state unless such person is licensed as such a broker, associate broker or salesperson in accordance with this act.

(b) Directly or indirectly act or represent that such person acts as a broker, associate broker or salesperson within this state unless such person is licensed as such a broker, associate broker or salesperson in accordance with this act.

(c) Perform or offer, attempt or agree to perform any act described in subsection (e) (f) of K.S.A. 58-3035 and amendments thereto, whether as a part of a transaction or as an entire transaction, unless such person is licensed pursuant to this act.

Sec. 4. K.S.A. 1995 Supp. 58-3037 is hereby amended to read as follows: 58-3037. The provisions of this act shall not apply to:

(a) Any person, other than a person licensed under this act, who directly performs any of the acts within the scope of this act with reference to such person's own property.

(b) Any person who directly performs any of the acts within the scope of this act with reference to property that such person is authorized to transfer in any way by a power of attorney from the owner, provided that such person receives no commission or other compensation, direct or indirect, for performing any such act.

(c) Services rendered by an attorney licensed to practice in this state in performing such attorney's professional duties as an attorney.

(d) Any person acting as receiver, trustee in bankruptcy, administrator, executor or guardian, or while acting under a court order or under the authority of a will or a trust instrument or as a witness in any judicial proceeding or other proceeding conducted by the state or any governmental subdivision or agency.

(e) Any officer or employee of the federal or state government, or any political subdivision or agency thereof, when performing the official duties of the officer or employee.

(f) Any multiple listing service wholly owned by a nonprofit organization or association of brokers.

(g) Any nonprofit referral system or organization of brokers formed for the purpose of referral of prospects for the sale or listing of real estate.

(h) Railroads or other public utilities regulated by the state of Kansas, or their subsidiaries, affiliated corporations, officers or regular employees, unless performance of any of the acts described in subsection (e) (f) of K.S.A. 58-3035 and amendments thereto is in connection with the sale, purchase, lease or other disposition of real estate or investment therein unrelated to the principal business activity of such railroad or other public utility or affiliated or subsidiary corporation thereof.

(i) The sale or lease of real estate by an employee of a corporation which owns or leases such real estate, if such employee owns not less than 5% of the stock of such corporation.

(j) The sale or lease of new homes by a person, partnership, association or domestic corporation who constructed such homes, but the provisions of this act shall apply to the sale or lease of any such homes by any employee of such person, partnership or association or by any employee of such corporation who owns less than 5% of the stock of such corporation.

(k) The lease of real estate for agricultural purposes.

Sec. 5. K.S.A. 1995 Supp. 58-3042 is hereby amended to read as follows: 58-3042. (a) No real estate license shall give authority to any person other than the person to whom the license is issued.

(b) No license shall be granted to a corporation, partnership, association or limited liability company. Each person who is an officer of a corporation or a member of a partnership, association or limited liability company and who performs any act described in subsection (e) (f) of K.S.A. 58-3035 and amendments thereto shall be a licensed broker, and each person who is employed by or associated with a corporation, partnership, association or limited liability company and who performs any act described in subsection (e) (f) of K.S.A. 58-3035 and amendments thereto shall be a licensed broker or licensed salesperson.

Sec. 6. K.S.A. 1995 Supp. 58-3050 is hereby amended to read as follows: 58-3050. (a) The license of any licensee may be revoked, suspended or restricted or a licensee may be censured, if:

(1) The commission finds that the license has been obtained by false or fraudulent representation or that the licensee has committed a violation of this act or rules and regulations adopted hereunder, or the brokerage relationships in real estate transactions act or rules and regulations adopted thereunder as such act governs the sale or lease of real estate that is one to four residential units, whether the licensee acted as an agent or a principal in the real estate transaction;

(2) the licensee has entered a plea of guilty or *nolo contendere* to, or has been convicted of: (A) Forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any other similar offense; (B) a crime involving moral turpitude; or (C) any felony charge; or

(3) the licensee has been finally adjudicated and found to be guilty of violation of the federal fair housing act (42 U.S.C. 3601 et seq.) or K.S.A. 44-1015 through 44-1029, and amendments thereto.

(b) In addition to or in lieu of any other administrative, civil or criminal remedy provided by law, the commission, in accordance with the Kansas administrative procedure act and upon a finding that a licensee has violated a provision of this act or rules and regulations adopted hereunder, or the brokerage relationships in real estate transactions act or

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rules and regulations adopted thereunder as such act governs the sale or lease of real estate that is one to four residential units, may impose on such licensee a civil fine not exceeding \$500 for each violation.

(c) If a broker or salesperson has been declared disabled by a court of competent jurisdiction, the commission shall suspend the broker's or salesperson's license for the period of disability.

(d) No complaint alleging violation of this act or rules and regulations adopted hereunder, or the brokerage relationships in real estate transactions act or rules and regulations adopted thereunder as such act governs the sale or lease of real estate that is one to four residential units, shall be commenced more than three years from the date of the occurrence which is the subject of the complaint.

(e) All administrative proceedings pursuant to this section shall be conducted in accordance with the Kansas administrative procedure act.

(f) Notwithstanding any provision of this act or the brokerage relationships in real estate transactions act, as such act governs the sale or lease of real estate that is one to four residential units, to the contrary, the commission may use emergency adjudicative proceedings, as provided by K.S.A. 77-536 and amendments thereto, to summarily suspend the license of any licensee if the commission has reasonable cause to believe that the licensee's trust account is in unsound condition or that the licensee is misappropriating funds belonging to other persons.

(g) If a licensee has entered a plea of guilty, or *nolo contendere* to, or has been convicted of, any felony charge, the commission may use emergency adjudicative proceedings, as provided by K.S.A. 77-536 and amendments thereto to suspend, revoke or restrict the licensee's license.

(h) When the real estate license of an individual is revoked and that individual's name is included in the trade or business name of a real estate brokerage business, the commission may deny continued use of the trade or business name if, in the opinion of the commission, it would be confusing or misleading to the public.

If the revocation of the individual's license is appealed to district court and a stay of the commission's order is granted by the court, the commission may not deny continued use of the trade or business name until such time as the district court upholds the order of the commission.

Sec. 7. K.S.A. 1995 Supp. 58-3062 is hereby amended to read as follows: 58-3062. (a) No licensee, whether acting as an agent or a principal, shall:

(1) Intentionally use advertising that is misleading or inaccurate in any material particular or that in any way misrepresents any property, terms, values, policies or services of the business conducted, or uses the trade name, collective membership mark, service mark or logo of any organization owning such name, mark or logo without being authorized to do so.

(2) Fail to account for and remit any money which comes into the licensee's possession and which belongs to others.

(3) Misappropriate moneys required to be deposited in a trust account pursuant to K.S.A. 58-3061 and amendments thereto, convert such moneys to the licensee's personal use or commingle the money or other property of the licensee's principals with the licensee's own money or property, except that nothing herein shall prohibit a broker from having funds in an amount not to exceed \$100 in the broker's trust account to pay expenses for the use and maintenance of such account.

(4) Accept, give or charge any rebate or undisclosed commission.

(5) Pay a referral fee to a person who is properly licensed as a broker or salesperson in another jurisdiction or who holds a corporate real estate license in another jurisdiction if the licensee knows that the payment of the referral fee will result in the payment of a rebate by the out-of-state licensee.

(6) Represent or attempt to represent a broker without the broker's express knowledge and consent.

(7) Act in a dual capacity of agent and undisclosed principal in any transaction regarding the sale or lease of commercial or investment real estate property.

(8) Guarantee or authorize any person to guarantee future profits that may result from the resale of real property.

(9) Place a sign on any property offering it for sale or lease without the written consent of the owner or the owner's authorized agent.

(10) Offer real estate for sale or lease without the knowledge and consent of the owner or the owner's authorized agent or on terms other than those authorized by the owner or the owner's authorized agent.

(11) Induce any party to break any agency agreement or contract of sale or lease.

(12) Solicit a listing or negotiate a sale, exchange or lease of commercial or investment real estate property directly with an owner or lessor if

the licensee knows that such owner or lessor has, with regard to the property, a written agency agreement granting an exclusive right to sell or lease to another broker.

(13) Solicit an agency agreement or negotiate a sale, exchange or lease of commercial or investment real estate property directly with a buyer or lessee if the licensee knows that such buyer or lessee has a written agency agreement granting exclusive representation to another broker.

(14) Except for a commercial or investment real estate property or any property owned by any agency of the federal government, fail to obtain a written agency agreement, including a fixed date of expiration, signed by the party to be represented and by the licensee or fail to furnish a copy of the agreement to the principal within a reasonable time. The licensee shall not assign, sell or otherwise transfer a written agency agreement to another broker without the express written consent of all parties to the original listing agreement.

(15) In any transaction regarding the sale of commercial or investment real estate property if the licensee represents the seller, fail to disclose to a prospective buyer that: (A) The licensee is or will be acting as agent of the seller with the duty to represent the seller's interest; (B) the licensee will not be the agent of the prospective buyer; and (C) information given to the licensee will be disclosed to the seller. The disclosure shall be made orally or in writing when the licensee agrees to assist the prospective buyer to locate and inspect property and shall be made in any contract for sale and in any lot reservation agreement.

(16) In any transaction regarding the sale of commercial or investment real estate property if the licensee represents the buyer, fail to disclose to a prospective seller or seller's agent that: (A) The licensee is or will be acting as agent of the buyer with the duty to represent the buyer's interest; (B) the licensee will not be the agent of the seller; and (C) information given to the licensee will be disclosed to the buyer. The disclosure shall be made orally or in writing no later than the first showing of the property and shall be made in any contract for sale and in any lot reservation agreement.

(17) In any transaction regarding the sale of commercial or investment real estate property if the licensee represents both the buyer and seller, the licensee shall immediately disclose in writing: (A) That the licensee is acting as agent for both buyer and seller; and (B) the compensation arrangement. The disclosure shall be signed by both the buyer and the seller. If the exclusive right to sell agreement and the buyer's agency agreement include the disclosure of the possibility of dual agency, the written disclosure, for each specific transaction, shall be signed by the buyer no later than the first showing of the property and by the seller no later than the presentation of the offer to purchase. In addition, the disclosure of the agency relationship between all licensees involved and the principals shall be included in any contract for sale and in any lot reservation agreement.

(18) Offer or give prizes, gifts or gratuities which are contingent upon an agency agreement or the sale, purchase or lease of real estate.

(19) Enter into a listing agreement on commercial or investment real estate property in which the broker's commission is based upon the difference between the gross sales price and the net proceeds to the owner.

(20) Fail to see that financial obligations and commitments between the parties to an agreement to sell, exchange or lease real estate are in writing, expressing the exact agreement of the parties or to provide, within a reasonable time, copies thereof to all parties involved.

(21) Procure a signature to a purchase contract which has no definite purchase price, method of payment, description of property or method of determining the closing date.

(22) Include in any agency agreement an authorization to sign or initial any document on behalf of the licensee's principal in a commercial or investment real estate property transaction or authorization to act as attorney-in-fact for the principal, commit forgery or, unless authorized to do so by a duly executed power of attorney, sign or initial any contractual agreement on behalf of another person in a real estate transaction.

(23) Engage in fraud or make any substantial misrepresentation.

(24) Represent to any lender, guaranteeing agency or any other interested party, either verbally or through the preparation of false documents, an amount in excess of the true and actual sale price of the real estate or terms differing from those actually agreed upon.

(25) Fail to make known to any purchaser or lessee any interest the licensee has in the real estate the licensee is selling or leasing or to make known to any seller or lessor any interest the licensee will have in the real estate the licensee is purchasing or leasing.

(26) Fail to inform both the buyer, at the time an offer is made, and the seller, at the time an offer is presented, that certain closing costs must be paid and the approximate amount of such costs.

(19) (27) Fail without just cause to surrender any document or instrument to the rightful owner.

(20) (28) Accept anything other than cash as earnest money unless that fact is communicated to the owner prior to the owner's acceptance of the offer to purchase, and such fact is shown in the purchase agreement.

(21) (29) Fail to deposit any check or cash received as an earnest money deposit or as a deposit on the purchase of a lot within five business days after the purchase agreement or lot reservation agreement is signed by all parties, unless otherwise specifically provided by written agreement of all parties to the purchase agreement or lot reservation agreement, in which case the licensee shall deposit the check or cash received on the date provided by such written agreement.

(22) (30) Fail in response to a request by the commission or the director to produce any document, book or record in the licensee's possession or under the licensee's control that concerns, directly or indirectly, any real estate transaction or the licensee's real estate business.

(31) In any transaction regarding the sale of commercial or investment real estate property if the licensee represents the seller, fail to promptly submit any written offer to the licensee's principal when such offer is received prior to the closing of the sale or fail to promptly submit to the prospective buyer or buyer's agent any counteroffer made by the seller, including any back-up offers properly identified as such.

(32) In any transaction regarding the sale of commercial or investment real estate property if the licensee represents the buyer, fail to promptly submit any written offer to the seller or seller's agent or fail to promptly submit to the licensee's principal any counteroffer made by the seller, including any back-up offers properly identified as such.

(23) (33) Refuse to appear or testify under oath at any hearing held by the commission.

(24) (34) Demonstrate incompetency to act as a broker, associate broker or salesperson.

(35) In any transaction regarding the sale or lease of commercial or investment real estate property fail to disclose, or ascertain and disclose, to any person with whom the licensee is dealing, any material information which relates to the property with which the licensee is dealing and which such licensee knew or should have known.

(25) (36) Knowingly receive or accept, directly or indirectly, any rebate, reduction or abatement of any charge, or any special favor or advantage or any monetary consideration or inducement, involving the issuance of a title insurance policy or contract concerning which the licensee is directly or indirectly connected, from a title insurance company or title insurance agent, or any officer, employee, attorney, agent or solicitor thereof.

(26) (37) Engage in the purchase of one-, two-, three- or four-family dwellings, including condominiums and cooperatives, or the acquisition of any right, title or interest therein, including any equity or redemption interests, if:

(A) (i) At the time of such purchase, the dwellings are subject to a right of redemption pursuant to foreclosure of a mortgage on such dwellings; (ii) the licensee fails to give written notice of the purchase, within 20 days thereafter, to the mortgage holder or judgment creditor who held such mortgage; and (iii) the licensee, unless otherwise required by law or court order, fails to apply any rent proceeds from the dwellings to the judgment lien arising from the foreclosure of such mortgage, as payments become due under the loan, regardless of whether the licensee is obligated to do so;

(B) (i) the dwellings are subject to a loan which is secured by a mortgage and which is in default at the time of such purchase or in default within one year after such purchase; (ii) the licensee fails to give written notice of the purchase, within 20 days thereafter, to the mortgage holder; and (iii) the licensee, unless otherwise required by law or court order, fails to apply any rent proceeds from the dwellings to the mortgage as the payments come due, regardless of whether the licensee is obligated on the loan; or

(C) the licensee fails to notify, at the time of rental, any person renting any such dwelling of the extent and nature of the licensee's interest in such dwelling and the probable time until possession will be taken by the mortgage holder or judgment creditor.

(38) Commit forgery or, unless authorized to do so by a duly executed power of attorney, sign or initial any contractual agreement on behalf of another person in a real estate transaction.

(b) In any transaction regarding the sale or lease of commercial or investment real estate property failure to comply with any requirement of subsection (a)(14), (15), (16) or (17) or their corollary rules and reg-

ulations shall not by itself render any agreement void or voidable nor shall it constitute a defense to any action to enforce such agreement or any action for breach of such agreement.

(c) The commission may provide suggested forms of agency disclosure and agency agreements and, by rules and regulations, provide such other prohibitions, limitations and conditions relating thereto as the commission may prescribe for transactions regarding the sale or lease of commercial or investment real estate property.

(d) No salesperson or associate broker shall:

(1) Accept a commission or other valuable consideration from anyone other than the salesperson's or associate broker's employing broker or the broker with whom the salesperson or associate broker is associated.

(2) Fail to place, as soon after receipt as practicable, any deposit money or other funds entrusted to the salesperson or associate broker in the custody of the broker whom the salesperson or associate broker represents.

(e) (e) No broker shall:

(1) Pay a commission or compensation to any person for performing the services of an associate broker or salesperson unless such person is licensed under this act and employed by or associated with the broker, except that nothing herein shall prohibit the payment of a referral fee to a person who is properly licensed as a broker or salesperson in another jurisdiction relating to a transaction regarding the sale or lease of commercial or investment real estate property.

(2) Fail to deliver to the seller in every real estate transaction, at the time the transaction is closed, a complete, detailed closing statement showing all of the receipts and disbursements handled by the broker for the seller, or fail to deliver to the buyer a complete statement showing all money received in the transaction from such buyer and how and for what the same was disbursed, or fail to retain true copies of such statements in the broker's files, except that the furnishing of such statements to the seller and buyer by an escrow agent shall relieve the broker's responsibility to the seller and the buyer.

(3) Fail to properly supervise the activities of an associated or employed salesperson or associate broker.

(4) Lend the broker's license to a salesperson, or permit a salesperson to operate as a broker.

(5) Fail to provide to the principal a written report every 30 days, along with a final report, itemizing disbursements made by the broker from advance listing fees.

(4) (f) If a purchase agreement provides that the earnest money be held by an escrow agent other than a real estate broker, unless otherwise specifically provided by written agreement of all parties to the purchase agreement, no listing broker shall:

(1) Fail to deliver the purchase agreement and earnest money deposit to the escrow agent named in the purchase agreement within five business days after the purchase agreement is signed by all parties; or

(2) fail to obtain and keep in the transaction file a receipt from the escrow agent showing date of delivery of the purchase agreement and earnest money deposit.

(e) (g) Nothing in this section shall be construed to grant any person a private right of action for damages or to eliminate any right of action pursuant to other statutes or common law.

Sec. 8. K.S.A. 1995 Supp. 58-3064 is hereby amended to read as follows: 58-3064. Whenever any person has engaged in any act or practice that constitutes a violation of this act or rules and regulations adopted hereunder or the brokerage relationships in real estate transactions act or rules and regulations adopted thereunder as such act governs the sale or lease of real estate that is one to four residential units, the commission may institute an action in the district court of the county in which the person resides or in the district court in the county in which such act or practice occurred for an injunction to enforce compliance with the act or rules and regulations. The commission shall not be required to give any bond or pay any filing fee for initiating such action. Upon a showing that the person has engaged in any act or practice in violation of the act or rules and regulations, the court may enjoin all such acts or practices and may make any orders necessary to conserve, protect and disburse any funds involved.

Sec. 9. K.S.A. 1995 Supp. 58-3065 is hereby amended to read as follows: 58-3065. (a) Willful violation of any provision of this act or the brokerage relationships in real estate transactions act, as such act governs the sale or lease of real estate that is one to four residential units, is a misdemeanor punishable by imprisonment for not more than 12 months or a fine of not less than \$100 or more than \$1,000, or both, for the first

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offense and imprisonment for not more than 12 months or a fine of not less than \$1,000 or more than \$10,000, or both, for a second or subsequent offense.

(b) Nothing in this act or the brokerage relationships in real estate transactions act, *as such act governs the sale or lease of real estate that is one to four residential units*, shall be construed as requiring the commission or the director to report minor violations of the acts for criminal prosecution whenever the commission or the director believes that the public interest will be adequately served by other administrative action.

Sec. 10. K.S.A. 1995 Supp. 58-3068 is hereby amended to read as follows: 58-3068. (a) Moneys in the real estate recovery revolving fund shall be used in the manner provided by this act to reimburse persons who suffer monetary damages by reason of any of the following acts committed in connection with any transaction involving the sale of real estate in this state by any broker or salesperson who was licensed under the laws of this state at the time the act was committed or by any unlicensed employee of such broker or salesperson:

- (1) Violation of any of the following provisions of this act:
 - (A) K.S.A. 58-3061 and amendments thereto; or
 - (B) subsection (a)(2), (3), (15), (20) or (21) (23), (28) or (29) or subsection (b)(2) (d)(2) of K.S.A. 58-3062 and amendments thereto; or
- (2) violation of any provision of the brokerage relationships in real estate transactions act, *as such act governs the sale or lease of real estate that is one to four residential units*; or
- (3) obtaining money or property by any act which would constitute any crime defined by K.S.A. 21-3701, 21-3704, 21-3705, 21-3706, 21-3707, 21-3710, 21-3711 or 21-3712, and amendments thereto.

(b) Any person may seek recovery from the real estate recovery revolving fund under the following conditions:

- (1) Such person has received final judgment in a court of competent jurisdiction of this state in any action wherein the cause of action was based on any of the acts described in subsection (a);
- (2) the claim is made within two years after the date that final judgment is entered;
- (3) such person has caused to be issued a writ of execution upon such judgment, and the officer executing the same has made a return showing that no personal or real property of the judgment debtor liable to be levied upon in satisfaction of the judgment could be found, or that the amount realized on the sale of the judgment debtor's property pursuant to such execution was insufficient to satisfy the judgment;
- (4) such person has made all reasonable searches and inquiries to ascertain whether the judgment debtor is possessed of real or personal property or other assets, subject to being sold or applied in satisfaction of the judgment, and by such search such person has discovered no such property or assets, or that such person has discovered such property and assets and that such person has taken all necessary action and proceedings for the application thereof to the judgment and that the amount thereby realized was insufficient to satisfy the judgment;
- (5) any amounts recovered by such person from the judgment debtor, or from any other source, has been applied to the damages awarded by the court; and
- (6) such person is not a person who is precluded by subsection (c) from making a claim for recovery.

(c) A person shall not be qualified to make a claim for recovery from the real estate recovery revolving fund, if:

- (1) The person is the spouse of the judgment debtor or a personal representative of such spouse;
- (2) the person acted as principal or agent in the real estate transaction which is the subject of the claim and is a licensed broker or salesperson or is a partnership, association, limited liability company or corporation whose partners, members, officers and employees are licensed as provided by subsection (b) of K.S.A. 58-3042 and amendments thereto; or
- (3) such person's claim is based upon a real estate transaction in which the licensed broker or salesperson was acting on the broker's or salesperson's own behalf with respect to property owned or controlled by such broker or salesperson.

Sec. 11. K.S.A. 1995 Supp. 74-4202 is hereby amended to read as follows: 74-4202. (a) Within 30 days after the appointment of the members to be regularly appointed within any year, the commission shall meet in the city of Topeka for the purpose of organizing by selecting from its membership a chairperson and such other officers as the commission may deem necessary and appropriate. A majority of the members of the commission shall constitute a quorum for the exercise of the powers or authority conferred upon it.

(b) The commission shall receive applications for, and issue licenses to, brokers and salespersons, as provided in this act and shall administer the provisions of this act and the brokerage relationships in real estate transactions act, *as such act governs the sale or lease of real estate that is one to four residential units*. The commission may do all things necessary and convenient for carrying into effect the provisions of the acts and may adopt rules and regulations not inconsistent with the acts. For the purpose of the acts, the commission shall make all necessary investigations, and every licensee shall furnish to the commission such evidence as the licensee may have as to any violation the acts or any rules and regulations adopted under the acts. The commission may enforce any order by an action in the district court of the county where the alleged violator resides or where the violation allegedly occurred.

(c) Each member of the commission shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223 and amendments thereto.

(d) The commission shall hold meetings and hearings in the city of Topeka or at such places as it shall determine at such times as it may designate and on request of two (2) or more of its members.

(e) The commission shall maintain an office in the city of Topeka, and all files, records and property of the commission shall at all times be and remain therein.

(f) The commission shall adopt a seal by which it shall attest its proceedings. Copies of all records and papers required by law or the commission to be filed in the office of the commission, when duly certified by the director, assistant director or chairperson of the commission and attested by the seal of the commission, shall be received in evidence in all courts of the state of Kansas equally and with like effect as the originals.

Sec. 12. On and after July 1, 1997, K.S.A. 1995 Supp. 58-3050, as amended by section 6 of this bill, is hereby amended to read as follows: 58-3050. (a) The license of any licensee may be revoked, suspended or restricted or a licensee may be censured, if:

(1) The commission finds that the license has been obtained by false or fraudulent representation or that the licensee has committed a violation of this act or rules and regulations adopted hereunder, or the brokerage relationships in real estate transactions act or rules and regulations adopted thereunder as such act governs the sale or lease of real estate that is one to four residential units, whether the licensee acted as an agent or a principal in the real estate transaction;

(2) the licensee has entered a plea of guilty or *nolo contendere* to, or has been convicted of: (A) Forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any other similar offense; (B) a crime involving moral turpitude; or (C) any felony charge; or

(3) the licensee has been finally adjudicated and found to be guilty of violation of the federal fair housing act (42 U.S.C. 3601 et seq.) or K.S.A. 44-1015 through 44-1029, and amendments thereto.

(b) In addition to or in lieu of any other administrative, civil or criminal remedy provided by law, the commission, in accordance with the Kansas administrative procedure act and upon a finding that a licensee has violated a provision of this act or rules and regulations adopted hereunder, or the brokerage relationships in real estate transactions act or rules and regulations adopted thereunder as such act governs the sale or lease of real estate that is one to four residential units, may impose on such licensee a civil fine not exceeding \$500 for each violation.

(c) If a broker or salesperson has been declared disabled by a court of competent jurisdiction, the commission shall suspend the broker's or salesperson's license for the period of disability.

(d) No complaint alleging violation of this act or rules and regulations adopted hereunder, or the brokerage relationships in real estate transactions act or rules and regulations adopted thereunder as such act governs the sale or lease of real estate that is one to four residential units, shall be commenced more than three years from the date of the occurrence which is the subject of the complaint.

(e) All administrative proceedings pursuant to this section shall be conducted in accordance with the Kansas administrative procedure act.

(f) Notwithstanding any provision of this act or the brokerage relationships in real estate transactions act, *as such act governs the sale or lease of real estate that is one to four residential units*, to the contrary, the commission may use emergency adjudicative proceedings, as provided by K.S.A. 77-536 and amendments thereto; to summarily suspend the license of any licensee if the commission has reasonable cause to believe that the licensee's trust account is in unsound condition or that the licensee is misappropriating funds belonging to other persons.

(g) If a licensee has entered a plea of guilty or *nolo contendere* to, or has been convicted of, any felony charge, the commission may use emergency adjudicative proceedings, as provided by K.S.A. 77-536 and amendments thereto to suspend, revoke or restrict the licensee's license.

(h) When the real estate license of an individual is revoked and that individual's name is included in the trade or business name of a real estate brokerage business, the commission may deny continued use of the trade or business name if, in the opinion of the commission, it would be confusing or misleading to the public.

If the revocation of the individual's license is appealed to district court and a stay of the commission's order is granted by the court, the commission may not deny continued use of the trade or business name until such time as the district court upholds the order of the commission.

Sec. 13. On and after July 1, 1997, K.S.A. 1995 Supp. 58-3062, as amended by section 7 of this bill, is hereby amended to read as follows: 58-3062. (a) No licensee, whether acting as an agent or a principal, shall:

(1) Intentionally use advertising that is misleading or inaccurate in any material particular or that in any way misrepresents any property, terms, values, policies or services of the business conducted, or uses the trade name, collective membership mark, service mark or logo of any organization owning such name, mark or logo without being authorized to do so.

(2) Fail to account for and remit any money which comes into the licensee's possession and which belongs to others.

(3) Misappropriate moneys required to be deposited in a trust account pursuant to K.S.A. 58-3061 and amendments thereto, convert such moneys to the licensee's personal use or commingle the money or other property of the licensee's principals with the licensee's own money or property, except that nothing herein shall prohibit a broker from having funds in an amount not to exceed \$100 in the broker's trust account to pay expenses for the use and maintenance of such account.

(4) Accept, give or charge any rebate or undisclosed commission.

(5) Pay a referral fee to a person who is properly licensed as a broker or salesperson in another jurisdiction or who holds a corporate real estate license in another jurisdiction if the licensee knows that the payment of the referral fee will result in the payment of a rebate by the out-of-state licensee.

(6) Represent or attempt to represent a broker without the broker's express knowledge and consent.

(7) Act in a dual capacity of agent and undisclosed principal in any transaction regarding the sale or lease of commercial or investment real estate property.

(8) Guarantee or authorize any person to guarantee future profits that may result from the resale of real property.

(9) Place a sign on any property offering it for sale or lease without the written consent of the owner or the owner's authorized agent.

(10) Offer real estate for sale or lease without the knowledge and consent of the owner or the owner's authorized agent or on terms other than those authorized by the owner or the owner's authorized agent.

(11) Induce any party to break any agency agreement or contract of sale or lease.

(12) Solicit a listing or negotiate a sale, exchange or lease of commercial or investment real estate property directly with an owner or lessor if the licensee knows that such owner or lessor has, with regard to the property, a written agency agreement granting an exclusive right to sell or lease to another broker.

(13) Solicit an agency agreement or negotiate a sale, exchange or lease of commercial or investment real estate property directly with a buyer or lessee if the licensee knows that such buyer or lessee has a written agency agreement granting exclusive representation to another broker.

(14) Except for a commercial or investment real estate property or any property owned by any agency of the federal government, fail to obtain a written agency agreement, including a fixed date of expiration, signed by the party to be represented and by the licensee or fail to furnish a copy of the agreement to the principal within a reasonable time. The licensee shall not assign, sell or otherwise transfer a written agency agreement to another broker without the express written consent of all parties to the original listing agreement.

(15) In any transaction regarding the sale of commercial or investment real estate property. If the licensee represents the seller, fail to disclose to a prospective buyer that: (A) The licensee is or will be acting as agent of the seller with the duty to represent the seller's interest; (B) the licensee will not be the agent of the prospective buyer; and (C) information given to the licensee will be disclosed to the seller. The disclosure shall be made orally or in writing when the licensee agrees to assist

the prospective buyer to locate and inspect property and shall be made in any contract for sale and in any lot reservation agreement.

(16) In any transaction regarding the sale of commercial or investment real estate property. If the licensee represents the buyer, fail to disclose to a prospective seller or seller's agent that: (A) The licensee is or will be acting as agent of the buyer with the duty to represent the buyer's interest; (B) the licensee will not be the agent of the seller; and (C) information given to the licensee will be disclosed to the buyer. The disclosure shall be made orally or in writing no later than the first showing of the property and shall be made in any contract for sale and in any lot reservation agreement.

(17) In any transaction regarding the sale of commercial or investment real estate property. If the licensee represents both the buyer and seller, the licensee shall immediately disclose in writing: (A) That the licensee is acting as agent for both buyer and seller; and (B) the compensation arrangement. The disclosure shall be signed by both the buyer and the seller. If the exclusive right to sell agreement and the buyer's agency agreement include the disclosure of the possibility of dual agency, the written disclosure, for each specific transaction, shall be signed by the buyer no later than the first showing of the property and by the seller no later than the presentation of the offer to purchase. In addition, the disclosure of the agency relationship between all licensees involved and the principals shall be included in any contract for sale and in any lot reservation agreement.

(18) Offer or give prizes, gifts or gratuities which are contingent upon an agency agreement or the sale, purchase or lease of real estate.

(19) Enter into a listing agreement on commercial or investment real estate property in which the broker's commission is based upon the difference between the gross sales price and the net proceeds to the owner.

(20) Fail to see that financial obligations and commitments between the parties to an agreement to sell, exchange or lease real estate are in writing, expressing the exact agreement of the parties or to provide, within a reasonable time, copies thereof to all parties involved.

(21) Procure a signature to a purchase contract which has no definite purchase price, method of payment, description of property or method of determining the closing date.

(22) Include in any agency agreement an authorization to sign or initial any document on behalf of the licensee's principal in a commercial or investment real estate property transaction or authorization to act as attorney-in-fact for the principal.

(23) Engage in fraud or make any substantial misrepresentation.

(24) Represent to any lender, guaranteeing agency or any other interested party, either verbally or through the preparation of false documents, an amount in excess of the true and actual sale price of the real estate or terms differing from those actually agreed upon.

(25) Fail to make known to any purchaser or lessee any interest the licensee has in the real estate the licensee is selling or leasing or to make known to any seller or lessor any interest the licensee will have in the real estate the licensee is purchasing or leasing.

(26) Fail to inform both the buyer, at the time an offer is made, and the seller, at the time an offer is presented, that certain closing costs must be paid and the approximate amount of such costs.

(27) Fail without just cause to surrender any document or instrument to the rightful owner.

(28) Accept anything other than cash as earnest money unless that fact is communicated to the owner prior to the owner's acceptance of the offer to purchase, and such fact is shown in the purchase agreement.

(29) Fail to deposit any check or cash received as an earnest money deposit or as a deposit on the purchase of a lot within five business days after the purchase agreement or lot reservation agreement is signed by all parties, unless otherwise specifically provided by written agreement of all parties to the purchase agreement or lot reservation agreement, in which case the licensee shall deposit the check or cash received on the date provided by such written agreement.

(30) Fail in response to a request by the commission or the director to produce any document, book or record in the licensee's possession or under the licensee's control that concerns, directly or indirectly, any real estate transaction or the licensee's real estate business.

(31) In any transaction regarding the sale of commercial or investment real estate property. If the licensee represents the seller, fail to promptly submit any written offer to the licensee's principal when such offer is received prior to the closing of the sale or fail to promptly submit to the prospective buyer or buyer's agent any counteroffer made by the seller, including any back-up offers properly identified as such.

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(32) In any transaction regarding the sale of commercial or investment real estate property. If the licensee represents the buyer, fail to promptly submit any written offer to the seller or seller's agent or fail to promptly submit to the licensee's principal any counteroffer made by the seller, including any back-up offers properly identified as such.

(33) Refuse to appear or testify under oath at any hearing held by the commission.

(34) Demonstrate incompetency to act as a broker, associate broker or salesperson.

(35) In any transaction regarding the sale or lease of commercial or investment real estate property. Fail to disclose, or ascertain and disclose, to any person with whom the licensee is dealing, any material information which relates to the property with which the licensee is dealing and which such licensee knew or should have known.

(36) Knowingly receive or accept, directly or indirectly, any rebate, reduction or abatement of any charge, or any special favor or advantage or any monetary consideration or inducement, involving the issuance of a title insurance policy or contract concerning which the licensee is directly or indirectly connected, from a title insurance company or title insurance agent, or any officer, employee, attorney, agent or solicitor thereof.

(37) Engage in the purchase of one-, two-, three- or four-family dwellings, including condominiums and cooperatives, or the acquisition of any right, title or interest therein, including any equity or redemption interests, if:

(A) (i) At the time of such purchase, the dwellings are subject to a right of redemption pursuant to foreclosure of a mortgage on such dwellings; (ii) the licensee fails to give written notice of the purchase, within 20 days thereafter, to the mortgage holder or judgment creditor who held such mortgage; and (iii) the licensee, unless otherwise required by law or court order, fails to apply any rent proceeds from the dwellings to the judgment lien arising from the foreclosure of such mortgage, as payments become due under the loan, regardless of whether the licensee is obligated to do so;

(B) (i) the dwellings are subject to a loan which is secured by a mortgage and which is in default at the time of such purchase or in default within one year after such purchase; (ii) the licensee fails to give written notice of the purchase, within 20 days thereafter, to the mortgage holder; and (iii) the licensee, unless otherwise required by law or court order, fails to apply any rent proceeds from the dwellings to the mortgage as the payments come due, regardless of whether the licensee is obligated on the loan; or

(C) the licensee fails to notify, at the time of rental, any person renting any such dwelling of the extent and nature of the licensee's interest in such dwelling and the probable time until possession will be taken by the mortgage holder or judgment creditor.

(38) Commit forgery or, unless authorized to do so by a duly executed power of attorney, sign or initial any contractual agreement on behalf of another person in a real estate transaction.

(b) In any transaction regarding the sale or lease of commercial or investment real estate property. Failure to comply with any requirement of subsection (a)(14), (15), (16) or (17) or their corollary rules and regulations shall not by itself render any agreement void or voidable nor shall it constitute a defense to any action to enforce such agreement or any action for breach of such agreement.

(c) The commission may provide suggested forms of agency disclosure and agency agreements and, by rules and regulations, provide such other prohibitions, limitations and conditions relating thereto as the commission may prescribe for transactions regarding the sale or lease of commercial or investment real estate property.

(d) No salesperson or associate broker shall:

(1) Accept a commission or other valuable consideration from anyone other than the salesperson's or associate broker's employing broker or the broker with whom the salesperson or associate broker is associated.

(2) Fail to place, as soon after receipt as practicable, any deposit money or other funds entrusted to the salesperson or associate broker in the custody of the broker whom the salesperson or associate broker represents.

(e) No broker shall:

(1) Pay a commission or compensation to any person for performing the services of an associate broker or salesperson unless such person is licensed under this act and employed by or associated with the broker, except that nothing herein shall prohibit the payment of a referral fee to a person who is properly licensed as a broker or salesperson in another jurisdiction relating to a transaction regarding the sale or lease of commercial or investment real estate property.

(2) Fail to deliver to the seller in every real estate transaction, at the time the transaction is closed, a complete, detailed closing statement showing all of the receipts and disbursements handled by the broker for the seller, or fail to deliver to the buyer a complete statement showing all money received in the transaction from such buyer and how and for what the same was disbursed, or fail to retain true copies of such statements in the broker's files, except that the furnishing of such statements to the seller and buyer by an escrow agent shall relieve the broker's responsibility to the seller and the buyer.

(3) Fail to properly supervise the activities of an associated or employed salesperson or associate broker.

(4) Lend the broker's license to a salesperson, or permit a salesperson to operate as a broker.

(5) Fail to provide to the principal a written report every 30 days, along with a final report, itemizing disbursements made by the broker from advance listing fees.

