

Kansas Register

Ron Thornburgh, Secretary of State

Vol. 16, No. 15

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Pages 523-558

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Legislature

Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were recently introduced by the 1997 Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, 300 S.W. 10th Ave., Topeka, 66612, (913) 296-4096.

Bills/Resolutions introduced March 27-April 2:

House Bills

HB 2572, An act abolishing the Kansas sentencing commission; amending K.S.A. 21-4605, 21-4703, 21-4721, 21-4724, 21-4727, 22-4701, as amended by section 27 of chapter 229 of the 1996 Session Laws of Kansas, and 46-1210, K.S.A. 1995 Supp. 74-9501, as amended by section 127 of chapter 229 of the 1996 Session Laws of Kansas, and K.S.A. 1996 Supp. 21-4619, 21-4714, 22-3426, 22-3426a and 22-3439 and repealing the existing sections; also repealing K.S.A. 21-4725, 74-9102, 74-9103, 74-9104 and 74-9105 and K.S.A. 1996 Supp. 21-4619b, 74-9101 and 74-9106, by Committee on Appropriations.

HB 2573, An act relating to sales taxation; exempting purchases of certain motion picture and television production companies therefrom; amending K.S.A. 1996 Supp. 79-3606 and repealing the existing section, Committee on Appropriations.

Senate Bills

SB 385, An act concerning the state board of regents; relating to the scope of certain comprehensive rehabilitation and repair capital improvement projects for state educational institutions; amending section 13 of chapter 259 of the 1996 Session Laws of Kansas and repealing the existing section, by Committee on Ways and Means.

SB 386, An act concerning insurance; relating to increased coverage for treatment of diabetes; amending K.S.A. 1996 Supp. 40-1909 and 40-1909 and repealing the existing sections; also repealing K.S.A. 40-1909, as amended by section 110 of chapter 229 of the 1996 Session Laws of Kansas, and K.S.A. 1996 Supp. 40-1909, as amended by section 113 of chapter 229 of the 1996 Session Laws of Kansas, Committee on Ways and Means.

SB 387, An act concerning the state workplace health and safety program; relating to implementation and administration of the program; amending K.S.A. 44-575 and repealing the existing section, by Committee on Ways and Means.

Senate Concurrent Resolutions

SCR 1612, A concurrent resolution memorializing Congress to cease the usurpation of the constitutionally protected powers of the States; to cease imposing federal mandates; and to reconsider the many areas mandated by the recent federal legislation related to child support enforcement that are unconstitutional.

Senate Resolutions

SR 1838, A resolution congratulating and commending Eddie Dreger. SR 1839, A resolution congratulating and commending the Santa Fe Trail High School boys' basketball team and Coach Brian Luther for winning the 1997 Class 4A State Basketball Championship in Kansas.

SR 1840, A resolution designating April 19, 1997, as March for Parks Day in Wyandotte County.

SR 1841, A resolution congratulating and commending Robert L. Scott.

SR 1842, A resolution congratulating and commending the Kansas Master Teachers for 1997.

SR 1843, A resolution congratulating and commending the recipients of the 1995 Milken Family Foundation National Educator Awards for the State of Kansas.

Doc. No. 018931

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Register Office: Room 233-N, State Capitol (913) 296-3489 Fax (913) 291-3051

Statewide Independent Living Council

Notice of Meeting

The Statewide Independent Living Council of Kansas, Inc. will meet at 10 a.m. Friday, April 18, at the Topeka Independent Living Resource Center, 501 S.W. Jackson, Topeka. For further information, contact Shannon Jones at (913) 234-6990 (Voice/TDD).

Shannon Jones Executive Director

Doc. No. 018937

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 operating permit. Andrews Asphalt & Construction, Inc. has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of particulate matter less than 10 micrometers (PM-10) were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Andrews Asphalt & Construction, Inc., Topeka, owns and operates a hot-mix asphalt facility located at 2530

N.W. Menoken Road, Topeka.

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 KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the Shawnee County Health Agency, 1615 W. 8th, Topeka. To obtain or review the proposed permit and supporting documentation, contact Cheryl Evans, (913) 296-6438, at the KDHE central office, or Shane Burnett, (913) 295-3650, at the Shawnee County Health Agency. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Cheryl Evans, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. Written comments must be received by the close of business May 12 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 for the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business May 12 in order for the Secretary of Health and Environment to consider the request.

James J. O'Connell Secretary of Health and Environment State of Kansas

Social and Rehabilitation Services

Request for Comments

The draft Social Service Block Grant (SSBG) State Plan for fiscal year 1998 is in the public comment period until May 9. Copies of the draft plan will be available for review at each of the 12 SRS area offices throughout Kansas.

Comments concerning the draft plan are to be submitted by May 9 to the Kansas Department of Social and Rehabilitation Services, Office of the Secretary, 6th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. Copies of the draft plan also are available upon written request to the same address.

The SSBG State Plan is scheduled to be adopted by the Secretary of Social and Rehabilitation Services at the June 3 SRS open meeting. For further information, contact Joan

Lewerenz at (913) 296-6805.

Rochelle Chronister Secretary of Social and Rehabilitation Services

Doc. No. 018950

State of Kansas

Department of Human Resources

Notice of Public Forum

In an effort to provide convenient and useful career services to America's workers and employers, the U.S. Department of Labor will offer grants to states to develop locally driven one-stop career centers. One-stop career centers will offer employment services, including access to education and training, through a single delivery system. Services include labor exchange functions, Job Training Partnership Act (JTPA) programs, veterans services, welfare to work, vocational rehabilitation, adult education, and Internet and other on-line services. The One-Stop goal is to make recruitment, and the training and hiring process, easier and more efficient for both job seekers and employers.

A One-Stop Career Center Public Planning Workshop will be from 8 a.m. to noon Thursday, April 17, at Hay and Forage Industries, 420 W. Lincoln Road, Hesston Participants in this public forum will assist in the planning phase of a One-Stop Career Center Model for Kansas. To RSVP, please call the Harvey County Jobs Devel-

opment Council at (316) 283-6033.

This public planning forum is the result of a partnership among the Kansas Departments of Human Resources, Social and Rehabilitation Services, Commerce and Housing, Education and the Kansas Workforce Investment Partnership to seek federal grant funds for the State of Kansas to establish locally-driven one-stop career centers throughout the state.

> Wayne L. Franklin Secretary of Human Resources

Doc. No. 018958

Ooc. No. 018945

Kansas Judicial Council

Notice of Meetings

The Kansas Judicial Council and its advisory committees will meet according to the following schedule at the Kansas Judicial Center, Room 259, 301 W. 10th, Topeka:

Date	Committee	Time
April 14	Eminent Domain	9:30 a.m.
April 25	Criminal Law	9:30 a.m.
May 2	Civil-Chapter 61	9:30 a.m.
May 16	Judicial Council	9:00 a.m.

Justice Tyler C. Lockett Chair

Doc. No. 018934

State of Kansas

Department of Credit Unions

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 10 a.m. Wednesday, June 11, in the Kansas Department of Credit Unions' conference room, Suite B, American Home Life Insurance Company Building, 400 Kansas Ave., Topeka, to consider the adoption of proposed temporary and permanent rules and regulations by the administrator of the Kansas Department of Credit Unions. Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting John P. Smith, Administrator, Kansas Department of Credit Unions, at (913) 296-3021.

K.A.R. 121-5-1 and 121-5-2 are authorized by and implement K.S.A. 17-2206(d). The proposed regulations prescribe a method for the administrator to deem a credit union to be in a deteriorating condition, provide for notice to the credit union of the existence of the condition, and allow the credit union to provide information or a plan of corrective action for the administrator to review prior to making a determination of deteriorating condition. The regulation is not mandated by federal law.

The regulations may impose additional costs on the few credit unions that are identified by the department as being in a deteriorating condition. These costs will be incurred for additional reporting and responding to the notice of deteriorating condition and correcting the situation. The benefit of early intervention by the department and the possible prevention of these credit unions from becoming insolvent should outweigh these costs.

This 60-day notice of public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. Comments may be submitted prior to the hearing to John P. Smith, Administrator, Kansas Department of Credit Unions, 400 Kansas Ave., Suite B, Topeka, 66603.

All interested parties will be given a reasonable opportunity at the hearing to present their views. Any person

requiring visual or communication aid or assistance, building access assistance or similar assistance should contact this office so appropriate arrangements can be made

Copies of the regulations and their fiscal impact statement may be obtained at the address above or by calling (913) 296-3021.

John P. Smith Administrator

Doc. No. 018952

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Woolsey Petroleum Corporation has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to install three natural gas compressors, one hot oil heater, one catalytic converter and a reboiler to process natural gas. Emissions of oxides of nitrogen, carbon monoxide and hydrocarbons were evaluated during the permit review process.

Woolsey Petroleum Corporation, Wichita, owns and operates the stationary source located at S26-T32S-R12W in Barber County, at which the natural gas processing

plant is to be constructed.

A copy of the proposed permit, permit application, all supporting nonconfidential documentation and all information relied upon during review of the permit application is available for public inspection during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE southwest district office, 302 W. McArtor Road, Dodge City. To obtain or review the proposed permit and supporting documentation, contact Daizy Dandass, (913) 296-6427, at the KDHE central office, or Wayne Neese, (316) 225-0596, at the KDHE southwest district office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Daizy Dandass, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. Written comments must be received by the close of business May 12 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, not later than the close of business May 12 in order for the Secretary of Health and Environment to consider the request.

James J. O'Connell Secretary of Health and Environmen

Pooled Money Investment Board

Notice of Meeting

The Pooled Money Investment Board will meet at 3 p.m. Monday, April 14, in Room 107 of the Landon State Office Building, 900 S.W. Jackson, Topeka. All meetings of the board are open to the public. For more information, contact Diane Gates at (913) 296-3372.

William E. Lewis Chairman

Doc. No. 018948

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 operating permit. Delta Sand, Inc. has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of particulate matter less than 10 micrometers (PM-10) were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Delta Sand, Inc., Oxford, owns and operates a portable

hot-mix asphalt facility.

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 KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE south central district office, 130 S. Market, sixth floor, Wichita. To obtain or review the proposed permit and supporting documentation, contact Cheryl Evans, (913) 296-6438, at the KDHE central office, or David Butler, (316) 337-6020, at the KDHE south central district office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Cheryl Evans, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. Written comments must be received by the close of business May 12 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 for the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business May 12 in order for the Secretary of Health and Environment to consider the request.

James J. O'Connell Secretary of Health and Environment State of Kansas

State Fair Board

Notice of Meeting

The State Fair Board will meet at 11:30 a.m. Tuesday, April 15, in the board room of the Administration Office on the fairgrounds in Hutchinson. For further information, contact Deana Novak at (316) 669-3612.

Deana Novak Public Service Administrator

Doc. No. 018956

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 operating permit. BFI Medical Waste Systems, Inc. has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of a single hazardous air pollutant, hydrogen chloride, was evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for this pollutant to below major source thresholds.

Browning-Ferris Industries, Inc., Houston, Texas, owns and operates the medical waste incinerator located at

3150 N. 7th, Kansas City, Kansas.

A copy of the proposed permit, permit application, all supporting nonconfidential documentation and all information relied upon during the permit review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the Wyandotte County Health Department, Department of Air Quality, 619 Ann Ave., Kansas City. To obtain or review the proposed permit and supporting documentation, contact Michael E. Lewis, (913) 573-6700, at the Wyandotte County Health Department, or Connie Carreno, (913) 296-6422, at the KDHE. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Michael E. Lewis, Wyandotte County Health Department, Department of Air Quality, 619 Ann Ave., Kansas City, KS 66101. Written comments must be received by the close of business May 12 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 for the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business May 12 in order for the Secretary of Health and Environment to consider the request.

James J. O'Connell Secretary of Health and Environment

Doc. No. 018947

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 1996 Supp. 75-4210. These rates and their uses are defined in K.S.A. 1996 Supp. 12-1675(b)(c)(d), and K.S.A. 1996 Supp. 75-4201(l) and 75-4209(a)(1)(B).

Effective 4-14-97 through 4-20-97

Term	Rate	
0-90 days	5.75%	ř:
3 months	5.52%	ú
6 months	5.79%	
9 months	5.98%	
12 months	6.08%	
18 months	6.34%	
24 months	6.48%	
36 months	6.63%	٠.
48 months	6.73%	

William E. Lewis Chairman

Doc. No. 018930

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Wittwer Paving, Inc. has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to construct a concrete plant. Emissions of oxides of nitrogen, carbon monoxide, particulate matter, particulate matter equal to or less than 10 microns in size, and hydrocarbons were evaluated during the permit review process.

Wittwer Paving, Inc., Wichita, owns and operates the stationary source located at 1800 N. and 150 E. of SW Corner of S5-T21S-R5E in Marion County, at which the

concrete plant is to be constructed.

A copy of the proposed permit, permit application, all supporting nonconfidential documentation and all information relied upon during the review of the permit application is available for public inspection during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE north central district office, 2501 Market, Salina. To obtain or review the proposed permit and supporting documentation, contact Daizy Dandass, (913) 296-6427, at the KDHE central office, or Beth Rowlands, (913) 827-9639, at the KDHE north central district office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Daizy Dandass, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. Written comments must be received by the close of business May 12 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 for the basis for the request. The written request must be submitted to Conni Carreno, Bureau of Air and Radiation, not later than the close of business May 12 in order for the Secretary of Health and Environment to consider the request.

James J. O'Connell Secretary of Health and Environment

Doc. No. 018946

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 operating permit. The City of Colby has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of oxides of nitrogen, carbon monoxide, sulfur dioxide and volatile organic compounds were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

The City of Colby owns and operates a municipal

power plant located at 120 N. Sterling, Colby.

A copy of the proposed permit, permit application, all supporting nonconfidential documentation and all infoi mation relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE northwest district office, 2301 E. 13th, Hays. To obtain or review the proposed permit and supporting documentation, contact Rick Bolfing, (913) 296-1576, at the KDHE central office, or Richard Robinson, (913) 625-5663, at the KDHE northwest district office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Rick Bolfing, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. Written comments must be received by the close of business May 12 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, not later than the close of business May 12 in order for the Secretary of Health and Environment to consider the request.

James J. O'Connell Secretary of Health and Environment

Department of Administration

Public Notice

Under requirements of K.S.A. 1996 Supp. 65-34,117(c), records of the Division of Accounts and Reports show the unobligated balances are \$1,863,438.38 in the underground petroleum storage tank release trust fund and \$969,099.58 in the aboveground petroleum storage tank release trust fund at March 31, 1997.

> Daniel R. Stanley Secretary of Administration

Doc. No. 018943

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 operating permit. Topeka Metal Specialties, Inc. has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) were evaluated during the permit review process. The purpose of a Class II permit is to limit the potentialto-emit for these pollutants to below major source thresh-

Topeka Metal Specialties, Inc. owns and operates a sheet metal part, cab and manlift facility located at 5600

Topeka Blvd., Topeka.