(f) If a purchase agreement provides that the earnest money be held by an escrow agent other than a real estate broker, unless otherwise specifically provided by written agreement of all parties to the purchase agreement, no listing broker shall:

(1) Fail to deliver the purchase agreement and earnest money deposit to the escrow agent named in the purchase agreement within five business days after the purchase agreement is signed by all parties; or

(2) fail to obtain and keep in the transaction file a receipt from the escrow agent showing date of delivery of the purchase agreement and earnest money deposit.

(g) Nothing in this section shall be construed to grant any person a private right of action for damages or to eliminate any right of action pursuant to other statutes or common law.

Sec. 14. On and after July 1, 1997, K.S.A. 1995 Supp. 58-3064, as amended by section 8 of this bill, is hereby amended to read as follows: 58-3064. Whenever any person has engaged in any act or practice that constitutes a violation of this act or rules and regulations adopted hereunder or the brokerage relationships in real estate transactions act or rules and regulations adopted thereunder as such act governs the sale or lease of real estate that is one to four residential units, the commission may institute an action in the district court of the county in which the person resides or in the district court in the county in which such act or practice occurred for an injunction to enforce compliance with the act or rules and regulations. The commission shall not be required to give any bond or pay any filing fee for initiating such action. Upon a showing that the person has engaged in any act or practice in violation of the act or rules and regulations, the court may enjoin all such acts or practices and may make any orders necessary to conserve, protect and disburse any funds involved.

Sec. 15. On and after July 1, 1997, K.S.A. 1995 Supp. 58-3065, as amended by section 9 of this bill, is hereby amended to read as follows: 58-3065. (a) Willful violation of any provision of this act or the brokerage relationships in real estate transactions act, as such act governs the sale or lease of real estate that is one to four residential units, is a misdemeanor punishable by imprisonment for not more than 12 months or a fine of not less than \$100 or more than \$1,000, or both, for the first offense and imprisonment for not more than 12 months or a fine of not less than \$1,000 or more than \$10,000, or both, for a second or subsequent offense.

(b) Nothing in this act or the brokerage relationships in real estate transactions act, as such act governs the sale or lease of real estate that is one to four residential units, shall be construed as requiring the commission or the director to report minor violations of the acts act for criminal prosecution whenever the commission or the director believes that the public interest will be adequately served by other administrative action.

Sec. 16. On and after July 1, 1997, K.S.A. 1995 Supp. 58-3068, as amended by section 10 of this bill, is hereby amended to read as follows: 58-3068. (a) Moneys in the real estate recovery revolving fund shall be used in the manner provided by this act to reimburse persons who suffer monetary damages by reason of any of the following acts committed in connection with any transaction involving the sale of real estate in this state by any broker or salesperson who was licensed under the laws of this state at the time the act was committed or by any unlicensed employee of such broker or salesperson:

(1) Violation of any of the following provisions of this act:

(A) K.S.A. 58-3061 and amendments thereto; or

(B) subsection (a)(2), (3), (23), (28) or (29) or subsection (d)(2) of K.S.A. 58-3062 and amendments thereto; or

(2) violation of any provision of the brokerage relationships in real estate transactions act, as such act governs the sale or lease of real estate that is one to four residential units; or

(3) obtaining money or property by any act which would constitute any crime defined by K.S.A. 21-3701, 21-3704, 21-3705, 21-3706, 21-3707, 21-3710, 21-3711 or 21-3712, and amendments thereto.

(b) Any person may seek recovery from the real estate recovery revolving fund under the following conditions:

(1) Such person has received final judgment in a court of competent jurisdiction of this state in any action wherein the cause of action was based on any of the acts described in subsection (a);

(2) the claim is made within two years after the date that final judgment is entered;

(3) such person has caused to be issued a writ of execution upon such judgment, and the officer executing the same has made a return showing that no personal or real property of the judgment debtor liable to be levied upon in satisfaction of the judgment could be found, or that the amount realized on the sale of the judgment debtor's property pursuant to such execution was insufficient to satisfy the judgment;

(4) such person has made all reasonable searches and inquiries to ascertain whether the judgment debtor is possessed of real or personal property or other assets, subject to being sold or applied in satisfaction of the judgment, and by such search such person has discovered no such property or assets, or that such person has discovered such property and assets and that such person has taken all necessary action and proceedings for the application thereof to the judgment and that the amount thereby realized was insufficient to satisfy the judgment;

(5) any amounts recovered by such person from the judgment debtor, or from any other source, has been applied to the damages awarded by the court; and

(6) such person is not a person who is precluded by subsection (c) from making a claim for recovery.

(c) A person shall not be qualified to make a claim for recovery from the real estate recovery revolving fund, if:

(1) The person is the spouse of the judgment debtor or a personal representative of such spouse;

(2) the person acted as principal or agent in the real estate transaction which is the subject of the claim and is a licensed broker or salesperson or is a partnership, association, limited liability company or corporation whose partners, members, officers and employees are licensed as provided by subsection (b) of K.S.A. 58-3042 and amendments thereto; or

(3) such person's claim is based upon a real estate transaction in which the licensed broker or salesperson was acting on the broker's or salesperson's own behalf with respect to property owned or controlled by such broker or salesperson.

Sec. 17. On and after July 1, 1997, K.S.A. 1995 Supp. 74-4202, as amended by section 11 of this bill, is hereby amended to read as follows: 74-4202. (a) Within 30 days after the appointment of the members to be regularly appointed within any year, the commission shall meet in the city of Topeka for the purpose of organizing by selecting from its membership a chairperson and such other officers as the commission may deem necessary and appropriate. A majority of the members of the commission shall constitute a quorum for the exercise of the powers or authority conferred upon it.

(b) The commission shall receive applications for, and issue licenses to, brokers and salespersons, as provided in this act and shall administer the provisions of this act and the brokerage relationships in real estate transactions act, as such act governs the sale or lease of real estate that is one to four residential units. The commission may do all things necessary and convenient for carrying into effect the provisions of the acts act and may adopt rules and regulations not inconsistent with the acts act. For the purpose of the acts act, the commission shall make all necessary investigations, and every licensee shall furnish to the commission such evidence as the licensee may have as to any violation the acts of the act or any rules and regulations adopted under the acts act. The commission may enforce any order by an action in the district court of the county where the alleged violator resides or where the violation allegedly occurred.

(c) Each member of the commission shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223 and amendments thereto.

(d) The commission shall hold meetings and hearings in the city of Topeka or at such places as it shall determine at such times as it may designate and on request of two or more of its members.

(e) The commission shall maintain an office in the city of Topeka, and all files, records and property of the commission shall at all times be and remain therein.

(f) The commission shall adopt a seal by which it shall attest its proceedings. Copies of all records and papers required by law or the commission to be filed in the office of the commission, when duly certified by the director, assistant director or chairperson of the commission and

attested by the seal of the commission, shall be received in evidence in all courts of the state of Kansas equally and with like effect as the originals.

Sec. 18. K.S.A. 1995 Supp. 58-30,110 is hereby amended to read as follows: 58-30,110. (a) (1) The commission shall adopt a rule and regulation prescribing the language which shall be included in a form entitled "Disclosure of alternative agency relationships".

(2) At the discretion of the broker, the disclosure of alternative agency relationships form may be either a separate document or may be contained in the agency agreement with the client.

(3) Except as provided in subsection (a)(4), a licensee shall furnish a prospective buyer or seller with a copy of the disclosure of alternative agency relationships form at the first occurrence of either of the following events regarding real estate transactions:

(A) A face-to-face meeting with the prospective buyer or seller; or

(B) a written communication from the licensee.

The licensee shall obtain the signature of the prospective buyer or seller, and the date of the signature, on the disclosure of alternative agency relationships form. If the buyer or seller refuses to sign the form, the licensee shall note that fact the furnishing of a copy of the disclosure on a copy of the form and shall sign and date the form. The signed or noted copy of the form shall be retained by the broker for three years the contract.

(4) A licensee is not required to provide a copy of the form to a prospective buyer or seller in the following instances:

(A) The licensee is acting solely as a principal and not as an agent for another;

(B) the written communication from the licensee is a solicitation of business;

(C) the face-to-face meeting occurs at an open house and there is no substantive discussion regarding a transaction; or

(D) the face-to-face meeting is a mere solicitation of business and there is no substantive discussion regarding a transaction.

(b) (1) Except for instances when a licensee is providing information through an advertisement or other form of public notice of the licensee's representation of a client, a licensee representing a client in a proposed real estate transaction shall disclose the representation at the time of every contact with another licensee representing the other party. The disclosure may be made orally or in writing.

(2) Each time a licensee is contacted by another licensee who requests permission to show property to a prospective buyer, the licensee shall inquire whether or not the licensee represents the buyer.

(c) The disclosure of the agency relationship between all licensees involved and the seller and buyer shall be included in any contract for sale or lease and in any lot reservation agreement.

Sec. 19. K.S.A. 1995 Supp. 58-3035 is hereby amended to read as follows: 58-3035. As used in this act, unless the context otherwise requires:

(a) "Advance listing fee" means any fee charged for services related to promoting the sale or lease of real estate and paid in advance of the rendering of such services, including any fees charged for listing, advertising or offering for sale or lease any real estate, but excluding any fees paid solely for advertisement or for listing in a publication issued for the sole purpose of promoting the sale or lease of real estate wherein inquiries are directed to the owner of the real estate or to real estate brokers and not to unlicensed persons who publish the listing.

(b) "Agency agreement" means a written agreement between the principal and the licensee setting forth the terms and conditions of the relationship.

(c) "Associate broker" means an individual who has a broker's license and who is employed by another broker or is associated with another broker as an independent contractor and participates in any activity described in subsection (f).

(d) "Branch broker" means an individual who has a broker's license and who has been designated to supervise a branch office and the activities of salespersons and associate brokers assigned to the branch office.

(e) "Branch office" means a place of business other than the principal place of business of a broker.

(f) "Broker" means an individual, other than a salesperson, who advertises or represents that such individual engages in the business of buying, selling, exchanging or leasing real estate or who, for compensation, engages in any of the following activities as an employee of, or on behalf of, the owner, purchaser, lessor or lessee of real estate:

(1) Sells, exchanges, purchases or leases real estate.

(2) Offers to sell, exchange, purchase or lease real estate.

(3) Negotiates or offers, attempts or agrees to negotiate the sale, exchange, purchase or leasing of real estate.

(continued)

(4) Lists or offers, attempts or agrees to list real estate for sale, lease or exchange.

(5) Auctions or offers, attempts or agrees to auction real estate or assists an auctioneer by procuring bids at a real estate auction.

(6) Buys, sells, offers to buy or sell or otherwise deals in options on real estate.

(7) Assists or directs in the procuring of prospects calculated to result in the sale, exchange or lease of real estate.

(8) Assists in or directs the negotiation of any transaction calculated or intended to result in the sale, exchange or lease of real estate.

(9) Engages in the business of charging an advance listing fee.

(10) Provides lists of real estate as being available for sale or lease, other than lists provided for the sole purpose of promoting the sale or lease of real estate wherein inquiries are directed to the owner of the real estate or to real estate brokers and not to unlicensed persons who publish the list.

(g) "Commercial or investment real estate property" means any real estate for which the present or intended use is other than: (1) one to four residential units; or (2) for agricultural purposes.

(h) "Commission" means the Kansas real estate commission.

(i) "Lease" means rent or lease for nonresidential use.

(j) "Licensee" means any person licensed under this act as a broker or salesperson.

(k) "Office" means a broker's place of business, where records may be maintained and licenses displayed, whether or not it is the broker's principal place of business.

(l) "Person" means any individual or any foreign or domestic corporation, partnership or association.

(m) "Real estate" means any interest or estate in land, including any leasehold or condominium, whether corporeal, incorporeal, freehold or nonfreehold and whether the real estate is situated in this state or elsewhere, but does not include oil and gas leases, royalties and other mineral interests, and rights of way and easements acquired for the purpose of constructing roadways, pipelines, conduits, wires and facilities related to these types of improvement projects for private and public utilities, municipalities, federal and state governments, or any political subdivision. For purpose of this act, any rights of redemption are considered to be an interest in real estate.

(n) "Salesperson" means an individual, other than an associate broker, who is employed by a broker or is associated with a broker as an independent contractor and participates in any activity described in subsection (f).

(o) "Supervising broker" means an individual, other than a branch broker, who has a broker's license and who has been designated as the broker who is responsible for the supervision of the primary office of a broker and the activities of salespersons and associate brokers who are assigned to such office and all of whom are licensed pursuant to subsection (b) of K.S.A. 58-3042 and amendments thereto. "Supervising broker" also means a broker who operates a sole proprietorship and with whom associate brokers or salespersons are affiliated as employees or independent contractors.

Sec. 20. On and after July 1, 1997, K.S.A. 1995 Supp. 58-3035, as amended by section 19 of this bill, is hereby amended to read as follows: 58-3035. As used in this act, unless the context otherwise requires:

(a) "Advance listing fee" means any fee charged for services related to promoting the sale or lease of real estate and paid in advance of the rendering of such services, including any fees charged for listing, advertising or offering for sale or lease any real estate, but excluding any fees paid solely for advertisement or for listing in a publication issued for the sole purpose of promoting the sale or lease of real estate wherein inquiries are directed to the owner of the real estate or to real estate brokers and not to unlicensed persons who publish the listing.

(b) "Agency agreement" means a written agreement between the principal and the licensee setting forth the terms and conditions of the relationship.

(c) "Associate broker" means an individual who has a broker's license and who is employed by another broker or is associated with another broker as an independent contractor and participates in any activity described in subsection (f).

(d) "Branch broker" means an individual who has a broker's license and who has been designated to supervise a branch office and the activities of salespersons and associate brokers assigned to the branch office.

(e) "Branch office" means a place of business other than the principal place of business of a broker.

(f) "Broker" means an individual, other than a salesperson, who advertises or represents that such individual engages in the business of buying, selling, exchanging or leasing real estate or who, for compensation,

engages in any of the following activities as an employee of, or on behalf of, the owner, purchaser, lessor or lessee of real estate:

(1) Sells, exchanges, purchases or leases real estate.

(2) Offers to sell, exchange, purchase or lease real estate.

(3) Negotiates or offers, attempts or agrees to negotiate the sale, exchange, purchase or leasing of real estate.

(4) Lists or offers, attempts or agrees to list real estate for sale, lease or exchange.

(5) Auctions or offers, attempts or agrees to auction real estate or assists an auctioneer by procuring bids at a real estate auction.

(6) Buys, sells, offers to buy or sell or otherwise deals in options on real estate.

(7) Assists or directs in the procuring of prospects calculated to result in the sale, exchange or lease of real estate.

(8) Assists in or directs the negotiation of any transaction calculated or intended to result in the sale, exchange or lease of real estate.

(9) Engages in the business of charging an advance listing fee.

(10) Provides lists of real estate as being available for sale or lease, other than lists provided for the sole purpose of promoting the sale or lease of real estate wherein inquiries are directed to the owner of the real estate or to real estate brokers and not to unlicensed persons who publish the list.

(g) "Commercial or investment real estate property" means any real estate for which the present or intended use is other than: (1) One to four residential units; or (2) for agricultural purposes.

(h) "Commission" means the Kansas real estate commission.

(i) "Lease" means rent or lease for nonresidential use.

(j) "Licensee" means any person licensed under this act as a broker or salesperson.

(k) "Office" means a broker's place of business, where records may be maintained and licenses displayed, whether or not it is the broker's principal place of business.

(l) "Person" means any individual or any foreign or domestic corporation, partnership or association.

(m) "Real estate" means any interest or estate in land, including any leasehold or condominium, whether corporeal, incorporeal, freehold or nonfreehold and whether the real estate is situated in this state or elsewhere, but does not include oil and gas leases, royalties and other mineral interests, and rights of way and easements acquired for the purpose of constructing roadways, pipelines, conduits, wires and facilities related to these types of improvement projects for private and public utilities, municipalities, federal and state governments, or any political subdivision. For purpose of this act, any rights of redemption are considered to be an interest in real estate.

(n) "Salesperson" means an individual, other than an associate broker, who is employed by a broker or is associated with a broker as an independent contractor and participates in any activity described in subsection (f).

(o) "Supervising broker" means an individual, other than a branch broker, who has a broker's license and who has been designated as the broker who is responsible for the supervision of the primary office of a broker and the activities of salespersons and associate brokers who are assigned to such office and all of whom are licensed pursuant to subsection (b) of K.S.A. 58-3042 and amendments thereto. "Supervising broker" also means a broker who operates a sole proprietorship and with whom associate brokers or salespersons are affiliated as employees or independent contractors.

Sec. 21. On and after the effective date of this act, K.S.A. 1995 Supp. 58-3035, 58-3035a, 58-3036, 58-3037, 58-3039a, 58-3042, 58-3050, 58-3062, 58-3064, 58-3065, 58-3068, 58-30,110 and 74-4202 are hereby repealed.

Sec. 22. On and after July 1, 1997, K.S.A. 1995 Supp. 58-3035, as amended by section 19 of this bill, 58-3050, as amended by section 6 of this bill, 58-3062, as amended by section 7 of this bill, 58-3064, as amended by section 8 of this bill, 58-3065, as amended by section 9 of this bill, 58-3068, as amended by section 10 of this bill, 58-30,101 through 58-30,112, and 74-4202, as amended by section 11 of this bill, are hereby repealed.

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

(Published in the Kansas Register May 23, 1996.)

HOUSE BILL No. 2905

AN ACT concerning training and retraining programs; relating to employees of closed institutions; amending K.S.A. 1995 Supp. 76-12a01 and repealing the existing section.

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

New Section 1. (a) "Institution" has the meaning ascribed thereto by K.S.A. 76-12a01, and amendments thereto.

(b) Any entity which provides services which were previously provided by an institution, but which the institution no longer provides due to the institution's closure, scheduled closure or cessation or reduction of operation due to budget reductions, shall receive top priority consideration for any business assistance program administered by the department of commerce and housing for which the entity is eligible. Such priority shall be greater than the priority established in K.S.A. 74-50,133, and amendments thereto.

(c) The provisions of this act shall expire 12 months after closure of both Winfield state hospital and Topeka state hospital.

Sec. 2. K.S.A. 1995 Supp. 76-12a01 is hereby amended to read as follows: 76-12a01. As used in this act, unless the context otherwise requires:

(a) "Secretary" means the secretary of social and rehabilitation services.

(b) "Institution" means the following institutions: Topeka state hospital, Osawatimie state hospital, Rainbow mental health facility, Larned state hospital, Parsons state hospital and training center, Norton state hospital, Winfield state hospital and training center, and Kansas neurological institute.

(c) "Director" or "commissioner" means the commissioner of mental health and developmental disabilities.

Sec. 3. K.S.A. 1995 Supp. 76-12a01 is hereby repealed.

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

(Published in the Kansas Register May 23, 1996.)

HOUSE BILL No. 3091

AN ACT reviving and amending the neighborhood improvement and youth employment act; reviving K.S.A. 1995 Supp. 44-1403 and 44-1409; reviving and amending K.S.A. 1995 Supp. 44-1401, 44-1402, 44-1404, 44-1405, 44-1406, 44-1407 and 44-1408 and repealing the revised sections; also repealing K.S.A. 1995 Supp. 44-1402, as amended by section 1 of 1996 House Bill No. 2883, 44-1404, as amended by section 2 of 1996 House Bill No. 2883, and 44-1408, as amended by section 3 of 1996 House Bill No. 2883.

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

Section 1. K.S.A. 1995 Supp. 44-1401 is hereby revived and amended to read as follows: 44-1401. K.S.A. 1995 Supp. 44-1401 through 44-1408 and amendments thereto shall be known and may be cited as the neighborhood improvement and youth employment act.

Sec. 2. K.S.A. 1995 Supp. 44-1402 is hereby revived and amended to read as follows: 44-1402. In accordance with appropriation acts, the secretary of human resources shall provide grants to eligible administrative entities, as described in K.S.A. 1995 Supp. 44-1403 and amendments thereto for the purpose of establishing and carrying out programs that provide employment opportunities during the summer months and after school to individuals through payments for labor and related costs associated with the repair, maintenance and renovation of essential community facilities and for labor and related costs associated with assisting with community services and working with low-income senior citizens. The secretary shall ensure that at least one grant recipient is located in each congressional district in the state.

Sec. 3. K.S.A. 1995 Supp. 44-1403 is hereby revived to read as follows: 44-1403. For purposes of this act, "eligible entity" means:

(a) A unit of local government, a nonprofit private organization, a native American Indian tribe, or private business which agrees to perform the following:

(1) Submit a plan to provide summer and after school employment opportunities for qualified youth;

(2) assign an officer or employee of the entity or a tribal or organization member to serve as a mentor or advisor to each youth employed by the entity pursuant to this act; and

(3) abide by such guidelines as may be required by the secretary.

(b) A private business must further agree to pay at least 50% of the wages and related fringe benefits of the youths it employs pursuant to this act.

Sec. 4. K.S.A. 1995 Supp. 44-1404 is hereby revived and amended to read as follows: 44-1404. (a) Except as provided in subsection (b), the secretary may not make a grant under K.S.A. 1995 Supp. 44-1402 and amendments thereto to an eligible entity, other than a private business, unless the entity agrees that such entity will use all amounts received from such grant to establish and carry out a program to provide wages and related employment benefits to eligible individuals described in subsections (a) and (b) of K.S.A. 1995 Supp. 44-1405 and amendments thereto for the purpose of employing such individuals to repair, maintain or renovate essential community facilities that are located within the eligible jurisdiction that the entity serves.

(b) Not more than 15% 10% of amounts received from a grant under K.S.A. 1995 Supp. 44-1402 and amendments thereto for any fiscal year may be used for the cost of administration and the acquisition of supplies, tools and other equipment.

Sec. 5. K.S.A. 1995 Supp. 44-1405 is hereby revived and amended to read as follows: 44-1405. An individual shall be eligible to participate in a program described in subsection (a) of K.S.A. 1995 Supp. 44-1404 and amendments thereto only if the individual is attending a secondary school and meets the income eligibility guidelines established by the secretary of human resources.

Sec. 6. K.S.A. 1995 Supp. 44-1406 is hereby revived and amended to read as follows: 44-1406. No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any program described in subsection (a) of K.S.A. 1995 Supp. 44-1404 and amendments thereto because of race, color, religion, sex, national origin, age, disability or political affiliation or belief.

Sec. 7. K.S.A. 1995 Supp. 44-1407 is hereby revived and amended to read as follows: 44-1407. The secretary may not make a grant under K.S.A. 1995 Supp. 44-1402 and amendments thereto to an eligible entity, except a private business, unless the entity agrees that it will maintain its aggregate expenditures from all other sources for employing individuals to repair, maintain or renovate essential community facilities at or above the average level of such expenditures in the two fiscal years preceding the date on which the entity submits an application under K.S.A. 1995 Supp. 44-1403 and amendments thereto to the secretary.

Sec. 8. K.S.A. 1995 Supp. 44-1408 is hereby revived and amended to read as follows: 44-1408. (a) The provisions of this act shall expire December 31, 1995 July 1, 1998.

(b) The secretary shall submit a report to the 1996 1998 session of the house economic development committee and the senate commerce committee detailing the manner in which funds were spent pursuant to this act. Such report shall include the nature of the work performed by participating youths, the percentage of funds expended for administrative expenses, findings on the educational, criminal and occupational disposition of participating youths and an evaluation of the program as a whole including a recommendation concerning continuation of the program.

Sec. 9. K.S.A. 1995 Supp. 44-1409 is hereby revived to read as follows: 44-1409. The secretary of human resources may adopt guidelines to effectuate the purpose of this act, however, such guidelines shall not be considered rules and regulations as defined in K.S.A. 77-415 and amendments thereto.

Sec. 10. K.S.A. 1995 Supp. 44-1401, as revived and amended by section 1 of this act, 44-1402, as revived by section 2 of this act, 44-1404, as revived by section 4 of this act, 44-1405, as revived and amended by section 5 of this act, 44-1406, as revived and amended by section 6 of this act, 44-1407, as revived and amended by section 7 of this act, and 44-1408, as revived by section 8 of this act are hereby repealed.

Sec. 11. On July 1, 1996, K.S.A. 1995 Supp. 44-1402, as amended by section 1 of 1996 House Bill No. 2883, 44-1404, as amended by section 2 of 1996 House Bill No. 2883, and 44-1408, as amended by section 3 of 1996 House Bill No. 2883 are hereby repealed.

Sec. 12. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register May 23, 1996.)

SENATE BILL No. 476

AN ACT relating to public funds; amending K.S.A. 12-3724, 40-3406, 44-712, 68-2321, 68-2324, 75-622, 75-4204, 75-4210a, 75-4253, 75-4254 and 76-818 and K.S.A. 1995 Supp. 12-1677a, 12-1677b, 40-3403, 40-3403, as amended by section 7 of 1996 Senate Bill No. 476, 75-4201, 75-4202, 75-4209, 75-4210, 75-4212a, 75-4218, 75-4220, 75-4221a, 75-4222, 75-4228, 75-4232, 75-4262, 75-4263 and 79-4804 and repealing the existing sections; also repealing K.S.A. 1995 Supp. 12-1677c, 12-1677e, 40-3403, as amended by section 1 of 1996 House Bill No. 2867 and 75-4213.

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

New Section 1. (a) Except as provided in subsection (d), all moneys in the state treasury shall be invested as a single portfolio which is hereby designated as the pooled money investment portfolio. The portfolio shall be invested in accordance with article 42 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto. The director of investments shall compute daily the earnings of the portfolio, including realized gains and losses. The pooled money investment board by written policy may provide for allocation of unrealized gains or losses. The director of investments shall calculate on a daily basis and shall deduct from earnings an administrative fee which shall be set by the board and applied as a fixed percentage of moneys in the pooled money investment portfolio. The administrative fee shall not exceed .25% annually on moneys deposited in the municipal investment pool and .10% annually on other moneys in the pooled money investment portfolio. The director of investments shall deposit the administrative fee in accordance with section 2. The gross earnings, after deduction of the administrative fee, shall be designated as the net earnings of the pooled money investment portfolio.

(b) A comparative investment performance review of the pooled money investment portfolio shall be contracted for periodically by the pooled money investment board. The costs of such review shall be paid from moneys appropriated to the state treasurer for operations of the pooled money investment board.

(c) 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 of the pooled money investment portfolio. Such investment advisor shall not be the person or firm contracted with under subsection (b).

(d) Moneys in the employment security fund established by K.S.A. 44-712, and amendments thereto, shall not be invested in the pooled money investment portfolio except as may be authorized by the secretary of human resources pursuant to subsection (e) of K.S.A. 44-712, and amendments thereto.

(e) For moneys in funds designated in this subsection that are in the pooled money investment portfolio and which are not invested in the municipal investment pool, interest is to be paid on such moneys based on the average daily balance in the fund for each month and the net earnings rate of the pooled money investment portfolio for such month. This subsection shall apply to the state highway fund and funds for bonds and other debt instruments of state agencies and authorities.

(f) Moneys in funds designated in this subsection shall not be invested in investment options of the municipal investment pool fund for which the minimum term of such investment is less than 21 days. This subsection shall apply to state moneys, other than moneys of municipalities as described in subsection (a) of K.S.A. 12-1675 and amendments thereto.

New Sec. 2. (a) The administrative fee authorized by section 1 shall be credited to the pooled money investment portfolio fee fund, which is hereby created.

(b) The director of investments may deduct from the pooled money investment portfolio fee fund amounts to pay expenses incurred in the administration of the pooled money investment portfolio. All expenditures from such fee fund for reimbursement of administrative expenses shall be made in accordance with appropriation acts pursuant to vouchers of the director of investments. The director of investments shall certify, periodically, the amount in the pooled money investment portfolio fee fund not necessary for reimbursement of administrative expenses and the director of accounts and reports shall transfer and credit the amount certified in accordance with the provisions of subsection (c).

(c) The total amount transferred pursuant to subsection (b) shall be credited to the municipal investment pool fund until an amount equal to the net losses in such fund as of July 1, 1996, have been credited to such fund, thereafter, the total amount transferred pursuant to subsection (b), shall be credited to the state general fund.

New Sec. 3. On and after the effective date of this act, whenever in

the law it is provided that the pooled money investment board may or shall invest or invest and reinvest moneys of the state or any state agency or municipality, or words of like effect, the same shall mean that the director of investments may or shall invest or invest and reinvest moneys of the state or such state agency or municipality in accordance with investment policies established by the pooled money investment board under K.S.A. 75-4232, and amendments thereto.

Sec. 4. K.S.A. 1995 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. *The state treasurer shall provide the board a monthly record of the deposits and withdrawals of municipalities. Such record may include the amount of the deposit, the date of the deposit and such other information as the pooled money investment board may require.*

(b) The pooled money investment board director of investments 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 accordance with investment policies established by the pooled money investment board under K.S.A. 75-4232, and amendments thereto, and in accordance with section 1 of this act and K.S.A. 75-4209, and amendments thereto.

(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. *The director of investments shall apportion earnings and losses among the accounts of the depositors in the various investment options of the municipal investment pool in accordance with policies approved and published by the board.* A statement for each municipality participating unit account showing deposits, withdrawals, earnings and losses distributions shall be provided monthly to the municipality. The state treasurer director of investments shall make comprehensive reports monthly to those municipalities participating in the municipal investment pool fund and to other interested parties requesting such reports. Such reports shall include a summary of transactions for the month, the current market value of the pooled money investment portfolio investments, the weighted average maturity ratio of the fund portfolio, the original costs of the investments in the fund portfolio, including any fees associated with such investments and such other relevant information the state treasurer director of investments 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. *The municipal investment pool reserve fund is abolished effective July 1, 1996, and any unencumbered balance remaining therein shall be applied to net losses in the municipal investment pool fund. The municipal investment pool fund fee fund is abolished on July 1, 1997, and any unencumbered balance remaining therein shall be transferred to the pooled money investment portfolio fee fund and such amounts shall be applied to net losses, as of July 1, 1996, in the municipal investment pool fund.*

(e) The state treasurer pooled money investment board may adopt rules and regulations necessary 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 periodically by the 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) (f) 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)(g) 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 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 provided for in K.S.A. 75-4209, and amendments thereto. 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. 1005 Supp. 12-1677e, and amendments thereto.

(m) On and after January 1, 1996, investments made under paragraph (2) of subsection (a) of K.S.A. 75-4200, 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 (e) 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) (h) For the purpose of this section: (1), "municipality," means those entities specified in subsection (a) of K.S.A. 12-1675, and amendments thereto, and K.S.A. 1995 Supp. 75-4263, 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. 5. K.S.A. 1995 Supp. 12-1677b is hereby amended to read as follows: 12-1677b. (a) The governing body of any city or county which has a written investment policy approved by the governing body of such city or county and approved by the pooled money investment board may invest and reinvest pursuant to the approved investment policy in the following investments, as authorized under paragraph (7) of subsection (b) of K.S.A. 12-1675, and amendments thereto:

(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 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, except that such investments shall not be in mortgage-backed securities;

(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, savings and loan association, a federally chartered savings bank 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

(continued)

government sponsored enterprises which under federal law may be accepted as security for public funds.

(b) The investment policy of any city or county approved by the pooled money investment board under this section shall be reviewed and approved at least annually by such board or when such city or county makes changes in such investment policy.

(c) City and county investment policies shall address liquidity, diversification, safety of principal, yield, maturity and quality, and capability of investment management staff.

(d) (1) All security purchases shall occur on a delivery versus payment basis.

(2) All securities shall be perfected in the name of the city or county and shall be delivered to the purchaser or a third party custodian which may be the state treasurer.

(3) Investment transactions shall only be conducted with 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 with primary government securities dealers which report to the market report division of the federal reserve bank of New York; or any broker-dealer which is registered in compliance with the requirements of section 15C of the securities exchange act of 1934 and registered pursuant to K.S.A. 17-1254, and amendments thereto.

(4) The maximum maturity for investments under subsection (a) shall be four years ~~except for mortgage backed securities which shall have a maximum maturity of seven years and three months.~~

(e) Investments in securities under paragraph (1) 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.

(f) A city or county which violates subsection (c) or (d) of K.S.A. 12-1675 and amendments thereto or the rules and regulations of the pooled money investment board shall forfeit its rights under this section for a two year period and shall be reinstated only after a complete review of its investment policy as provided for in subsection (b). Such forfeiture shall be determined by the pooled money investment board after notice and opportunity to be heard in accordance with the Kansas administrative procedure act.

Sec. 6. K.S.A. 12-3724 is hereby amended to read as follows: 12-3724. (a) ~~The pooled money investment board director of investments may invest and reinvest moneys in the self-insurance reserve fund in accordance with investment policies established by the pooled money investment board under K.S.A. 75-4232, and amendments thereto, in obligations of the United States of America or obligations the principal and interest of which are guaranteed by the United States of America or in interest-bearing time deposits in any commercial bank located in Kansas, or, if the board director of investments determines that it is impossible to deposit such moneys in such time deposits, in repurchase agreements of less than 30 days' duration with a Kansas bank 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.~~

(b) For the purposes of this act the ~~board director of investments~~ may accept funds, public or private, from any person, firm, corporation or from any state agency or other public instrumentality, or from the federal government or any department or agency thereof.

(c) All moneys in the self-insurance reserve fund, or payable to such fund, are hereby specifically exempt from any and all taxes authorized by law to be levied or collected, whether sales, income, ad valorem, premium or by whatever name described.

Sec. 7. K.S.A. 1995 Supp. 40-3403 is hereby amended to read as follows: 40-3403. (a) For the purpose of paying damages for personal injury or death arising out of the rendering of or the failure to render professional services by a health care provider, self-insurer or inactive health care provider subsequent to the time that such health care provider or self-insurer has qualified for coverage under the provisions of this act, there is hereby established the health care stabilization fund. The fund shall be held in trust in a ~~segregated fund~~ in the state treasury ~~and accounted for separately from other state funds.~~ The board of governors shall administer the fund or contract for the administration of the fund with an insurance company authorized to do business in this state.

(b) (1) On the effective date of this act, the board of governors in existence on the day preceding such effective date is hereby abolished. On the effective date of this act, there is hereby created a board of governors which shall be composed of such members and shall have such powers, duties and functions as are prescribed by this act. The board of governors shall:

(A) Administer the fund and exercise and perform other powers, duties and functions required of the board under the health care provider insurance availability act;

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

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

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

(2) The board shall consist of 10 persons appointed by the commissioner of insurance, as provided by this subsection (b) and as follows:

(A) Three members who are licensed to practice medicine and surgery in Kansas who are doctors of medicine and who are on a list of nominees submitted to the commissioner by the Kansas medical society;

(B) three members who are representatives of Kansas hospitals and who are on a list of nominees submitted to the commissioner by the Kansas hospital association;

(C) two members who are licensed to practice medicine and surgery in Kansas who are doctors of osteopathic medicine and who are on a list of nominees submitted to the commissioner by the Kansas association of osteopathic medicine;

(D) one member who is licensed to practice chiropractic in Kansas and who is on a list of nominees submitted to the commissioner by the Kansas chiropractic association;

(E) one member who is a licensed professional nurse authorized to practice as a registered nurse anesthetist who is on a list of nominees submitted to the commissioner by the Kansas association of nurse anesthetists.

(3) On and after the effective date of this act, whenever a vacancy occurs in the membership of the board of governors created by this act, the commissioner shall appoint a successor of like qualifications from a list of three nominees submitted to the commissioner by the professional society or association prescribed by this section for the category of health care provider required for the vacant position on the board of governors. Except as otherwise provided by this section, all appointments made shall be for a term of office of four years, but no member shall be appointed for more than two successive four-year terms. Each member shall serve until a successor is appointed and qualified. Whenever a vacancy occurs in the membership of the board of governors created by this act for any reason other than the expiration of a member's term of office, the commissioner shall appoint a successor of like qualifications to fill the unexpired term. In each case of a vacancy occurring in the membership of the board of governors, the commissioner shall notify the professional society or association which represents the category of health care provider required for the vacant position and request a list of three nominations of health care providers from which to make the appointment.

(4) (A) The persons serving as members of the board of governors on the day preceding the effective date of this act, except the commissioner of insurance and the persons appointed from the public at large or to represent the unspecified category of health care providers under the provisions of this section as it existed on the day preceding the effective date of this act, shall be the initial members of the board of governors created by this act and shall hold such office in accordance with and subject to the provisions of this section. The commissioner shall designate the terms of office of such initial members of the board of governors created by this act as follows:

(i) One member who is licensed to practice medicine and surgery in Kansas who is a doctor of medicine shall be designated for a term expiring on July 1, 1995;

(ii) one member who is licensed to practice medicine and surgery in Kansas who is a doctor of medicine shall be designated for a term expiring on July 1, 1996;

(iii) one member who is licensed to practice medicine and surgery in Kansas who is a doctor of medicine shall be designated for a term expiring on July 1, 1997;

(iv) one member who is a representative of a Kansas hospital shall be designated for a term expiring on July 1, 1995;

(v) one member who is a representative of a Kansas hospital shall be designated for a term expiring on July 1, 1996;

(vi) one member who is a representative of a Kansas hospital shall be designated for a term expiring on July 1, 1997;

(vii) one member who is licensed to practice medicine and surgery in Kansas who is a doctor of osteopathic medicine shall be designated for a term expiring on July 1, 1995;

(viii) one member who is licensed to practice medicine and surgery in Kansas who is a doctor of osteopathic medicine shall be designated for a term expiring on July 1, 1996;

(ix) the member who is licensed to practice chiropractic in Kansas shall be designated for a term expiring on July 1, 1995; and

(x) the member who is a licensed professional nurse authorized to practice as a registered nurse anesthetist in Kansas shall be designated for a term expiring on July 1, 1996.