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 KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the Shawnee County Health Agency, 1615 W. 8th, Topeka. To obtain or review the proposed permit and supporting documentation, contact David A. Peter, (913) 296-1615, at the KDHE central office, or Shane Burnett, (913) 368-3650, at the Shawnee County Health Agency. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to David A. Peter, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. Written comments must be received by the close of business May 12 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, not later than the close of business May 12 in order for the Secretary of Health and Environment to consider the request.

> James J. O'Connell Secretary of Health and Environment

State of Kansas

Department of Transportation

Request for Proposals

The Kansas Department of Transportation is seeking to use its right-of-way for the building of fiber optic infrastructure, providing the agency with means for meeting current and future Intelligent Transportation System (ITS) needs. The goal of the project is to obtain a fiber optic infrastructure that can be used to support the various aspects of ITS deployments within the state.

KDOT is offering access-controlled right-of-way to interested companies with the intention of allowing these companies to install and operate fiber optic networks along the right-of-way in exchange for dedicated channel capacity, fiber optic services and infrastructure compo-

nents to support ITS deployment.

A copy of KDOT's Fiber Optic Infrastructure System Proposal will be available on or about April 24 and may be requested via mail, fax or phone to the KDOT Bureau of Construction and Maintenance, 8th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568, (913) 296-3576, fax (913) 296-6944. Please refer to the Fiber Optic Proposal when making your request. Bids are due June 19.

Contact Mick Halter, KDOT Kansas City Metro Engineer, at (913) 677-5963, or Matthew Volz, ITS Coordinator for KDOT, at (913) 296-6356, for more information.

> E. Dean Carlson Secretary of Transportation

Doc. No. 018935

State of Kansas

Secretary of State

Notice of Corporations Forfeited

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of Kansas and the authority of the following foreign corporations authorized to do business in Kansas were forfeited during the month of March 1997 for failure to timely file an annual report and pay the annual franchise tax as required by the Kansas general corporation codé:

Domestic Corporations

ADRDA-Greater Kansas City Area Alzheimer's Disease and Related Disorders Association, Inc.,

Prairie Village, KS.

Ace of Clubs, Inc., Wichita, KS.

Alcohol and Drug Associated Services, Inc., Winfield, KS.

Allway Transportation Co., Shawnee Mission, KS. Alpha Phi Society of Lawrence, Kansas, a Corporation,

Kansas City, MO. Alpine Petroleum, Inc., Wichita, KS.

American Oil Ideas, Inc., Summerland, CA.

Auto Parts of Eastboro, Inc., Topeka, KS.

Auto Parts of Sedalia, Inc., Topeka, KS.

(continued)

Automatic Transmission Company, Shawnee Mission, KS. Bazin Excavating, Inc., Overland Park, KS. Best Loads Co., Kansas City, MO. Buffalo Printing, Inc., Topeka, KS. Casey-Matt, Inc., Overland Park, KS.

Chemicals Consolidated, Inc., El Dorado, KS.

Chi Omega Fraternity, Manhattan, KS.

College Heights Church of the Nazarene, Dodge City, KS.

Custom Programming, Inc., Shawnee Mission, KS.

Danny's Restaurant, Inc., Spring Hill, KS.

Delaware Region Foundation, Phillispburg, KS.

Delta Phi Housing Corp., Topeka, KS.

Delta Theta of Alpha Tau Omega, Manhattan, KS.

Eastern Kansas Estate Planning Council, Inc., Overland Park, KS.

Edi, Inc., Lenexa, KS.

Educational Software Concepts, Inc., Edwardsville, KS.

Emporia Christian School, Inc., Emporia, KS.

Fdisk, Inc., Lawrence, KS.

First Church of the Nazarene, Inc., Derby, KS.

Flexweight Corporation, Wichita, KS.

Floc Enterprises, Inc., Kansas City, KS.

Foods Sub, Inc., Topeka, KS.

Foundation for Church Growth, Overland Park, KS.

Frazier Sales, Inc., Overland Park, KS.

G & G Land and Cattle, Inc., Wichita, KS.

Golden Plains Publishers, Inc., Cimarron, KS.

Goodland Auto Parts, Inc., Goodland, KS.

Goss Service Company, Inc., Overland Park, KS.

Great American Hardwood Floors, Inc., Wichita, KS.

Greenway Manor Resident Management Association, Inc., Wichita, KS.

Hoener Farms, Inc., Pratt, KS.

Holy Name Educational and Athletic Association, Inc.

of Newton, Kansas, Newton, KS.

Homes by Thompson, Inc., De Soto, KS.

Honey Creek Organics, Inc., Worthington, OH.

Interstate Bank, Great Bend, KS.

J. B. T., Inc., Wichita, KS.

Jacobs Corporation, Overland Park, KS.

Kansas Super 8 Inc., Colby, KS.

Kansas Food Packers, Inc., Wichita, KS.

Kansys, Inc., Lawrence, KS.

Keith Reeves Post Number Three, The American

Legion, Columbus, KS.

Konitzers Furniture Inc., Spring Hill, KS.

Lawrence Select Soccer Club, Inc., Lawrence, KS.

Lions Club of Altamont, Kansas, Inc., Altamont, KS.

M. B. Associates, Inc., Leawood, KS.

M.J.N. Consulting Group Inc., Overland Park, KS.

Marlynn Lures, L.C., Paola, KS.

Martech Concrete Technologies, Inc.,

Overland Park, KS.

Matrix Computer Group, Inc., Overland Park, KS.

Michael Center's Jayhawk Tennis Camp, Inc.,

Lawrence, KS.

New Union Chevrolet Inc., Kansas City, KS.

Olathe Arts Alliance, Inc., Olathe, KS.

One - Two - Three, Inc., Wichita, KS.

Rice Brown Financial Services, Inc., Laguna Niguel, CA.

San Pet, Inc., McPherson, KS.

Satanta Post No. 9390, Veterans of Foreign Wars of the United States, Satanta, KS.

SSA Inc., Wichita, KS.

Superior Testers Enterprises, Inc., Great Bend, KS.

Tackle America, L.C., Paola, KS.

The Sojourner Truth Observational Study Hometel,

Ltd., Kansas City, KS.

United Care Cepts, Inc., Shawnee Mission, KS.

Updike Paving Corporation, Overland Park, KS.

W.O.V., Inc., Grand Island, NE.

Foreign Corporations

Arrow Speed Warehouse, Inc., Kansas City, KS. Bibliographical Center for Research, Rocky Mountain

Region, Aurora, CO.

C.A. Rasmussen, Inc., Simi Valley, CA.

Cadwallader Enterprises, Inc., Huntsville, TX.

Carlton Cards Retail, Inc., Cleveland, OH.

City Wide Pest Control, Inc., Kansas City, MO.

Clean Sites, Incorporated, Alexandria, VA.

Communication Cabling System, Inc., Urbandale, IA.

Combelt Chemical Company, McCook, NE.

Crittenton Center, Kansas City, MO.

Databank Corp. Overland Park, KS.

Fastway, Inc., an Arkansas Corporation,

Little Rock, AR.

Franklin Quest Co., Salt Lake City, UT.

Heartland Hospital, St. Joseph, MO.

Integris Rural Health, Inc., Oklahoma City, OK.

Jetta Products, Inc., Edmond, OK.

Lane Bryant, Inc., Reynoldsburg, OH.

Leukemia Society of America, Inc., New York, NY.

Lotus Development Corporation, Cambridge, MA.

Mayflower Transit, Inc., Carmel, IN.

Midwest Metals Industries, Inc., St. Joseph, MO.

Midwest Water Services Company, Olathe, KS.

MMAC Drive Away Inc., Cleveland, OH.

Mount Zion Bible School, Ava, MO.