(B) If there was a vacancy in the membership of the board of governors abolished by this act on the day preceding the effective date of this act, the commissioner shall appoint a person of like qualifications in accordance with this subsection (b) and shall designate the term of such member in accordance with this subsection (b) as though such member had been a member on the day preceding the effective date of this act. In any such case, the commissioner shall notify the professional society or association representing the category of health care provider required for the vacant position and request a list of nominations of health care providers from which to make the appointment.

(5) The board of governors shall organize at its first meeting in January of 1995, and at its first meeting subsequent to July 1, 1995, and July 1 of each year thereafter and shall elect a chairperson and vice-chairperson from among its membership. Meetings shall be called by the chairperson or by a written notice signed by three members of the board.

(6) The board of governors, in addition to other duties imposed by this act, shall study and evaluate the operation of the fund and make such recommendations to the legislature as may be appropriate to ensure the viability of the fund.

(7) On and after January 1, 1995, and prior to July 1, 1995, the board of governors shall be attached to the insurance department in accordance with this section and all staff, other than the executive director, budgeting, personnel, purchasing and related management functions of the board shall be provided by the commissioner of insurance. The commissioner shall include the budget estimates of the board of governors, as approved by the board, with the budget estimates for the insurance department which are submitted to the division of the budget under K.S.A. 75-3717 and amendments thereto. All vouchers for expenditures of the board shall be approved by the chairperson of the board or a person designated by the chairperson and, upon such approval, shall be paid from the fund. On and after January 1, 1995, the board shall appoint an executive director who shall be in the unclassified service of the Kansas civil service act. On and after July 1, 1995, the board may appoint such additional employees, and provide all office space, services, equipment, materials and supplies, and all budgeting, personnel, purchasing and related management functions required by the board in the exercise of the powers, duties and functions imposed or authorized by the health care provider insurance availability act or may enter into a contract with the commissioner of insurance for the provision, by the commissioner, of all or any part thereof.

(8) The commissioner shall:

(A) Provide technical and administrative assistance to the board of governors with respect to administration of the fund upon request of the board;

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

(C) On and after January 1, 1995, and prior to July 1, 1995, provide such staff, other than the executive director, office space, services, equipment, materials and supplies and all budgeting, personnel, purchasing

and related management functions as may be required by the board in the exercise of its powers, duties and functions imposed or authorized by the health care provider insurance availability act; and on and after July 1, 1995, provide all or any part thereof required by any contract entered into between the board and the commissioner therefor.

(9) On the effective date of this act, all of the powers, duties, functions, records and property of the board of governors that is abolished by this section, which are prescribed for the board of governors by this act are hereby transferred to and conferred and imposed upon the board of governors that is created by this section, except as is otherwise specifically provided by this act. On the dates prescribed for the transfer of the powers, duties and functions by this act, all of the powers, duties, functions, records and property of the commissioner of insurance or the insurance department, which relate to or are required for the performance of powers, duties or functions which are prescribed for the board of governors by this act, including the power to expend funds now or hereafter made available in accordance with appropriation acts, are hereby transferred to and conferred and imposed upon the board of governors that is created by this section, except as is otherwise specifically provided by this act.

(10) The board of governors created by this act shall be the successor in every way to the powers, duties and functions of the board of governors and the commissioner of insurance in which such powers, duties and functions were vested prior to the dates prescribed for the transfer of such powers, duties and functions to the board in accordance with this act, except as otherwise specifically provided by this act. Every act performed under the authority of the board of governors created by this act shall be deemed to have the same force and effect as if performed by the board of governors and the commissioner of insurance in which such powers, duties and functions were vested prior to the transfer of such powers, duties and functions.

(11) Subject to the provisions of this act, whenever the board of governors that is abolished by this act or the commissioner of insurance, or words of like effect, is referred to or designated by a statute, contract, or other document, and such reference or designation relates to a power, duty or function which is transferred to and conferred and imposed upon the board of governors that is created by this act, such reference or designation shall be deemed to apply to the board of governors created by this act.

(12) All rules and regulations and all orders or directives of the board of governors that is abolished by this act and all rules and regulations of the commissioner of insurance, which are in existence on the date prescribed for the transfer of powers, duties and functions to such board under this act and which relate to powers, duties and functions that were vested in such board of governors or the commissioner of insurance prior to such date, shall continue to be effective and shall be deemed to be the rules and regulations and orders or directives of the board of governors created by this act, until revised, amended or revoked or nullified pursuant to law. The board of governors created by this act shall be deemed to be a continuation of the board of governors abolished by this act.

(13) On July 1, 1995, all employees who were engaged prior to such date in the performance of duties and functions under the health care provider insurance availability act, and who, in the opinion of the board, are necessary to perform the duties and functions required under such act by the board shall become employees of the board, and shall retain all retirement benefits and rights of civil service which such employee had prior to July 1, 1995, and their services shall be deemed to have been continuous.

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

(2) subject to the provisions of subsection (m), any amount due from a judgment or settlement which is in excess of the basic coverage liability of all liable nonresident health care providers or nonresident self-insurers for any such injury or death arising out of the rendering or the failure to render professional services within this state but in no event shall the fund be obligated for claims against nonresident health care providers or nonresident self-insurers who have not complied with this act or for claims against nonresident health care providers or nonresident self-insurers that arose outside of this state;

(3) subject to the provisions of subsection (m), any amount due from a judgment or settlement against a resident inactive health care provider,

(continued)

an optometrist or pharmacist who purchased coverage pursuant to subsection (n) or a physical therapist who purchased coverage pursuant to subsection (o), for any such injury or death arising out of the rendering of or failure to render professional services;

(4) subject to the provisions of subsection (m), any amount due from a judgment or settlement against a nonresident inactive health care provider, an optometrist or pharmacist who purchased coverage pursuant to subsection (n) or a physical therapist who purchased coverage pursuant to subsection (o), for any injury or death arising out of the rendering of or failure to render professional services within this state, but in no event shall the fund be obligated for claims against: (A) Nonresident inactive health care providers who have not complied with this act; or (B) nonresident inactive health care providers for claims that arose outside of this state, unless such health care provider was a resident health care provider or resident self-insurer at the time such act occurred;

(5) subject to subsection (b) of K.S.A. 40-3411, and amendments thereto, reasonable and necessary expenses for attorney fees incurred in defending the fund against claims;

(6) any amounts expended for reinsurance obtained to protect the best interests of the fund purchased by the board of governors, which purchase shall be subject to the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto, but shall not be subject to the provisions of K.S.A. 75-4101 and amendments thereto;

(7) reasonable and necessary actuarial expenses incurred in administering the act, including expenses for any actuarial studies contracted for by the legislative coordinating council, which expenditures shall not be subject to the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto;

(8) periodically to the plan or plans, any amount due pursuant to subsection (a)(3) of K.S.A. 40-3413 and amendments thereto;

(9) reasonable and necessary expenses incurred by the board of governors in the administration of the fund or in the performance of other powers, duties or functions of the board under the health care provider insurance availability act;

(10) return of any unearned surcharge;

(11) subject to subsection (b) of K.S.A. 40-3411, and amendments thereto, reasonable and necessary expenses for attorney fees and other costs incurred in defending a person engaged or who was engaged in residency training or the private practice corporations or foundations and their full-time physician faculty employed by the university of Kansas medical center from claims for personal injury or death arising out of the rendering of or the failure to render professional services by such health care provider;

(12) notwithstanding the provisions of subsection (m), any amount due from a judgment or settlement for an injury or death arising out of the rendering of or failure to render professional services by a person engaged or who was engaged in residency training or the private practice corporations or foundations and their full-time physician faculty employed by the university of Kansas medical center;

(13) reasonable and necessary expenses for the development and promotion of risk management education programs;

(14) notwithstanding the provisions of subsection (m), any amount, but not less than the required basic coverage limits, owed pursuant to a judgment or settlement for any injury or death arising out of the rendering of or failure to render professional services by a person, other than a person described in clause (12) of this subsection (c), who was engaged in a postgraduate program of residency training approved by the state board of healing arts but who, at the time the claim was made, was no longer engaged in such residency program;

(15) subject to subsection (b) of K.S.A. 40-3411, and amendments thereto, reasonable and necessary expenses for attorney fees and other costs incurred in defending a person described in clause (14) of this subsection (c);

(16) expenses incurred by the commissioner in the performance of duties and functions imposed upon the commissioner by the health care provider insurance availability act, and expenses incurred by the commissioner in the performance of duties and functions under contracts entered into between the board and the commissioner as authorized by this section; and

(17) periodically to the state general fund reimbursements of amounts paid to members of the health care stabilization fund oversight committee for compensation, travel expenses and subsistence expenses pursuant to subsection (e) of K.S.A. 40-3403b, and amendments thereto.

(d) All amounts for which the fund is liable pursuant to subsection (c) shall be paid promptly and in full except that, if the amount for which

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

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

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

(g) A health care provider shall be deemed to have qualified for coverage under the fund:

(1) On and after July 1, 1976, if basic coverage is then in effect;

(2) subsequent to July 1, 1976, at such time as basic coverage becomes effective; or

(3) upon qualifying as a self-insurer pursuant to K.S.A. 40-3414 and amendments thereto.

(h) A health care provider who is qualified for coverage under the fund shall have no vicarious liability or responsibility for any injury or death arising out of the rendering of or the failure to render professional services inside or outside this state by any other health care provider who is also qualified for coverage under the fund. The provisions of this subsection shall apply to all claims filed on or after July 1, 1986.

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

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

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

(3) The university of Kansas medical center private practice foundation reserve fund is hereby established in the state treasury. If the balance in such reserve fund is less than \$500,000 on July 1 of any year, the private practice corporations or foundations referred to in subsection (c) of K.S.A. 40-3402, and amendments thereto, shall remit the amount necessary to increase such balance to \$500,000 to the state treasurer for credit to such reserve fund as soon after such July 1 date as is practicable. Upon receipt of each such remittance, the state treasurer shall credit the same to such reserve fund. When compliance with the foregoing provisions of this paragraph have been achieved on or after July 1 of any year in which the same are applicable, the state treasurer shall certify to the board of governors that such reserve fund has been funded for the year

in the manner required by law. Moneys in such reserve fund may be invested or reinvested in accordance with the provisions of K.S.A. 40-3406, and amendments thereto, and any income or interest earned by such investments shall be credited to such reserve fund. Upon payment of moneys from the health care stabilization fund pursuant to subsection (c)(11) or (c)(12) with respect to any private practice corporation or foundation or any of its full-time physician faculty employed by the university of Kansas, the director of accounts and reports shall transfer an amount equal to the amount paid from the university of Kansas medical center private practice foundation reserve fund to the health care stabilization fund or, if the balance in such reserve fund is less than the amount so paid, an amount equal to the balance in such reserve fund.

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

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

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

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

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

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

(m) The fund shall not be liable for any amounts due from a judgment or settlement against resident or nonresident inactive health care providers who first qualify as an inactive health care provider on or after July 1, 1989, unless such health care provider has been in compliance with K.S.A. 40-3402, and amendments thereto, for a period of not less than five years. If a health care provider has not been in compliance for five years, such health care provider may make application and payment for the coverage for the period while they are nonresident health care providers, nonresident self-insurers or resident or nonresident inactive health care providers to the fund. Such payment shall be made within 30 days after the health care provider ceases being an active health care provider and shall be made in an amount determined by the board of governors to be sufficient to fund anticipated claims based upon reasonably prudent actuarial principles. The provisions of this subsection shall not be applicable to any

health care provider which becomes inactive through death or retirement, or through disability or circumstances beyond such health care provider's control, if such health care provider notifies the board of governors and receives approval for an exemption from the provisions of this subsection. Any period spent in a postgraduate program of residency training approved by the state board of healing arts shall not be included in computation of time spent in compliance with the provisions of K.S.A. 40-3402, and amendments thereto.

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

(o) Notwithstanding the provisions of subsection (m) or any other provision in article 34 of chapter 40 of the Kansas Statutes Annotated to the contrary, the fund shall not be liable for any claim made on or after July 1, 1995, against a physical therapist registered by the state board of healing arts relating to any injury or death arising out of the rendering of or failure to render professional services by such physical therapist prior to July 1, 1995, unless such physical therapist qualified as an inactive health care provider prior to July 1, 1995, and obtained coverage pursuant to subsection (m). Physical therapists not qualified as inactive health care providers prior to July 1, 1995, may purchase coverage from the fund for periods of prior compliance by making application prior to August 1, 1995, and payment within 30 days from notice of the calculated amount as determined by the board of governors to be sufficient to fund anticipated claims based on reasonably prudent actuarial principles.

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

Sec. 8. On and after July 1, 1996, K.S.A. 1995 Supp. 40-3403, as amended by section 7 of 1996 Senate Bill No. 476, is hereby amended to read as follows: 40-3403. (a) For the purpose of paying damages for personal injury or death arising out of the rendering of or the failure to render professional services by a health care provider, self-insurer or inactive health care provider subsequent to the time that such health care provider or self-insurer has qualified for coverage under the provisions of this act, there is hereby established the health care stabilization fund. The fund shall be held in trust in the state treasury and accounted for separately from other state funds. The board of governors shall administer the fund or contract for the administration of the fund with an insurance company authorized to do business in this state.

(b) (1) On the effective date of this act, the board of governors in existence on the day preceding such effective date is hereby abolished. On the effective date of this act, there is hereby created a board of governors which shall be composed of such members and shall have such powers, duties and functions as are prescribed by this act. The board of governors shall:

(A) Administer the fund and exercise and perform other powers, duties and functions required of the board under the health care provider insurance availability act;

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

(C) prepare and publish, on or before October 1 of each year, a summary of the fund's activity during the preceding fiscal year, including but not limited to the amount collected from surcharges, the highest and

(continued)

lowest surcharges assessed, the amount paid from the fund, the number of judgments paid from the fund, the number of settlements paid from the fund and the amount in the fund at the end of the fiscal year; and

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

(2) The board shall consist of 10 persons appointed by the commissioner of insurance, as provided by this subsection (b) and as follows:

(A) Three members who are licensed to practice medicine and surgery in Kansas who are doctors of medicine and who are on a list of nominees submitted to the commissioner by the Kansas medical society;

(B) three members who are representatives of Kansas hospitals and who are on a list of nominees submitted to the commissioner by the Kansas hospital association;

(C) two members who are licensed to practice medicine and surgery in Kansas who are doctors of osteopathic medicine and who are on a list of nominees submitted to the commissioner by the Kansas association of osteopathic medicine;

(D) one member who is licensed to practice chiropractic in Kansas and who is on a list of nominees submitted to the commissioner by the Kansas chiropractic association;

(E) one member who is a licensed professional nurse authorized to practice as a registered nurse anesthetist who is on a list of nominees submitted to the commissioner by the Kansas association of nurse anesthetists.

(3) On and after the effective date of this act, whenever a vacancy occurs in the membership of the board of governors created by this act, the commissioner shall appoint a successor of like qualifications from a list of three nominees submitted to the commissioner by the professional society or association prescribed by this section for the category of health care provider required for the vacant position on the board of governors. Except as otherwise provided by this section, all appointments made shall be for a term of office of four years, but no member shall be appointed for more than two successive four-year terms. Each member shall serve until a successor is appointed and qualified. Whenever a vacancy occurs in the membership of the board of governors created by this act for any reason other than the expiration of a member's term of office, the commissioner shall appoint a successor of like qualifications to fill the unexpired term. In each case of a vacancy occurring in the membership of the board of governors, the commissioner shall notify the professional society or association which represents the category of health care provider required for the vacant position and request a list of three nominations of health care providers from which to make the appointment.

(4) (A) The persons serving as members of the board of governors on the day preceding the effective date of this act, except the commissioner of insurance and the persons appointed from the public at large or to represent the unspecified category of health care providers under the provisions of this section as it existed on the day preceding the effective date of this act, shall be the initial members of the board of governors created by this act and shall hold such office in accordance with and subject to the provisions of this section. The commissioner shall designate the terms of office of such initial members of the board of governors created by this act as follows:

(i) One member who is licensed to practice medicine and surgery in Kansas who is a doctor of medicine shall be designated for a term expiring on July 1, 1995;

(ii) one member who is licensed to practice medicine and surgery in Kansas who is a doctor of medicine shall be designated for a term expiring on July 1, 1996;

(iii) one member who is licensed to practice medicine and surgery in Kansas who is a doctor of medicine shall be designated for a term expiring on July 1, 1997;

(iv) one member who is a representative of a Kansas hospital shall be designated for a term expiring on July 1, 1995;

(v) one member who is a representative of a Kansas hospital shall be designated for a term expiring on July 1, 1996;

(vi) one member who is a representative of a Kansas hospital shall be designated for a term expiring on July 1, 1997;

(vii) one member who is licensed to practice medicine and surgery in Kansas who is a doctor of osteopathic medicine shall be designated for a term expiring on July 1, 1995;

(viii) one member who is licensed to practice medicine and surgery in Kansas who is a doctor of osteopathic medicine shall be designated for a term expiring on July 1, 1996;

(ix) the member who is licensed to practice chiropractic in Kansas shall be designated for a term expiring on July 1, 1995; and

(x) the member who is a licensed professional nurse authorized to practice as a registered nurse anesthetist in Kansas shall be designated for a term expiring on July 1, 1996.

(B) If there was a vacancy in the membership of the board of governors abolished by this act on the day preceding the effective date of this act, the commissioner shall appoint a person of like qualifications in accordance with this subsection (b) and shall designate the term of such member in accordance with this subsection (b) as though such member had been a member on the day preceding the effective date of this act. In any such case, the commissioner shall notify the professional society or association representing the category of health care provider required for the vacant position and request a list of nominations of health care providers from which to make the appointment.

(5) The board of governors shall organize at its first meeting in January of 1995, and at its first meeting subsequent to July 1, 1995, and July 1 of each year thereafter and shall elect a chairperson and vice-chairperson from among its membership. Meetings shall be called by the chairperson or by a written notice signed by three members of the board.

(6) The board of governors, in addition to other duties imposed by this act, shall study and evaluate the operation of the fund and make such recommendations to the legislature as may be appropriate to ensure the viability of the fund.

(7) On and after January 1, 1995, and prior to July 1, 1995, the board of governors shall be attached to the insurance department in accordance with this section and all staff, other than the executive director, budgeting, personnel, purchasing and related management functions of the board shall be provided by the commissioner of insurance. The commissioner shall include the budget estimates of the board of governors, as approved by the board, with the budget estimates for the insurance department which are submitted to the division of the budget under K.S.A. 75-3717 and amendments thereto. All vouchers for expenditures of the board shall be approved by the chairperson of the board or a person designated by the chairperson and, upon such approval, shall be paid from the fund. On and after January 1, 1995, the board shall appoint an executive director who shall be in the unclassified service of the Kansas civil service act. On and after July 1, 1995, the board may appoint such additional employees, and provide all office space, services, equipment, materials and supplies, and all budgeting, personnel, purchasing and related management functions required by the board, in the exercise of the powers, duties and functions imposed or authorized by the health care provider insurance availability act or may enter into a contract with the commissioner of insurance for the provision, by the commissioner, of all or any part thereof.

(8) The commissioner shall:

(A) Provide technical and administrative assistance to the board of governors with respect to administration of the fund upon request of the board;

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

(C) On and after January 1, 1995, and prior to July 1, 1995, provide such staff, other than the executive director, office space, services, equipment, materials and supplies and all budgeting, personnel, purchasing and related management functions as may be required by the board in the exercise of its powers, duties and functions imposed or authorized by the health care provider insurance availability act; and on and after July 1, 1995, provide all or any part thereof required by any contract entered into between the board and the commissioner therefor.

(9) On the effective date of this act, all of the powers, duties, functions, records and property of the board of governors that is abolished by this section, which are prescribed for the board of governors by this act are hereby transferred to and conferred and imposed upon the board of governors that is created by this section, except as is otherwise specifically provided by this act. On the dates prescribed for the transfer of the powers, duties and functions by this act, all of the powers, duties, functions, records and property of the commissioner of insurance or the insurance department, which relate to or are required for the performance of pow-

ers, duties or functions which are prescribed for the board of governors by this act, including the power to expend funds now or hereafter made available in accordance with appropriation acts, are hereby transferred to and conferred and imposed upon the board of governors that is created by this section, except as is otherwise specifically provided by this act.

(10) The board of governors created by this act shall be the successor in every way to the powers, duties and functions of the board of governors and the commissioner of insurance in which such powers, duties and functions were vested prior to the dates prescribed for the transfer of such powers, duties and functions to the board in accordance with this act, except as otherwise specifically provided by this act. Every act performed under the authority of the board of governors created by this act shall be deemed to have the same force and effect as if performed by the board of governors and the commissioner of insurance in which such powers, duties and functions were vested prior to the transfer of such powers, duties and functions.

(11) Subject to the provisions of this act, whenever the board of governors that is abolished by this act or the commissioner of insurance, or words of like effect, is referred to or designated by a statute, contract, or other document, and such reference or designation relates to a power, duty or function which is transferred to and conferred and imposed upon the board of governors that is created by this act, such reference or designation shall be deemed to apply to the board of governors created by this act.

(12) All rules and regulations and all orders or directives of the board of governors that is abolished by this act and all rules and regulations of the commissioner of insurance, which are in existence on the date prescribed for the transfer of powers, duties and functions to such board under this act and which relate to powers, duties and functions that were vested in such board of governors or the commissioner of insurance prior to such date, shall continue to be effective and shall be deemed to be the rules and regulations and orders or directives of the board of governors created by this act, until revised, amended or revoked or nullified pursuant to law. The board of governors created by this act shall be deemed to be a continuation of the board of governors abolished by this act.

(13) On July 1, 1995, all employees who were engaged prior to such date in the performance of duties and functions under the health care provider insurance availability act, and who, in the opinion of the board, are necessary to perform the duties and functions required under such act by the board shall become employees of the board, and shall retain all retirement benefits and rights of civil service which such employee had prior to July 1, 1995, and their services shall be deemed to have been continuous.

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

(2) subject to the provisions of subsection (m), any amount due from a judgment or settlement which is in excess of the basic coverage liability of all liable nonresident health care providers or nonresident self-insurers for any such injury or death arising out of the rendering or the failure to render professional services within this state but in no event shall the fund be obligated for claims against nonresident health care providers or nonresident self-insurers who have not complied with this act or for claims against nonresident health care providers or nonresident self-insurers that arose outside of this state;

(3) subject to the provisions of subsection (m), any amount due from a judgment or settlement against a resident inactive health care provider, an optometrist or pharmacist who purchased coverage pursuant to subsection (n) or a physical therapist who purchased coverage pursuant to subsection (o), for any such injury or death arising out of the rendering of or failure to render professional services;

(4) subject to the provisions of subsection (m), any amount due from a judgment or settlement against a nonresident inactive health care provider, an optometrist or pharmacist who purchased coverage pursuant to subsection (n) or a physical therapist who purchased coverage pursuant to subsection (o), for any injury or death arising out of the rendering or failure to render professional services within this state, but in no event shall the fund be obligated for claims against: (A) Nonresident inactive health care providers who have not complied with this act; or (B) nonresident inactive health care providers for claims that arose outside of this state, unless such health care provider was a resident health care provider or resident self-insurer at the time such act occurred;

(5) subject to subsection (b) of K.S.A. 40-3411, and amendments thereto, reasonable and necessary expenses for attorney fees incurred in defending the fund against claims;

(6) any amounts expended for reinsurance obtained to protect the best interests of the fund purchased by the board of governors, which purchase shall be subject to the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto, but shall not be subject to the provisions of K.S.A. 75-4101 and amendments thereto;

(7) reasonable and necessary actuarial expenses incurred in administering the act, including expenses for any actuarial studies contracted for by the legislative coordinating council, which expenditures shall not be subject to the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto;

(8) periodically to the plan or plans, any amount due pursuant to subsection (a)(3) of K.S.A. 40-3413 and amendments thereto;

(9) reasonable and necessary expenses incurred by the board of governors in the administration of the fund or in the performance of other powers, duties or functions of the board under the health care provider insurance availability act;

(10) return of any unearned surcharge;

(11) subject to subsection (b) of K.S.A. 40-3411, and amendments thereto, reasonable and necessary expenses for attorney fees and other costs incurred in defending a person engaged or who was engaged in residency training or the private practice corporations or foundations and their full-time physician faculty employed by the university of Kansas medical center from claims for personal injury or death arising out of the rendering of or the failure to render professional services by such health care provider;

(12) notwithstanding the provisions of subsection (m), any amount due from a judgment or settlement for an injury or death arising out of the rendering of or failure to render professional services by a person engaged or who was engaged in residency training or the private practice corporations or foundations and their full-time physician faculty employed by the university of Kansas medical center;

(13) subject to the provisions of K.S.A. 65-429 and amendments thereto, reasonable and necessary expenses for the development and promotion of risk management education programs and for the medical care facility licensure and risk management survey functions carried out under K.S.A. 65-429 and amendments thereto;

(14) notwithstanding the provisions of subsection (m), any amount, but not less than the required basic coverage limits, owed pursuant to a judgment or settlement for any injury or death arising out of the rendering of or failure to render professional services by a person, other than a person described in clause (12) of this subsection (c), who was engaged in a postgraduate program of residency training approved by the state board of healing arts but who, at the time the claim was made, was no longer engaged in such residency program;

(15) subject to subsection (b) of K.S.A. 40-3411, and amendments thereto, reasonable and necessary expenses for attorney fees and other costs incurred in defending a person described in clause (14) of this subsection (c);

(16) expenses incurred by the commissioner in the performance of duties and functions imposed upon the commissioner by the health care provider insurance availability act, and expenses incurred by the commissioner in the performance of duties and functions under contracts entered into between the board and the commissioner as authorized by this section; and

(17) periodically to the state general fund reimbursements of amounts paid to members of the health care stabilization fund oversight committee for compensation, travel expenses and subsistence expenses pursuant to subsection (e) of K.S.A. 40-3403b, and amendments thereto.

(d) All amounts for which the fund is liable pursuant to subsection (c) shall be paid promptly and in full except that, if the amount for which the fund is liable is \$300,000 or more, it shall be paid, by installment payments of \$300,000 or 10% of the amount of the judgment including interest thereon, whichever is greater, per fiscal year, the first installment to be paid within 60 days after the fund becomes liable and each subsequent installment to be paid annually on the same date of the year the first installment was paid, until the claim has been paid in full. Any attorney fees payable from such installment shall be similarly prorated.

(e) In no event shall the fund be liable to pay in excess of \$3,000,000 pursuant to any one judgment or settlement against any one health care provider relating to any injury or death arising out of the rendering of or the failure to render professional services on and after July 1, 1984, and

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before July 1, 1989, subject to an aggregate limitation for all judgments or settlements arising from all claims made in any one fiscal year in the amount of \$6,000,000 for each health care provider.

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

(g) A health care provider shall be deemed to have qualified for coverage under the fund:

(1) On and after July 1, 1976, if basic coverage is then in effect;

(2) subsequent to July 1, 1976, at such time as basic coverage becomes effective; or

(3) upon qualifying as a self-insurer pursuant to K.S.A. 40-3414 and amendments thereto.

(h) A health care provider who is qualified for coverage under the fund shall have no vicarious liability or responsibility for any injury or death arising out of the rendering of or the failure to render professional services inside or outside this state by any other health care provider who is also qualified for coverage under the fund. The provisions of this subsection shall apply to all claims filed on or after July 1, 1986.

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

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

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

(3) The university of Kansas medical center private practice foundation reserve fund is hereby established in the state treasury. If the balance in such reserve fund is less than \$500,000 on July 1 of any year, the private practice corporations or foundations referred to in subsection (c) of K.S.A. 40-3402, and amendments thereto, shall remit the amount necessary to increase such balance to \$500,000 to the state treasurer for credit to such reserve fund as soon after such July 1 date as is practicable. Upon receipt of each such remittance, the state treasurer shall credit the same to such reserve fund. When compliance with the foregoing provisions of this paragraph have been achieved on or after July 1 of any year in which the same are applicable, the state treasurer shall certify to the board of governors that such reserve fund has been funded for the year in the manner required by law. Moneys in such reserve fund may be invested or reinvested in accordance with the provisions of K.S.A. 40-3406, and amendments thereto, and any income or interest earned by such investments shall be credited to such reserve fund. Upon payment of moneys from the health care stabilization fund pursuant to subsection (c)(11) or (c)(12) with respect to any private practice corporation or foundation or any of its full-time physician faculty employed by the university of Kansas, the director of accounts and reports shall transfer an amount equal to the amount paid from the university of Kansas medical center private practice foundation reserve fund to the health care stabilization

fund or, if the balance in such reserve fund is less than the amount so paid, an amount equal to the balance in such reserve fund.

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

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

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

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

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

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

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

(n) Notwithstanding the provisions of subsection (m) or any other provision in article 34 of chapter 40 of the Kansas Statutes Annotated to

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

(o) Notwithstanding the provisions of subsection (m) or any other provision in article 34 of chapter 40 of the Kansas Statutes Annotated to the contrary, the fund shall not be liable for any claim made on or after July 1, 1995, against a physical therapist registered by the state board of healing arts relating to any injury or death arising out of the rendering of or failure to render professional services by such physical therapist prior to July 1, 1995, unless such physical therapist qualified as an inactive health care provider prior to July 1, 1995, and obtained coverage pursuant to subsection (m). Physical therapists not qualified as inactive health care providers prior to July 1, 1995, may purchase coverage from the fund for periods of prior compliance by making application prior to August 1, 1995, and payment within 30 days from notice of the calculated amount as determined by the board of governors to be sufficient to fund anticipated claims based on reasonably prudent actuarial principles.

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

Sec. 9. K.S.A. 40-3406 is hereby amended to read as follows: 40-3406. ~~The pooled money investment board~~ *After consultation with the board of governors the director of investments may invest and reinvest moneys in the fund in obligations of the United States of America or obligations the principal and interest of which are guaranteed by the United States of America or in interest-bearing time deposits in any commercial bank located in Kansas; or, if the board determines that it is impossible to deposit such moneys in such time deposits, in repurchase agreements of less than 30 days' duration with a Kansas bank 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. Any income or interest earned by such investments shall be credited to the fund accordance with investment policies established by the pooled money investment board under K.S.A. 75-4232, and amendments thereto, in the following:*

(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, including investments in mortgage-backed securities;*

(b) *repurchase agreements with a Kansas bank or 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) *commercial paper that does not exceed 270 days to maturity and which has received one of the two highest commercial paper credit ratings by a nationally recognized investment rating firm;*

(d) *interest-bearing time deposits in any commercial bank located in Kansas; or*

(e) *the municipal investment pool fund, under K.S.A. 12-1677a, and amendments thereto.*

Sec. 10. K.S.A. 44-712 is hereby amended to read as follows: 44-712. (a) *Establishment and control.* There is hereby established as a special fund in the state treasury, separate and apart from all public moneys or funds of this state, an employment security fund, which shall be admin-

istered by the secretary as provided in this act. This fund shall consist of: (1) All contributions collected under this act; (2) interest earned upon any moneys in the fund; (3) all moneys credited to this state's account in the federal unemployment trust fund, pursuant to section 903 of the social security act, 42 U.S.C.A. § 1103, as amended; (4) any property or securities acquired through the use of moneys belonging to the fund, and all other moneys received for the fund from any other source; (5) all earnings of such property or securities. All moneys in this fund shall be mingled and undivided.

(b) *Accounts and deposits.* The state treasurer shall be ex officio custodian of the fund. Payments from the fund, and for the purposes of this act deposits with the secretary of the treasury of the United States shall not be deemed to be payments from the fund, shall be made upon warrants drawn upon the state treasurer by the director of accounts and reports upon vouchers approved by the secretary. There shall be maintained within the fund three separate accounts: (1) A clearing account; (2) an unemployment trust fund account, and (3) a benefit account. All money payable to the fund upon receipt thereof by the secretary, shall be forwarded to the state treasurer, who shall immediately deposit them in the state treasury to the credit of the clearing account of the fund. Refunds payable pursuant to K.S.A. 44-717 and amendments thereto may be paid from the clearing account of the fund by warrants drawn by the director of accounts and reports upon the state treasurer upon vouchers approved by the secretary. After clearance thereof, all other moneys in the clearing account of the fund shall be immediately deposited with the secretary of the treasury of the United States of America to the credit of the account of this state in the federal unemployment trust fund established and maintained pursuant to section 904 of the social security act, 42 U.S.C.A. § 1104, as amended, any provisions of law in this state relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this state to the contrary notwithstanding. The benefit account of the fund shall consist of all moneys requisitioned from this state's account in the federal unemployment trust fund. Except as herein otherwise provided, moneys in the clearing and benefit accounts of the fund may be deposited by the state treasurer in any bank or public depository as is now provided by law for the deposit of general funds of the state, but no public deposit insurance charge or premium shall be paid out of the fund. Moneys in the clearing and benefit accounts of the fund shall not be commingled with other state funds; but and shall be maintained in separate accounts on the books of the depository banks bank accounts.

(c) *Withdrawals.* Moneys shall be requisitioned from this state's account in the federal unemployment trust fund solely for the payment of benefits and in accordance with the provisions of this act and the rules and regulations adopted by the secretary, except that moneys credited to this state's account pursuant to section 903 of the social security act, 42 U.S.C.A. § 1103, as amended, shall be used exclusively as provided in subsection (d) of this section. The secretary shall from time to time requisition from the federal unemployment trust fund such amounts, not exceeding the amounts standing to its account therein, as deemed necessary for the payment of benefits for a reasonable future period. Upon receipt thereof the state treasurer shall deposit such moneys in the benefit account of the fund and warrants for the payment of benefits shall be charged solely against such benefit account of the fund. Expenditures of such moneys in the benefit account and refunds from the clearing account of the fund shall not be subject to any provisions of law requiring specific appropriations. Any balance of moneys requisitioned from the federal unemployment trust fund which remains unclaimed or unpaid in the benefit account of the fund after the expiration of the period for which such sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of benefits during succeeding periods, or, in the discretion of the secretary shall be directed to be redeposited with the secretary of the treasury of the United States of America, to the credit of this state's account in the federal unemployment trust fund, as provided in subsection (b) of this section. All balances accrued from unpaid or canceled warrants issued pursuant to this section, notwithstanding the provisions of K.S.A. 10-812 and amendments thereto shall remain in the benefit account of the fund, and be disbursed in accordance with the provisions of this act relating to such account.

(d) *Administrative use.* (1) Money credited to the account of this state in the federal unemployment trust fund by the secretary of the treasury of the United States of America, pursuant to section 903 of the social security act, 42 U.S.C.A. § 1103, as amended, may be requisitioned and used for the payment of expenses incurred in the administration of this

(continued)

act pursuant to a specific appropriation by the legislature, if expenses are incurred and the money is requisitioned after the enactment of an appropriation law which: (A) Specifies the purposes for which such money is appropriated and the amounts appropriated therefor, (B) limits the period within which such money may be obligated to a period ending not more than two years after the date of the enactment of the appropriation law, and (C) limits the amount which may be obligated during a twelve-month period beginning on July 1 and ending on the next June 30 to an amount which does not exceed the amount by which (i) the aggregate of the amounts credited to the account of this state pursuant to section 903 of the social security act, 42 U.S.C.A. § 1103, as amended, (ii) the aggregate of the amounts obligated pursuant to this subsection and amounts paid out for benefits and charged against the amounts credited to the account of this state. For the purposes of this subsection, amounts obligated during any such twelve-month period shall be charged against equivalent amounts which were first credited and which are not already so charged.

(2) Money credited to the account of this state pursuant to section 903 of the social security act, 42 U.S.C.A. § 1103, as amended, may not be withdrawn or obligated except for the payment of benefits and for the payment of expenses for the administration of this act and of public employment offices pursuant to this subsection (d).

(3) Money appropriated as provided by this subsection (d) for the payment of expenses of administration shall be requisitioned as needed for the payment of obligations incurred under such appropriation and, upon requisition shall be deposited in the state treasury to the credit of the employment security administration fund from which such payments shall be made. Money so deposited and credited shall, until expended, remain a part of the federal unemployment trust fund, and, if it will not be expended, shall be returned promptly to the account of this state in the federal unemployment trust fund.

(e) *Management of funds upon discontinuance of federal unemployment trust fund.* The provisions of subsections (a), (b), (c) and (d) of this section, to the extent that they relate to the federal unemployment trust fund, shall be operative only so long as such unemployment trust fund continues to exist and so long as the secretary of the treasury of the United States of America continues to maintain for this state a separate book account of all funds deposited therein by this state for benefit purposes, together with this state's proportionate share of the earnings of such unemployment trust fund, from which no other state is permitted to make withdrawals. If and when such unemployment trust fund ceases to exist, or such separate book account is no longer maintained, all moneys, properties or securities therein, belonging to the employment security fund of this state, shall be transferred to the state treasurer, to be administered by the secretary as a trust fund for the purpose of paying benefits under this act, and the pooled money investment board director of investments upon the direction of the secretary shall have authority to hold, invest, transfer, sell, deposit, and release such moneys, and any properties, securities, or earnings acquired as an incident to such administration.

Sec. 11. K.S.A. 75-622 is hereby amended to read as follows: 75-622. The treasurer shall appoint an assistant state treasurer, who may, in the absence of the treasurer, may perform such acts as he or she may be authorized to perform by the state treasurer, except such as to the duties of the state treasurer as pertain to him or her as a member of the executive council; and said pooled money investment board. The assistant state treasurer is hereby empowered to administer oaths pertaining to all matters relating to the business of the state treasurer's office, which person shall take the oath of office required of public officers, and the state treasurer of the state shall be responsible for the acts of such person so designated. Such person shall have such power and authority so long as it shall be the will and pleasure of the state treasurer.