National Institute for the Psychotherapies Training

Institute, New York, NY.

National Psoriasis Foundation, Portland, OR.

Nationwide Housing Group, Santa Monica, CA.

Occu-Tec, Incorporated, Kansas City, MO.

Omni Engineering, Inc., Omaha, NE.

Oneok Gas Marketing Company, Tulsa, OK.

Paradigm Communication Corporation,

Studio City, CA.

Parkinson's Disease Foundation, Inc., New York, NY.

Polar Communications Corp., Farmingdale, NJ.

Reef Exploration, Inc., Richardson, TX.

Reese Oil Co., Raytown, MO.

Second Harvest, Chicago, IL.

SRM Construction Incorporated, Oneill, NE.

Stage 3 Sound Productions, Inc., Kansas City, KS.

State 4 Productions, Inc., Troy, MI.

The Bovaird Supply Company, Tulsa, OK.

The Council for Learning Disabilities, Lenexa, KS.

Visiting Nurse Infusion Therapy, Kansas City, MO.

Ron Thornburgh Secretary of State

Social and Rehabilitation Services

Notice of Hearing on Federal Block Grants

The House Appropriations Committee of the Kansas Legislature will conduct a public hearing at 11 a.m. Friday, April 25, in Room 514-S, State Capitol, 300 S.W. 10th, Topeka. The scheduled agenda includes social service block grant; low income home energy assistance block grant; community mental health services block grant; block grant for the prevention and treatment of substance abuse; and projects for assistance in transition from homelessness (formerly mental health services for the homeless) block grant.

Rochelle Chronister Secretary of Social and Rehabilitation Services

Doc. No. 018951

State of Kansas

Secretary of State

Executive Appointments

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. The following appointments, which are effective immediately unless otherwise specified, were recently filed with the Secretary of State:

Abstracters' Board of Examiners

Roger W. Hannaford, Hannaford Abstract & Title Company, 222 E. Main, P.O. Box 253, Marion, 66861. Term expires June 30, 1999. Reappointment.

Amelia Earhart Centennial Committee

(Established by Executive Order No. 97-2. Terms expire October 1, 1997.)

Kay Alley, J.P. Weigand & Sons, Inc. - Realtors, 2040 S. Rock Road, Suite 10, Wichita, 67207.

Mike Armour, Director of Aviation, Kansas Department of Transportation, 7th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. Ex officio member.

Nancy Kassebaum Baker, Honorary Co-Chair, 2456 AA Ave., Burdick, 66838.

Jon Cassat, Garmin International Corporation, 1200 E. 151st, Olathe, 66062.

Cloud L. Cray, Jr., Honorary Co-Chair, 20045 266th Road, Atchison, 66002.

James M. Gregory, 2960 Cornelison, Wichita, 67203.

F.D. "Fran" Jabara, Jabara Ventures Group, P.O. Box 782050, Wichita, 67278.

Charles B. Johnson, Cessna Aircraft Company, One Cessna Blvd., Wichita, 67215.

Ronda Maxwell, Mid-America Air Museum, P.O. Box 2585, Liberal, 67905.

David A. Stremming, Metropolitan Topeka Airport Authority, P.O. Box 19053, Topeka, 66619.

Rolland A. Vincent, Learjet, Inc., P.O. Box 7707, Wichita, 67277.

Kansas Credit Union Council

Gilbert Benton, 804 N. 1st, Cimarron, 67835. Term expires March 15, 2000. Reappointment.

Francois G. Henriquez II, 4709 Woodland Drive, Lawrence, 66049. Term expires March 15, 2000. Succeeds Sue Ann Shelby.

Governor's Commission on Housing

Roy Dudark, 420 Camden Drive, Salina, 67401. Term expires March 3, 2000. Succeeds David Craig.

William H. Prelogar, Jr., AIA, 10771 Larsen St., Shawnee Mission, 66210. Term expires March 3, 2000. Reappointment.

Donald E. Witzke, 1114 N. Jordan, Liberal, 67901. Term expires March 3, 2000. Reappointment.

Health Care Data Governing Board

John R. Grace, Kansas Association of Homes and Services for the Aging, 700 S.W. Harrison, Suite 1106, Topeka, 66603. Term expires June 1, 1999. Reappointment.

Thomas M. Johnson, 2901 S.E. Arbor Drive, Topeka, 66605. Term expires June 1, 1999. Succeeds Tom Miller.

John P. Noonan, 2014 Meadowmere Court, Manhattan, 66502. Term expires June 1, 1999. Reappointment.

State Highway Advisory Commission

Terry Arnett, Trand, Inc., P.O. Box 8606, Pratt, 67124. Term expires January 31, 2001. Succeeds Erwin Knocke.

Bernard T. Giefer, 621 N. 7th, WaKeeney, 67672. Term expires January 31, 2001. Reappointment.

Ross Markle, 1823 Pine Ridge Drive, Leavenworth, 66048. Term expires January 31, 2001. Succeeds Mark Armstrong.

Phil Near, Crescent Oil Company, 1020 W. Sycamore, Independence, 67301. Term expires January 31, 2001. Succeeds Gene Murray.

KanWork Interagency Coordinating Committee

Mark Gleeson, Office of Judicial Administration, Kansas Judicial Center, 301 S.W. 10th, Topeka, 66612. Term expires August 31, 1998. Succeeds Kay Farley.

Richard Jackson, 816 N. Mulberry, Ottawa, 66067. Term expires August 31, 1997. Reappointment.

State Fair Board

Bob W. Barker, Leech Products, Inc., P.O. Box 2147, Hutchinson, 67504. Term expires March 14, 2000. Succeeds Al Campbell.

Lori J. Fink, 7101 Anderson Ave., Manhattan, 66503. Term expires March 14, 2000. Reappointment.

Jan Peters, 11900 W. 87th St. Parkway, Lenexa, 66215. Term expires March 14, 2000. Reappointment.

Ron Thornburgh Secretary of State

Department of Administration Division of Purchases

Notice to Bidders

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

Monday, April 21, 1997

32416

Department of Social and Rehabilitation Services— Security guard services

32428

University of Kansas Medical Center—Chargemaster consulting services

5692

Kansas State University—Furnish and install fencing

Tuesday, April 22, 1997

32356

University of Kansas Medical Center—Bicarbonate hemodialysis concentrates

32404

University of Kansas—Lock parts

32415

University of Kansas—Furnish laundry equipment for student housing

32424

Wichita State University—Janitorial supplies 5695

Hutchinson Correctional Facility—Building materials 5696

Hutchinson Correctional Facility—Drywall materials 5697

Kansas Correctional Industries—Birch veneer plywood, Hutchinson

5726

Kansas State University—Exercise (treadmill) equipment

5727

Wichita State University—Paper, printing and binding: Undergraduate Catalog

Wednesday, April 23, 1997

5704

Department of Wildlife and Parks—Flex-wing rotary mower, Valley Falls

5705

Department of Wildlife and Parks—Flatbed truck, Blue Rapids

5706

Department of Wildlife and Parks—Agricultural "no till" drill, Valley Falls

5707

University of Kansas Medical Center—AT&T equipment

Thursday, April 24, 1997

32430

University of Kansas—Emergency asbestos and leadbased paint abatement

5714

Hutchinson Correctional Facility—All labor and materials for removal of lead painted ceilings

571Ŝ

Fort Hays State University—Spray paint booth 5716

Kansas State University—Furnish and install mini blinds

Friday, April 25, 1997

5718

Department of Wildlife and Parks—Off-road utility and all-terrain vehicles, various locations

5719

Parsons State Hospital—Front deck riding mower 5725

Hutchinson Correctional Facility—Ready mix concrete

Monday, April 28, 1997

5720

University of Kansas Medical Center—Moving services

Tuesday, April 29, 1997

A-8146(a)

Kansas State University—Remodel west wing, Technology Center, Salina

Thursday, May 1, 1997

A-7904

Osawatomie State Hospital—Sanitary sewer cleaning and video inspection

A-8137

Larned State Hospital—Reroof swimming pool roof, Activity Therapy Building

A-8132

Larned State Hospital—Security screens installation, Allen Building

A-8134

Youth Center at Larned—Add security enhancements, various buildings

Friday, May 2, 1997

A-8135

Youth Center at Beloit—Add security enhancements, various buildings

A-8204

University of Kansas—Remodel classrooms 4012 and 4051, Wescoe Hall

The state of the s

Request for Proposals

Wednesday, April 30, 1997

32432

Review of financial operations for the Department of Social and Rehabilitation Services

Wednesday, May 28, 1997

Dental, prescription drug and ancillary vision program for the Kansas State Employees Health Care Commission

> John T. Houlihan Director of Purchases

Doc. No. 018957

(Published in the Kansas Register April 10, 1997.)