Sec. 12. K.S.A. 68-2321 is hereby amended to read as follows: 68-2321. (a) Bonds issued shall be authorized by resolution of the secretary. The secretary shall determine the form and manner of the execution of the bonds and the bonds may be made exchangeable for bonds of another denomination or in another form. The bonds shall be dated and shall mature not more than 20 years from their date. The bonds may be in such form and denominations, may bear interest payable at such times and at such rate or rates, may be payable at such places within or without the state, may be subject to such terms of redemption in advance of maturity at such prices, and may contain such terms and conditions, all as the secretary shall determine. The bonds shall have all the qualities of and shall be deemed to be negotiable instruments under the laws of the state of Kansas. The authorizing resolution may contain any other terms,

covenants and conditions that the secretary deems reasonable and desirable.

(b) The proceeds from the sale of the bonds authorized to be issued under this section are deemed to be trust funds which shall be deposited in the custody of the state treasurer in the highway bond proceeds fund which is hereby created. The secretary shall have responsibility for the management and control of the highway bond proceeds fund and shall provide, by resolution, for both amounts and the duration of investments of moneys in such fund. Such resolution may recommend investment and reporting policies, including acceptable levels of return, risk and security. After consultation with the secretary and subject to the terms, covenants and conditions provided in the resolutions providing for the issuance of such bonds, the pooled money investment board director of investments shall have the authority to invest and reinvest moneys in such fund and to acquire, retain, manage, including the exercise of any voting rights, and dispose of investments of such fund. In investing or reinvesting moneys in such fund, there shall be exercised the judgment and care under the circumstances then prevailing which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital, except that moneys of the fund may not be invested in common stocks. Notwithstanding anything to the contrary, all interest or other income of the investments, after payment of any management fees, of the highway bond proceeds fund shall be credited to the highway bond debt service fund, until payments on bonds authorized by this act and interest thereon has been fully funded. Thereafter, earnings and other income shall be credited to the state highway fund.

(c) The authorizing resolution may provide for the execution of a trust indenture. The trust indenture may contain any terms, covenants and conditions that are deemed desirable by the secretary, including, without limitation, those pertaining to the maintenance of various funds and reserves, the nature and extent of any security for payment of the bonds, the custody and application of the proceeds of the bonds, the collection and disposition of bond proceeds and earnings thereon, the investing for authorized purposes, and the rights, duties and obligations of the secretary and the holders and registered owners of the bonds.

(d) Any authorizing resolution and trust indenture relating to the issuance and security of the bonds may set forth covenants, agreements and obligations therein, which may be enforced by mandamus or other appropriate proceeding at law or in equity.

(e) The bonds may be issued under the provisions of this act without obtaining the consent of any department, division, commission, board, bureau or agency of the state and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this act.

Sec. 13. K.S.A. 68-2324 is hereby amended to read as follows: 68-2324. Subject to appropriations acts, the secretary shall have responsibility for the management of the state highway fund and shall provide, by resolution, for amounts and duration of investments and reinvestments of moneys in such fund. The resolution may recommend investment and reporting policies, including acceptable levels of return, risk and security. After consultation with the secretary, the pooled money investment board director of investments shall have the authority to invest and reinvest moneys in such fund and to acquire, retain, manage, including the exercise of any voting rights, and dispose of investments of such fund. In investing or reinvesting moneys in such fund, there shall be exercised the judgment and care under the circumstances then prevailing which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital, except that moneys in such fund may not be invested in common stock.

Notwithstanding anything to the contrary, all interest or other income of the investments, after payment of any management fees, shall be considered income of the state highway fund.

Sec. 14. K.S.A. 1995 Supp. 75-4201 is hereby amended to read as follows: 75-4201. As used in this act, unless the context otherwise requires:

- (a) "Treasurer" means state treasurer.
- (b) "Controller" means director of accounts and reports.
- (c) "Board" means the pooled money investment board.
- (d) "Bank" means a state bank incorporated under the laws of Kansas

or a national bank having such bank's home office within the state of Kansas.

(e) "State moneys" means all moneys in the treasury of the state or coming lawfully into the possession of the treasurer.

(f) "Custodial moneys" means state moneys deposited with the treasurer which, in the written opinion of the attorney general, are required by contract, bequest or law to be segregated from other bank accounts.

(g) "Special moneys" means moneys which are required to be or are deposited in a custodial bank account or a fee agency account by the state or any agency thereof.

(h) (f) "State bank account" means state moneys or special fee agency account moneys deposited in accordance with the provisions of this act.

(i) (g) "Operating account" means a state bank account which is payable or withdrawable, in whole or in part, on demand.

(j) (h) "Investment account" means a state bank account which is not payable on demand but shall not include custodial accounts.

(k) (i) "Market rate" means the average of the average equivalent yields, with equivalent maturities, of: (1) United States government securities; and (2) debt obligations of the following United States government agencies, federal home loan banks, federal national mortgage association and federal farm credit bank.

(l) (j) "Investment rate" means a rate which is the equivalent yield for United States government securities having a maturity date as published in the Wall Street Journal, nearest the maturity date for equivalent maturities. For liquidity investments, The 0-90 day rate shall be computed on the average effective federal funds rate as published by the federal reserve system for the previous week.

(m) "Custodial account" means a state bank account of custodial moneys.

(n) (k) "Fee agency account" means a state bank account of any state agency consisting of fees, tuition or charges authorized by law prior to remittance to the state treasurer.

(o) (l) "Disbursement" means a payment of any kind whatsoever made from the state treasury or from any operating account, except transfer of state or special moneys between or among operating accounts and investment accounts or either or both of them.

(p) (m) "Securities" means, for the purposes of K.S.A. 75-4218, and amendments thereto, any one or more of the following, which may be accepted or rejected by the pooled money investment board:

(1) Direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof and obligations, letters of credit and securities of United States sponsored enterprises which under federal law may be accepted as security for public funds.

(2) Kansas municipal bonds which are general obligations of the municipality issuing the same.

(3) Revenue bonds of any agency or arm of the state of Kansas.

(4) Revenue bonds of any municipality, as defined by K.S.A. 10-101, and amendments thereto, within the state of Kansas or bonds issued by a public building commission as authorized by K.S.A. 12-1761, and amendments thereto, if approved by the state bank commissioner, except (A) bonds issued under the provisions of K.S.A. 12-1740 *et seq.*, and amendments thereto, unless such bonds are rated at least MIG-1 or Aa by Moody's Investors Service or AA by Standard & Poor's Corp. and (B) bonds secured by revenues of a utility which has been in operation for less than three years. Any expense incurred in connection with granting approval of revenue bonds shall be paid by the applicant for approval.

(5) Temporary notes of any municipal corporation or quasi-municipal corporation within the state of Kansas which are general obligations of the municipal corporation or quasi-municipal corporation issuing the same.

(6) Warrants of any municipal corporation or quasi-municipal corporation within the state of Kansas the issuance of which is authorized by the state board of tax appeals and which are payable from the proceeds of a mandatory tax levy.

(7) Bonds of any municipal or quasi-municipal corporation of the state of Kansas which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of direct obligations of, or obligations the principal of and the interest on which are unconditionally guaranteed by, the United States of America. A copy of such escrow agreement shall be furnished to the treasurer.

(8) Securities listed in paragraph (13) of subsection (d) of K.S.A. 9-

1402 and amendments thereto within limitations of K.S.A. 9-1402 and amendments thereto.

(9) A corporate surety bond guaranteeing deposits in a bank, savings or savings and loan association in excess of federal deposit insurance corporation insurance, underwritten by an insurance company authorized to do business in the state of Kansas.

(10) ~~(9)~~ Commercial paper that does not exceed 270 days to maturity and which has received one of the two highest commercial paper credit ratings by a nationally recognized investment rating firm.

(11) ~~(10)~~ All of such securities shall be current as to interest according to the terms thereof.

(12) ~~(11)~~ Whenever a bond is authorized to be pledged as a security under this section, such bond shall be accepted as a security if: (i) In the case of a certificated bond, it is assigned, delivered or pledged to the holder of the deposit for security; (ii) in the case of an uncertificated bond, registration of a pledge of the bond is authorized by the system and the pledge of the uncertificated bond is registered; or (iii) in a form approved by the attorney general, which assures the availability of the bond proceeds pledged as a security for public deposits.

(n) ~~(12)~~ "Savings bank" means a federally chartered savings bank insured by the federal deposit insurance corporation and doing business within the state of Kansas.

(o) ~~(n)~~ "Savings and loan association" means a state or federally chartered savings and loan association insured by the federal deposit insurance corporation and doing business within the state of Kansas.

(p) ~~(o)~~ "Custodial bank" means a bank designated to keep safely collateral pledged as security for state bank accounts.

(q) ~~(p)~~ "Centralized securities depository" means a clearing agency registered with the securities and exchange commission which provides safekeeping and book-entry settlement services to its participants.

(r) ~~(q)~~ "Depository bank" means a bank, savings bank or savings and loan association authorized and eligible to receive state moneys.

Sec. 15. K.S.A. 1995 Supp. 75-4202 is hereby amended to read as follows: 75-4202. All state moneys and credits received by the treasurer shall be deposited daily in one or more operating accounts, except custodial moneys which shall be so deposited in custodial accounts. All disbursements shall be drawn from operating accounts. All banks having a state bank account shall service all warrants, drafts or checks of the state or its agencies. The board shall determine the compensation for services rendered that banks may receive on state bank accounts. Such compensation may be either compensating balances or fees.

Sec. 16. K.S.A. 75-4204 is hereby amended to read as follows: 75-4204. All orders of the treasurer transferring state or special moneys from one state bank account to another shall be signed both by the treasurer or his or her the treasurer's duly authorized deputy and director of accounts and reports or his or her the director's duly authorized assistant.

Sec. 17. K.S.A. 1995 Supp. 75-4209 is hereby amended to read as follows: 75-4209. (a) After the board director of investments 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. 1995 Supp. 75-4232, and amendments thereto, the board director of investments shall make available state moneys eligible for investment accounts in the following manner:

(1) (A) The board director of investments 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 director of investments 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 director of investments 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. 1995 Supp. 75-4232, and amendments thereto.

(continued)

(2) The board director of investments 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 on and after the effective date of this act moneys available for investment under this subsection may shall not be invested in mortgage-backed securities of such enterprises and of the government national mortgage association, except that any such mortgage-backed securities held prior to the effective date of this act may be held to maturity;

(B) repurchase agreements with a Kansas bank or 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) investments in SKILL act projects and bonds pursuant to K.S.A. 1995 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. 1995 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; or

(E) commercial paper that does not exceed 270 days to maturity and which has received one of the two highest commercial paper credit ratings by a nationally recognized investment rating firm.

(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 director of investments 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 director of investments 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 director of investments 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 director of investments 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 director of investments 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. 1995 Supp. 12-1677a, and amendments thereto.

(j) The director of investments shall not invest moneys in the pooled money investment portfolio in derivatives. As used in this subsection, "derivatives" means a financial contract whose value depends on the value of an underlying asset or index of asset values.

(k) Moneys and investments in the pooled money investment portfolio shall be invested and reinvested by the director of investments in accordance with investment policies developed, approved, published and updated on an annual basis by the 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. Such investment policies may specify the contents of reports, methods of crediting funds and accounts and other operating procedures.

(l) The board shall adopt rules and regulations to establish an overall percentage limitation on the investment of moneys in investments authorized under subparagraph (E) of paragraph (2) of subsection (a), and within such authorized investment, the board shall establish a percentage limitation on the investment in any single business entity.

Sec. 18. K.S.A. 1995 Supp. 75-4210 is hereby amended to read as follows: 75-4210. The treasurer director of investments shall calculate the investment rate, as defined in subsection (l) of K.S.A. 75-4201 and amendments thereto, on Monday of each week and publish such rate that week in the Kansas register. The treasurer director of investments shall also calculate the market rate as defined in subsection (k) of K.S.A. 75-4201 and amendments thereto on the day before the offering of moneys to Kansas banks.

Sec. 19. K.S.A. 75-4210a is hereby amended to read as follows: 75-4210a. Any moneys received from interest earned on state moneys shall be credited to the state general fund, unless required by law, contract or bequest to be credited to a fund other than the state general fund. When interest earnings are required by law, contract or bequest to be credited to a fund other than the state general fund, such earnings shall be based on the average daily balance in the fund for each month and the net earnings rate of the pooled money investment portfolio for such month unless such law, contract or bequest provides a different method of computing interest earnings.

Sec. 20. K.S.A. 1995 Supp. 75-4212a is hereby amended to read as follows: 75-4212a. Whenever the balance in operating accounts is insufficient to meet the state's obligations or withdrawals from the municipal investment pool fund, and there are state moneys in authorized investments, the treasurer director of investments, with approval of the board, may:

(a) Borrow upon the security of any one or more investment accounts an amount sufficient to meet the state's or the municipal investment pool fund's obligations. Any such loan shall be repaid in full within 60 days or prior to July 1, whichever occurs first. Interest payment by the state for any loan under this section shall be made only by way of setoff from interest obligations to the state from the bank making such loan. The amount borrowed under this section from any bank, shall never exceed an amount equal to the amount of state moneys on deposit in such bank; or

(b) enter into reverse repurchase agreements utilizing securities purchased by the board pursuant to subsection (a)(2)(A) of K.S.A. 75-4209 and amendments thereto. Such reverse repurchase agreements may be entered into with Kansas banks or primary government securities dealers which report to the market reports division of the federal reserve bank of New York. Expenses of reverse repurchase agreements shall be paid by deducting such expenses against other interest income to the state.

Sec. 21. K.S.A. 1995 Supp. 75-4218 is hereby amended to read as follows: 75-4218. (a) All state bank accounts shall be secured by pledge of securities as provided in this section.

(b) The bank, savings bank or savings and loan association receiving or having a state bank account shall deposit or cause its affiliate bank to deposit securities acceptable to the board and owned by it or by its affiliate bank, in one of the following ways:

(1) Deposit with the treasurer.

(2) Deposit with a custodial bank having adequate modern facilities for the safekeeping of securities which shall have had the prior approval of the board. Any such custodial bank receiving securities for safekeeping shall be liable to the state for any loss suffered by the state in the event such custodial bank relinquishes the custody of any such securities contrary to the provisions of this act or rules and regulations adopted thereunder. This section shall not prohibit any custodial bank receiving securities for safekeeping from issuing a joint custody receipt and placing those securities in such bank's account with any bank chartered in Kansas or any other state, any trust company chartered in Kansas or any other state, any national bank, or any centralized securities depository wherever located within the United States. No bonds or securities pledged to secure public deposits shall be left for safekeeping in any bank, trust company,

or national bank which is owned directly or indirectly by any parent corporation of the depository bank, or with any bank, trust company, or national bank, having common controlling shareholders, having a common majority of the board of directors or having common directors with the ability to control or influence directly or indirectly the acts or policies of the bank, state or federally chartered savings and loan association or federally chartered savings bank securing such public deposits.

(3) Deposit with the federal reserve bank of Kansas City, Missouri.

(4) Deposit with the federal home loan bank of Topeka, Kansas.

(5) Any combination of (1), (2), (3) and (4).

(c) The depository bank shall obtain a written agreement from its affiliate bank that the affiliate bank grants a security interest to the state of Kansas in securities owned by the affiliate bank which are pledged on behalf of the depository bank to secure payment of deposits made with the depository bank pursuant to this section. Such agreement shall be approved by the board of directors of the affiliate bank and reflected in its minutes. From the time of execution of such agreement, the agreement shall remain continuously an official record of the affiliate bank. Any such deposit of securities, except with the treasurer, shall have a joint custody receipt which shall constitute a perfected security interest taken therefor with one copy going to the treasurer and one copy going to the bank, savings bank or savings and loan association which deposits such securities. In lieu of the initial deposit of securities provided for in this subsection (c), the treasurer or the treasurer's duly authorized deputy, for a period of not to exceed 10 calendar days, may accept the telephone assurance of a bank qualified as provided in (2) or (3) of subsection (b), that the depository bank has requested the issuance of a joint custody receipt with the state of Kansas, specifying the securities pledged, for the purpose of compliance with this section and that such joint custody receipt will be forthcoming.

(d) The depository bank, the board and the custodial bank shall enter into a written agreement for the safekeeping of securities and the agreement shall be maintained in the records of the depository bank.

(e) Securities deposited to comply with this section may be withdrawn on application of the bank, savings bank or savings and loan association depositing the securities, if such application is approved by the treasurer or the treasurer's duly authorized deputy for the reason that such deposit of securities is no longer needed to comply with this section or are required for collection by virtue of their maturity or for exchange. Securities withdrawn for collection by virtue of their maturity or for exchange shall be replaced within 15 calendar days, but until replaced the state shall retain a first lien on the withdrawn security or the proceeds therefrom.

(f) Operating accounts, investment accounts, and fee agency accounts and custodial accounts shall be secured by pledge of securities, the market value of which is equal to 100% of the amount of the deposits in the account plus accrued interest, less the amount of deposits in the account protected by the federal deposit insurance corporation. Any agency responsible for a fee agency account shall transfer immediately all moneys not so secured to the state treasurer for deposit in the state treasury.

Sec. 22. K.S.A. 1995 Supp. 75-4220 is hereby amended to read as follows: 75-4220. (a) Each depository or its affiliate bank pledging securities for such depository pursuant to K.S.A. 75-4218, and amendments thereto, shall be liable for payment if: (1) The depository bank fails to: (A) Pay any check, draft or warrant drawn by the treasurer and director of accounts and reports; or (B) account for any check, draft, warrant, order, or certificate of deposit, or any money entrusted to such bank by the treasurer; or (2) a conservator or receiver is appointed for the depository bank.

Any loss incurred by the state by reason of failure by any depository bank to safely keep, and account for state or special moneys and interest thereon shall be recovered by the state from the depository bank and a sale of the securities pledged under this act. The attorney general is authorized to prosecute in the name of the state any and all actions for recovery of any loss incurred by the state under this act.

In case of default by any depository bank having a state bank account of any type, the securities pledged under this act, if not in the possession of the treasurer, shall be transferred to the treasurer by the custodial bank to be sold by the treasurer and payment of the proceeds of such sale shall be made to the state to the extent of the state's interest, subject to the provisions of K.S.A. 75-4221, and amendments thereto.

Sec. 23. K.S.A. 1995 Supp. 75-4228 is hereby amended to read as follows: 75-4228. The making of profit by the treasurer or director of accounts and reports out of any moneys in the state treasury, the custody

of which the treasurer or director of accounts and reports is charged with, by lending, depositing, or otherwise using, or disposing of the same in any manner whatsoever not provided in this act, or the removal by the treasurer or director of accounts and reports or by such official's consent, of any securities deposited by any bank under the provisions of this act out of the treasury, or failing to return or dispose of any securities as provided by law, shall be deemed a felony, and on conviction thereof, the treasurer or director of accounts and reports shall be punished by imprisonment in the custody of the secretary of corrections for a term of not less than two nor more than five years. In addition to such criminal liability the treasurer or director of accounts and reports and the surety thereof shall also be liable, on official bond, for all profits realized from such unlawful use of any state or special moneys. It shall be the duty of the attorney general to enter and prosecute to final termination all actions for violation of this act.

Sec. 24. K.S.A. 1995 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~~ six 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. Except as provided by K.S.A. 1995 Supp. 46-2601, and amendments thereto, no person appointed to the board, whose appointment is subject to confirmation, shall exercise any power, duty or function as a member of the board until confirmed by the senate. The fifth member shall be the state treasurer. *The sixth member shall be the securities commissioner who shall serve as a nonvoting member.* Not more than three members of the board shall be of the same political party. All members appointed to the board shall be persons with not less than 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 have at least 10 years of direct work experience in the areas of finance, accounting or management of investments or shall have at least a baccalaureate degree from an accredited college or university and at least five years of direct work experience in the areas of finance, accounting or management of investments. Except as provided by subsection (b), members appointed by the governor shall serve for a term of four years and until successors are appointed and confirmed. *The governor shall select one of the board members to serve as chairperson.*

(b) (1) 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 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. Except as provided in paragraph 2 of this subsection, members appointed to the board shall serve for four-year terms and until their successors are appointed and confirmed. 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.

(2) The terms of members who are serving on the board on the effective date of this act shall expire on March 15, of the year in which such member's term would have expired under the provisions of this section prior to amendment by this act and by section 3 of chapter 194 of the session laws of 1995. Thereafter members shall be appointed for terms of four years and until their successors are appointed and confirmed.

(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. 25. K.S.A. 1995 Supp. 75-4222 is hereby amended to read as follows: 75-4222. (a) It shall be unlawful for the pooled money investment board to award a state bank account to any depository bank in which any member of the board is interested as a stockholder or officer, except upon the unanimous vote of the other members of the board.

(b) ~~The state treasurer shall be chairperson of the board. The board may appoint such employees as may be needed. In addition to the above~~

(continued)

personnel, the board may shall appoint a director of investments who shall be in the unclassified service under the Kansas civil service act. The board may appoint investment officers and investment analysts, who shall be in the unclassified service of the Kansas civil service act. In addition the board may appoint such employees as may be needed who shall be in the classified service of the Kansas civil service act. The chairperson shall keep and preserve a written record of the board's proceedings.

(c) From and after the effective date of this act, all current employees of the office of the state treasurer performing any responsibilities, powers, duties or functions related to the municipal investment pool fund are hereby transferred to the pooled money investment board. All such employees shall retain all retirement benefits and all rights of civil service which such employees had before the effective date of this act and their service shall be deemed to have been continuous. All such transfers shall be in accordance with civil service laws and rules and regulations.

(d) From and after the effective date of this act, the liability for all accrued compensation, wages or salaries of employees who, immediately prior to such date, were engaged in the performance of responsibilities, powers, duties or functions relating to the municipal investment pool fund in the office of the state treasurer and who are transferred to the pooled money investment board pursuant to subsection (c), shall be assumed and paid from appropriations to the state treasurer for operations of the municipal investment pool fund and operations of the pooled money investment board.

(e) The employees working for the pooled money investment board shall have access at all times to all papers, documents and property in the custody or possession of the state treasurer that relate to duties of the board, and the state treasurer shall take such steps as may be necessary to make this provision of law effective for such purposes as the pooled money investment board may indicate.

(f) Except as otherwise provided in this act, on and after the effective date of this act, the state treasurer shall provide the pooled money investment board office space, services, equipment, materials and supplies, and all budgeting, purchasing and related management functions of required by the pooled money investment board shall be administered under the direction and supervision of the state treasurer in the exercise of the powers, duties and functions imposed or authorized upon such board. The portion of the state treasurer's budget relating to the operations of the pooled money investment board shall be approved by the pooled money investment board prior to submission to the director of the budget.

(g) The director of investments shall keep and preserve a written record of the board's proceedings.

(h) The board shall make an annual report to the legislature of the investments by the board of all moneys under the jurisdiction and control of the board, by filing a copy of the report with the chief clerk of the house of representatives and with the secretary of the senate no later than the 10th calendar day of each regular session of the legislature.

(i) The board shall provide for an audit of the investment program at least every two years. Such audit shall be conducted by a firm as defined in K.S.A. 46-1112, and amendments thereto. Such audit shall be conducted in accordance with generally accepted governmental auditing standards. Such audit shall include an evaluation of current investment policies and practices and of specific investments of the pooled money investment portfolio and recommendations relating to the investment policies and practices and to specific investments of the portfolio as are considered necessary or desirable. The resulting written audit report shall be issued as soon after the end of the fiscal year as is practicable. Copies of this report shall be furnished to the governor, director of accounts and reports, director of the budget and the legislative post audit committee. A copy of the report shall be filed with the chief clerk of the house of representatives and with the secretary of the senate no later than the 10th calendar day of the regular session of the legislature following completion of such audit. The cost of such audit work shall be borne by the pooled money investment board.

Sec. 26. K.S.A. 1995 Supp. 75-4232 is hereby amended to read as follows: 75-4232. State moneys shall be managed by the pooled money investment board invested and reinvested by the director of investments in accordance with investment policies provided by law and, by rules and regulations and published policies of such the board. The pooled money investment board shall not contract for management of investments by a money manager. In administering the functions of the pooled money investment board, the board shall adopt rules and regulations or published policies pursuant to K.S.A. 75-4209, and amendments thereto

establishing investment policies and procedures. Such policies and procedures shall address liquidity, diversification, safety of principal, yield, maturity and quality and capability of investment management, with primary emphasis on safety and liquidity. Such investment policy shall specify when or under what circumstances securities may be disposed of prior to maturity. Such investment policies and procedures shall be reviewed annually by the pooled money investment board.

Sec. 27. K.S.A. 75-4253 is hereby amended to read as follows: 75-4253. Whenever any state agency or authority has issued any bonds in connection with which there exists surplus proceeds or surplus reserves, the pooled money investment board director of investments shall have management responsibility to invest the same as required by this act, unless the applicable bond statute, trust agreement, indenture or resolution requires a different management responsibility, in which case the person or agency so specified to have such management responsibility shall invest such surplus proceeds or surplus reserves as provided in this act.

Sec. 28. K.S.A. 75-4254 is hereby amended to read as follows: 75-4254. The pooled money investment board director of investments may invest and reinvest the moneys of surplus proceeds and surplus reserves in:

(a) Direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, investments enumerated in K.S.A. 10-131, and amendments thereto; or

(b) in interest-bearing time deposits in any commercial bank located in Kansas, except that the amount so invested in any such bank shall not exceed an amount equal to the total capital and surplus of such bank and shall be secured in the manner prescribed by subsections (a) to (e), inclusive, of K.S.A. 75-4218, and amendments thereto;

(c) if the board determines that it is impossible to deposit such moneys in such time deposits, in repurchase agreements of less than 30 days' duration with a Kansas bank 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; or

(d) in shares or accounts in savings and loan associations insured by the federal savings and loan insurance corporation, or other federal agency, to the extent covered by such insurance the pooled money investment portfolio.

Sec. 29. K.S.A. 1995 Supp. 75-4262 is hereby amended to read as follows: 75-4262. (a) State agencies having statutorily authorized loans from the pooled money investment board are hereby authorized to undertake projects to convert such loans to bond financing in accordance with this section.

(b) No bonds shall be issued for any such project unless: (1) The secretary of administration has determined that it is in the financial best interests of the state; (2) the bonds are sold at public sale; (3) bond counsel provides an opinion that the interest on the bonds is excluded from gross income for federal income tax purposes; and (4) such project has been approved by the secretary of administration. Upon approval by the secretary of administration, any such project is hereby approved for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto.

(c) The pooled money investment board director of investments is hereby authorized to invest the proceeds of loans repaid pursuant to this section, and interest earnings thereon, in: (1) United States government obligations with maturities no longer than the date the loan from the board was to be repaid; or (2) investments with banks operating in Kansas, at interest rates at or above the average yield that investments in United States securities would earn for similar maturities.

Sec. 30. K.S.A. 1995 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 director of investments in accordance with investment policies established by the pooled money investment board under K.S.A. 75-4232, and amendments thereto, 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. 1995 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.

Sec. 31. K.S.A. 76-818 is hereby amended to read as follows: 76-818. All funds received pursuant to the provisions of this act, whether as proceeds from the sale of bonds, sale of property, insurance or condemnation awards, as revenues, proceeds or otherwise, shall be deemed to be trust funds to be held and applied solely as provided in this act and as provided in the resolution authorizing the issuance of the bonds or the trust agreement. The resolution of the board authorizing the issuance of the bonds or the trust agreement securing any bonds may provide that any of such moneys, including the proceeds of the bonds, the sinking fund and any reserve account or accounts, may be invested by the *pooled money investment board director of investments in accordance with investment policies established by the pooled money investment board under K.S.A. 75-4232, and amendments thereto*, pending the disbursement thereof, in obligations of the United States of America or obligations the principal and interest of which are guaranteed by the United States of America or in interest-bearing time deposits in any commercial bank located in Kansas; or, if the board determines that it is impossible to deposit such moneys in such time deposits, in repurchase agreements of less than 30 days' duration with a Kansas bank 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: (a) investments enumerated in K.S.A. 10-131, and amendments thereto; or (b) the pooled money investment portfolio.

Whenever such moneys are invested in interest-bearing deposits in any commercial bank, such deposits shall be secured by pledge of securities as provided in K.S.A. 75-4218, and amendments thereto.

Sec. 32. K.S.A. 1995 Supp. 79-4804 is hereby amended to read as follows: 79-4804. (a) ~~Before July 1, 1995, an amount equal to 90% of all moneys credited to the state gaming revenues fund shall be transferred and credited to the state economic development initiatives fund which is hereby created in the state treasury. On and after July 1, 1995, an amount equal to 85% of all moneys credited to the state gaming revenues fund shall be transferred and credited to the state economic development initiatives fund. Expenditures from the state economic development initiatives fund shall be made in accordance with appropriations acts for the financing of such programs supporting and enhancing the existing economic foundation of the state and fostering growth through the expansion of current, and the establishment and attraction of new, commercial and industrial enterprises as provided by this section and as may be authorized by law and not less than 1/2 of such money shall be distributed equally among the congressional districts of the state. Except as provided by subsection (g), all moneys credited to the state economic development initiatives fund shall be credited within the fund, as provided by law, to an account or accounts of the fund which are created by this section.~~

(b) There is hereby created the Kansas capital formation account in the state economic development initiatives fund. All moneys credited to the Kansas capital formation account shall be used to provide, encourage and implement capital development and formation in Kansas.

(c) There is hereby created the Kansas economic development research and development account in the state economic development initiatives fund. All moneys credited to the Kansas economic development research and development account shall be used to promote, encourage and implement research and development programs and activities in Kansas and technical assistance funded through state educational institutions under the supervision and control of the state board of regents or other Kansas colleges and universities.

(d) There is hereby created the Kansas economic development endowment account in the state economic development initiatives fund. All moneys credited to the Kansas economic development endowment account shall be accumulated and invested as provided in this section to provide an ongoing source of funds which shall be used for economic development activities in Kansas, including but not limited to continuing appropriations or demand transfers for programs and projects which shall include, but are not limited to, specific community infrastructure projects in Kansas that stimulate economic growth.

(e) Except as provided in subsection (f), the *pooled money investment board director of investments* may invest and reinvest moneys credited to the state economic development initiatives fund in accordance with investment policies established by the *pooled money investment board under K.S.A. 75-4232, and amendments thereto*, in obligations of the United States of America or obligations the principal and interest of which are guaranteed by the United States of America or in interest-bearing time deposits in any commercial bank located in Kansas; or, if the board determines that it is impossible to deposit such moneys in such time deposits, in repurchase agreements of less than 30 days' duration with a Kansas bank 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 *the pooled money investment portfolio*. All moneys received as interest earned by the investment of the moneys credited to the state economic development initiatives fund shall be deposited in the state treasury and credited to the Kansas economic development endowment account of such fund.

(f) Moneys credited to the Kansas economic development endowment account of the state economic development initiatives fund may be invested in government guaranteed loans and debentures as provided by law in addition to the investments authorized by subsection (e) or in lieu of such investments. All moneys received as interest earned by the investment under this subsection of the moneys credited to the Kansas economic development endowment account shall be deposited in the state treasury and credited to the Kansas economic development endowment account of the state economic development initiatives fund.

(g) In each fiscal year, the director of accounts and reports shall make transfers in equal amounts on July 15 and January 15 which in the aggregate equal \$2,000,000 from the state economic development initiatives fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto. No other moneys credited to the state economic development initiatives fund shall be used for: (1) Water-related projects or programs, or related technical assistance; or (2) any other projects or programs, or related technical assistance, which meet one or more of the long-range goals, objectives and considerations set forth in the state water resource planning act.

Sec. 33. K.S.A. 12-3724, 40-3406, 44-712, 68-2321, 68-2324, 75-622, 75-4204, 75-4210a, 75-4253, 75-4254 and 76-818 and K.S.A. 1995 Supp. 12-1677a, 12-1677b, 12-1677c, 12-1677e, 40-3403, 75-4201, 75-4202, 75-4209, 74-4210, 75-4212a, 75-4213, 75-4218, 75-4220, 75-4221a, 75-4222, 75-4228, 75-4232, 75-4262, 75-4263 and 79-4804 are hereby repealed.

Sec. 34. On and after July 1, 1996, K.S.A. 1995 Supp. 40-3403, as amended by section 7 of 1996 Senate Bill No. 476 and 40-3403, as amended by section 1 of 1996 House Bill No. 2867 are hereby repealed.

Sec. 35. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register May 23, 1996.)

SENATE BILL No. 625

AN ACT concerning dentistry; concerning the dental practices act; dental services for dentally indigent persons; donated dental services program; retired licensees authorized to provide charitable dental services; relating to the practice of dental hygiene, amending K.S.A. 65-1431, 65-1431, as amended by section 2 of 1996 House Bill No. 2813, and 65-1456 and repealing the existing sections; also repealing K.S.A. 65-1431, as amended by section 2 of this act.

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

New Section 1. (a) Notwithstanding any other provision of the dental practices act, a not-for-profit corporation having the status of an organization under 26 United States Code Annotated 501(c)(3) which is also a facility qualified under subsection (b) of K.S.A. 65-431 and amendments thereto to select and employ professional personnel, an indigent health care clinic as defined by the rules and regulations of the secretary of health and environment, a federally qualified health center, or a local health department may employ or otherwise contract with a person licensed under the dental practices act to provide dental services to dentally indigent persons.

(b) Dentally indigent persons are those persons who are: (1) Determined to be a member of a family unit earning at or below 200% of poverty income guidelines based on the annual update of "poverty income guidelines" published in the federal register by the United States department of health and human services and are not indemnified against costs arising from medical and hospital care or dental care by a policy of accident and sickness insurance or an employee health benefits plan; or (2) eligible for medicaid; or (3) qualified for Indian health services. This subsection shall not be construed to prohibit an entity under subsection (a) which enters into an arrangement with a licensee under the dental practices act for purposes of providing services to dentally indigent persons pursuant to subsection (a) from defining "dentally indigent persons" more restrictively than such term is defined under this subsection.

(c) A licensee under the dental practices act who enters into an arrangement with an entity under subsection (a) to provide dental services pursuant to subsection (a) shall not be subject to having the licensee's license certificate suspended or revoked by the board solely as a result of such arrangement.

(d) A dentist who is classified as "retired" by the Kansas dental board is not required to pay the annual renewal fee or comply with the dental continuing education requirements if the dentist elects to provide dental services to the indigent through one of the entities specified in subsection (a). A "retired" dentist providing such services shall be required to comply with the annual renewal requirements of the Kansas dental board.

(e) This section shall be part of and supplemental to the dental practices act. The provisions of this section shall expire on July 1, 1998.

Sec. 2. K.S.A. 65-1431 is hereby amended to read as follows: 65-1431. (a) On or before the first day of December of each year, each licensee of the Kansas dental board shall transmit to the secretary of the board, upon a form prescribed by the board, such licensee's signature, post-office address, office address, the number of the license certificate of such licensee, whether such licensee has been engaged during the preceding year in active and continuous practice, whether within or without this state, and such other information as may be required by the board, together with the annual registration fee for dentists which is fixed by the board pursuant to K.S.A. 65-1447 and amendments thereto.

(b) The board shall require every licensee to submit with the renewal application evidence of satisfactory completion of a program of continuing education required by the board. The board by duly adopted rules and regulations shall establish the requirements for such program of continuing education as soon as possible after the effective date of this act. In establishing such requirements the board shall consider any existing programs of continuing education currently being offered to such licensees.

(c) Upon fixing the annual registration fee, the board shall immediately notify all licensees of the amount of the fee for the ensuing year. Upon receipt of such fee and upon receipt of evidence that the licensee has satisfactorily completed a program of continuing education required by the board, the licensee shall be issued a renewal certificate authorizing the licensee to continue to practice in this state for a period of one year.

(d) Any license granted under authority of this act shall automatically be canceled if the holder thereof fails to secure a renewal certificate within a period of three months from November 30 of each year. Any licensee whose license is automatically canceled by reason of failure, neglect or refusal to secure the renewal certificate may be reinstated by the board at any time within three months from the date of the automatic

cancellation of such license; upon payment of the annual registration fee and a penalty fee of \$15 and upon proof that such licensee has satisfactorily completed a program of continuing education required by the board. If such licensee has not applied for renewal of the license within three months after it has been automatically canceled and has not paid the required fees or presented proof of satisfactory completion of the required program of continuing education, then such licensee shall be required to file an application for and take the examination provided for in this act.

(e) Upon failure of any licensee to pay the annual registration fee or to present proof of satisfactory completion of the required program of continuing education within two months after November 30, the board shall notify such licensee, in writing, by mailing notice to such licensee's last registered address. Failure to mail or receive such notice shall not affect the cancellation of the license of such licensee.

(f) The board may waive the payment of annual fees and the continuing education requirements for the renewal of certificates without the payment of any registration fee for any person who has held a Kansas license to practice dentistry or dental hygiene if such licensee has retired from such practice or has become temporarily or permanently disabled and such licensee files with the board a certificate stating either of the following:

(1) A retiring licensee shall certify to the board that the licensee is: (A) At least 65 years of age and has retired from the active practice of dentistry or dental hygiene; and (B) not engaged, *except as provided in section 1 and amendments thereto*, in the provision of any dental service, the performance of any dental operation or procedure or the delivery of any dental hygiene service as defined by the statutes of the state of Kansas; or

(2) a disabled licensee shall certify to the board that such licensee is no longer engaged in the provision of dental services, the performance of any dental operation or the provision of any dental hygiene services as defined by the statutes of the state of Kansas by reason of any physical disability, whether permanent or temporary, and shall describe the nature of such disability.