Summary Notice of Bond Sale \$6,945,000 City of Leawood Johnson County, Kansas **General Obligation Improvement Bonds** Series 1997-A

Subject to the notice of bond sale dated March 31, 1997, sealed bids will be received by the undersigned city finance director of Leawood, Johnson County, Kansas, at City Hall, 4800 Town Center Drive, Leawood, until 11 a.m. Monday, April 21, 1997, at which time such bids will be publicly opened for the sale of the above-captioned general obligation bonds of the city. No bid of less than par and accrued interest to delivery will be considered. Such bids will be considered by the governing body of the city at a meeting to be held at 7:30 p.m. on such date.

The bonds will be issued as a single series designated General Obligation Improvement Bonds, Series 1997-A, in the aggregate principal amount of \$6,945,000. The bonds will consist of fully registered bonds without coupons in the denomination of \$5,000 and any integral multiple thereof, will be dated April 15, 1997, and will mature serially on September 1 of each year, as follows:

Maturity		Amount
1997		\$145,000
1998		500,000
1999		500,000
2000		500,000
2001	AC ST. B.	500,000
2002		500,000
2003	You was a second	.500,000
2004	or Mily to the con-	500,000
2005	A Santage Section	500,000
2006	1. A.	500,000
2007		375,000
2008		375,000
2009	Contract of the	375,000
2010		375,000
2011	8.8%	375,000
2012		85,000
2013		85,000
2014		85,000
2015		85,000
2016		85,000

Interest on said bonds from the dated date at the rates determined when the bonds are sold shall be payable on March 1 and September 1 of each year through maturity, commencing September 1, 1997.

A bidder may, subject to the conditions described in the official notice of sale, elect to have all or a portion of the bonds issued as term bonds scheduled to mature in

2016 and subject to mandatory redemption requirements consistent with the schedule of serial maturities set forth above.

Bonds maturing September 1, 2007, and thereafter will be subject to redemption at the option of the city on September 1, 2006, and on any interest payment date thereafter, in whole or in part, at a redemption price of 100 percent of the principal amount so redeemed, plus accrued interest to the date fixed for redemption, without premium.

The bonds will be issued in book-entry-only form as one fully registered bond for each maturity registered in the name of Cede & Co., as bondholder and nominee for The Depository Trust Company, New York, New York, which will act as securities depository for the bonds.

The bonds will be delivered to the purchaser on or about May 14, 1997, through the facilities of The Depos-

itory Trust Company, New York, New York.

The city will pay the fees of the bond registrar for registration and transfer of the bonds, all expenses in relation to the printing of CUSIP numbers on said bonds, the cost of printing the bonds and for the legal services of bond counsel. Costs and fees incurred in the secondary market, other than fees of the bond registrar, will be the responsibility of the bondholders.

The population of the city is approximately 26,394. The 1996 assessed valuation of all taxable tangible property within the City of Leawood, Kansas, is \$326,180,001, including motor vehicle valuation of \$51,761,195. The total general obligation bonded indebtedness of the city at the date hereof, including the issue of bonds herein offered for sale, is \$33,065,000. The city has temporary notes outstanding in the total amount of \$23,600,000, of which \$6,700,000 will be redeemed and cancelled from the proceeds of the bonds and other available funds of the city.

A good faith deposit by cashier's or certified check or financial surety bond in the amount of 2 percent of the total amount of the bid for the bonds shall accompany each bid. A successful bidder utilizing a financial surety bond shall be required to submit its deposit by cashier's or certified check or wire transfer by 11 a.m. on the next business day following the award.

Copies of the official notice of bond sale, copies of the city's official statement relating to the bonds and further information may be obtained from the undersigned city finance director or from George K. Baum & Company, 12 Wyandotte Plaza, 120 W. 12th, Kansas City, MO 64105,

(816) 474-1100, the city's financial advisor.

Mailed bids should be addressed to Harry Malnicof, City Finance Director, City of Leawood, Kansas, 4800 Tower Center Drive, Leawood, KS 66211, and marked "Bids for Purchase of \$6,945,000 General Obligation Improvement Bonds, Series 1997-A, Leawood, Johnson County, Kansas." Bids also may be delivered to the said officer at Leawood City Hall at or immediately prior to 11 a.m. on the sale date.

Dated at Leawood, Kansas, March 31, 1997.

Harry Malnicof City Finance Director

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-97-82/88

Name and Address	Legal	Receiving
of Applicant	Description	Water
Wayne Knaus	NE/4, Sec. 16,	Marais des
Route 3, Box 165	T20S, R18E,	Cygnes
Garnett, KS 66032	Anderson County	River Basin

Kansas Permit No. A-MCAN-S017

This is an existing facility for 1,750 head (700 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	Legal	Receiving
of Applicant	Description	Water
Cecil W. Ramey	SW/4, Sec. 33,	Missouri River
Merkel's Hog Farm	T2S, R18E,	Basin
530 W. 9th	Brown County	
Goodland, KS 67735		

Kansas Permit No. A-MOBR-S023

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: None, existing controls adequate.

Name and Address	Legal	Receiving
of Applicant	Description	Water
Cow Camp, Inc.	SW/4, Sec. 34,	Smoky Hill River
Cow Camp Feed Yard	T16S, R3E,	Basin
P.O. Box 103	Dickinson County	
Damona VC 67475		

Kansas Permit No. A-SHDK-C001 Federal Permit No. KS-0086614 This is an existing facility for 4,999 head (4,999 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
F & R Swine, Inc.	SW/4, Sec. 1,	Kansas River
Route 1	T13S, R7E,	Basin
Dwight, KS 66849	Geary County	and the second
Vancon Donnell Ma A VCC	E 11000	E/C 011

Kansas Permit No. A-KSGE-H002 Federal Permit No. KS-0116378
This is an existing facility for 10,775 head (4,310 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: 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 3.05 acre inch per acre per year and solids shall be applied at not greater than 20 ton per acre.

Name and Address	Legal	Receiving
of Applicant	Description	Water
Ward Feed Yard-Grower	SW/4, Sec. 25,	Arkansas River
P.O. Box H	T21S, R16W,	Basin
Larned, KS 67550	Pawnee County	ાં કે જાતા કરે છે. જ્યારે
		and the second second second

Kansas Permit No. A-UAPN-B006

This is an expansion of an existing facility. The proposed capacity of the facility is 990 head (990 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: None, existing controls adequate.