(g) The waiver of fees under subsection (f) shall continue so long as the retirement or physical disability exists. *Except as provided in section 1 and amendments thereto*, in the event the licensee returns to the practice for which such person is licensed, the requirement for payment of fees and continuing education requirements shall be reimposed commencing with and continuing after the date the licensee returns to such active practice. *Except as provided in section 1 and amendments thereto*, the performance of any dental service, including consulting service, or the performance of any dental hygiene service, including consulting service, shall be deemed the resumption of such service, requiring payment of license fees.

(h) The Kansas dental board may adopt such rules and regulations requiring the examination and providing means for examination of those persons returning to active practice after a period of retirement or disability as the board shall deem necessary and appropriate for the protection of the people of the state of Kansas.

Sec. 3. On July 1, 1996, K.S.A. 65-1431, as amended by section 2 of 1996 House Bill No. 2813, is hereby amended to read as follows: 65-1431.

(a) On or before December 1 of each even-numbered year, commencing December 1, 1996, each dentist licensee of the Kansas dental board shall transmit to the secretary of the board a renewal application, upon a form prescribed by the board, which shall include such licensee's signature, post-office address, office address, the number of the license certificate of such licensee, whether such licensee has been engaged during the preceding licensure period in active and continuous practice, whether within or without this state, and such other information as may be required by the board, together with the biennial licensure fee for dentists which is fixed by the board pursuant to K.S.A. 65-1447 and amendments thereto.

(b) On or before December 1 of each odd-numbered year, commencing December 1, 1997, each dental hygiene licensee of the Kansas dental board shall transmit to the secretary of the board a renewal application, upon a form prescribed by the board, which shall include such licensee's signature, post office address, the number of the license certificate of such licensee, whether such licensee has been engaged during the preceding licensure period in active and continuous practice whether within or without this state, and such other information as may be required by the board, together with the biennial licensure fee for a dental hygienist which is fixed by the board pursuant to K.S.A. 65-1447 and amendments thereto. Each dental hygienist holding a license issued dur-

ing the licensure period next preceding December 1, 1997, shall submit a renewal application on or before December 1, 1997, as provided in this section.

(c) The board shall require every licensee to submit with the renewal application evidence of satisfactory completion of a program of continuing education required by the board. The board by duly adopted rules and regulations shall establish the requirements for such program of continuing education as soon as possible after the effective date of this act. In establishing such requirements the board shall consider any existing programs of continuing education currently being offered to such licensees.

(d) Upon fixing the biennial license renewal fee, the board shall immediately notify all licensees of the amount of the fee for the ensuing licensure period. Upon receipt of such fee and upon receipt of evidence that the licensee has satisfactorily completed a program of continuing education required by the board, the licensee shall be issued a renewal certificate authorizing the licensee to continue to practice in this state for a period of two years.

(e) (1) Any license granted under authority of this act shall automatically be canceled if the holder thereof fails to apply for renewal within a period of one month from December 1 of each year.

(2) Any licensee whose license is automatically canceled by reason of failure, neglect or refusal to secure the renewal certificate may be reinstated by the board at any time within one month from the date of the automatic cancellation of such license, upon payment of the biennial renewal fee and upon proof that such licensee has satisfactorily completed a program of continuing education required by the board or at any time within two months from the date of the automatic cancellation of the license upon payment of the biennial renewal fee and a penalty fee of \$50 and upon proof that such licensee has satisfactorily completed a program of continuing education required by the board.

(f) Upon failure of any licensee to pay the applicable renewal fee or to present proof of satisfactory completion of the required program of continuing education within two months after November 30, the board shall notify such licensee, in writing, by mailing notice to such licensee's last registered address. Failure to mail or receive such notice shall not affect the cancellation of the license of such licensee.

(g) The board may waive the payment of biennial fees and the continuing education requirements for the renewal of certificates without the payment of any fee for a person who has held a Kansas license to practice dentistry or dental hygiene if such licensee has retired from such practice or has become temporarily or permanently disabled and such licensee files with the board a certificate stating either of the following:

(1) A retiring licensee shall certify to the board that the licensee is: (A) At least 65 years of age and has retired from the active practice of dentistry or dental hygiene; and (B) not engaged, *except as provided in section 1 and amendments thereto*, in the provision of any dental service, the performance of any dental operation or procedure or the delivery of any dental hygiene service as defined by the statutes of the state of Kansas; or

(2) a disabled licensee shall certify to the board that such licensee is no longer engaged in the provision of dental services, the performance of any dental operation or the provision of any dental hygiene services as defined by the statutes of the state of Kansas by reason of any physical disability, whether permanent or temporary, and shall describe the nature of such disability.

(h) The waiver of fees under subsection (f) (g) shall continue so long as the retirement or physical disability exists. *Except as provided in section 1 and amendments thereto*, in the event the licensee returns to the practice for which such person is licensed, the requirement for payment of fees and continuing education requirements shall be reimposed commencing with and continuing after the date the licensee returns to such active practice. *Except as provided in section 1 and amendments thereto*, the performance of any dental service, including consulting service, or the performance of any dental hygiene service, including consulting service, shall be deemed the resumption of such service, requiring payment of license fees.

(i) The Kansas dental board may adopt such rules and regulations requiring the examination and providing means for examination of those persons returning to active practice after a period of retirement or disability as the board shall deem necessary and appropriate for the protection of the people of the state of Kansas.

Sec. 4. K.S.A. 65-1456 is hereby amended to read as follows: 65-1456. (a) The board may suspend or revoke the license, license certificate and renewal certificate of any registered and licensed dentist who shall permit any dental hygienist operating under such dentist's supervision to

perform any operation other than that permitted under the provisions of article 14 of chapter 65 of the Kansas Statutes Annotated, or acts amendatory thereof, and may suspend or revoke the license of any hygienist found guilty of performing any operation other than those permitted under article 14 of chapter 65 of the Kansas Statutes Annotated, or acts amendatory thereof. No license or certificate of any dentist or dental hygienist shall be suspended or revoked in any administrative proceedings without first complying with the notice and hearing requirements of the Kansas administrative procedure act.

(b) The practice of dental hygiene shall include those educational, preventive, and therapeutic procedures which result in the removal of extraneous deposits, stains and debris from the teeth and the rendering of smooth surfaces of the teeth to the depths of the gingival sulci. Included among those educational, preventive and therapeutic procedures are the instruction of the patient as to daily personal care, protecting the teeth from dental caries, the scaling and polishing of the crown surfaces and the planing of the root surfaces, in addition to the curettage of those soft tissues lining the free gingiva to the depth of the gingival sulcus and such additional educational, preventive and therapeutic procedures as the board may establish by rules and regulations.

(c) Subject to such prohibitions, limitations and conditions as the board may prescribe by rules and regulations, any licensed dental hygienist may practice dental hygiene and may also perform such dental service as may be performed by a dental assistant under the provisions of K.S.A. 65-1423 and amendments thereto.

(d) *Except as otherwise provided in this section*, the practice of dental hygiene shall be performed under the direct or indirect supervision of a licensed dentist at the office of such licensed dentist. The board may designate by rules and regulations the procedures which may be performed by a dental hygienist under direct supervision and the procedures which may be performed under the indirect supervision of a licensed dentist. As used in this section, "indirect supervision" means that the dentist is in the dental office, authorizes the procedures and remains in the dental office while the procedures are being performed and "direct supervision" means that the dentist is in the dental office, personally diagnoses the condition to be treated, personally authorizes the procedure and before dismissal of the patient evaluates the performance.

(e) *The practice of dental hygiene may be performed at an adult care home, hospital long-term care unit, state institution, local health department or indigent health care clinic on a resident of a facility, client or patient thereof so long as:*

(1) *A licensed dentist has delegated the performance of the service, task or procedure;*

(2) *the dental hygienist is under the supervision and responsibility of the dentist;*

(3) *either the supervising dentist is personally present or the services, tasks and procedures are limited to the cleaning of teeth, education and preventive care;*

(4) *the supervising dentist examines the patient at the time the dental hygiene procedure is performed or has examined the patient during the 12 calendar months preceding performance of the procedure;*

(5) *nothing in this subsection (e) shall be construed to prevent a dental hygienist from providing dental education in a school setting; and*

(6) *the provisions of this subsection (e) shall expire on July 1, 1998.*

(f) The board may issue a permit to a licensed dental hygienist to provide dental screening as an employee of the state of Kansas, or any subdivision thereof, at any public institution or facility under the supervision of the governing body of such public institution or facility under such terms and conditions as the board may reasonably establish in such permit. Such permit shall be for a period of one year and shall be subject to renewal annually at the time the license for dental hygiene is renewed.

New Sec. 5. The secretary of social and rehabilitation services is hereby authorized in cooperation with the Kansas dental association and the national foundation of dentistry for the handicapped to establish a donated dental services program. The donated dental services program shall provide through volunteers who are licensed dentists comprehensive dental care without charge to needy, disabled, aged and medically-compromised individuals. Volunteer licensed dentists will provide treatment under the donated dental services program in their respective offices or at the location at which the participating dentist agrees to provide the service. Patients will be treated under the program based upon arrangements as to the number of patients and the types of cases the participating volunteer dentists are willing to undertake. The secretary of social and

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rehabilitation services may adopt rules and regulations as necessary for the administration of this program.

Sec. 6. K.S.A. 65-1431 and 65-1456 are hereby repealed.

Sec. 7. On July 1, 1996, K.S.A. 65-1431, as amended by section 2 of this act, and 65-1431, as amended by section 2 of 1996 House Bill No. 2813, are hereby repealed.

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

(Published in the Kansas Register May 23, 1996.)

HOUSE BILL No. 2843

AN ACT amending the uniform transfer on death security registration act; relating to certain definitions; amending K.S.A. 17-49a01 and 17-49a07 and repealing the existing sections.

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

Section 1. K.S.A. 17-49a01 is hereby amended to read as follows: 17-49a01. As used in this act:

(a) "Beneficiary form" means a registration of a security which identifies the present owner of the security and the intention of the owner regarding the person or persons who will become the owner or owners of the security upon the death of the owner.

(b) "Person" means an individual, a corporation, a partnership, an association, trust or an organization.

(b)(c) "Register" including its derivatives, means to issue a certificate showing the ownership of a certificated security or, in the case of an uncertificated security, to initiate or transfer an account showing ownership of securities.

(e)(d) "Registering entity" means a person who originates or transfers a security title by registration, and includes a broker maintaining security accounts for customers and a transfer agent or other person acting for or as an issuer of securities.

(d)(e) "Security" means a certificated or uncertificated security as defined in K.S.A. 84-8-102 and amendments thereto or as defined in K.S.A. 17-1252 and amendments thereto.

(e)(f) "Security account" means (1) a reinvestment account associated with a security, a securities account with a broker, an agency account with a bank or trust company, a cash balance in a brokerage account, cash, interest, earnings or dividends earned or declared on a security in an account, a reinvestment account or a brokerage account, whether or not credited to the account before the owner's death, or (2) a cash balance or other property held for or due to the owner of a security as a replacement for or product of an account security, whether or not credited to the account before the owner's death.

(f)(g) "State" includes any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico and any territory or possession subject to the legislative authority of the United States.

Sec. 2. K.S.A. 17-49a07 is hereby amended to read as follows: 17-49a07. On death of a sole owner or the last to die of all multiple owners, ownership of securities registered in beneficiary form passes to the beneficiary or beneficiaries who survive all owners. On proof of death of all owners, proof of payment of inheritance tax, no tax due or a consent to transfer certified by the director of taxation of the Kansas department of revenue and compliance with any applicable requirements of the registering entity, a security registered in beneficiary form may be reregistered in the name of the beneficiary or beneficiaries who survived the death of all owners. If any beneficiary should predecease the owner, then the security may be registered to another person or persons, in accordance with the beneficiary designation made by the owner or owners. Until division of the security after the death of all owners, multiple beneficiaries surviving the death of all owners hold their interests as tenants in common, in equal shares unless otherwise directed by the beneficiary designation. If no beneficiary survives the death of all owners, the security belongs to the estate of the deceased sole owner or the estate of the last to die of all multiple owners.

Sec. 3. K.S.A. 17-49a01 and 17-49a07 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 23, 1996.)

HOUSE BILL No. 3069

AN ACT relating to sales taxation; exempting certain sales of tangible personal property purchased to rebuild or repair certain fences.

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

Section 1. (a) The following shall be exempt from the tax imposed by the Kansas retailers' sales tax act: All sales of tangible personal property and services purchased during calendar year 1996, necessary to construct, reconstruct, repair or replace any fence which was damaged or destroyed by fire occurring during calendar year 1996, and the purpose for which is to enclose land devoted to agricultural use. Sales tax paid on and after January 1, 1996, but prior to the effective date of this act upon the gross receipts received from any such sale shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this section. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee.

(b) The provisions of this section shall be deemed to be supplemental to the Kansas retailers' sales tax act.

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

(Published in the Kansas Register May 23, 1996.)

SENATE BILL No. 475

AN ACT concerning state moneys; relating to interest earnings; amending K.S.A. 32-858, 32-990, 32-992, 32-994, 34-102b, 38-1808, 49-622, 58-3066, 65-163c, 65-163e, as amended by section 10 of 1996 Senate Bill No. 475, 65-3322, 65-34,114, 65-34,128, 65-34,129, 74-2912, 74-5074, 74-5091, 74-8828, 75-5343, 76-743, 76-762 and 76-832 and K.S.A. 1995 Supp. 39-7,123, 65-163e, 65-3024, 65-3415a, 65-3424g, 65-3431, 65-3431, as amended by section 16 of 1996 Senate Bill No. 475, 65-6809, 74-5086a, 74-50,151, 75-2250, 75-2254, 75-2729, 75-3668, 76-2473 and 82a-1503 and repealing the existing sections; also repealing K.S.A. 12-3716, 12-3717, 12-3719, 12-3720, 34-102b, as amended by section 1 of 1996 House Bill No. 2595, 65-163c, as amended by section 2 of 1996 House Bill No. 2965, and 65-34,114a and K.S.A. 1995 Supp. 12-3718, 65-3424g, as amended by section 7 of 1996 Senate Bill No. 399 and 65-3431, as amended by section 1 of 1996 Senate Bill No. 531.

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

Section 1. K.S.A. 32-858 is hereby amended to read as follows: 32-858. (a) All moneys derived from the sale of bonds as provided in K.S.A. 32-857 through 32-864, and amendments thereto, shall be paid into the state treasury and the state treasurer shall credit the same to a special account for the use of the department to pay the cost of the specific public improvement or project for which the bonds were issued as shown by the bond indenture executed in connection with the issuance of the bonds. If moneys derived from the sale of bonds exceed the amount necessary to complete the specific public improvement or project for which the bonds were issued, the secretary shall have power by resolution to direct the state treasurer to transfer any surplus from the special account to another account in the department's fee funds for the purpose of retiring the bonds. Upon making any such transfer the state treasurer shall notify the director of accounts and reports and the secretary thereof, who shall make the proper entries in the records of their respective offices to show such transfer.

(b) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the special account established in subsection (a); the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding period of time specified under this subsection; pursuant to K.S.A. 75-4210a; and amendments thereto; that is attributable to money in the special account established in subsection (a). Such amount of money shall be determined by the pooled money investment board interest earnings based on:

(1) The average daily balance of moneys in the special account established in subsection (a) during the period of time specified under this subsection as certified to the board by the director of accounts and reports for the preceding month; 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 the fifth day of the month for the preceding month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the special account established in subsection (a) for the period of time specified under this subsection *the net earnings rate of the pooled money investment portfolio for the preceding month.*

(c) The director of accounts and reports, upon the presentation of properly itemized and executed vouchers, approved by the secretary, is hereby authorized to draw warrants on the state treasurer against the special account created under this section.

Sec. 2. K.S.A. 32-990 is hereby amended to read as follows: 32-990.

(a) Unless otherwise directed by law, all moneys received from licenses, permits, stamps and other issues of the department, and duplicates thereof, to take, propagate, rehabilitate, collect, possess, sell, import, export, transport or deal in wildlife, or parts thereof, and all moneys from sources related thereto or allied recreational pursuits, shall be remitted in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the state treasurer. The state treasurer shall deposit the entire amount in the state treasury and credit it to the wildlife fee fund, which is hereby created.

(b) All costs and expenses incurred by the department for the following purposes shall be paid from the wildlife fee fund:

(1) Administering, implementing and enforcing the laws of this state relating to wildlife and its protection, propagation, preservation, management, investigation and recreational use; and

(2) acquiring title to lands and rights therein or thereon, waters or water rights, and keeping, improving and maintaining the same for the purposes described in subsection (b)(1).

(c) No moneys derived from sources described in subsections (a) or (d) shall be used for any purpose other than the administration of matters which relate to wildlife and which are under the control, authorities and duties of the secretary and department as provided by law.

(d) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the wildlife fee fund, the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding period of time specified under this subsection, pursuant to K.S.A. 75-4210a and amendments thereto, that is attributable to money in the wildlife fee fund. Such amount of money shall be determined by the pooled money investment board *interest earnings* based on:

(1) The average daily balance of moneys in the wildlife fee fund during the period of time specified under this subsection as certified to the board by the director of accounts and reports *for the preceding month*; 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 the fifth day of the month for the preceding month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the wildlife fee fund for the period of time specified under this subsection *the net earnings rate of the pooled money investment portfolio for the preceding month.*

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

Sec. 3. K.S.A. 32-992 is hereby amended to read as follows: 32-992.

(a) All license fees from the sale of lifetime hunting, fishing or combination hunting and fishing licenses shall be remitted in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the state treasurer. The state treasurer shall deposit the entire amount in the state treasury and credit:

(1) To the wildlife fee fund, an amount equal to the amount obtained by multiplying the number of such lifetime licenses issued by the current fee for an annual fishing, hunting or combination license; and

(2) to the wildlife conservation fund, which is hereby created, the remaining balance.

(b) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the wildlife con-

servation fund, the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding period of time specified under this subsection, pursuant to K.S.A. 75-4210a, and amendments thereto, that is attributable to money in the wildlife conservation fund. Such amount of money shall be determined by the pooled money investment board *interest earnings* based on:

(1) The average daily balance of moneys in the wildlife conservation fund during the period of time specified under this subsection as certified to the board by the director of accounts and reports *for the preceding month*; 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 the fifth day of the month for the preceding month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the wildlife conservation fund for the period of time specified under this subsection *the net earnings rate of the pooled money investment portfolio for the preceding month.*

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

Sec. 4. K.S.A. 32-994 is hereby amended to read as follows: 32-994.

(a) All moneys received as bequests, donations or gifts by the department shall be credited to the Kansas department of wildlife and parks private gifts and donations fund which is hereby created.

(b) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the Kansas department of wildlife and parks private gifts and donations fund, the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding period of time specified under this subsection, pursuant to K.S.A. 75-4210a, and amendments thereto, that is attributable to money in the Kansas department of wildlife and parks private gifts and donations fund. Such amount of money shall be determined by the pooled money investment board *interest earnings* based on:

(1) The average daily balance of moneys in the Kansas department of wildlife and parks private gifts and donations fund during the period of time specified under this subsection as certified to the board by the director of accounts and reports *for the preceding month*; 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 the fifth day of the month for the preceding month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the Kansas department of wildlife and parks private gifts and donations fund for the period of time specified under this subsection *the net earnings rate of the pooled money investment portfolio for the preceding month.*

Sec. 5. K.S.A. 34-102b is hereby amended to read as follows: 34-

102b. (a) The director of the state grain inspection department shall remit all moneys received by or for the director from fees, charges or penalties, to the state treasurer at least monthly. Upon receipt of any such remittance the state treasurer shall deposit the entire amount thereof in the state treasury. Twenty percent (20%) of each such deposit shall be credited to the state general fund and the balance shall be credited to the grain inspection fee fund, except that the entire amount of moneys received under K.S.A. 34-101c, as amended and amendments thereto, shall be credited to the grain inspection fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director or by a person or persons designated by the director.

(b) No moneys credited to the grain inspection fee fund shall be used for any purpose other than the administration of matters which relate to

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the state grain inspection department and which are under the control, authorities and duties of the director and department as provided by law.

(c) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the grain inspection fee fund interest earnings based on: (1) The average daily balance of moneys in the grain inspection fee fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

Sec. 6. K.S.A. 38-1808 is hereby amended to read as follows: 38-1808. (a) There is hereby established in the state treasury the family and children investment fund, to be administered by the board of directors of the corporation for change.

(b) (1) Moneys in the family and children investment fund shall be expended for: (A) Furthering the purposes of the corporation for change; (B) review and evaluation of progress in implementing the blueprint for investment in Kansas children and their families of 1991 special committee on children's initiatives; (C) purposes which further implementation of a comprehensive, coordinated strategy for investment in Kansas children and their families; and (D) such other purposes as provided by law.

(2) There shall be credited to such fund appropriations, gifts, grants, contributions, matching funds and participant payments.

(3) All expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the board of directors of the corporation for change or a person designated by the chairperson.

(c) (1) There is hereby created the family and children trust account in the family and children investment fund.

(2) Moneys credited to the family and children trust account shall be used for the following purposes: (A) Matching federal moneys to purchase services relating to community-based programs for the broad range of child abuse and neglect prevention activities; (B) providing start-up or expansion grants for community-based prevention projects for the broad range of child abuse and neglect prevention activities; (C) studying and evaluating community-based prevention projects for the broad range of child abuse and neglect prevention activities; (D) preparing, publishing, purchasing and disseminating educational material dealing with the broad range of child abuse and neglect prevention activities; (E) payment of the salary and actual and necessary travel expenses of the coordinator employed by the corporation for change for the children and youth advocacy committee; and (F) payment of administrative costs of the family and children trust account and of the children and youth advocacy committee, including amounts provided by subsection (c) of K.S.A. 38-1805 and amendments thereto. No moneys in the family and children trust account shall be used for the purpose of providing services for the voluntary termination of pregnancy.

(3) The children and youth advocacy committee of the corporation for change shall advise the board of directors in detail on the expenditures of moneys in the family and children trust account.

(d) (1) There is hereby created the permanent families account in the family and children investment fund.

(2) Moneys credited to the permanent families account shall be used for the following purposes: (A) Not more than 12% of the amount credited to the account during the fiscal year may be used to provide technical assistance to district courts or local groups wanting to establish a local citizen review board or a court-appointed special advocate program, including but not limited to such staff as necessary to provide such assistance, and to provide services necessary for the administration of such board or program, including but not limited to grants administration, accounting, data collection, report writing and training of local citizen review board staff; (B) grants to court-appointed special advocate programs, upon application approved by the administrative judge of the judicial district where the program is located; and (C) grants to district courts, upon application of the administrative judge of the judicial district, for expenses of establishment, operation and evaluation of local citizen review boards in the judicial district, including costs of: (i) Employing local citizen review board coordinators and clerical staff; (ii) telephone, photocopying and office equipment and supplies for which there are shown to be no local funds available; (iii) mileage of staff and board members; and (iv) training staff and board members.

(e) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the family and children investment fund; the amount of money certified by the pooled

money investment board in accordance with this subsection. Prior to the 10th of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding period of time specified under this subsection, pursuant to K.S.A. 75-4210a and amendments thereto that is attributable to money in the family and children investment fund. Such amount of money shall be determined by the pooled money investment board interest earnings based on:

(1) The average daily balance of moneys in the family and children investment fund during the period of time specified under this subsection as certified to the board by the director of accounts and reports for the preceding month; 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 the fifth day of the month for the preceding month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the family and children investment fund for the period of time specified under this subsection the net earnings rate of the pooled money investment portfolio for the preceding month.

Sec. 7. K.S.A. 1995 Supp. 39-7,123 is hereby amended to read as follows: 39-7,123. (a) As used in this section: "Individual assistance support trust" means a trust created by a not-for-profit corporation which is a 501(c)(3) organization under the federal internal revenue code of 1986 and which was organized for the purpose of receiving money pursuant to an agreement under this section.

(b) There is hereby established in the state treasury the state individual assistance support trust fund.

(c) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the state individual assistance support trust fund; the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding period of time specified under this subsection, pursuant to K.S.A. 75-4210a and amendments thereto, that is attributable to money in the state individual assistance support trust fund. Such amount of money shall be determined by the pooled money investment board interest earnings based on:

(1) The average daily balance of moneys in the state individual assistance support trust fund during the period of time specified under this subsection as certified to the board by the director of accounts and reports for the preceding month; 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 the fifth day of the month for the preceding month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the state individual assistance support trust fund for the period of time specified under this subsection the net earnings rate of the pooled money investment portfolio for the preceding month.

(d) The secretary of social and rehabilitation services may accept moneys from an individual assistance support trust for deposit in the state individual assistance support trust fund pursuant to an agreement with the individual assistance support trust for purposes of matching federal funds. The individual assistance support trust may retain 5% of any grant it receives for purposes of this section. The secretary shall deposit 10% of such moneys in the state general fund and 5% of such moneys shall be deposited in the state general fund and credited to the social welfare fund. The balance of such moneys shall be deposited in a separate account in the state individual assistance support trust fund for each grant so received. The moneys in each such account shall be expended by the secretary, in accordance with rules and regulations of the secretary, only for the purpose of matching federal funds in accordance with the terms of the agreement. Interest earned on moneys in the trust fund and transferred to the trust fund under subsection (c) shall be prorated in accordance with procedures approved by the director of accounts and reports and credited monthly to each such account.

(e) If the secretary determines that the moneys cannot be used for the purpose of matching federal funds in a manner consistent with the rules and regulations of the secretary and the agreement, or upon the request of the individual assistance support trust, the remaining moneys

in such account, together with any accumulated interest thereon, shall be paid to the individual assistance support trust which deposited such moneys in the state individual assistance support trust fund.

(f) The secretary shall adopt rules and regulations and procedures as may be necessary or useful for the administration of the trust fund. All payments and disbursements from the trust fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person designated by the secretary.

Sec. 8. K.S.A. 49-622 is hereby amended to read as follows: 49-622.

(a) There is hereby created within the state treasury the land reclamation fund.

(b) The director shall remit daily to the state treasurer all moneys collected from fees and civil penalties imposed pursuant to this act. Upon receipt thereof, the state treasurer shall deposit the entire amount in the state treasury and credit it to the land reclamation fund.

(c) All costs of administering the provisions of this act shall be paid from moneys credited or transferred to the land reclamation fund pursuant to this section. Expenditures from the 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 director.

(d) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the land reclamation fund; the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding period of time specified under this subsection, pursuant to K.S.A. 75-4210a and amendments thereto, that is attributable to money in the land reclamation fund. Such amount of money shall be determined by the pooled money investment board interest earnings based on:

(1) The average daily balance of moneys in the land reclamation fund during the period of time specified under this subsection as certified to the board by the director of accounts and reports for the preceding month; 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 the net earnings rate of the pooled money investment portfolio for the preceding month.

On or before the fifth day of the month for the preceding month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the land reclamation fund for the period of time specified under this subsection.

Sec. 9. K.S.A. 58-3066 is hereby amended to read as follows: 58-3066. (a) The real estate recovery revolving fund established within the state treasury by K.S.A. 58-3023, and amendments thereto, is hereby continued in existence. Such fund shall be used in the manner and for the purpose provided by this act.

(b) At any time that the balance remaining in the real estate recovery revolving fund is less than \$100,000 the commission, without delay, shall assess each licensed broker a fee of \$10 and each licensed salesperson a fee of \$5. Such fees shall be deposited in the state treasury and credited to the real estate recovery revolving fund. If a licensee does not pay the assessment within 30 days from the date notice of assessment is mailed to the last residence address reported to the commission by the licensee, the licensee's license may be suspended in accordance with the Kansas administrative procedure act until the assessment is paid. A fee of \$15 shall be paid by the licensee to reinstate the suspended license. Fees paid to reinstate licenses suspended under this section shall be deposited in the state treasury and credited to the state general fund and the real estate fee fund as provided by subsection (a) of K.S.A. 58-3074, and amendments thereto.

(c) All payments and disbursements from the real estate recovery revolving fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the commission or by any person or persons designated by the commission. Amounts credited to the real estate recovery revolving fund under this section shall not be subject to any limitation imposed by any appropriation act of the legislature. All payments and disbursements from the real estate recovery revolving fund shall be subject to post audit in accordance with article 11 of chapter 46 of the Kansas Statutes Annotated and any amendments thereto.

(d) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the real estate

recovery revolving fund; the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding period of time specified under this subsection, pursuant to K.S.A. 75-4210a, and amendments thereto, that is attributable to money in the real estate recovery revolving fund. Such amount of money shall be determined by the pooled money investment board interest earnings based on:

(1) The average daily balance of moneys in the real estate recovery revolving fund during the period of time specified under this subsection as certified to the board by the director of accounts and reports for the preceding month; 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 the fifth day of the month for the preceding month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the real estate recovery revolving fund for the period of time specified under this subsection the net earnings rate of the pooled money investment portfolio for the preceding month.

Sec. 10. K.S.A. 65-163c is hereby amended to read as follows: 65-163c. (a) There is hereby established in the state treasury the public water supply fee fund. Revenue from the following sources shall be deposited in the state treasury and credited to the fund:

(1) Fees collected under K.S.A. 65-163 and amendments thereto; and
(2) interest attributable to investment of moneys in the fund.

(b) Moneys deposited in the public water supply fee fund shall be expended only to inspect and regulate public water supplies and to provide training, assistance and technical guidance to public water supply systems. The advisory committee established by K.S.A. 65-163 and amendments thereto shall advise the secretary regarding expenditures from the fund.

(c) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the public water supply fee fund the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th day of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding month, pursuant to K.S.A. 75-4210a and amendments thereto, that is attributable to moneys in the public water supply fee fund. Such amount of money shall be determined by the pooled money investment board interest earnings based on:

(1) The average daily balance of moneys in the public water supply fee fund during the preceding month as certified to the board by the director of accounts and reports for the preceding month; and

(2) the average interest rate on repurchase agreements of less than 30 days' duration entered into by the pooled money investment board for that period. On or before the fifth day of each month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the public water supply fee fund during the net earnings rate of the pooled money investment portfolio for the preceding month.

(d) All expenditures from the public water supply 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 secretary of health and environment for the purposes set forth in this section.

Sec. 11. On and after July 1, 1996, K.S.A. 65-163c, as amended by section 10 of 1996 Senate Bill No. 475, is hereby amended to read as follows: 65-163c. (a) There is hereby established in the state treasury the public water supply fee fund. Revenue from the following sources shall be deposited in the state treasury and credited to the fund:

(1) Fees collected under K.S.A. 65-163 and amendments thereto; and
(2) interest attributable to investment of moneys in the fund.

(b) Moneys deposited in the public water supply fee fund shall be expended only to: (1) inspect and regulate public water supplies and to (2) provide training, assistance and technical guidance to public water supply systems, including on-site technical assistance by the department or by a contractor contracting with the department in complying with the federal safe drinking water act (42 U.S.C. 300f et seq.) and regulations

(continued)

adopted under such act. The advisory committee established by K.S.A. 65-163 and amendments thereto shall advise the secretary regarding expenditures from the fund.

(c) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the public water supply fee fund interest earnings based on:

(1) The average daily balance of moneys in the public water supply fee fund for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(d) All expenditures from the public water supply 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 secretary of health and environment for the purposes set forth in this section.

Sec. 12. K.S.A. 1995 Supp. 65-163e is hereby amended to read as follows: 65-163e. (a) There is hereby established in the state treasury the public water supply loan fund.

(b) Moneys from the following sources shall be credited to the fund:

(1) Amounts received by the state from the federal government for the purposes of the fund;

(2) amounts appropriated or otherwise made available by the legislature for the purposes of the fund;

(3) proceeds derived from the sale of bonds issued under K.S.A. 1995 Supp. 65-163l through 65-163t, and amendments thereto;

(4) amounts of repayments of loans made under this act, together with payments of interest thereon, in accordance with agreements entered into by the borrower and the secretary;

(5) interest attributable to investment of moneys in the fund; and

(6) amounts received from any public or private entity for the purposes of the fund.

(c) Subject to the conditions and in accordance with requirements of this act, moneys credited to the fund shall be used only:

(1) To make loans to municipalities for payment of all or part of project costs;

(2) as a source of revenue or security for the payment of principal and interest on bonds issued under K.S.A. 1995 Supp. 65-163l through 65-163t, and amendments thereto, if, and to the extent that, the proceeds of the sale of such bonds are deposited in the fund;

(3) to earn interest on moneys in the fund; and

(4) for the reasonable costs, as determined by the secretary, of administering the fund and conducting activities under this act. Such costs shall be identified annually in development of the intended use plan as described in K.S.A. 1995 Supp. 65-163h, and amendments thereto.

(d) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the public water supply loan fund, the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th day of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding period of time specified under this subsection, pursuant to K.S.A. 75-4210a and amendments thereto, that is attributable to money in the public water supply loan fund. Such amount of money shall be determined by the pooled money investment board interest earnings based on:

(1) The average daily balance of moneys in the public water supply loan fund during the period of time specified under this subsection as certified to the board by the director of accounts and reports for the preceding month; 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 the fifth day of the month for the preceding month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the public water supply loan fund for the period of time specified under this subsection the net earnings rate of the pooled money investment portfolio for the preceding month.

(e) All payments and disbursements from the 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 secretary or by a person or persons designated by the secretary. All payments and disbursements from the fund, and beginning and ending balances thereof,

shall be subject each year to post audit in accordance with article 11 of chapter 46 of the Kansas Statutes Annotated.

Sec. 13. K.S.A. 1995 Supp. 65-3024 is hereby amended to read as follows: 65-3024. (a) The secretary may fix, charge and collect annual emissions fees in amounts necessary to pay the direct and indirect costs of administering the provisions of the Kansas air quality act. The secretary shall adopt rules and regulations fixing such fees and shall periodically increase or decrease such fees consistent with the need to cover the direct and indirect costs of administering the program. To the extent possible, annual emission fees shall be based upon actual emissions determined pursuant to rules and regulations adopted by the secretary. For purposes of determining emission fees for a facility, emissions of any single regulated pollutant in excess of 4,000 tons per year shall not be included in the calculation when determining the total emissions from the facility.

(b) There is hereby established in the state treasury the air quality fee fund. Revenue from the following sources shall be deposited in the state treasury and credited to the fund:

(1) Fees collected under subsection (a);

(2) any moneys recovered by the state under the provisions of this act, including administrative expenses, civil penalties and moneys paid under any agreement, stipulation or settlement; and

(3) interest attributable to investment of moneys in the fund.

(c) Moneys deposited in the fund shall be expended only for the purpose of administering the Kansas air quality act, including funding of a technical and environmental compliance assistance program, and for no other governmental purposes.

(d) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the air quality fee fund the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th day of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding period of time specified under this subsection, pursuant to K.S.A. 75-4210a and amendments thereto, that is attributable to moneys in the air quality fee fund. Such amount of money shall be determined by the pooled money investment board interest earnings based on:

(1) The average daily balance of moneys in the air quality fee fund during the period of time specified under this subsection as certified to the board by the director of accounts and reports for the preceding month; 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 the fifth day of the month for the preceding month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the air quality fee fund for the period of time specified under this subsection the net earnings rate of the pooled money investment portfolio for the preceding month.

(e) All expenditures from the 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 secretary for the purposes set forth in this section.

Sec. 14. K.S.A. 65-3322 is hereby amended to read as follows: 65-3322. (a) There is hereby established in the state treasury a fund to be maintained in perpetuity and to be known as the Kansas water pollution control revolving fund. The fund shall consist of:

(1) Amounts awarded or otherwise made available to this state under the federal act for the purposes of the fund;

(2) amounts appropriated or otherwise made available by the legislature for the purposes of the fund;

(3) the proceeds, if any, derived from the sale of bonds issued by the Kansas development finance authority for the purposes of the fund to the extent provided in any agreement entered into by the secretary and the authority;

(4) amounts of repayments made by municipalities of loans received under K.S.A. 65-3321 through 65-3329, and amendments thereto, together with payments of interest thereon, in accordance with agreements entered into by such municipalities and the secretary;

(5) amounts earned on moneys in the fund; and

(6) amounts contributed or otherwise made available by any public or private entity for use in effectuating the purposes of the fund.

(b) Subject to the conditions and in accordance with requirements of

the federal act and the provisions of K.S.A. 65-3321 through 65-3329, and amendments thereto, the fund may be used only:

- (1) To make loans to municipalities for payment of all or a part of project costs;
- (2) to carry out planning for wastewater treatments works;
- (3) for implementation of nonpoint source pollution control programs;
- (4) as a source of revenue or security for the payment of principal and interest on bonds issued by the Kansas development finance authority if, and to the extent that, the proceeds of the sale of such bonds are deposited in the fund;
- (5) to earn interest on moneys in the fund; and
- (6) for the reasonable costs, in amounts not to exceed 4% of all amounts awarded to the state for the fund under title VI of the federal act, of administering the fund and conducting activities under K.S.A. 65-3321 through 65-3329, and amendments thereto, and for reasonable costs after amounts cease to be awarded by the federal government under title VI of the federal act, as determined by the secretary, of administering the fund and conducting activities under K.S.A. 65-3321 through 65-3329, and amendments thereto. Such costs shall be identified annually in development of the intended use plan as described in K.S.A. 65-3325, and amendments thereto.