Name and Address	Legal	Receiving
of Applicant	Description	Water
Fisher Cattle Co.	Sec. 33, T3S,	Upper Republican
A.B. Fisher	R36W, Rawlins	River Basin
HC 2, Box 100	County	

Kansas Permit No. A-URRA-C001 Federal Permit No. KS-0087726 This is an expansion facility for 30,000 head (30,000 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:

McDonald, KS 67745

1) The livestock waste management plan developed by Reh & Associates, Inc. and approved by this department shall be adhered to as a condition of this permit. 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.

2) Dewatering equipment capable of pumping 1,484 gpm is required for Phase #1, with an additional 1,480 gpm pump required at the completion of Phase #2. The required dewatering equipment shall be available within six months after the completion of each phase of construction on the feedlot facilities. The pumping equipment shall be made available through purchase, rental, or custom application agreement. Written notification on the dewatering equipment is to be provided to this department.

 Permeability tests are required on the completion of each phases' water pollution controls prior to the utilization of each retention structure.

Name and Address	Legal	Receiving
of Applicant	Description	Water
Ostmeyer Feedyard, Inc.	E/2, Sec. 36,	Solomon River
766 CR 37	T9S, R31W,	Basin
Oakley, KS 67748	Thomas Count	y
Kansas Permit No. A-SOTI	I-C005 Feder	al Permit No. KS-0093653

This is an existing expansion facility for 2,500 head (2,500 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: 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.

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 May 9 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-97-82/88) 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 5 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. 018955

State of Kansas

Kansas State University

Notice to Bidders

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

Monday, April 21, 1997 #70234 Induction heater

William H. Sesler Director of Purchasing

Doc. No. 018938

State of Kansas

Secretary of State

I, Ron Thornburgh, Secretary of State of the State of Kansas, do hereby certify that each of the following bills is a correct copy of the original enrolled bill now on file in my office.

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

Ron Thornburgh Secretary of State

(Published in the Kansas Register April 10, 1997.)

SENATE BILL No. 275

An ACT authorizing the secretary of state to grant an easement to Finney county for the purpose of construction and maintenance of a stream crossing.

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

Section 1. (a) The secretary of state is hereby authorized to grant a construction and maintenance easement to Finney county in, along and across the Arkansas river at a location in the Southeast ¼ of the Northeast ¼ of the Northeast ¼ of Section 23, Township 24 South, Range 33 West, in Finney county, Kansas, for the purpose of constructing and maintaining a stream crossing.

(b) The easement authorized by this section shall be conditioned on Finney county's assuming full responsibility for the use of such easement and holding the state of Kansas harmless therefor. The easement shall terminate if the land is no longer used for the purpose for which the easement was granted.

(c) Finney county is hereby authorized to acquire the easement described in subsection (a) and to use the easement for the purpose of constructing and maintaining a stream crossing and to assume full responsibility for such use and hold the state of Kansas harmless therefor.

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

(Published in the Kansas Register April 10, 1997.)

SENATE BILL No. 41

AN ACT relating to property taxation; exempting residential property from certain school levies; repealing section 11 of 1997 House Bill No. 2031.

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

Section 1. For taxable years 1997 and 1998, the following described property, to the extent herein specified, shall be and is hereby exempt from the property tax levied pursuant to the provisions of K.S.A. 1996 Supp. 72-6431, and amendments thereto: Property used for residential purposes to the extent of \$20,000 of its appraised valuation.

Sec. 2. Section 11 of 1997 House Bill No. 2031 is hereby repealed.

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

(Published in the Kansas Register April 10, 1997.)

HOUSE BILL No. 2184

AN ACT concerning the department of health and environment; licensed dietitian continuing education sponsors; amending K.S.A. 65-5902 and K.S.A. 1996 Supp. 65-5913 and repealing the existing sections.

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

Section 1. K.S.A. 65-5902 is hereby amended to read as follows: 65-5902. For the purposes of this act:

"Secretary" means the secretary of health and environment.
"Department" means the department of health and environment.

"Licensed dietitian" means a person licensed under this act.

"Dietetics practice" means the integration and application of principles derived from the sciences of nutrition, biochemistry, food, physiology, management and behavioral and social sciences to achieve and maintain the health of people through:

Assessing the nutritional needs of clients;

establishing priorities, goals and objectives that meet nutritional needs of clients; and

advising and assisting individuals or groups on appropriate nutritional intake by integrating information from a nutritional assessment with information on food and other sources of nutrients and meal preparation.

(e) "Nutritional assessment" means the evaluation of the nutritional needs of clients based upon appropriate biochemical, anthropometric, physical and dietary data to determine nutrient needs and recommend appropriate nutritional intake including enteral and parenteral nutrition.

"Dietitian" means a person engaged in dietetics practice

"Sponsor" means entities approved by the secretary of health and environment to provide continuing education programs or courses on an ongoing basis under this act and in accordance with any rules and regulations promulgated by the secretary in accordance with this act.

Sec. 2. K.S.A. 1996 Supp. 65-5913 is hereby amended to read as follows: 65-5913. The secretary shall fix by rules and regulations fees for applications for and renewal of licenses, temporary licenses, examination fees, late renewal fees and, reinstatement and sponsorship fees under this act. Such fees shall be fixed in an amount to cover the costs of administering the provisions of this act. No fee shall be more than \$200. The secretary shall remit all moneys received from fees, charges or penalties under this act 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 credit the same to the state general fund.

K.S.A. 65-5902 and K.S.A. 1996 Supp. 65-5913 are hereby repealed.

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

(Published in the Kansas Register April 10, 1997.)

HOUSE BILL No. 2031

AN ACT enacting the education and tax reform act of 1997; amending K.S.A. 72-6414, 79. 4505 and 79-4508 and K.S.A. 1996 Supp. 72-6407, 72-6412, 72-6412, 72-6433, 72-6441, 72-6442, 79-32,110, 79-4502 and 79-5105 and repealing the existing sections; also repealing K.S.A. 79-4520 and K.S.A. 1996 Supp. 72-6412a, 72-6431a, 72-6442a, 72-8191 and 72-8192.

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

Section 1. On July 1, 1997, K.S.A. 1996 Supp. 72-6407 shall be and is hereby amended to read as follows: 72-6407. (a) "Pupil" means any person who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 maintained by the district or who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 in another district in accordance with an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in a district and attending special education services provided for preschool-aged exceptional children by the district. Except as otherwise provided in this subsection, a pupil in attendance full time shall be counted as one pupil. A pupil in attendance part time shall be counted as that proportion of one pupil (to the nearest (10) that the pupil's attendance bears to full-time attendance. A pupil attending kindergarten shall be counted as 1/2 pupil. A pupil enrolled in and attending an institution of postsecondary education which is authorized under the laws of this state to award academic degrees shall be counted as one pupil if the pupil's postsecondary education enrollment and attendance together with the pupil's attendance in either of the grades 11 or 12 is at least % time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest 1/10) that the total time of the pupil's postsecondary education attendance and attendance in grade 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in and attending an area vocational school, area vocational-technical school or approved vocational education program shall be counted as one pupil if the pupil's vocational education enrollment and attendance together with the pupil's attendance in any of grades nine through 12 is at least % time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest 1/10) that the total time of the pupil's vocational education attendance and attendance in any of grades nine through 12 bears to fulltime attendance. A pupil enrolled in a district and attending special education services, except special education services for preschool-aged exceptional children, provided for by the district shall be counted as one pupil. A pupil enrolled in a district and attending special education services for preschool-aged exceptional children provided for by the district shall be counted as 1/2 pupil. A pupil in the custody of the secretary of social and rehabilitation services and enrolled in unified school district No. 259, Sedgwick county, Kansas, but housed, maintained, and receiving educational services at the Judge James V. Riddel Boys Ranch, shall be counted as two pupils. A pupil residing at the Flint Hills job corps center shall not be counted. A pupil confined in and receiving educational services provided for by a district at a juvenile detention facility shall not be counted. A pupil enrolled in a district but housed, maintained, and receiving educational services at a state institution shall not be counted.