(c) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the Kansas water pollution control revolving fund; the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding period of time specified under this subsection, pursuant to K.S.A. 75-4210a, and amendments thereto; that is attributable to money in the Kansas water pollution control revolving fund. Such amount of money shall be determined by the pooled money investment board interest earnings based on:

(1) The average daily balance of moneys in the Kansas water pollution control revolving fund during the period of time specified under this subsection as certified to the board by the director of accounts and reports for the preceding month; 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 the fifth day of the month for the preceding month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the Kansas water pollution control revolving fund for the period of time specified under this subsection the net earnings rate of the pooled money investment portfolio for the preceding month.

(d) All payments and disbursements from the fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person or persons designated by the secretary. All payments and disbursements from the fund, and beginning and ending balances thereof, shall be subject each year to post audit in accordance with article 11 of chapter 46 of the Kansas Statutes Annotated.

Sec. 15. K.S.A. 1995 Supp. 65-3415a is hereby amended to read as follows: 65-3415a. (a) There is hereby created in the state treasury the solid waste management fund.

(b) The secretary shall remit at least monthly to the state treasurer all moneys collected or received by the secretary from the following sources:

- (1) Solid waste tonnage fees imposed pursuant to K.S.A. 65-3415b, and amendments thereto;
- (2) application and annual fees provided for by K.S.A. 65-3407, and amendments thereto;
- (3) gifts, grants, reimbursements or appropriations intended to be used for the purposes of the fund, but excluding federal grants and cooperative agreements; and
- (4) any other moneys provided by law.

Upon receipt thereof, the state treasurer shall deposit in the state treasury any amount remitted pursuant to this subsection and shall credit the entire amount to the solid waste management fund.

(c) Moneys in the solid waste management fund shall be expended for the following purposes:

- (1) Grants to counties or groups of counties or designated city or cities pursuant to K.S.A. 65-3415, and amendments thereto, but the total

amount of expenditures from the fund in the fiscal year beginning July 1, 1995, for grants pursuant to subsection (b) of K.S.A. 65-3415 and amendments thereto shall not exceed an amount equal to 20% of all amounts credited to the fund during the preceding fiscal year;

(2) monitoring and investigating solid waste management plans of counties and groups of counties;

(3) payment of extraordinary costs related to monitoring permitted solid waste processing facilities and disposal areas, both during operation and after closure;

(4) payment of costs of postclosure cleanup of permitted solid waste disposal areas which, as a result of a postclosure occurrence, pose a substantial hazard to public health or safety or to the environment;

(5) emergency payment for costs of cleanup of solid waste disposal areas which were closed before the effective date of this act and which pose a substantial risk to the public health or safety or to the environment, but the total amount of such emergency payments during a fiscal year shall not exceed an amount equal to 50% of all amounts credited to the fund during the preceding fiscal year;

(6) payment for emergency action by the secretary as necessary or appropriate to assure that the public health or safety is not threatened whenever there is a release from a solid waste processing facility or a solid waste disposal area;

(7) payment for corrective action by the secretary where the release presents actual or potential threat to human health or the environment, if the owner or operator has not been identified or is unable or unwilling to perform corrective action;

(8) payment of the administrative, technical and legal costs incurred by the secretary in carrying out the provisions of K.S.A. 65-3401 through 65-3423, and amendments thereto, including the cost of any additional employees or increased general operating costs of the department attributable thereto;

(9) development of educational materials and programs for informing the public about solid waste issues;

(10) direct payments to reimburse counties or cities for household, farmer or exempt small quantity generator hazardous wastes generated from persons not served by existing household hazardous waste programs or direct payment of contractors for the disposal costs of such wastes; and

(11) payment of costs associated with the solid waste grants advisory board pursuant to K.S.A. 65-3415a K.S.A. 1995 Supp. 65-3426, and amendments thereto.

(d) If the secretary determines that expenditures from the solid waste management fund are necessary, the person or persons responsible for the operation or long-term care of a disposal area whose failure to comply with this act, rules and regulations promulgated thereunder, or permit conditions resulted in such determination, shall be responsible for the repayment of those amounts expended. The secretary shall take appropriate action to enforce this provision against any responsible person. The secretary shall remit to the state treasurer any amounts recovered and collected in such action. The state treasurer shall deposit all such amounts in the state treasury and credit the same to the solid waste management fund.

(e) Expenditures from the solid waste management fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or a person designated by the secretary.

(f) On or before the 10th day of the each month following the month in which moneys are first credited to the solid waste management fund, and monthly thereafter on or before the 10th day of the month, the director of accounts and reports shall transfer from the state general fund to the solid waste management fund the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th day of the month following the month in which moneys are first credited to the solid waste management fund, and monthly thereafter prior to the 10th day of the month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding month, pursuant to K.S.A. 75-4210a, and amendments thereto; that is attributable to moneys in the solid waste management fund. Such amount of money shall be determined by the pooled money investment board interest earnings based on:

(1) The average daily balance of moneys in the solid waste management fund during the preceding month as certified to the board by the director of accounts and reports for the preceding month; and

(continued)

(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 the fifth day of the month following the month in which moneys are first credited to the solid waste management fund, and monthly thereafter on or before the fifth day of the month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the solid waste management fund during the net earnings rate of the pooled money investment portfolio for the preceding month.

(g) The solid waste management fund shall be used for the purposes set forth in this act and for no other governmental purposes. It is the intent of the legislature that the fund shall remain intact and inviolate for the purposes set forth in this act, and moneys in the fund shall not be subject to the provisions of K.S.A. 75-3722, 75-3725a and 75-3726a, and amendments thereto.

Sec. 16. K.S.A. 1995 Supp. 65-3431 is hereby amended to read as follows: 65-3431. The secretary is authorized and directed to:

(a) Adopt such rules and regulations, standards and procedures relative to hazardous waste management as may be necessary to protect the public health and environment and enable the secretary to carry out the purposes and provisions of this act.

(b) Report to the legislature on further assistance needed to administer the hazardous waste management program.

(c) Administer the hazardous waste management program pursuant to provisions of this act.

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

(e) Develop a statewide hazardous waste management plan.

(f) Provide technical assistance, including the training of personnel, to industry, local units of government and the hazardous waste management industry to meet the requirements of this act.

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

(h) Establish policies for effective hazardous waste management.

(i) Authorize issuance of such permits and orders, conduct inspections and collect samples or require information and copy records or data as may be necessary to implement the provisions of this act and the rules and regulations and standards adopted pursuant to this act.

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

(k) Adopt rules and regulations establishing criteria for identifying the characteristics of hazardous waste and for listing hazardous waste. The secretary shall prepare and keep current a listing of hazardous wastes and set of characteristics based on the rules and regulations adopted pursuant to this subsection. The listing shall identify, but need not be inclusive of, all the hazardous waste subject to the provisions of this act. The criteria for identification and listing shall be consistent with the criteria for identification and listing adopted by the administrator of the United States environmental protection agency under the authority vested in the administrator by the Resource Conservation and Recovery Act of 1976 (42 USC 6921) as amended by the Solid Waste Disposal Act of 1980 (P.L. 94-482, October 21, 1980), and as amended by the Hazardous and Solid Waste Act of 1984 (P.L. 98-616, November 8, 1984).

(l) Adopt rules and regulations establishing: (1) Appropriate measures for monitoring generators, transporters and facilities during operation, closure, and after closure of such facilities to insure compliance with the rules and regulations adopted under this act and any permit issued under this act; (2) procedures to suspend operation of such generators, transporters or facilities as may be required to protect the public health and safety or the environment; and (3) appropriate measures to insure that any use of a hazardous waste disposal facility after closure will not endanger the public health or safety or the environment.

(m) Adopt rules and regulations establishing standards for hazardous waste generators including, but not limited to, notification of hazardous waste generation, reporting, recordkeeping, labeling, containerization, source separation, storage, manifests, monitoring, sampling and analysis and manner of filing notifications, reports and manifests.

(n) Adopt rules and regulations prescribing the form of the manifest and requiring such manifest to accompany any hazardous waste collected, transported, treated, recovered or disposed of, and prescribing the con-

tents of the manifest which shall include, but not be limited to, the quantity and composition of the hazardous waste, generator, transporter, destination, facility and the manner of signing and filing of the manifest and for the maintenance of records.

(o) Adopt rules and regulations establishing standards for routes used for transporting hazardous waste within the state with the concurrence of the state corporation commission. Such standards shall be consistent with those of the United States department of transportation and the state corporation commission, with respect to transportation of hazardous materials. Motor vehicles which are used for the transportation of hazardous waste in accordance with this act shall be exempt from the requirements of K.S.A. 66-1,108 *et seq.* and amendments thereto, and any rules and regulations adopted thereunder pertaining to routes which shall be under the jurisdiction of the secretary as provided in this act including any rules and regulations adopted thereunder. Otherwise such motor vehicles shall be subject to the requirements of K.S.A. 66-1,108 *et seq.* and amendments thereto, and any rules and regulations adopted thereunder.

(p) Adopt rules and regulations establishing standards for transporters of hazardous waste including, but not limited to, notification of hazardous waste transport, manifests, labeling, recordkeeping and the filing of reports.

(q) Adopt rules and regulations establishing standards and procedures to protect public health and the environment from any release of hazardous waste into the environment and to insure the prompt correction of any such release and damage resulting therefrom by the person transporting, handling or managing such hazardous waste.

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

(s) Adopt rules and regulations establishing a permit system which includes standards for facilities and procedures for implementation of a permit system for the construction, alteration, or operation of a hazardous waste treatment, storage or disposal facility including, but not limited to, content of applications, evidence of financial responsibility, existing hydrogeological characteristics, environmental assessment, training of personnel, maintenance of operations, qualifications of ownership, continuity of operation, public notification and participation and compliance with those standards established pursuant to subsection (t).

(t) Adopt rules and regulations establishing minimum standards for the design, location, construction, alteration, operation, termination, closing and long-term care of facilities for the treatment, storage or disposal of hazardous waste including, but not limited to, notification of hazardous waste treatment, storage or disposal, general facility standards, contingency plans, emergency procedures, manifest system, recordkeeping, inspections, monitoring, reporting, closure and postclosure plans and financial requirements. The operator of the facility shall be responsible for long-term care of the facility for 30 years after closure of the facility except that the secretary may modify the long-term care requirements for any facility when all hazardous waste is removed from the facility at closure. The secretary may extend the long-term care responsibility of any operator of a facility as the secretary may deem necessary to protect the public health and safety or the environment. Any person acquiring rights of possession or operation of any facility permitted by the secretary for the treatment, storage or disposal of hazardous waste at any time after the facility has begun to accept waste and prior to the end of the required period of long-term care shall be subject to all of the requirements, terms and conditions of the permit for the facility including all requirements relating to long-term care of the facility. The sale or acquisition of a hazardous waste disposal facility during the long-term care period shall be subject to the assignment of long-term care responsibilities as determined by the secretary.

(u) Adopt rules and regulations establishing a schedule of annual fees to be paid to the secretary by: (1) Persons owning or operating hazardous waste treatment, storage or disposal facilities; (2) hazardous waste transporters; or (3) hazardous waste generators producing or bringing into existence hazardous waste in Kansas. The fees shall be for monitoring facilities both during and after operation, for monitoring generators of hazardous waste in Kansas and for monitoring the transportation of hazardous wastes. The fees shall be sufficient to reimburse the cost of the state in performing these monitoring responsibilities. The fee established under this subsection for each hazardous waste facility shall not exceed \$50,000 annually. In setting fees, the secretary may exempt those fees

which would be payable by generators for hazardous waste which is treated to recover substantial amounts of either energy or materials from hazardous wastes. The secretary shall remit at least monthly any moneys collected from such fees to the state treasurer. Upon receipt of any such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury to the credit of the state general fund.

(v) (1) Adopt rules and regulations establishing a schedule of fees to be paid to the secretary by permittees operating hazardous waste disposal facilities. In establishing fees, the secretary shall give consideration to degree of hazard, costs of treatment and disposal, estimated future receipts and estimated future expenses to the state for monitoring, maintenance and supervision of the facilities after closure. Fees shall be in an amount of not to exceed \$.01 per pound of hazardous waste disposed of. Each permittee, as an advance payment of the fees authorized under this subsection, shall remit to the secretary an amount to be established by the secretary not to exceed \$25,000 upon request and notification by the secretary that an initial application for a permit or initial renewal thereof has been approved, subject to receipt of the advance payment. Commencing with the second renewal, no advance payment shall be required. The advance payment shall constitute a credit against any fee which may be assessed pursuant to this subsection.

(2) The secretary shall remit at least monthly any moneys collected pursuant to this subsection to the state treasurer. Upon receipt of any such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury to the credit of the hazardous waste perpetual care trust fund, which fund is hereby limited to the following uses: (A) Payment of extraordinary costs of monitoring a permitted hazardous waste disposal facility after the responsibility of the operator has terminated; (B) payment of costs of repairing a hazardous waste disposal facility, as a result of a postclosure occurrence which poses a substantial hazard to public health or safety or to the environment. If an expenditure made under this subsection would not have been necessary had the person responsible for the operation or long-term care of the permitted hazardous waste disposal facility complied with the requirements of a plan of operation approved by the secretary when the permit was issued, a cause of action in favor of the hazardous waste perpetual care trust fund shall be accrued to the state of Kansas against such person, and the secretary shall take such action as is appropriate to enforce this cause of action by recovering any amounts so expended. The net proceeds of any such recovery shall be deposited in the state treasury and credited to the hazardous waste perpetual care trust fund; and (C) on an emergency basis up to 20% of the balance in the hazardous waste perpetual care trust fund may be allocated for investigation, engineering and construction related to the removal, treatment and disposal of hazardous waste disposed of in any hazardous waste disposal facility, when such hazardous waste is found to pose an imminent and substantial risk to the public health or safety or the environment.

(3) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the hazardous waste perpetual care trust fund the amount of money certified by the pooled money investment board in accordance with this paragraph. Prior to the 10th day of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding month, pursuant to K.S.A. 75-4210a and amendments thereto, that is attributable to moneys in the hazardous waste perpetual care trust fund. Such amount of money shall be determined by the pooled money investment board interest earnings based on:

(A) The average daily balance of moneys in the hazardous waste perpetual care trust fund during the preceding month as certified to the board by the director of accounts and reports for the preceding month; and

(B) 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 the fifth day of each month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the hazardous waste perpetual care trust fund during the net earnings rate of the pooled money investment portfolio for the preceding month.

(4) All expenditures from the hazardous waste perpetual care trust 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 secretary for the purposes set forth in this subsection.

(w) (1) Adopt rules and regulations establishing a schedule of fees to be paid to the secretary by applicants for permits to construct, modify or

operate a hazardous waste facility. The fees established under this subsection shall not exceed \$175,000 for each application submitted. These fees shall be based upon resources required to review the application, the type of facility, quantity of waste processed, type of waste processed, degree of hazard and potential impact upon human health and environment. Fees collected under this subsection shall be used by the secretary to recover the costs associated with the review and processing of the permit application for which the fee was paid.

(2) The secretary shall remit at least monthly any money collected pursuant to this subsection to the state treasurer. Upon receipt of any such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury to the credit of the environmental permit fund, which fund is hereby established in the state treasury. Moneys in the environmental permit fund may be expended for the following purposes: (A) Technical reviews of applications for permits including permit modifications and permit renewals for hazardous waste facilities; (B) evaluating options available for minimizing the generation of hazardous wastes; (C) completing background investigations of applicants pursuant to subsection (c) of K.S.A. 65-3437 and amendments thereto; (D) completing the site investigations pursuant to subsection (d) of K.S.A. 65-3437 and amendments thereto; or (E) assuring that the permittee fulfills all permit conditions during the effective period of the permit.

(3) On or before the 10th day of the each month following the month in which moneys are first credited to the environmental permit fund, and monthly thereafter on or before the 10th day of the month, the director of accounts and reports shall transfer from the state general fund to the environmental permit fund; the amount of money certified by the pooled money investment board in accordance with this paragraph. Prior to the 10th day of the month following the month in which moneys are first credited to the environmental permit fund, and monthly thereafter prior to the 10th day of the month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding month, pursuant to K.S.A. 75-4210a and amendments thereto, that is attributable to moneys in the environmental permit fund. Such amount of money shall be determined by the pooled money investment board interest earnings based on:

(A) The average daily balance of moneys in the environmental permit fund during the preceding month as certified to the board by the director of accounts and reports for the preceding month; and

(B) 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 the fifth day of the month following the month in which moneys are first credited to the environmental permit fund, and monthly thereafter on or before the fifth day of the month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the environmental permit fund during the net earnings rate for the pooled money investment portfolio for the preceding month.

(4) All expenditures from the environmental permit 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 secretary for the purposes set forth in this subsection.

(x) (1) Adopt rules and regulations establishing a schedule of fees to be paid to the secretary by off-site hazardous waste treatment and disposal facilities. In establishing fees, the secretary shall give consideration to the degree of hazard, quantity of waste, costs of treatment or disposal, and estimated future receipts. Fees shall be in an amount not to exceed \$.01 per pound of hazardous waste treated, except that in no event shall the fees established under this subsection for treatment of hazardous waste exceed a total amount of \$200,000 per year for any single facility. Fees shall be in an amount not to exceed \$.01 per pound of hazardous waste burned by any facility which recycles and utilizes hazardous waste primarily to recover useful energy or materials to be used in the manufacture of a product, including but not limited to the burning of hazardous waste in kilns to recover energy or materials for use in the commercial production of cement, except that in no event shall the fees established under this subsection for burning of hazardous waste by any such facility exceed a total amount of \$50,000 per year for any single facility. In all other cases, fees shall be in an amount not to exceed \$.05 per pound of hazardous waste disposed of except that in no event shall any fee be established under this exception prior to July 1, 1996, and which exceeds \$50,000 in any 12-month period for the treatment or disposal of hazardous waste at any facility if such facility: (A) Operates under a permit or

(continued)

permits granted by the secretary pursuant to K.S.A. 65-3430 *et seq.*, and amendments thereto; (B) treats or disposes of hazardous waste generated by such facility or a single generator located on property contiguous to such facility, or both; and (C) was treating or disposing of hazardous waste generated on such contiguous property as of July 1, 1991, with the knowledge of the secretary. In establishing the amount of fees pursuant to the immediately preceding exception, the secretary shall base the same upon the degree of hazard, quantity of waste, costs of treatment or disposal, estimated receipts for disposal services and waste reduction efforts of such facility.

(2) The secretary shall remit at least monthly any money collected pursuant to this subsection to the state treasurer. Upon receipt of any such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury to the credit of the environmental permit fund, except that 25% of any such deposit shall be deposited to the credit of the hazardous waste collection fund.

(y) Encourage, coordinate or participate in one or more waste exchange clearing houses for the purpose of promoting reuse and recycling of industrial wastes.

(z) Adopt rules and regulations establishing the criteria to specify when a change of principal owners or management of a hazardous waste treatment, storage or disposal facility occurs and under what circumstances and procedures a new permit shall be required to be issued to the transferees of a facility which was permitted to the transferor.

(aa) Adopt rules and regulations concerning the generation, transportation, storage, blending, marketing, burning and types of hazardous waste for which any method, technique or process to recover energy will be considered hazardous waste treatment. Such rules and regulations should specify a minimum heat value of the waste so as to ensure that a legitimate energy recovery will occur and should consider other characteristics of the waste which are appropriate to ensure that such method, technique or process for energy recovery will not pose a threat to the public health or environment.

Sec. 17. On and after July 1, 1996, K.S.A. 1995 Supp. 65-3431, as amended by section 16 of 1996 Senate Bill No. 475, is hereby amended to read as follows: 65-3431. The secretary is authorized and directed to:

(a) Adopt such rules and regulations, standards and procedures relative to hazardous waste management as may be necessary to protect the public health and environment and enable the secretary to carry out the purposes and provisions of this act.

(b) Report to the legislature on further assistance needed to administer the hazardous waste management program.

(c) Administer the hazardous waste management program pursuant to provisions of this act.

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

(e) Develop a statewide hazardous waste management plan.

(f) Provide technical assistance, including the training of personnel, to industry, local units of government and the hazardous waste management industry to meet the requirements of this act.

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

(h) Establish policies for effective hazardous waste management.

(i) Authorize issuance of such permits and orders, conduct inspections and collect samples or require information and copy records or data as may be necessary to implement the provisions of this act and the rules and regulations and standards adopted pursuant to this act.

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

(k) Adopt rules and regulations establishing criteria for identifying the characteristics of hazardous waste and for listing hazardous waste. The secretary shall prepare and keep current a listing of hazardous wastes and set of characteristics based on the rules and regulations adopted pursuant to this subsection. The listing shall identify, but need not be inclusive of, all the hazardous waste subject to the provisions of this act. The criteria for identification and listing shall be consistent with the criteria for identification and listing adopted by the administrator of the United States environmental protection agency under the authority vested in the administrator by the Resource Conservation and Recovery Act of 1976 (42 USC 6921) as amended by the Solid Waste Disposal Act of 1980 (P.L.

94-482, October 21, 1980), and as amended by the Hazardous and Solid Waste Act of 1984 (P.L. 98-616, November 8, 1984).

(l) Adopt rules and regulations establishing: (1) Appropriate measures for monitoring generators, transporters and facilities during operation, closure, and after closure of such facilities to insure compliance with the rules and regulations adopted under this act and any permit issued under this act; (2) procedures to suspend operation of such generators, transporters or facilities as may be required to protect the public health and safety or the environment; and (3) appropriate measures to insure that any use of a hazardous waste disposal facility after closure will not endanger the public health or safety or the environment.

(m) Adopt rules and regulations establishing standards for hazardous waste generators including, but not limited to, notification of hazardous waste generation, reporting, recordkeeping, labeling, containerization, source separation, storage, manifests, monitoring, sampling and analysis and manner of filing notifications, reports and manifests.

(n) Adopt rules and regulations prescribing the form of the manifest and requiring such manifest to accompany any hazardous waste collected, transported, treated, recovered or disposed of, and prescribing the contents of the manifest which shall include, but not be limited to, the quantity and composition of the hazardous waste, generator, transporter, destination, facility and the manner of signing and filing of the manifest and for the maintenance of records.

(o) Adopt rules and regulations establishing standards for routes used for transporting hazardous waste within the state with the concurrence of the state corporation commission. Such standards shall be consistent with those of the United States department of transportation and the state corporation commission, with respect to transportation of hazardous materials. Motor vehicles which are used for the transportation of hazardous waste in accordance with this act shall be exempt from the requirements of K.S.A. 66-1,108 *et seq.* and amendments thereto, and any rules and regulations adopted thereunder pertaining to routes which shall be under the jurisdiction of the secretary as provided in this act including any rules and regulations adopted thereunder. Otherwise such motor vehicles shall be subject to the requirements of K.S.A. 66-1,108 *et seq.* and amendments thereto, and any rules and regulations adopted thereunder.

(p) Adopt rules and regulations establishing standards for transporters of hazardous waste including, but not limited to, notification of hazardous waste transport, manifests, labeling, recordkeeping and the filing of reports.

(q) Adopt rules and regulations establishing standards and procedures to protect public health and the environment from any release of hazardous waste into the environment and to insure the prompt correction of any such release and damage resulting therefrom by the person transporting, handling or managing such hazardous waste.

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

(s) Adopt rules and regulations establishing a permit system which includes standards for facilities and procedures for implementation of a permit system for the construction, alteration, or operation of a hazardous waste treatment, storage or disposal facility including, but not limited to, content of applications, evidence of financial responsibility, existing hydrogeological characteristics, environmental assessment, training of personnel, maintenance of operations, qualifications of ownership, continuity of operation, public notification and participation and compliance with those standards established pursuant to subsection (t).

(t) Adopt rules and regulations establishing minimum standards for the design, location, construction, alteration, operation, termination, closing and long-term care of facilities for the treatment, storage or disposal of hazardous waste including, but not limited to, notification of hazardous waste treatment, storage or disposal, general facility standards, contingency plans, emergency procedures, manifest system, recordkeeping, inspections, monitoring, reporting, closure and postclosure plans and financial requirements. The operator of the facility shall be responsible for long-term care of the facility for 30 years after closure of the facility except that the secretary may modify the long-term care requirements for any facility when all hazardous waste is removed from the facility at closure. The secretary may extend the long-term care responsibility of any operator of a facility as the secretary may deem necessary to protect the public health and safety or the environment. Any person acquiring rights of possession or operation of any facility permitted by the secretary for the

treatment, storage or disposal of hazardous waste at any time after the facility has begun to accept waste and prior to the end of the required period of long-term care shall be subject to all of the requirements, terms and conditions of the permit for the facility including all requirements relating to long-term care of the facility. The sale or acquisition of a hazardous waste disposal facility during the long-term care period shall be subject to the assignment of long-term care responsibilities as determined by the secretary.

(u) Adopt rules and regulations establishing a schedule of annual fees to be paid to the secretary by: (1) Persons owning or operating hazardous waste treatment, storage or disposal facilities; (2) hazardous waste transporters; or (3) hazardous waste generators producing or bringing into existence hazardous waste in Kansas. The fees shall be for monitoring facilities both during and after operation, for monitoring generators of hazardous waste in Kansas and for monitoring the transportation of hazardous wastes. The fees shall be sufficient to reimburse the cost of the state in performing these monitoring responsibilities. The fee established under this subsection for each hazardous waste facility shall not exceed \$50,000 annually. In setting fees, the secretary may exempt those fees which would be payable by generators for hazardous waste which is treated to recover substantial amounts of either energy or materials from hazardous wastes. The secretary shall remit at least monthly any moneys collected from such fees to the state treasurer. Upon receipt of any such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury to the credit of the state general fund.

(v) (1) Adopt rules and regulations establishing a schedule of fees to be paid to the secretary by permittees operating hazardous waste disposal facilities. In establishing fees, the secretary shall give consideration to degree of hazard, costs of treatment and disposal, estimated future receipts and estimated future expenses to the state for monitoring, maintenance and supervision of the facilities after closure. Fees shall be in an amount of not to exceed \$.01 per pound of hazardous waste disposed of. Each permittee, as an advance payment of the fees authorized under this subsection, shall remit to the secretary an amount to be established by the secretary not to exceed \$25,000 upon request and notification by the secretary that an initial application for a permit or initial renewal thereof has been approved, subject to receipt of the advance payment. Commencing with the second renewal, no advance payment shall be required. The advance payment shall constitute a credit against any fee which may be assessed pursuant to this subsection.

(2) The secretary shall remit at least monthly any moneys collected pursuant to this subsection to the state treasurer. Upon receipt of any such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury to the credit of the hazardous waste perpetual care trust fund, which fund is hereby limited to the following uses: (A) Payment of extraordinary costs of monitoring a permitted hazardous waste disposal facility after the responsibility of the operator has terminated; (B) payment of costs of repairing a hazardous waste disposal facility, as a result of a postclosure occurrence which poses a substantial hazard to public health or safety or to the environment. If an expenditure made under this subsection would not have been necessary had the person responsible for the operation or long-term care of the permitted hazardous waste disposal facility complied with the requirements of a plan of operation approved by the secretary when the permit was issued, a cause of action in favor of the hazardous waste perpetual care trust fund shall be accrued to the state of Kansas against such person, and the secretary shall take such action as is appropriate to enforce this cause of action by recovering any amounts so expended. The net proceeds of any such recovery shall be deposited in the state treasury and credited to the hazardous waste perpetual care trust fund; and (C) on an emergency basis up to 20% of the balance in the hazardous waste perpetual care trust fund may be allocated for investigation, engineering and construction related to the removal, treatment and disposal of hazardous waste disposed of in any hazardous waste disposal facility, when such hazardous waste is found to pose an imminent and substantial risk to the public health or safety or the environment.

(3) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the hazardous waste perpetual care trust fund interest earnings based on:

(A) The average daily balance of moneys in the hazardous waste perpetual care trust fund for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month.

(4) All expenditures from the hazardous waste perpetual care trust 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 secretary for the purposes set forth in this subsection.

(w) (1) Adopt rules and regulations establishing a schedule of fees to be paid to the secretary by applicants for permits to construct, modify or operate a hazardous waste facility. The fees established under this subsection shall not exceed \$175,000 for each application submitted. These fees shall be based upon resources required to review the application, the type of facility, quantity of waste processed, type of waste processed, degree of hazard and potential impact upon human health and environment. Fees collected under this subsection shall be used by the secretary to recover the costs associated with the review and processing of the permit application for which the fee was paid.

(2) The secretary shall remit at least monthly any money collected pursuant to this subsection to the state treasurer. Upon receipt of any such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury to the credit of the environmental permit fund, which fund is hereby established in the state treasury. Moneys in the environmental permit fund may be expended for the following purposes: (A) Technical reviews of applications for permits including permit modifications and permit renewals for hazardous waste facilities; (B) evaluating options available for minimizing the generation of hazardous wastes; (C) completing background investigations of applicants pursuant to subsection (c) of K.S.A. 65-3437 and amendments thereto; (D) completing the site investigations pursuant to subsection (d) of K.S.A. 65-3437 and amendments thereto; or (E) assuring that the permittee fulfills all permit conditions during the effective period of the permit.

(3) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the environmental permit fund interest earnings based on:

(A) The average daily balance of moneys in the environmental permit fund for the preceding month; and

(B) the net earnings rate for the pooled money investment portfolio for the preceding month.

(4) All expenditures from the environmental permit 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 secretary for the purposes set forth in this subsection.

(x) (1) Adopt rules and regulations establishing a schedule of fees to be paid to the secretary by off-site hazardous waste treatment and disposal facilities. In establishing fees, the secretary shall give consideration to the degree of hazard, *energy content*, quantity of waste, costs of treatment or disposal, and estimated future receipts. Fees shall be in an amount not to exceed \$.01 per pound of hazardous waste treated, ~~except that in no event shall the fees established under this subsection for treatment of hazardous waste exceed a total amount of \$200,000 per year for any single facility. Fees shall be in an amount not to exceed \$.01 per pound of hazardous waste burned by any facility which recycles and utilizes hazardous waste primarily to recover useful energy or materials to be used in the manufacture of a product, including but not limited to the burning of hazardous waste in kilns to recover energy or materials for use in the commercial production of cement, except that in no event shall the fees established under this subsection for burning of hazardous waste by any such facility exceed a total amount of \$50,000 per year for any single facility; or burned for energy or material recovery. In no event shall the fees established under this subsection exceed the following annual calendar year caps: \$60,000 for a facility which burns hazardous waste for energy or material recovery only; \$200,000 for a facility which burns hazardous waste for treatment or disposal only. Facilities which burn hazardous waste for: (i) Energy or material recovery; and (ii) treatment or disposal shall be subject to a total facility cap of \$200,000, which includes a separate cap of \$60,000 for hazardous wastes which are burned for energy or material recovery. The secretary shall establish a differential fee schedule for hazardous wastes based upon waste characteristics which is consistently applied to all facilities which burn hazardous wastes. In all other cases, fees shall be in an amount not to exceed \$.05 per pound of hazardous waste disposed of except that in no event shall any fee be established under this exception prior to July 1, 1996, and which exceeds \$50,000 in any 12-month period for the treatment or disposal of hazardous waste at any facility if such facility: (A) Operates under a permit or permits granted by the secretary pursuant to K.S.A. 65-3430 *et seq.*, and amendments thereto; (B) treats or disposes of hazardous waste generated by such facility or a single generator located on property contiguous to such facility, or both; and (C) was treating or disposing of hazardous waste~~

(continued)

generated on such contiguous property as of July 1, 1991, with the knowledge of the secretary. In establishing the amount of fees pursuant to the immediately preceding exception, the secretary shall base the same upon the degree of hazard, quantity of waste, costs of treatment or disposal, estimated receipts for disposal services and waste reduction efforts of such facility.

(2) The secretary shall remit at least monthly any money collected pursuant to this subsection to the state treasurer. Upon receipt of any such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury to the credit of the environmental permit fund, except that 25% of any such deposit shall be deposited to the credit of the hazardous waste collection fund.

(y) Encourage, coordinate or participate in one or more waste exchange clearing houses for the purpose of promoting reuse and recycling of industrial wastes.

(z) Adopt rules and regulations establishing the criteria to specify when a change of principal owners or management of a hazardous waste treatment, storage or disposal facility occurs and under what circumstances and procedures a new permit shall be required to be issued to the transferees of a facility which was permitted to the transferor.

(aa) Adopt rules and regulations concerning the generation, transportation, storage, blending, marketing, burning and types of hazardous waste for which any method, technique or process to recover energy will be considered hazardous waste treatment. Such rules and regulations should specify a minimum heat value of the waste so as to ensure that a legitimate energy recovery will occur and should consider other characteristics of the waste which are appropriate to ensure that such method, technique or process for energy recovery will not pose a threat to the public health or environment.

Sec. 18. K.S.A. 65-34,114 is hereby amended to read as follows: 65-34,114. (a) There is hereby established as a segregated fund in the state treasury the underground petroleum storage tank release trust fund, which shall be a continuation of the petroleum storage tank release trust fund. The underground fund shall be administered by the secretary. Revenue from the following sources shall be deposited in the state treasury and credited to the underground fund:

(1) The applicable proceeds of the environmental assurance fee imposed by this act;

(2) any moneys recovered by the state under the provisions of this act relating to underground storage tanks, including administrative expenses, civil penalties and moneys paid under an agreement, stipulation or settlement;

(3) interest attributable to investment of moneys in the underground fund;

(4) moneys received by the secretary in the form of gifts, grants, reimbursements or appropriations from any source intended to be used for the purposes of the underground fund, but excluding federal grants and cooperative agreements; and

(5) amounts transferred to the underground fund by the plan adopted pursuant to K.S.A. 65-34,126 and amendments thereto, as provided by K.S.A. 65-34,126 and amendments thereto.

(b) The underground fund shall be administered so as to assist owners and operators of underground petroleum storage tanks in providing evidence of financial responsibility for corrective action required by a release from any such tank. Moneys deposited in the underground fund may be expended for the purpose of reimbursing owners and operators and such others as provided by this act for the costs of corrective action and for transfers to the plan adopted pursuant to K.S.A. 65-34,126 and amendments thereto, as provided by K.S.A. 65-34,126 and amendments thereto subject to the conditions and limitations prescribed by this act, but moneys in the underground fund shall not otherwise be used for compensating third parties for bodily injury or property damage caused by a release from an underground petroleum storage tank, other than property damage included in a corrective action plan approved by the secretary. In addition, moneys credited to the underground fund may be expended for the following purposes:

(1) To permit the secretary to take whatever emergency action is necessary or appropriate to assure that the public health or safety is not threatened whenever there is a release or potential release from an underground petroleum storage tank;

(2) to permit the secretary to take corrective action where the release or potential release presents an actual or potential threat to human health or the environment, if the owner or operator has not been identified or

is unable or unwilling to perform corrective action, including but not limited to providing for alternative water supplies;

(3) payment of the state's share of the federal leaking underground storage tank trust fund cleanup costs, as required by the resource conservation and recovery act, 42 U.S.C. § 6901b(h)(7)(B);

(4) payment of the administrative, technical and legal costs incurred by the secretary in carrying out the provisions of K.S.A. 65-34,114 through 65-34,124, and amendments thereto, with respect to underground storage tanks, including the cost of any additional employees or increased general operating costs of the department attributable thereto, which costs shall not be payable from any moneys other than those credited to the underground fund;

(5) reimbursement of persons as authorized by subsection (g) of K.S.A. 65-34,119 and amendments thereto; and

(6) payment of refunds as authorized by subsection (h) of K.S.A. 65-34,119 and amendments thereto.

(c) The underground fund shall be used for the purposes set forth in this act and for no other governmental purposes. It is the intent of the legislature that the underground fund shall remain intact and inviolate for the purposes set forth in this act, and moneys in the underground fund shall not be subject to the provisions of K.S.A. 75-3722, 75-3725a and 75-3726a, and amendments thereto.

(d) Neither the state of Kansas nor the underground fund shall be liable to an owner or operator for the loss of business, damages or taking of property associated with any corrective or enforcement action taken pursuant to this act.

(e) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the underground fund; the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th day of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding period of time specified under this subsection, pursuant to K.S.A. 75-4210a and amendments thereto; that is attributable to moneys in the underground fund. Such amount of money shall be determined by the pooled money investment board interest earnings based on:

(1) The average daily balance of moneys in the underground fund during the period of time specified under this subsection as certified to the board by the director of accounts and reports for the preceding month; 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 the fifth day of the month for the preceding month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the underground fund for the period of time specified under this subsection, the net earnings rate of the pooled money investment portfolio for the preceding month.

(f) All expenditures from the underground 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 secretary for the purposes set forth in this section.

Sec. 19. K.S.A. 65-34,128 is hereby amended to read as follows: 65-34,128. (a) There is hereby established as a segregated fund in the state treasury the storage tank fee fund. Revenue from the following sources shall be deposited in the state treasury and credited to the fund:

(1) Moneys collected from fees for registration of aboveground storage tanks, issuance of storage tank permits, approval of plans for new storage tank installations and conducting of storage tank inspections;

(2) any moneys received by the secretary in the form of gifts, grants, reimbursements or appropriations from any source intended to be used for the purposes of the fund; and

(3) interest attributable to investment of moneys in the fund.

(b) Moneys in the storage tank fee fund shall be expended only for:

(1) Enforcement of storage tank performance standards and registration requirements;

(2) programs intended to prevent releases from storage tanks; and

(3) administration of the provisions of the Kansas storage tank act.