(b) "Preschool-aged exceptional children" means exceptional children, except gifted children, who have attained the age of three years but are under the age of eligibility for attendance at kindergarten.

(c) "At-risk pupils" means pupils who are eligible for free meals under the national school lunch act and for whom who are enrolled in a district which maintains an approved at-risk pupil assistance plan.

"Enrollment" means, for districts scheduling the school days or school hours of the school term on a trimestral or quarterly basis, the number of pupils regularly enrolled in the district on September 20 plus the number of pupils regularly enrolled in the district on February 20 less the number of pupils regularly enrolled on February 20 who were counted in the enrollment of the district on September 20; and for districts not hereinbefore specified, the number of pupils regularly enrolled in the district on September 20. Notwithstanding the foregoing, if enrollment in a district in any school year has decreased from enrollment in the preceding school year, enrollment of the district in the current school year may be computed by adding one half the number of pupils by which enrollment in the current school year has decreased from enrollment in the preceding school year to enrollment in the current school year, except that such computation shall not be applied to decreases in enrollment in the current school year that are in excess of 4% on the basis of enrollment in the preceding school year.

- "Adjusted enrollment" means enrollment adjusted by adding atrisk pupil weighting, program weighting, low enrollment weighting, if any, correlation weighting, if any, school facilities weighting, if any, ancillary school facilities weighting, if any, and transportation weighting to enroll-
- "At-risk pupil weighting" means an addend component assigned to enrollment of districts on the basis of enrollment of at-risk pupils.

"Program weighting" means an addend component assigned to enrollment of districts on the basis of pupil attendance in educational programs which differ in cost from regular educational programs.

- "Low enrollment weighting" means, for any school year in which the provisions of K.S.A. 1996 Supp. 72 6442a are operational, an addend component assigned to enrollment of districts having 1,800-1,899 or under enrollment on the basis of costs attributable to maintenance of educational programs by such districts in comparison with costs attributable to maintenance of educational programs by districts having 1,800-1,800 or over enrollment, for the school year in which the provisions of K.S.A. 1996 Supp. 72-6442 become operational and each school year thereafter, an addend component assigned to enrollment of districts having under 1,800 enrollment on the basis of costs attributable to maintenance of educational programs by such districts in comparison with costs attributable to maintenance of educational programs by districts having 1,800 or over enrollment.
- "School facilities weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to commencing operation of new school facilities. School facilities weighting may be assigned to enrollment of a district only if the district has adopted a local option budget and budgeted therein the total amount authorized for the school year. School facilities weighting may be assigned to enrollment of the district only in the school year in which operation of a new school facility is commenced and in the next succeeding school year.

"Transportation weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to the provision or furnishing of transportation

"Correlation weighting" means, for any school year in which the provisions of K.S.A. 1996 Supp. 72-6442a are operational, an addend component assigned to enrollment of districts having 1,800-1,899 or over enrollment on the basis of costs attributable to maintenance of educa tional programs by such districts as a correlate to low enrollment weighting assigned to enrollment of districts having 1,800 1,899 or under enrollment, for the school year in which the provisions of K.S.A. 1996 Supp. 72.6442 become operational and each school year thereafter, an addend component assigned to enrollment of districts having 1,800 or over enrollment on the basis of costs attributable to maintenance of educational programs by such districts as a correlate to low enrollment weighting assigned to enrollment of districts having under 1,800 enrollment.

"Ancillary school facilities weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 1996 Supp. 72-6441, and amendments thereto, apply on the basis of costs attributable to commencing operation of new school facilities. Ancillary school facilities weighting may be assigned to enrollment of a district only if the district has levied a tax under authority of K.S.A. 1996 Supp. 72-6441, and amendments thereto, and remitted the proceeds from such tax to the state treasurer. Ancillary school facilities weighting is in addition to assignment of school facilities weighting to enrollment of any district eligible for such weighting.

On July 1, 1997, K.S.A. 1996 Supp. 72-6410 shall be and is hereby amended to read as follows: 72-6410. (a) "State financial aid" means an amount equal to the product obtained by multiplying base state aid per pupil by the adjusted enrollment of a district.

"Base state aid per pupil" means an amount of state financial aid per pupil. Subject to the other provisions of this subsection, the amount of base state aid per pupil is \$3,648 \$3,670. The amount of base state aid per pupil is subject to reduction commensurate with any reduction under K.S.A. 1996 Supp. 75-6704, and amendments thereto, in the amount of the appropriation from the state general fund for general state aid. If the amount of appropriations for general state aid is insufficient to pay in full the amount each district is entitled to receive for any school year, the amount of base state aid per pupil for such school year is subject to reduction commensurate with the amount of the insufficiency.

"Local effort" means the sum of an amount equal to the proceeds from the tax levied under authority of K.S.A. 72-6431, and amendments thereto, and an amount equal to any unexpended and unencumbered balance remaining in the general fund of the district, except amounts received by the district and authorized to be expended for the purposes specified in K.S.A. 72-6430, and amendments thereto, and an amount equal to any unexpended and unencumbered balances remaining in the program weighted funds of the district, except any amount in the vocational education fund of the district if the district is operating an area vocational school, and an amount equal to any remaining proceeds from taxes levied under authority of K.S.A. 72-7056 and 72-7072, and amendments thereto, prior to the repeal of such statutory sections, and an amount equal to the amount deposited in the general fund in the current school year from amounts received in such year by the district under the provisions of subsection (a) of K.S.A. 72-1046a, and amendments thereto, and an amount equal to the amount deposited in the general fund in the current school year from amounts received in such year by the district pursuant to contracts made and entered into under authority of K.S.A. 72-6757, and amendments thereto, and an amount equal to the amount credited to the general fund in the current school year from amounts distributed in such year to the district under the provisions of articles 17 and 34 of chapter 12 of Kansas Statutes Annotated and under the provisions of articles 42 and 51 of chapter 79 of Kansas Statutes Annotated, and an amount equal to the federal impact aid of a district.

(d) "Federal impact aid" means an amount equal to the federally qualified percentage of the amount of moneys a district receives in the current school year under the provisions of title I of public law 874 and congressional appropriations therefor, excluding amounts received for assistance in cases of major disaster and amounts received under the lowrent housing program. The amount of federal impact aid defined herein as an amount equal to the federally qualified percentage of the amount of moneys provided for the district under title I of public law 874 shall be determined by the state board in accordance with terms and conditions imposed under the provisions of the public law and rules and regulations thereunder

Sec. 3. On July 1, 1997, K.S.A. 1996 Supp. 72-6412 shall be and is hereby amended to read as follows: 72-6412. For the school year in which the provisions of K.S.A. 1996 Supp. 72-6442 become operational and each school year thereafter, The low enrollment weighting of each district with under 1,800 enrollment shall be determined by the state board as follows:

(a) Determine the amount of the median budget per pupil for the 1991-92 school year of districts with 75-125 enrollment in such school

determine the amount of the median budget per pupil for the 1991-92 school year of districts with 200-399 enrollment in such school

determine the amount of the median budget per pupil for the 1991-92 school year of districts with 1,900 or over enrollment;