(c) On or before the 10th day of the each month following the month in which moneys are first credited to the storage tank fee fund, and monthly thereafter on or before the 10th day of the month, the director of accounts and reports shall transfer from the state general fund to the storage tank fee fund; the amount of money certified by the pooled money

investment board in accordance with this subsection. Prior to the 10th day of the month following the month in which moneys are first credited to the storage tank fee fund, and monthly thereafter prior to the 10th day of the month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding period of time specified under this subsection, pursuant to K.S.A. 75-4210a and amendments thereto, that is attributable to moneys in the storage tank fee fund. Such amount of money shall be determined by the pooled money investment board interest earnings based on:

(1) The average daily balance of moneys in the storage tank fee fund during the period of time specified under this subsection as certified to the board by the director of accounts and reports for the preceding month; 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 the fifth day of the month for the preceding month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the storage tank fee fund for the period of time specified under this subsection the net earnings rate of the pooled money investment portfolio for the preceding month.

(d) All expenditures from the storage tank 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 secretary for the purposes set forth in this section.

(e) This section shall be part of and supplemental to the Kansas storage tank act.

Sec. 20. K.S.A. 65-34,129 is hereby amended to read as follows: 65-34,129. (a) There is hereby established as a segregated fund in the state treasury the aboveground petroleum storage tank release trust fund, to be administered by the secretary. Revenue from the following sources shall be deposited in the state treasury and credited to the aboveground fund:

(1) The applicable proceeds of the environmental assurance fee imposed by this act;

(2) any moneys recovered by the state under the provisions of this act relating to aboveground storage tanks, including administrative expenses, civil penalties and moneys paid under an agreement, stipulation or settlement;

(3) interest attributable to investment of moneys in the aboveground fund; and

(4) moneys received by the secretary in the form of gifts, grants, reimbursements or appropriations from any source intended to be used for the purposes of the aboveground fund, but excluding federal grants and cooperative agreements.

(b) Moneys deposited in the aboveground fund may be expended for the purpose of reimbursing owners and operators and such others as provided by this act for the costs of corrective action subject to the conditions and limitations prescribed by this act, but moneys in the aboveground fund shall not otherwise be used for compensating third parties for bodily injury or property damage caused by a release from an aboveground petroleum storage tank, other than property damage included in a corrective action plan approved by the secretary. In addition, moneys credited to the aboveground fund may be expended for the following purposes:

(1) To permit the secretary to take whatever emergency action is necessary or appropriate to assure that the public health or safety is not threatened whenever there is a release or potential release from an aboveground petroleum storage tank;

(2) to permit the secretary to take corrective action where the release or potential release presents an actual or potential threat to human health or the environment, if the owner or operator has not been identified or is unable or unwilling to perform corrective action, including but not limited to providing for alternative water supplies;

(3) payment of the administrative, technical and legal costs incurred by the secretary in carrying out the provisions of K.S.A. 65-34,114 through 65-34,124, and amendments thereto, with respect to aboveground storage tanks, including the cost of any additional employees or increased general operating costs of the department attributable thereto, which costs shall not be payable from any moneys other than those credited to the aboveground fund; and

(4) reimbursement of persons as authorized by subsection (g) of K.S.A. 65-34,119 and amendments thereto.

(c) The aboveground fund shall be used for the purposes set forth in this act and for no other governmental purposes. It is the intent of the legislature that the aboveground fund shall remain intact and inviolate for the purposes set forth in this act, and moneys in the aboveground fund shall not be subject to the provisions of K.S.A. 75-3722, 75-3725a and 75-3726a, and amendments thereto.

(d) Neither the state of Kansas nor the aboveground fund shall be liable to an owner or operator for the loss of business, damages or taking of property associated with any corrective or enforcement action taken pursuant to this act.

(e) On or before the 10th day of the *each* month following the month in which moneys are first credited to the aboveground fund, and monthly thereafter on or before the 10th day of the month, the director of accounts and reports shall transfer from the state general fund to the aboveground fund, the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th day of the month following the month in which moneys are first credited to the aboveground fund, and monthly thereafter prior to the 10th day of the month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding period of time specified under this subsection, pursuant to K.S.A. 75-4210a and amendments thereto, that is attributable to moneys in the aboveground fund. Such amount of money shall be determined by the pooled money investment board interest earnings based on:

(1) The average daily balance of moneys in the aboveground fund during the period of time specified under this subsection as certified to the board by the director of accounts and reports for the preceding month; and

(2) the average interest rate repurchase agreements of less than 30 days duration entered into by the pooled money investment board for that period of time. On or before the fifth day of the month for the preceding month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the aboveground fund for the period of time specified under this subsection the net earnings rate of the pooled money investment portfolio for the preceding month.

(f) All expenditures from the aboveground 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 secretary for the purposes set forth in this section.

(g) This section shall be part of and supplemental to the Kansas storage tank act.

Sec. 21. K.S.A. 1995 Supp. 65-6809 is hereby amended to read as follows: 65-6809. (a) There is hereby established in the state treasury the health care database fee fund. The secretary of health and environment shall remit at least monthly to the state treasurer all moneys collected or received by the secretary from the following sources:

(1) Fees collected under K.S.A. 1995 Supp. 65-6804 and amendments thereto;

(2) moneys received by the secretary in the form of gifts, donations or grants;

(3) interest attributable to investment of moneys in the fund; and

(4) any other moneys provided by law.

Upon receipt thereof, the state treasurer shall deposit in the state treasury any amount remitted pursuant to this subsection and shall credit the entire amount to the health care database fee fund.

(b) Moneys deposited in the health care database fee fund shall be expended to supplement maintenance costs of the database, provide technical assistance and training in the proper use of health care data and provide funding for dissemination of information from the database to the public. If the performance audit required by K.S.A. 1995 Supp. 65-6808 and amendments thereto is conducted under contract with a firm, as defined by K.S.A. 46-1112 and amendments thereto, the contract cost of that performance audit may be paid from the health care database fee fund.

(c) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the health care database fee fund the amount of money certified by the pooled money investment board. Prior to the 10th day of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding month, pursuant to

(continued)

K.S.A. 75-4210a and amendments thereto, that is attributable to moneys in the health care database fee fund. Such amount of money shall be determined by the pooled money investment board interest earnings based on:

(1) The average daily balance of moneys in the health care database fee fund during the preceding month as certified to the board by the director of accounts and reports for the preceding month; and

(2) the average interest rate on repurchase agreements of less than 30 days' duration entered into by the pooled money investment board for that period. On or before the fifth day of each month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the health care database fee fund during the net earnings rate of the pooled money investment portfolio for the preceding month.

(d) All expenditures from the health care database 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 secretary of health and environment for the purposes set forth in this section.

Sec. 22. K.S.A. 74-2912 is hereby amended to read as follows: 74-2912. (a) There is hereby created in the state treasury the state of Kansas sports hall of fame fund. The board of trustees shall remit all moneys received by the board of trustees, including all moneys received as gifts, grants, bequests and gratuities as provided in K.S.A. 74-2909 and amendments thereto, to the state treasurer at least monthly. Upon receipt of each such remittance the state treasurer shall deposit the entire amount thereof in the state treasury and the same shall be credited to the state of Kansas sports hall of fame fund.

(b) In accordance with and subject to the provisions of this act and of appropriation acts, the board of trustees may make expenditures from the state of Kansas sports hall of fame fund for contracts entered into with private entities, for the maintenance and operating expenditures of the state of Kansas sports hall of fame and the board of trustees, for the expenses of state of Kansas sports hall of fame induction ceremonies, including the actual and necessary expenses of speakers and persons being inducted into the state of Kansas sports hall of fame for their attendance at such induction ceremonies, for official hospitality, for capital improvement projects for remodeling of or for additions or repairs to the state of Kansas sports hall of fame and for such other purposes as may be authorized by law.

(c) All expenditures from the state of Kansas sports hall of fame fund shall be exempt from competitive bid procedures under K.S.A. 75-3739 and amendments thereto and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the board of trustees or by a person or persons designated by the board of trustees.

(d) On the effective date of this act, the director of accounts and reports shall transfer all moneys in the all-sports hall of fame fund to the state of Kansas sports hall of fame fund. On the effective date of this act, all liabilities of the all-sports hall of fame fund are hereby transferred to and imposed upon the state of Kansas sports hall of fame fund. On the effective date of this act, the all-sports hall of fame fund is hereby abolished.

(e) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the state of Kansas sports hall of fame fund, the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding period of time specified under this subsection, pursuant to K.S.A. 75-4210a and amendments thereto, that is attributable to money in the state of Kansas sports hall of fame fund. Such amount of money shall be determined by the pooled money investment board interest earnings based on:

(1) The average daily balance of moneys in the state of Kansas sports hall of fame fund during the period of time specified under this subsection as certified to the board by the director of accounts and reports for the preceding month; 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 the fifth day of the month for the preceding month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in

the all-sports hall of fame fund for the period of time specified under this subsection the net earnings rate of the pooled money investment portfolio for the preceding month.

(f) Upon the request of the state of Kansas sports hall of fame board of trustees and in accordance with the provisions of appropriations acts, the state historical society may transfer moneys in the state of Kansas sports hall of fame fund to a bank to the account of the state of Kansas sports hall of fame. Such bank account shall be awarded to a bank located in the county in which the state of Kansas sports hall of fame is located by the pooled money investment board under a written agreement in accordance with procedures for state bank accounts under K.S.A. 75-4217 and amendments thereto and shall be secured by pledge of securities in the manner prescribed for state bank accounts under K.S.A. 75-4218 and amendments thereto and in the amount prescribed for fee agency accounts under that statute. Each such transfer shall be made upon vouchers of the state historical society, which the director of accounts and reports and the state treasurer are hereby authorized and directed to honor by making such transfers, and the moneys so transferred shall be for use by the board of trustees of the state of Kansas sports hall of fame in operating and conducting the activities of the state of Kansas sports hall of fame. The board of trustees of the state of Kansas sports hall of fame shall make a full and complete report on a monthly basis and by object classification to the state historical society of all expenditures for each fiscal year from such bank account.

Sec. 23. K.S.A. 74-5074 is hereby amended to read as follows: 74-5074. (a) There is hereby established the Kansas export loan guarantee fund in the state treasury. The Kansas export loan guarantee fund shall be administered by the secretary of commerce and housing. All moneys in the Kansas export loan guarantee fund shall be used to provide guarantees against commercial preexport and postexport credit risks in accordance with this act.

(b) All moneys received for Kansas export loan financing guarantee fees under K.S.A. 74-5072, and amendments thereto, shall be remitted to the state treasurer at least monthly and deposited in the state treasury to the credit of the Kansas export loan guarantee fund.

(c) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the Kansas export loan guarantee fund, the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding period of time specified under this subsection, pursuant to K.S.A. 75-4210a, and amendments thereto, that is attributable to money in the Kansas export loan guarantee fund. Such amount of money shall be determined by the pooled money investment board interest earnings based on:

(1) The average daily balance of moneys in the Kansas export loan guarantee fund during the period of time specified under this subsection as certified to the board by the director of accounts and reports for the preceding month; 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 the fifth day of the month for the preceding month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the Kansas export loan guarantee fund for the period of time specified under this subsection the net earnings rate of the pooled money investment portfolio for the preceding month.

Sec. 24. K.S.A. 1995 Supp. 74-5086a is hereby amended to read as follows: 74-5086a. (a) There is hereby established in the state treasury the state housing trust fund. All moneys credited to the state housing trust fund shall be used for the purposes of housing programs and services including, but not limited to, the provision of financial programs for the repair, rehabilitation and improvement of existing residential housing, accessibility modifications, rental subsidies and the provision of housing services and assistance to persons having low or moderate income and disabled persons.

(b) The state housing trust fund shall be administered by the office of housing of the department of commerce and housing. All expenditures from the state housing trust fund shall be in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of commerce and housing or the secretary's designee.

(c) The office of housing and the department of commerce and housing are hereby authorized to apply for and receive available public or private grants, gifts and donations for the purposes of housing programs and services. All such grants, gifts and donations, which are not required to be deposited in a separate special revenue fund, shall be deposited in the state treasury to the credit of the state housing trust fund. All moneys received by the department of commerce and housing for fees related to housing, which are not required to be deposited in a separate special revenue fund, shall be deposited in the state treasury to the credit of the state housing trust fund.

(d) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the state housing trust fund the amount of money certified by the pooled money investment board in accordance with this paragraph. Prior to the 10th day of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding month, pursuant to K.S.A. 75-4210a and amendments thereto, that is attributable to moneys in the state housing trust fund. Such amount of money shall be determined by the pooled money investment board interest earnings based on:

(A)(1) The average daily balance of moneys in the state housing trust fund during the preceding month as certified to the board by the director of accounts and reports for the preceding month; and

(B)(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 the fifth day of each month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the state housing trust fund during the net earnings rate for the pooled money investment portfolio for the preceding month.

Sec. 25. K.S.A. 74-5091 is hereby amended to read as follows: 74-5091. (a) There is hereby established the Kansas tourist attraction matching grant development fund in the state treasury. The Kansas tourist attraction matching grant development fund shall be administered by the secretary of commerce and housing. All moneys in the Kansas tourist attraction matching grant development fund shall be used to provide matching grants to provide assistance in the promotion of tourism and the development of quality tourist attractions within this state in accordance with this act.

(b) All moneys received pursuant to subsection (c) of K.S.A. 74-5032a, and amendments thereto, shall be remitted to the state treasurer at least monthly and deposited in the state treasury to the credit of the Kansas tourist attraction matching grant development fund.

(c) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the Kansas tourist attraction matching grant development fund, the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding period of time specified under this subsection, pursuant to K.S.A. 75-4210a, and amendments thereto, that is attributable to money in the Kansas tourist attraction matching grant development fund. Such amount of money shall be determined by the pooled money investment board interest earnings based on:

(1) The average daily balance of moneys in the Kansas tourist attraction matching grant development fund during the period of time specified under this subsection as certified to the board by the director of accounts and reports for the preceding month; 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 the fifth day of the month for the preceding month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the Kansas tourist attraction matching grant development fund for the period of time specified under this subsection the net earnings rate for the pooled money investment portfolio for the preceding month.

Sec. 26. K.S.A. 1995 Supp. 74-50,151 is hereby amended to read as follows: 74-50,151. (a) There is hereby created in the state treasury the Kansas economic opportunity initiatives fund. Subject to acts of the legislature applicable thereto, the moneys in the Kansas economic opportunity initiatives fund shall be used only for the purposes prescribed by this section.

(b) All expenditures made pursuant to this act shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the governor or the governor's designee. The governor may approve a warrant only upon certification, by the majority vote of a five member panel, that an economic emergency or unique opportunity exists which warrant funding for a strategic economic intervention by such state agency or agencies to address expenses involved in securing economic benefits or avoiding or remedying economic losses related to:

(1) A major expansion of an existing Kansas commercial enterprise;

(2) the potential location in Kansas of the operations of a major employer;

(3) the award of a significant federal or private sector grant which has a financial matching requirement;

(4) the departure from Kansas or the substantial reduction of the operations of a major employer; and

(5) the closure of a major federal or state institution or facility.

(c) No intervention strategy approved pursuant to this act shall include loans for which state funds are used unless the five-member panel finds that private financing cannot adequately fund the intervention strategy. The department of commerce and housing shall adopt written guidelines concerning the terms and conditions of such loans. However, all repaid funds shall be credited to the Kansas economic opportunity initiatives fund. No intervention strategy approved pursuant to this act shall facilitate the moving of an existing Kansas firm to another location within the state unless such restriction is waived by a unanimous vote of the five member panel identified in subsection (b). Every intervention strategy approved pursuant to this act shall identify the intended outcomes to be realized by the strategy for which funding is sought.

(d) The department of commerce and housing and Kansas, Inc. shall make joint findings concerning the costs and benefits, on both a local and statewide basis, of projects proposed pursuant to this act. Prior to allocation of any funds pursuant to this act, the governor shall review the cost-benefit findings performed on each project.

(e) The director of the budget and the director of the legislative research department shall consult periodically and review the balance credited to and the estimated receipts to be credited to the state economic development initiatives fund during the fiscal year. During any period when the legislature is not in session, upon a finding by the director of the budget in consultation with the director of the legislative research department that the total of the unencumbered balance and estimated receipts to be credited to the state economic development initiatives fund during a fiscal year are insufficient to fund the budgeted expenditures and transfers from the state economic development initiatives fund for the fiscal year in accordance with the provisions of appropriation acts, the director of the budget shall make a certification of such finding to the governor. Upon approval by the governor, the director of accounts and reports shall transfer the amount of moneys from the Kansas economic opportunity initiatives fund to the state economic development initiatives fund that is required, in accordance with a certification by the director of the budget under this subsection, to fund the budgeted expenditures and transfers from the state economic development initiatives fund for the fiscal year in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

(f) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the state economic development initiatives fund the amount of money certified by the pooled money investment board in accordance with this section. Prior to the 10th day of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding month, pursuant to K.S.A. 75-4210a and amendments thereto, that is attributable to moneys in the Kansas economic opportunity initiatives fund. Such amount of money shall be determined by the pooled money investment board interest earnings based on:

(1) The average daily balance of moneys in the Kansas economic opportunity initiatives fund during the preceding month as certified to the board by the director of accounts and reports for the preceding month; 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 the fifth day of each month, the director of accounts and reports shall certify to the pooled money investment

(continued)

board the average daily balance of moneys in the Kansas economic opportunity initiatives fund during the net earnings rate for the pooled money investment portfolio for the preceding month.

(g) The five member panel provided for in subsection (b) shall consist of the secretary of commerce and housing, the president of Kansas, Inc., the president of the Kansas technology enterprise corporation, the private sector chairperson of the board of Kansas, Inc. and the private sector chairperson of the Kansas technology enterprise corporation.

Sec. 27. K.S.A. 74-8828 is hereby amended to read as follows: 74-8828. (a) There is hereby established in the state treasury the racing applicant deposit fund.

(b) Moneys credited to the racing applicant deposit fund shall be used only to make transfers as authorized by subsection (c) and to pay refunds of deposits, and interest accrued thereon, pursuant to K.S.A. 74-8813 and 74-8815, and amendments thereto. Expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports, or a person designated by the director of accounts and reports pursuant to K.S.A. 75-3732 and amendments thereto, issued pursuant to vouchers approved by the executive director, or a person designated by the executive director.

(c) Upon forfeiture of a deposit pursuant to K.S.A. 74-8813 or 74-8815, and amendments thereto, the executive director shall certify to the director of accounts and reports the amount of such deposit, and any interest accrued thereon. Upon receipt thereof, the director of accounts and reports shall transfer the amount certified to the state racing fund created by K.S.A. 74-8826, and amendments thereto.

(d) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the racing applicant deposit fund; the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding period of time specified under this subsection; pursuant to K.S.A. 75-4210a, and amendments thereto, that is attributable to money in the racing applicant deposit fund. Such amount of money shall be determined by the pooled money investment board interest earnings based on:

(1) The average daily balance of moneys in the racing applicant deposit fund during the period of time specified under this subsection as certified to the board by the director of accounts and reports for the preceding month; 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 the fifth day of the month for the preceding month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the racing applicant deposit fund for the period of time specified under this subsection the net earnings rate for the pooled money investment portfolio for the preceding month.

Sec. 28. K.S.A. 1995 Supp. 75-2250 is hereby amended to read as follows: 75-2250. (a) There shall be placed on the grounds of the state capitol a memorial to law enforcement officers who have lost their lives in the line of duty in the service of the state. Such memorial shall be located northeast of the state capitol at a site to be selected by the director of architectural services. Such memorial shall be constructed in accordance with the design and architectural drawings approved by the director of architectural services. The memorial shall be of such a design that the names of the officers to be honored, both past and future, may be inscribed thereon. The director of architectural services shall annually cause the name or names of any law enforcement officer or officers who have lost their lives in the line of duty in the service of the state to be inscribed upon the memorial.

(b) It should shall be the duty of the director of the Kansas bureau of investigation on or before the 15th day of March of each year to notify the secretary of the state historical society of the name or names of any officers who lost their lives in the line of duty during the preceding calendar year. The secretary shall assemble the necessary information regarding any such officer or officers and report the same to the director of architectural services.

(c) The secretary of the state historical society is hereby authorized to receive any grants, gifts, contributions or bequests made for the purpose of financing the construction of such memorial or for its upkeep and

the addition of names thereto and to expend the same for the purpose for which received.

(d) There is hereby established in the state treasury the law enforcement memorial fund. Expenditures from the fund may be made for the purposes of constructing, updating and repairing such memorial, for other purposes related to memorializing and honoring law enforcement officers of Kansas and for such purposes as may be specified with regard to any grant, gift, contribution or bequest. All such expenditures shall be authorized by the law enforcement officers memorial advisory committee and made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of the state historical society, or the secretary's designee.

(e) On or before the 10th day of the each month following the month in which moneys are first credited to the law enforcement memorial fund; and monthly thereafter on or before the 10th day of the month, the director of accounts and reports shall transfer from the state general fund to the law enforcement memorial fund created by K.S.A. 75-2250 and amendments thereto the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th day of the month following the month in which moneys are first credited to the law enforcement memorial fund; and monthly thereafter prior to the 10th day of the month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding month; pursuant to K.S.A. 75-4210a and amendments thereto, that is attributable to moneys in the law enforcement memorial fund. Such amount of money shall be determined by the pooled money investment board interest earnings based on:

(1) The average daily balance of moneys in the law enforcement memorial fund during the preceding month as certified to the board by the director of accounts and reports for the preceding month; and

(2) the average interest rate on repurchase agreements of less than 30 days duration entered into by the pooled money investment board. On or before the fifth day of the month following the month in which moneys are first credited to the law enforcement memorial fund; and monthly thereafter on or before the fifth day of the month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the law enforcement memorial fund during the net earnings rate for the pooled money investment portfolio for the preceding month.

Sec. 29. K.S.A. 1995 Supp. 75-2254 is hereby amended to read as follows: 75-2254. (a) The secretary of administration is hereby authorized to receive grants, gifts, contributions or bequests made for the purpose of financing the construction and maintenance of memorials to veterans which are located on the grounds of the statehouse.

(b) There is hereby established in the state treasury the veterans memorial fund. Expenditures from the fund may be made for the purposes of constructing, updating and repairing the memorials to veterans which are located on the grounds of the statehouse, for other purposes related to memorializing and honoring veterans and for such other purposes as may be specified with regard to any grant, gift, contribution or bequest. All such expenditures shall be authorized by the veterans memorial advisory committee and made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of administration or the secretary's designee. No public funds shall be used to construct or maintain the veterans memorial authorized by K.S.A. 1995 Supp. 75-2252, and amendments thereto, or the veterans memorial authorized by K.S.A. 1995 Supp. 75-2255, and amendments thereto. Construction of the veterans memorial authorized by K.S.A. 1995 Supp. 75-2252, and amendments thereto, shall not commence until the veterans memorial fund contains sufficient funds to complete the construction and to repair reasonably foreseeable damage to such memorial. Construction of the veterans memorial authorized by K.S.A. 1995 Supp. 75-2255, and amendments thereto, shall not commence until the veterans memorial fund contains sufficient funds to complete the construction and to repair reasonably foreseeable damage to such memorial.

(c) Interest attributable to investment of moneys in the fund shall be credited to the veterans memorial fund. On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the veterans memorial fund the amount of money certified by the pooled money investment board. Prior to the 10th day of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund

for the preceding month, pursuant to K.S.A. 75-4210a, and amendments thereto; that is attributable to moneys in the veterans memorial fund. Such amount of money shall be determined by the pooled money investment board interest earnings based on:

(1) The average daily balance of moneys in the veterans memorial fund during the preceding month as certified to the board by the director of accounts and reports for the preceding month; and

(2) the average interest rate on repurchase agreements of less than 30 days' duration entered into by the pooled money investment board for that period. On or before the fifth day of each month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the veterans memorial fund during the net earnings rate for the pooled money investment portfolio for the preceding month.

Sec. 30. K.S.A. 1995 Supp. 75-2729 is hereby amended to read as follows: 75-2729. (a) (1) There is hereby established in the state treasury the heritage trust fund. All moneys deposited in the heritage trust fund shall be used for the purpose of awarding grants to assist historic preservation projects involving property included in the national register of historic places or the state register of historic places, excluding property owned by the state or federal government, and shall be used by the state historical society for the administration of the heritage trust fund program. At least 50% of the amount awarded annually in grants shall be used for the preservation of eligible properties owned by county and local governments, county and local historical societies and by private nonprofit organizations. The state historical society may also provide grant assistance from moneys in the heritage trust fund on a matching basis and also may establish a revolving fund loan program from moneys in such fund. The state historical society may establish different matching fund requirements for the various types of applicants, but the matching contributions required from for-profit corporations shall be dollar for dollar. For-profit corporation applicants shall be assisted only if the property's continued existence is threatened or its rehabilitation is not economically feasible without grant assistance. The state historical society shall ensure that such moneys are expended for the purpose of this section, and may adopt rules and regulations as necessary to carry out the purpose of this section.

(2) In evaluating grant applications involving historic preservation projects under subsection (a)(1), the state historical society shall consider the following factors: The level of historical significance of the property; the condition of the property; the urgency of the preservation work proposed; whether or not the property is endangered; the type of work proposed; a geographical distribution of assisted properties; the administrative ability of the applicant; the potential benefit to the community and the state; community support for the project; ineligibility of the project for other funds; and an assessment of the need of the owner for the grant assistance to do the project.

(3) (A) The state historical society shall establish provisions to recapture grant moneys in accordance with the following factors: If an approved rehabilitated building is held by the grantee for longer than five years after the completion of the grant project, there is no recapture of the grant funds; if the owner, or designated heir, in the case of the owner's death, disposes of the property after a holding period of less than one year after the completion of the grant project, 100% of the grant is recaptured; and for properties held between one and five years, the grant recapture amount is reduced by 20% per year.

(B) The state historical society may inspect a rehabilitated property at any time during the five-year period and may revoke or invalidate the approval if work was not undertaken as presented in the grant application or if further unapproved alterations have been made. Modifications made during the five-year period following the completion of the grant shall be made in accordance with standards established by the state historical society.

(b) On or before the 10th day of the each month following the month in which moneys are first credited to the heritage trust fund, and monthly thereafter on or before the 10th day of the month, the director of accounts and reports shall transfer from the state general fund to the heritage trust fund the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th day of the month following the month in which moneys are first credited to the heritage trust fund, and monthly thereafter prior to the 10th day of the month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the pre-

ceding month, pursuant to K.S.A. 75-4210a and amendments thereto; that is attributable to moneys in the heritage trust fund. Such amount of money shall be determined by the pooled money investment board interest earnings based on:

(1) The average daily balance of moneys in the heritage trust fund during the preceding month as certified to the board by the director of accounts and reports for the preceding month; 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 the fifth day of the month following the month in which moneys are first credited to the heritage trust fund, and monthly thereafter on or before the fifth day of the month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the heritage trust fund during the net earnings rate for the pooled money investment portfolio for the preceding month.

(c) Except as otherwise provided in this section, all expenditures from the heritage trust 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 secretary of the state historical society or a person designated by the secretary.

Sec. 31. K.S.A. 1995 Supp. 75-3668 is hereby amended to read as follows: 75-3668. On or before the 10th day of the each month following the month in which moneys are first credited to the property contingency fund, and monthly thereafter on or before the 10th day of the month, the director of accounts and reports shall transfer from the state general fund to the property contingency fund created by K.S.A. 75-3652 the amount of money certified by the pooled money investment board in accordance with this section. Prior to the 10th day of the month following the month in which moneys are first credited to the property contingency fund, and monthly thereafter prior to the 10th day of the month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding month, pursuant to K.S.A. 75-4210a and amendments thereto; that is attributable to moneys in the property contingency fund. Such amount of money shall be determined by the pooled money investment board interest earnings based on:

(a) The average daily balance of moneys in the property contingency fund during the preceding month as certified to the board by the director of accounts and reports for the preceding month; and

(b) 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 the fifth day of the month following the month in which moneys are first credited to the property contingency fund, and monthly thereafter on or before the fifth day of the month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the property contingency fund during the net earnings rate for the pooled money investment portfolio for the preceding month.

Sec. 32. K.S.A. 75-5343 is hereby amended to read as follows: 75-5343. (a) There is hereby established in the state treasury the self-sufficiency trust fund.

(b) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the self-sufficiency trust fund, the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding period of time specified under this subsection; pursuant to K.S.A. 75-4210a and amendments thereto; that is attributable to money in the self-sufficiency trust fund. Such amount of money shall be determined by the pooled money investment board interest earnings based on:

(1) The average daily balance of moneys in the self-sufficiency trust fund during the period of time specified under this subsection as certified to the board by the director of accounts and reports for the preceding month; 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 the fifth day of the month for the preceding month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the self-sufficiency trust fund for the period of time specified under this

(continued)

subsection the net earnings rate for the pooled money investment portfolio for the preceding month.

(c) The secretary of social and rehabilitation services may accept moneys from a self-sufficiency trust for deposit in the self-sufficiency trust fund pursuant to an agreement with the trust naming one or more beneficiaries who are developmentally disabled individuals or individuals otherwise eligible for services from the department of social and rehabilitation services residing in this state and specifying the care, support or treatment to be provided for such individuals. The secretary of social and rehabilitation services shall maintain a separate account in the trust fund for each named beneficiary. The moneys in each such account shall be expended by the secretary, in accordance with rules and regulations of the secretary, only to provide care, support and treatment for the named beneficiaries in accordance with the terms of the agreement. Interest earned on moneys in the trust fund and transferred to the trust fund under subsection (b) shall be prorated in accordance with procedures approved by the director of accounts and reports and credited monthly to each such account.

(d) If the secretary determines that the moneys in the account of a named beneficiary cannot be used for the care, support or treatment of that beneficiary in a manner consistent with the rules and regulations of the secretary and the agreement, or upon the request of the self-sufficiency trust, the remaining moneys in such account, together with any accumulated interest thereon, shall be promptly paid to the self-sufficiency trust which deposited such moneys in the trust fund.

(e) The secretary shall adopt rules and regulations and procedures as may be necessary or useful for the administration of the trust fund. All payments and disbursements from the trust fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person designated by the secretary. The receipt by a beneficiary of money from the trust fund, or of care, treatment or support provided with such money, shall not in any way reduce, impair or diminish the benefits to which such beneficiary is otherwise entitled by law.

(f) As used in this section:

- (1) "Secretary" means the secretary of social and rehabilitation services.
- (2) "Self-sufficiency trust" means a trust created by a not-for-profit corporation which is a 501(c)(3) organization under the federal internal revenue code of 1986 and which was organized for the purpose of providing for the care, support or treatment of one or more developmentally disabled individuals or individuals otherwise eligible for services from the department of social and rehabilitation services.
- (3) "Trust fund" means the self-sufficiency trust fund established under this section.

Sec. 33. K.S.A. 76-743 is hereby amended to read as follows: 76-743. On or before August 10, 1983, for the month commencing July 1, 1983, and ending July 31, 1983, and on or before the 10th day of each month thereafter for the preceding month, the director of accounts and reports shall transfer from the state general fund to each national direct student loan fund of state educational institutions under the control and supervision of the state board of regents the amount of money certified by the pooled money investment board and attributable to each such fund in accordance with this section. On or before August 10, 1983, for the month commencing July 1, 1983, and ending July 31, 1983, and on or before the 10th day of each month thereafter for the preceding month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding period of time specified under this section, pursuant to K.S.A. 75-4210a and amendments thereto; that is attributable to moneys in each national direct student loan fund of state educational institutions under the control and supervision of the state board of regents. Such amount of money shall be determined by the pooled money investment board interest earnings based on:

- (a) The average daily balance of moneys in each national direct student loan fund of state educational institutions under the control and supervision of the state board of regents during the period of time specified under this section as certified to the board by the director of accounts and reports for the preceding month; and
- (b) 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 August 5, 1983, for the month commencing July 1, 1983, and ending July 31, 1983, and monthly thereafter

on or before the fifth day of the month for the preceding month; the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in each national direct student loan fund of state educational institutions under the control and supervision of the state board of regents for the period of time specified under this section the net earnings rate for the pooled money investment portfolio for the preceding month.

Sec. 34. K.S.A. 76-762 is hereby amended to read as follows: 76-762. (a) There is hereby created in the custody of the state treasurer the following funds at each state educational institution from which the housing system shall be operated:

- (1) A housing system suspense fund;
 - (2) a housing system operations fund; and
 - (3) a housing system repairs, equipment and improvement fund.
- (b) Payments received for rents and boarding fees and other charges in connection with the operation of the housing system shall be deposited to the housing system suspense fund in the custody of the state treasurer.
- (c) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the housing system suspense fund, the amount of money certified by the pooled money investment board in accordance with this section. Prior to the 10th of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding period of time specified under this section, pursuant to K.S.A. 75-4210a and amendments thereto; that is attributable to money in each housing system suspense fund of state educational institutions. Such amount of money shall be determined by the pooled money investment board interest earnings based on:

- (1) The average daily balance of moneys in each housing system suspense fund of state educational institutions during the period of time specified under this section as certified to the board by the director of accounts and reports for the preceding month; 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 the fifth day of the month for the preceding month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in each housing system suspense fund of state educational institutions for the period of time specified under this section the net earnings rate for the pooled money investment portfolio for the preceding month.

(d) The housing system operations fund shall be used to pay the expenses of operation of the housing systems and for the operation and maintenance of the system. The state educational institution shall transfer from the housing system suspense fund to the operations fund amounts needed for the operation and maintenance of the system. Each state educational institution shall establish such accounts within the housing system operations fund as are required for the efficient management of the system. Funds in the housing system operations fund not needed for immediate use may be invested by the state educational institution through the pooled money investment board in accordance with the provisions of K.S.A. 75-4254 and amendments thereto.

(e) The housing system repairs, improvements and equipment fund shall be used for repairs, equipment, improvements and expansion of the housing system that cannot be financed from the housing system operations fund. Transfers may be made to this fund from the housing system suspense fund or the housing system operations fund as determined by the state educational institution. All or a portion of the moneys in such fund may be invested by the state educational institution through the pooled money investment board in accordance with the provisions of K.S.A. 75-4254 and amendments thereto. Expenditures from this fund may be made for projects that have been approved by the state board of regents.

Sec. 35. K.S.A. 76-832 is hereby amended to read as follows: 76-832. On July 10, 1986, and on or before the 10th of each month thereafter, the director of accounts and reports shall transfer from the state general fund to the animal research facility debt service fund the amount of money certified by the pooled money investment board in accordance with this section. Prior to the 10th of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding period of time specified under this section, pursuant to K.S.A. 75-4210a and amendments

thereto, that is attributable to the total of all moneys in the animal research facility project fund and all moneys in the animal research facility debt service fund. Such amount of money shall be determined by the pooled money investment board interest earnings based on:

(a) The average daily balance of moneys in the animal research facility project fund and the animal research facility debt service fund during the period of time specified under this section as certified to the pooled money investment board by the director of accounts and reports for the preceding month; and

(b) 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 the fifth day of the month for the preceding month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the animal research facility project fund and the animal research facility debt service fund for the period of time specified under this section the net earnings rate for the pooled money investment portfolio for the preceding month.

Sec. 36. K.S.A. 1995 Supp. 76-2473 is hereby amended to read as follows: 76-2473. (a) The state treasurer shall have the custody and charge of all moneys in the all Faiths chapel building fund, which chapel is located at the Lansing correctional facility.

(b) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the all Faiths chapel building fund; the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding period of time specified under this subsection; pursuant to K.S.A. 75-4210a, and amendments thereto; that is attributable to money in the all Faiths chapel building fund. Such amount of money shall be determined by the pooled money investment board interest earnings based on:

(1) The average daily balance of moneys in the all Faiths chapel building fund during the period of time specified under this subsection as certified to the board by the director of accounts and reports for the preceding month; 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 the fifth day of the month for the preceding month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the all Faiths chapel building fund for the period of time specified under this subsection the net earnings rate for the pooled money investment portfolio for the preceding month.

Sec. 37. K.S.A. 1995 Supp. 82a-1503 is hereby amended to read as follows: 82a-1503. (a) Any person desiring to make a water transfer shall file with the chief engineer an application in the form required by rules and regulations adopted by the chief engineer. If the chief engineer finds the application to be insufficient to enable the chief engineer to determine the source, nature and amount of the proposed transfer, or if the application is not complete, the application shall be returned for correction or completion or for any other necessary information.

(b) The hearing officer shall commence the hearing process by giving notice of the prehearing conference not more than 14 days after the panel employs the hearing officer. Such notice shall be given by mail to the applicant, any other parties who have intervened and the appropriate commenting agencies and shall be published in the Kansas register and in at least two newspapers having general circulation in the area where the proposed point of diversion is located. The hearing officer shall hold a prehearing conference which shall commence not less than 90 and not more than 120 days after the required notice has been given and shall conclude not later than 45 days after commencement. Not less than 90 and not more than 120 days after the conclusion of the prehearing conference, the hearing officer shall commence a formal public hearing. The formal public hearing shall be held in the basin of origin and, if deemed necessary by the hearing officer, a public comment hearing shall be held in the basin of use. The formal public hearing shall conclude not later than 120 days after commencement and the initial order of the hearing officer approving or disapproving the water transfer shall be issued not later than 90 days after conclusion of the formal public hearing. The hearing officer may extend a time limit provided by this subsection, but only with the written consent of all parties or for good cause shown.

(c) Intervention in the hearing shall be in accordance with the Kansas administrative procedure act, except that any petition for intervention must be submitted and copies mailed to all parties not later than 60 days before the formal hearing.

(d) Any person shall be permitted to appear and testify at any hearing under this act upon the terms and conditions determined by the hearing officer.

(e) At intervals during or at the conclusion of the hearing, the hearing officer shall fairly and equitably assess the following costs of the hearing among the applicant and other parties: The hearing facility, the court reporter, the salary of a hearing officer who is not paid for services as a hearing officer by state funds, the travel expenses of the hearing officer and other reasonable costs associated with the hearing. The hearing officer may assess any or all anticipated costs to the applicant before the hearing and subsequently may assess other parties for the parties' fair and equitable portion of the anticipated costs assessed the applicant. Amounts assessed pursuant to this subsection shall be paid to the chief engineer. Upon receipt thereof, the chief engineer shall remit the entire amount to the state treasurer. The state treasurer shall deposit the entire amount in the state treasury and credit it to the water transfer hearing fund established by subsection (f).

(f) (1) There is hereby established in the state treasury the water transfer hearing fund.

(2) Moneys credited to the water transfer hearing fund shall be used only to pay: (A) Costs of hearings conducted pursuant to the water transfer act; (B) reimbursement of the applicant for anticipated costs assessed the applicant and subsequently assessed other parties; and (C) refunds of unused moneys assessed as anticipated costs before the hearing. Expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports, or a person designated by the director of accounts and reports pursuant to K.S.A. 75-3732 and amendments thereto, issued pursuant to vouchers approved by the chief engineer, or a person designated by the chief engineer.

(3) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the water transfer hearing fund; the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding period of time specified under this subsection; pursuant to K.S.A. 75-4210a, and amendments thereto; that is attributable to money in the water transfer hearing fund. Such amount of money shall be determined by the pooled money investment board interest earnings based on:

(A) The average daily balance of moneys in the water transfer hearing fund during the period of time specified under this subsection as certified to the board by the director of accounts and reports for the preceding month; and

(B) 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 the fifth day of the month for the preceding month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the water transfer hearing fund for the period of time specified under this subsection the net earnings rate for the pooled money investment portfolio for the preceding month.

Sec. 38. On and after July 1, 1996, K.S.A. 1995 Supp. 65-3424g is hereby amended to read as follows: 65-3424g. (a) There is hereby established in the state treasury the waste tire management fund.

(b) Money from the following sources shall be credited to the waste tire management fund:

(1) Revenue collected from the excise tax by K.S.A. 65-3424d and amendments thereto;

(2) permit application and renewal fees provided for by K.S.A. 65-3424b and amendments thereto;

(3) interest provided for by subsection (e);

(4) additional sources of funding such as reimbursements and appropriations intended to be used for the purposes of the fund;

(5) any recoveries from abatement and enforcement actions provided for by K.S.A. 65-3424k and amendments thereto;

(6) any interagency fund transfers relevant to providing business development grants for businesses engaged in recycling or utilizing waste

(continued)

tires in resource recovery programs provided for by K.S.A. 65-3424f and amendments thereto; and

(7) any other moneys provided by law.

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

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

(2) paying compensation and other expenses of employing personnel to carry out the duties of the secretary pursuant to K.S.A. 65-3424 through 65-3424h, and amendments thereto, but not more than the following shall be used for such purpose: (A) For fiscal years beginning before July 1, 2002, 16% or \$200,000, whichever amount is less, of the moneys credited to the fund during the fiscal year shall be used for such purpose preceding fiscal year; and (B) for fiscal years beginning on or after July 1, 2002, 32% or \$200,000, whichever amount is less, of the moneys credited to the fund during the preceding fiscal year; and

(3) action by the department before July 1, 2001, to abate waste tires accumulated prior to July 1, 1990, or to abate a nuisance or risk to the public health or the environment created or which could be created by waste tires accumulated after July 1, 1990, if the owner or operator of the site has not been identified or has not abated the nuisance; and

(4) action by the department after July 1, 2001, to implement interim measures to minimize nuisances or risks to public health or the environment that are or could be created by waste tire accumulations, until the responsible party or county can fully abate the site.

(e)(d) All expenditures from the waste tire management fund shall

be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary.

(e) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the waste tire management fund interest earnings based on: (1) The average daily balance of moneys in the waste tire management fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

Sec. 39. K.S.A. 12-3716, 12-3717, 12-3719, 12-3720, 32-858, 32-990, 32-992, 32-994, 34-102b, 38-1808, 49-622, 58-3066, 65-163c, 65-3322, 65-34,114, 65-34,114a, 65-34,128, 65-34,129, 74-2912, 74-5074, 74-5091, 74-8828, 75-5343, 76-743, 76-762 and 76-832 and K.S.A. 1995 Supp. 12-3718, 39-7, 123, 65-163e, 65-3024, 65-3415a, 65-3431, 65-34,114a, 65-6809, 74-5086a, 74-50,151, 75-2250, 75-2254, 75-2729, 75-3668, 76-2473 and 82a-1503 are hereby repealed.

Sec. 40. On and after July 1, 1996, K.S.A. 34-102b, as amended by section 1 of 1996 House Bill No. 2595, 65-163c, as amended by section 10 of 1996 Senate Bill No. 475, and 65-163c, as amended by section 2 of 1996 House Bill No. 2965 and K.S.A. 1995 Supp. 65-3424g, 65-3424g, as amended by section 7 of 1996 Senate Bill No. 399, 65-3431, as amended by section 16 of 1996 Senate Bill No. 475 and 65-3431, as amended by section 1 of 1996 Senate Bill No. 531, are hereby repealed.

Sec. 41. 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 1995 Supplement to the *Kansas Administrative Regulations*.

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1-1-3	Revoked	V. 15, p. 704	1-2-57	Amended	V. 15, p. 704	1-6-4	Revoked	V. 14, p. 1452
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1-2-11	Revoked	V. 14, p. 1441	1-2-75	Revoked	V. 14, p. 1443	1-6-20	Revoked	V. 14, p. 1452
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1-2-44	New	V. 14, p. 1442	1-4-2	Amended	V. 15, p. 704	1-7-5	Revoked	V. 14, p. 1458
1-2-46	Amended	V. 14, p. 1442	1-4-6	Revoked	V. 15, p. 704	1-7-6	Amended	V. 14, p. 1458
1-2-47	Revoked	V. 14, p. 1442	1-4-7	Amended	V. 14, p. 1444	1-7-10	Amended	V. 14, p. 1458
1-2-48	Amended	V. 14, p. 1442	1-5-1	Amended	V. 15, p. 704	1-7-11	Amended	V. 14, p. 1458
1-2-49	Revoked	V. 14, p. 1442	1-5-2	Revoked	V. 15, p. 704	1-7-12	Amended	V. 14, p. 1459
1-2-50	Amended	V. 14, p. 1442	1-5-3	Revoked	V. 15, p. 704	1-7-13	Revoked	V. 14, p. 1459
1-2-51	Amended	V. 14, p. 1442	1-5-4	Amended	V. 14, p. 1444	1-8-1	Revoked	V. 15, p. 709
1-2-53	Revoked	V. 15, p. 704	1-5-5	Revoked	V. 14, p. 1444	1-8-5	Amended	V. 15, p. 709
			1-5-6			1-8-6	Amended	V. 14, p. 1459
			through			1-8-7	Revoked	V. 15, p. 709
			1-5-16	Amended	V. 14, p. 1444-1447	1-9-1		
			1-5-6	Revoked	V. 15, p. 704	through		
			1-5-7	Amended	V. 15, p. 704	1-9-6	Amended	V. 14, p. 1460-1463
			1-5-12	Amended	V. 15, p. 705	1-9-7a	Amended	V. 14, p. 1464
			1-5-15	Amended	V. 15, p. 705	1-9-7b	Amended	V. 14, p. 1464
			1-15-18	Revoked	V. 14, p. 1448	1-9-7c	Amended	V. 14, p. 1465
			1-5-19b	Amended	V. 14, p. 1448	1-9-8	Amended	V. 14, p. 1465
			1-5-19c	Amended	V. 14, p. 1448	1-9-9	Revoked	V. 15, p. 709
			1-5-20	Amended	V. 14, p. 1448	1-9-12	Amended	V. 14, p. 1465
			1-5-21	Amended	V. 14, p. 1448	1-9-13	Amended	V. 14, p. 1466
			1-5-22	Amended	V. 15, p. 706	1-9-15	Revoked	V. 15, p. 709
			1-5-23	Revoked	V. 14, p. 1449	1-9-16	Revoked	V. 15, p. 709
			1-5-24	Amended	V. 15, p. 706	1-9-18	Amended	V. 14, p. 1466
			1-5-26	Amended	V. 15, p. 707	1-9-19a	Amended	V. 15, p. 709
			1-5-28	Amended	V. 14, p. 1450	1-9-22	Amended	V. 14, p. 1466
			1-5-29	Amended	V. 14, p. 1450	1-9-23	Amended	V. 15, p. 710
			1-5-30	Amended	V. 14, p. 1450	1-9-25	New	V. 14, p. 173, 484
			1-6-1	Amended	V. 14, p. 1451	1-9-26	New	V. 14, p. 175, 487

1-9-27	New	V. 15, p. 711
1-10-6	Amended	V. 15, p. 713
1-10-8	Revoked	V. 15, p. 713
1-10-9	Revoked	V. 15, p. 713
1-11-1	Amended	V. 15, p. 713
1-13-1a	Amended	V. 15, p. 713
1-13-2	Revoked	V. 15, p. 714
1-13-3	Revoked	V. 15, p. 714
1-13-4	Revoked	V. 15, p. 714
1-14-6	Revoked	V. 15, p. 714
1-14-7	Amended	V. 15, p. 714
1-14-8	Amended	V. 14, p. 1470
1-14-10	Amended	V. 15, p. 715
1-14-11	Amended	V. 15, p. 715
1-16-18	Amended	V. 14, p. 1376
1-16-18a	Amended	V. 15, p. 317
1-18-1a	Amended	V. 14, p. 971, 1018
1-21-1	Amended	V. 14, p. 1472
1-21-2	Amended	V. 14, p. 1472
1-21-4	Amended	V. 14, p. 1472
1-24-1	Amended	V. 14, p. 1472

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-25-1 through 5-25-10	Amended	V. 15, p. 410-412

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-19-4 through 7-36-1	Amended	V. 14, p. 1154
7-36-1 through 7-36-6	Amended	V. 14, p. 982, 1102

AGENCY 10: KANSAS BUREAU OF INVESTIGATION

Reg. No.	Action	Register
10-21-1 through 10-21-6	New	V. 14, p. 1630, 1631

AGENCY 11: STATE CONSERVATION COMMISSION

Reg. No.	Action	Register
11-8-1 through 11-8-8	New	V. 14, p. 629, 630

AGENCY 16: ATTORNEY GENERAL

Reg. No.	Action	Register
16-2-1	Amended	V. 15, p. 375
16-5-1	Amended	V. 15, p. 375
16-5-4	Amended	V. 15, p. 375
16-5-5	Amended	V. 15, p. 376
16-6-1	Amended	V. 15, p. 376

AGENCY 24: KANSAS WHEAT COMMISSION

Reg. No.	Action	Register
24-1-1	Amended	V. 15, p. 703

AGENCY 25: STATE GRAIN INSPECTION DEPARTMENT

Reg. No.	Action	Register
25-1-1	Revoked	V. 15, p. 138
25-3-3	Amended	V. 15, p. 138
25-4-1	Amended	V. 14, p. 676, 720

AGENCY 26: DEPARTMENT ON AGING

Reg. No.	Action	Register
26-8-1	Amended	V. 14, p. 990
26-8-4	Amended	V. 14, p. 991
26-8-8	Amended	V. 14, p. 991
26-9-1	New	V. 14, p. 884, 970

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-1-2	Amended	V. 14, p. 1740
28-1-3	Revoked	V. 14, p. 1740
28-1-4	Amended	V. 14, p. 1740
28-1-9	Revoked	V. 15, p. 550
28-1-10	Revoked	V. 15, p. 550
28-1-18	Amended	V. 14, p. 1740

28-1-19	Revoked	V. 15, p. 550
28-1-21	Revoked	V. 15, p. 550
28-1-22	Revoked	V. 15, p. 550
28-3-5	Revoked	V. 15, p. 550
28-3-6	Revoked	V. 15, p. 550
28-4-72	Revoked	V. 15, p. 551
28-4-431	Revoked	V. 15, p. 551
28-4-506	Revoked	V. 15, p. 551
28-4-507	Revoked	V. 15, p. 551
28-4-508	Revoked	V. 15, p. 551
28-4-558 through 28-4-563	Amended	V. 15, p. 490-494
28-4-567	Amended	V. 15, p. 494
28-4-570	Amended	V. 15, p. 495
28-5-8	Revoked	V. 15, p. 551
28-6-1	Revoked	V. 15, p. 551
28-6-2	Revoked	V. 15, p. 551
28-7-1 through 28-7-9	Revoked	V. 15, p. 551
28-8-1	Revoked	V. 15, p. 551
28-10-36	Revoked	V. 15, p. 551
28-10-40	Revoked	V. 15, p. 551
28-10-41	Revoked	V. 15, p. 551
28-11-1 through 28-11-6	Revoked	V. 15, p. 551
28-13-10	Revoked	V. 15, p. 551
28-13-11	Revoked	V. 15, p. 551
28-16-50 through 28-16-54	Revoked	V. 15, p. 551
28-16-65	Revoked	V. 15, p. 551
28-16-67	Revoked	V. 15, p. 551
28-17-5	Revoked	V. 15, p. 551
28-17-8	Revoked	V. 15, p. 551
28-19-7	Amended	V. 14, p. 1580
28-19-45	Revoked	V. 15, p. 183
28-19-46	Revoked	V. 15, p. 183
28-19-47	Revoked	V. 15, p. 183
28-19-83 through 28-19-96	Revoked	V. 15, p. 551
28-19-98	Revoked	V. 15, p. 551
28-19-98a	Revoked	V. 15, p. 551
28-19-99 through 28-19-108	Revoked	V. 15, p. 552
28-19-108a	Revoked	V. 15, p. 552
28-19-109	Revoked	V. 15, p. 552
28-19-119 to 28-19-121a	Revoked	V. 15, p. 552
28-19-123	Revoked	V. 15, p. 552
28-19-124	Revoked	V. 15, p. 552
28-19-125	Revoked	V. 15, p. 552
28-19-127 through 28-19-131	Revoked	V. 15, p. 552
28-19-133 through 28-19-141	Revoked	V. 15, p. 552
28-19-149 through 28-19-162	Revoked	V. 15, p. 552
28-19-202	Amended	V. 15, p. 257
28-19-511	Amended	V. 14, p. 1589
28-19-512	Amended	V. 14, p. 1591
28-19-518	Amended	V. 14, p. 1594
28-19-645	New	V. 15, p. 183
28-19-646	New	V. 15, p. 183
28-19-647	New	V. 15, p. 183
28-19-648	New	V. 15, p. 184
28-19-800	New	V. 15, p. 257
28-19-801	New	V. 15, p. 258
28-21-3	Revoked	V. 15, p. 552
28-21-90a	Revoked	V. 15, p. 552
28-21-91a	Revoked	V. 15, p. 552
28-21-91b	Revoked	V. 15, p. 552
28-21-92a	Revoked	V. 15, p. 552
28-21-93a	Revoked	V. 15, p. 552
28-21-94a	Revoked	V. 15, p. 552
28-21-96a	Revoked	V. 15, p. 552
28-21-98a	Revoked	V. 15, p. 552

28-21-99a	Revoked	V. 15, p. 552
28-21-102 through 28-21-112	Revoked	V. 15, p. 552
28-23-5	Revoked	V. 15, p. 552
28-23-8	Revoked	V. 15, p. 552
28-23-14	Revoked	V. 15, p. 552
28-23-15	Revoked	V. 15, p. 552
28-23-25	Revoked	V. 15, p. 552
28-23-33	Revoked	V. 15, p. 552
28-23-60 through 28-23-66	Revoked	V. 15, p. 552
28-23-69	Revoked	V. 15, p. 552
28-23-72	Revoked	V. 15, p. 553
28-23-74	Revoked	V. 15, p. 553
28-23-76	Revoked	V. 15, p. 553
28-23-77	Revoked	V. 15, p. 553
28-26-80 through 28-26-87	Revoked	V. 15, p. 553
28-26-90a	Revoked	V. 15, p. 553
28-28-1	Revoked	V. 15, p. 553
28-28-2	Revoked	V. 15, p. 553
28-29-1	Revoked	V. 15, p. 553
28-29-83	Revoked	V. 15, p. 553
28-29-84	Amended	V. 14, p. 992
28-29-85	Amended	V. 14, p. 992
28-29-98	Amended	V. 14, p. 91
28-31-4	Amended	V. 15, p. 297
28-31-10	Amended	V. 15, p. 301
28-33-1	Revoked	V. 15, p. 495
28-33-11	Revoked	V. 15, p. 495
28-33-12	Amended	V. 15, p. 495
28-34-11	Amended	V. 15, p. 497
28-34-62a	Amended	V. 14, p. 1659
28-37-10 through 28-37-14	Revoked	V. 15, p. 553
28-41-1 through 28-41-9	Revoked	V. 15, p. 553
28-42-1	Revoked	V. 15, p. 553
28-42-3 through 28-42-7	Revoked	V. 15, p. 553
28-42-9	Revoked	V. 15, p. 553
28-42-16	Revoked	V. 15, p. 553
28-49-1 through 28-49-8	Revoked	V. 15, p. 553

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-4-34	Amended	V. 14, p. 826
30-4-63	Amended	V. 14, p. 826
30-4-63w	Amended	V. 14, p. 827
30-4-64	Amended	V. 14, p. 828
30-4-64w	Amended	V. 14, p. 829
30-4-65w	New	V. 14, p. 830
30-4-85a	Amended	V. 15, p. 15
30-4-101	Amended	V. 14, p. 1327
30-4-120	Amended	V. 14, p. 831
30-4-120w	Amended	V. 14, p. 832
30-4-140w	Amended	V. 14, p. 833
30-5-58	Amended	V. 15, p. 188
30-5-59	Amended	V. 14, p. 168
30-5-64	Amended	V. 15, p. 194
30-5-71	Amended	V. 14, p. 988, 1017
30-5-80	Amended	V. 14, p. 1660
30-5-81u	Amended	V. 14, p. 1661
30-5-82	Amended	V. 14, p. 1661
30-5-86	Amended	V. 14, p. 1662
30-5-94	Amended	V. 14, p. 1662
30-5-95	Amended	V. 14, p. 1663
30-5-106	Amended	V. 14, p. 169
30-5-107	Amended	V. 14, p. 169
30-5-110	Amended	V. 14, p. 1663
30-5-116	Amended	V. 14, p. 920
30-5-153	New	V. 14, p. 1663
30-5-153a	New	V. 14, p. 1663
30-5-174	New	V. 14, p. 920
30-6-103	Amended	V. 14, p. 1663

(continued)

30-6-103w	Amended	V. 14, p. 1664
30-6-106	Amended	V. 14, p. 1665
30-6-106w	Amended	V. 14, p. 1666
30-6-111	Amended	V. 14, p. 833
30-6-111w	Amended	V. 14, p. 834
30-10-1a	Amended	V. 14, p. 1668
30-10-1b	Amended	V. 14, p. 1671
30-10-2	Amended	V. 14, p. 1671
30-10-15a	Amended	V. 14, p. 1672
30-10-17	Amended	V. 14, p. 1673
30-10-18	Amended	V. 14, p. 1675
30-10-19	Amended	V. 14, p. 1677
30-10-20	Amended	V. 14, p. 169
30-10-23a	Amended	V. 14, p. 1677
30-10-23b	Amended	V. 14, p. 1678
30-10-24	Amended	V. 14, p. 1678
30-10-25	Amended	V. 14, p. 1680
30-10-27	Amended	V. 14, p. 1680
30-10-29	Amended	V. 14, p. 1681
30-10-218	Amended	V. 15, p. 550
30-23-1	Revoked	V. 14, p. 1682
30-23-3	Revoked	V. 14, p. 1682
30-23-6 through		
30-23-15	Revoked	V. 14, p. 1682
30-23-17	Revoked	V. 14, p. 1682
30-26-5	Revoked	V. 14, p. 1682
30-26-6	Revoked	V. 14, p. 1682
30-44-4	New	V. 14, p. 921

AGENCY 37: KANSAS HIGHWAY PATROL

Reg. No.	Action	Register
37-1-1		
through		
37-1-5	Revoked	V. 14, p. 1633
37-1-5a	Revoked	V. 14, p. 1633
37-1-6		
through		
37-1-12	Revoked	V. 14, p. 1633

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-4-17	Amended	V. 15, p. 77
40-4-35	Amended	V. 15, p. 622
40-4-37	Amended	V. 15, p. 77
40-4-37d	Amended	V. 15, p. 78
40-4-41	New	V. 14, p. 583, 624
40-4-41a through		
40-4-41g	New	V. 14, p. 584-587 625-628
40-5-109	Amended	V. 15, p. 78

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

Reg. No.	Action	Register
51-9-7	Amended	V. 15, p. 345

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-11-108	Amended	V. 15, p. 115
60-11-109	Revoked	V. 15, p. 115
60-11-112	Revoked	V. 15, p. 115
60-11-114	Revoked	V. 15, p. 115
60-11-117	Revoked	V. 15, p. 115
60-12-106	Amended	V. 15, p. 115
60-12-109	Revoked	V. 15, p. 116
60-13-112	Amended	V. 15, p. 116
60-13-115	Revoked	V. 15, p. 116

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-2	Revoked	V. 14, p. 1439
63-1-3	Amended	V. 14, p. 202
63-2-2	Revoked	V. 14, p. 1439
63-2-3	Amended	V. 14, p. 202
63-2-10	Amended	V. 14, p. 1439
63-2-12	Amended	V. 14, p. 203
63-2-13	Amended	V. 14, p. 1439
63-3-9	Amended	V. 14, p. 1439
63-3-12	Amended	V. 14, p. 1439
63-3-13	Amended	V. 14, p. 1439
63-3-14	Revoked	V. 14, p. 1439

63-3-15	Amended	V. 14, p. 1439
63-3-16	Amended	V. 14, p. 1439
63-3-19	Amended	V. 14, p. 1439
63-4-1	Amended	V. 14, p. 1440
63-5-1	Amended	V. 14, p. 1440
63-5-2	Revoked	V. 14, p. 1440
63-6-1	Amended	V. 14, p. 203
63-6-2	Amended	V. 14, p. 203
63-6-3	Amended	V. 14, p. 204
63-6-4	Revoked	V. 14, p. 1440
63-6-5	Amended	V. 14, p. 1440

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-1	Amended	V. 15, p. 184
66-6-6	Amended	V. 15, p. 185
66-7-3	Amended	V. 15, p. 185
66-8-1	Amended	V. 15, p. 185
66-10-1	Amended	V. 15, p. 185
66-12-1	Amended	V. 15, p. 185
66-14-1 through 66-14-12	New	V. 15, p. 186, 187

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
68-14-1	Amended	V. 14, p. 126
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
69-1-1	Amended	V. 15, p. 292
69-1-2	Amended	V. 15, p. 292
69-1-3	Revoked	V. 15, p. 292
69-1-4	Amended	V. 15, p. 292
69-1-7	Revoked	V. 15, p. 293
69-1-8	Amended	V. 15, p. 293
69-2-1	Revoked	V. 15, p. 293
69-3-1	Amended	V. 15, p. 293
69-3-2	Revoked	V. 15, p. 293
69-3-3	Amended	V. 15, p. 293
69-3-4	Amended	V. 15, p. 294
69-3-5	Revoked	V. 15, p. 294
69-3-6	Amended	V. 15, p. 294
69-3-7	Amended	V. 15, p. 294
69-3-9	Amended	V. 15, p. 294
69-3-10	Revoked	V. 15, p. 294
69-3-11	Revoked	V. 15, p. 294
69-3-17	Revoked	V. 15, p. 294
69-3-19	Revoked	V. 15, p. 294
69-3-22		
through		
69-3-25	Revoked	V. 15, p. 294
69-3-26	New	V. 15, p. 294
69-3-27	New	V. 15, p. 294
69-3-28	New	V. 15, p. 294
69-4-2	Amended	V. 15, p. 294
69-4-6	Revoked	V. 15, p. 295
69-4-9	Amended	V. 15, p. 295
69-4-11	Revoked	V. 15, p. 295
69-4-12	Amended	V. 15, p. 295
69-5-2	Revoked	V. 15, p. 295
69-5-6	Amended	V. 15, p. 295
69-5-10	Revoked	V. 15, p. 295
69-5-13	Revoked	V. 15, p. 295
69-5-14	New	V. 15, p. 295
69-5-15	New	V. 15, p. 295
69-5-16	New	V. 15, p. 295
69-6-1	Revoked	V. 15, p. 295
69-6-2	Amended	V. 15, p. 295
69-6-5	Amended	V. 15, p. 295

69-6-6	Revoked	V. 15, p. 296
69-6-7	Amended	V. 15, p. 296
69-8-2	Revoked	V. 15, p. 296
69-8-3	Revoked	V. 15, p. 296
69-8-4	Revoked	V. 15, p. 296
69-8-6	Revoked	V. 15, p. 296
69-11-1	Amended	V. 15, p. 296
69-11-2	Amended	V. 15, p. 296
69-13-1	Amended	V. 15, p. 296
69-13-2	Amended	V. 15, p. 296

AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS

Reg. No.	Action	Register
70-3-1	Amended	V. 14, p. 90
70-3-2	Amended	V. 14, p. 90
70-3-4	Revoked	V. 14, p. 90

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-1-13	Revoked	V. 14, p. 68
71-5-1		
through		
71-5-6	New	V. 14, p. 1533, 1534

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-1-3	Amended	V. 14, p. 1736
74-4-1	Amended	V. 14, p. 1736
74-4-4	Amended	V. 14, p. 1736
74-4-5	Revoked	V. 14, p. 1736
74-4-6	Revoked	V. 14, p. 1736
74-5-2	Amended	V. 14, p. 1736
74-5-103	Amended	V. 14, p. 1737
74-5-202	Amended	V. 14, p. 1738
74-5-203	Amended	V. 14, p. 1738
74-5-406	Amended	V. 14, p. 1738
74-6-1	Amended	V. 14, p. 1739
74-6-2	Amended	V. 14, p. 1739
74-7-2	Amended	V. 14, p. 1739
74-8-2	Revoked	V. 14, p. 1739
74-8-5	Revoked	V. 14, p. 1739
74-13-1	Revoked	V. 14, p. 1739
74-13-2	Revoked	V. 14, p. 1739
74-14-1	Revoked	V. 14, p. 1739
74-14-2	Revoked	V. 14, p. 1739

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-1-1	Amended	V. 15, p. 697
81-2-1	Amended	V. 15, p. 698
81-3-1	Amended	V. 15, p. 698
81-3-4	Revoked	V. 15, p. 700
81-4-1	Amended	V. 15, p. 700
81-5-1	Revoked	V. 15, p. 701
81-5-2	Revoked	V. 15, p. 701
81-5-3	Amended	V. 15, p. 701
81-5-4	Amended	V. 15, p. 701
81-5-7	Amended	V. 15, p. 701
81-5-9	Amended	V. 15, p. 702
81-5-12	New	V. 14, p. 287
81-6-1	Amended	V. 15, p. 702
81-7-2	Amended	V. 15, p. 703
81-8-1	Revoked	V. 15, p. 703
81-9-1	Revoked	V. 15, p. 703
81-13-1	Revoked	V. 15, p. 703

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-3-101	Amended	V. 14, p. 129
82-3-103	Amended	V. 14, p. 132
82-3-106	Amended	V. 14, p. 133
82-3-115	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
82-3-300	Amended	V. 14, p. 137
82-5-13	Amended	V. 14, p. 1047
82-8-100 through		
82-8-108	Revoked	V. 14, p. 1047
82-12-1 through		
82-12-9	New	V. 14, p. 1048, 1049

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-5	Amended	V. 15, p. 598
86-1-10	Amended	V. 14, p. 1495
86-1-11	Amended	V. 14, p. 1660
86-1-12	Amended	V. 14, p. 1496
86-1-13	Amended	V. 14, p. 1497
86-1-15	Amended	V. 14, p. 1497
86-1-17	New	V. 14, p. 1497
86-1-18	New	V. 14, p. 1498
86-2-4	Revoked	V. 14, p. 1660
86-2-6	Revoked	V. 14, p. 1660
86-3-25	New	V. 14, p. 1498

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-30	Amended	V. 14, p. 1704
91-1-34	Amended	V. 14, p. 1705
91-1-35	Amended	V. 14, p. 1705
91-1-36	Revoked	V. 14, p. 1706
91-1-44	Amended	V. 14, p. 1706
91-1-45	Amended	V. 14, p. 1706
91-1-46	Amended	V. 14, p. 1706
91-1-48	Amended	V. 14, p. 1706
91-1-68a	through	
91-1-68d	Amended	V. 14, p. 677-680
91-1-68e	New	V. 14, p. 681
91-1-70a	New	V. 14, p. 682
91-1-70b	New	V. 14, p. 682
91-1-103	Revoked	V. 14, p. 1707
91-1-113b	Amended	V. 14, p. 1707
91-1-114a	Amended	V. 14, p. 1707
91-1-115a	Amended	V. 14, p. 1707
91-1-117a	Amended	V. 14, p. 1708
91-1-118a	Amended	V. 14, p. 1708
91-1-123	Revoked	V. 14, p. 1708
91-1-127a	Amended	V. 14, p. 1708
91-1-128a	Revoked	V. 14, p. 1708
91-1-145	Amended	V. 14, p. 1709
91-1-146d	Amended	V. 14, p. 1709
91-12-22	Amended	V. 15, p. 226
91-12-23	Amended	V. 14, p. 91
91-12-25	Amended	V. 14, p. 91
91-12-29	Revoked	V. 14, p. 92
91-12-34	Revoked	V. 14, p. 92
91-12-35	Amended	V. 14, p. 92
91-12-41	Amended	V. 14, p. 92
91-12-42	Amended	V. 14, p. 93
91-12-51	Amended	V. 14, p. 94
91-12-54	Amended	V. 14, p. 94
91-12-55	Amended	V. 15, p. 230
91-12-56	Amended	V. 14, p. 94
91-12-60	Amended	V. 14, p. 95
91-12-61	Amended	V. 15, p. 230
91-12-74	New	V. 14, p. 95

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-38-1	Amended	V. 14, p. 676

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-1	Amended	V. 14, p. 1014
102-1-4	Amended	V. 14, p. 488
102-1-5	Amended	V. 14, p. 488
102-1-10	Amended	V. 14, p. 1015
102-1-13	Amended	V. 14, p. 1016
102-2-3	Amended	V. 14, p. 1016
102-3-2	Amended	V. 14, p. 1016
102-4-1	Amended	V. 14, p. 489
102-4-2	Amended	V. 14, p. 1016
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
102-5-2	Amended	V. 14, p. 1016
102-6-1	New	V. 14, p. 796
102-6-2	New	V. 14, p. 797
102-6-4	New	V. 14, p. 797
102-6-5	New	V. 14, p. 797
102-6-8	New	V. 14, p. 798

102-6-9	New	V. 14, p. 798
102-6-10	New	V. 14, p. 798
102-6-11	New	V. 14, p. 799
102-6-12	New	V. 14, p. 799

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-8-1	Amended	V. 14, p. 1710
109-10-1	Amended	V. 14, p. 1242

AGENCY 111: 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	through	
111-2-2e	New	V. 14, p. 1633, 1634
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. 14, p. 1634
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	Revoked	V. 14, p. 972
111-2-28	New	V. 12, p. 1844
111-2-29	Revoked	V. 14, p. 972
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	Amended	V. 14, p. 1741
111-2-34	Amended	V. 14, p. 722
111-2-35	New	V. 14, p. 796
111-2-36	New	V. 14, p. 908
111-2-37	New	V. 14, p. 1094
111-2-38	New	V. 14, p. 1741
111-2-39	New	V. 14, p. 1502
111-2-40	New	V. 14, p. 1502
111-2-41	New	V. 14, p. 1742
111-2-42	New	V. 14, p. 1742
111-2-43	New	V. 15, p. 287
111-2-44	New	V. 15, p. 288
111-2-45	New	V. 15, p. 288
111-2-46	New	V. 15, p. 624
111-3-1	Amended	V. 14, p. 908
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. 14, p. 909
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. 14, p. 972
111-4-101	Amended	V. 14, p. 972
111-4-102	Amended	V. 12, p. 1114
111-4-103	Amended	V. 10, p. 1211
111-4-104	Amended	V. 14, p. 972
111-4-105	Amended	V. 14, p. 972
111-4-106	Amended	V. 14, p. 973
111-4-106a	Amended	V. 14, p. 974
111-4-107	Amended	V. 11, p. 978
111-4-108	Amended	V. 14, p. 974
111-4-110	Amended	V. 11, p. 978
111-4-111	Amended	V. 9, p. 1366
111-4-112	Amended	V. 14, p. 974
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

(continued)

111-6-7a	New	V. 12, p. 1118
111-6-8	Revoked	V. 12, p. 1263
111-6-9	Revoked	V. 14, p. 313
111-6-11	Revoked	V. 12, p. 1376
111-6-12	Amended	V. 8, p. 212
111-6-13	Amended	V. 8, p. 299
111-6-15	Amended	V. 12, p. 677
111-6-17	Revoked	V. 10, p. 1475
111-6-18	New	V. 13, p. 150
111-6-19	New	V. 13, p. 340
111-6-20	New	V. 13, p. 340
111-6-21	New	V. 13, p. 881
111-6-22	New	V. 13, p. 881
111-6-23	New	V. 13, p. 881
111-7-1		
through		
111-7-10	New	V. 7, p. 1192, 1193
111-7-1	Amended	V. 8, p. 212
111-7-3	Amended	V. 11, p. 1796
111-7-3a	Revoked	V. 13, p. 340
111-7-4	Amended	V. 9, p. 1367
111-7-5	Amended	V. 9, p. 986
111-7-6	Amended	V. 9, p. 987
111-7-9	Amended	V. 12, p. 1263
111-7-11	Amended	V. 10, p. 1475
111-7-12a		
through		
111-7-32	New	V. 7, p. 1194-1196
111-7-33		
through		
111-7-43	New	V. 7, p. 1197, 1198
111-7-33a	New	V. 8, p. 300
111-7-44		
through		
111-7-54	Revoked	V. 13, p. 340
111-7-46	Amended	V. 11, p. 1152
111-7-54	Amended	V. 11, p. 1511
111-7-55		
through		
111-7-63	Revoked	V. 10, p. 1217
111-7-60	Amended	V. 10, p. 262
111-7-64		
through		
111-7-75	New	V. 11, p. 13, 14
111-7-66	Amended	V. 14, p. 1742
111-7-66a	Revoked	V. 13, p. 340
111-7-76		
through		
111-7-78	New	V. 11, p. 1478-1480
111-7-79	Revoked	V. 13, p. 340
111-7-80		
through		
111-7-83	New	V. 11, p. 1478-1480
111-7-81	Amended	V. 14, p. 1743

111-7-84		
through		
111-7-93	Revoked	V. 15, p. 291
111-7-94	Revoked	V. 13, p. 340
111-7-95		
through		
111-7-118	Revoked	V. 15, p. 291, 292
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
112-3-16	Amended	V. 14, p. 751
112-3-17	Amended	V. 15, p. 182
112-3-19	Amended	V. 15, p. 222
112-4-1	Amended	V. 15, p. 223
112-4-4a	New	V. 15, p. 182
112-5-2	Amended	V. 15, p. 224

112-6-2	Amended	V. 15, p. 224
112-9-1	Amended	V. 14, p. 751
112-9-21a	Amended	V. 14, p. 751
112-10-35	Amended	V. 15, p. 599
112-10-38	New	V. 14, p. 1632
112-12-10	Amended	V. 14, p. 1102
112-12-14	Amended	V. 14, p. 1632
112-16-14	Amended	V. 14, p. 1633
112-17-1		
through		
112-17-13	Amended	V. 14, p. 752-756
112-17-15	Amended	V. 14, p. 756

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 14, p. 949
115-2-2	Amended	V. 14, p. 949
115-2-3	Amended	V. 14, p. 950
115-2-5	New	V. 15, p. 232
115-4-1	Amended	V. 15, p. 546
115-4-3	Amended	V. 15, p. 547
115-4-5	Amended	V. 15, p. 548
115-4-6	Amended	V. 14, p. 495
115-4-7	Amended	V. 15, p. 549
115-4-8	Amended	V. 14, p. 498
115-18-6	New	V. 14, p. 950
115-18-14	Amended	V. 14, p. 1244
115-20-1	Amended	V. 14, p. 123
115-30-3	Amended	V. 14, p. 123
115-30-11	New	V. 14, p. 950

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-1-1	Amended	V. 15, p. 489
117-2-2	Amended	V. 14, p. 533
117-3-2	Amended	V. 14, p. 534
117-4-2	Amended	V. 14, p. 534
117-6-3	Amended	V. 15, p. 489
117-8-1	Amended	V. 15, p. 490

AGENCY 121: DEPARTMENT OF CREDIT UNIONS

Reg. No.	Action	Register
121-1-1	New	V. 14, p. 1214

AGENCY 122: POOLED MONEY INVESTMENT BOARD

Reg. No.	Action	Register
122-1-1	New	V. 14, p. 1126, 1499
122-2-1	New	V. 14, p. 1126, 1499
122-2-2	New	V. 14, p. 1126, 1499
122-3-1		
through		
122-3-10	New	V. 14, p. 1127, 1128
122-4-1	New	1499-1501
122-5-1	New	V. 14, p. 1128, 1501

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