- prescribe a schedule amount for each of the districts by preparing a schedule based upon an accepted mathematical formula and derived from a linear transition between (1) the median budgets per pupil determined under (a) and (b), and (2) the median budgets per pupil determined under (b) and (c). The schedule amount for districts with 0-99 enrollment is an amount equal to the amount of the median budget per pupil determined under (a). The schedule amount for districts with 100-299 enrollment is the amount derived from the linear transition under (1). The schedule amount for districts with 300-1,899 enrollment is the amount derived from the linear transition under (2);
 - for districts with 0-99 enrollment:

Subtract the amount determined under (c) from the amount determined under (a);

divide the remainder obtained under (1) by the amount deter-

(3) multiply the quotient obtained under (2) by the enrollment of the district in the current school year. The product is the low enrollment weighting of the district;

for districts with 100-299 enrollment:

Subtract the amount determined under (c) from the schedule amount of the district;

divide the remainder obtained under (1) by the amount deter-

(3) multiply the quotient obtained under (2) by the enrollment of the district in the current school year. The product is the low enrollment weighting of the district;

(continued)

for districts with 300-1,799 enrollment:

- Subtract the amount determined under (c) from the schedule amount of the district:
- (2) divide the remainder obtained under (1) by the amount determined under (c);
- (3) multiply the quotient obtained under (2) by the enrollment of the district in the current school year. The product is the low enrollment weighting of the district.
- Sec. 4. On July 1, 1997, K.S.A. 72-6414 shall be and is hereby amended to read as follows: 72-6414. (a) The at-risk pupil weighting of each district shall be determined by the state board by multiplying the number of at-risk pupils included in enrollment of the district by .05.065. The product is the at-risk pupil weighting of the district.

 (b) The provisions of this section shall take effect and be in force

from and after July 1, 1902.

New Sec. 5. (a) The ancillary school facilities weighting of each district shall be determined in each school year in which such weighting may

be assigned to enrollment of the district as follows:

Add the amount authorized under subsection (a) of K.S.A. 1996 Supp. 72-6441, and amendments thereto, to be produced by a tax levy and certified to the state board by the board of tax appeals to the amount, if any, computed under subsection (b) of K.S.A. 1996 Supp. 72-6441, and amendments thereto, to be produced by a tax levy;

(2) divide the sum obtained under (1) by base state aid per pupil, The quotient is the ancillary school facilities weighting of the district.

(b) The provisions of this section shall take effect and be in force from and after July 1, 1997.

Sec. 6. On July 1, 1997, K.S.A. 1996 Supp. 72-6431 shall be and is hereby amended to read as follows: 72-6431. (a) The board of each district shall levy an ad valorem tax upon the taxable tangible property of the district in the school years specified in subsection (b) for the purpose of:

(1) Financing that portion of the district's general fund budget which

is not financed from any other source provided by law;

(2) paying a portion of the costs of operating and maintaining public schools in partial fulfillment of the constitutional obligation of the legislature to finance the educational interests of the state; and

(3) with respect to any redevelopment district established prior to July 1, 1996, pursuant to K.S.A. 12-1771, and amendments thereto, paying a portion of the principal and interest on bonds issued by cities under authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the district.

(b) The tax required under subsection (a) shall be levied at a rate of 35 mills in the 1996-97 school year, 33 27 mills in the 1997-98 school year

and not exceeding 31 mills in the 1998-99 school year.

(c) The proceeds from the tax levied by a district under authority of this section, except the proceeds of such tax levied for the purpose of paying a portion of the principal and interest on bonds issued by cities under authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the district, shall be deposited in the general fund of the district.

(d) On June 1 of each year, the amount, if any, by which a district's local effort exceeds the amount of the district's state financial aid, as determined by the state board, shall be remitted to the state treasurer. Upon receipt of any such remittance, the state treasurer shall deposit the same in the state treasury to the credit of the state school district finance

fund.

No district shall proceed under K.S.A. 79-1964, 79-1964a or 79-1964b, and amendments to such sections

- Sec. 7. On July 1, 1997, K.S.A. 1996 Supp. 72-6438 shall be and is hereby amended to read as follows: 72-6438. (a) The state school district finance fund, established by K.S.A. 1991 Supp. 72-7081 prior to its repeal by this act, is hereby continued in existence and shall consist of (1) all moneys credited to such fund under K.S.A. 72-6418 and 72-6431 and K.S.A. 1996 Supp. 72-6441, and amendments thereto, and (2) all amounts transferred to such fund
- (b) The state school district finance fund shall be used for the purpose of school district finance and for no other governmental purpose. It is the intent of the legislature that the fund shall remain intact and inviolate for such purpose, 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
 - (c) Amounts in the state school district finance fund shall be allocated

and distributed to school districts as a portion of general state aid entitlements provided for under this act.

- Sec. 8. On July 1, 1997, K.S.A. 1996 Supp. 72-6441 shall be and is hereby amended to read as follows: 72-6441. (a) (1) The board of any district to which the provisions of this subsection apply may levy an ad valorem tax on the taxable tangible property of the district each year for a period of time not to exceed two years in an amount not to exceed the amount authorized by the state board of tax appeals under this subsection for the purpose of financing that portion of the costs incurred by the state that are directly attributable to commencing operation of one or more new school facilities which is not financed from any other source provided by law assignment of ancillary school facilities weighting to enrollment of the district. The state board of tax appeals may authorize the district to make a levy which will produce an amount that is not greater than the difference between the amount of costs directly attributable to commencing operation of one or more new school facilities and the amount that is financed from any other source provided by law for such purpose under the school district finance and quality performance act, including any amount attributable to assignment of school facilities weighting to enrollment of the district for each school year in which the district is eligible for such weighting. If the district is not eligible, or will be ineligible, for school facilities weighting in any one or more years during the two-year period for which the district is authorized to levy a tax under this subsection, the state board of tax appeals may authorize the district to make a levy, in such year or years of ineligibility, which will produce an amount that is not greater than the actual amount of costs attributable to commencing operation of the facility or facilities.
- (2) The board of tax appeals shall certify to the state board of education the amount authorized to be produced by the levy of a tax under
- The state board of tax appeals may adopt rules and regulations necessary to properly effectuate the provisions of this subsection, including rules relating to the evidence required in support of a district's claim that the costs attributable to commencing operation of one or more new school facilities are in excess of the amount that is financed from any other source provided by law for such purpose under the school district finance and quality performance act.

(3) (4) The provisions of this subsection apply to any district that (A) commenced operation of one or more new school facilities in the school year preceding the current school year or has commenced or will commence operation of one or more new school facilities in the current school year or any or all of the foregoing, and (B) is authorized to adopt and has adopted a local option budget in an amount equal to the state prescribed percentage of the amount of state financial aid determined for the district in the current school year, and (C) is experiencing extraordinary enrollment growth as determined by the state board of education.

The board of any district that has levied an ad valorem tax on the taxable tangible property of the district each year for a period of two years under authority of subsection (a) for the purpose of financing a portion of the costs attributable to commencing operation of one or more new school facilities may continue to levy such a tax for such purpose under authority of this subsection each year for an additional period of time not to exceed three years in an amount not to exceed the amount computed by the state board of education as provided in this subsection if the board of the district determines that the costs attributable to commencing o eration of such one or more new school facility or facilities are significantly greater than the costs attributable to the operation of other school facilities in the district. The tax authorized under this subsection may be levied at a rate which will produce an amount that is not greater than the amount computed by the state board of education as provided in this subsection. In computing such amount, the state board shall (1) determine the amount produced by the tax levied by the district under authority of subsection (a) in the second year for which such tax was levied and add to such amount the amount of general state aid directly attributable to school facilities weighting that was received by the district in the same year, and (2) compute 75% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the first year of the three-year period for which the district may levy a tax under authority of this subsection, and (3) compute 50% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the second year of the three-year period for which the district may levy a tax under authority of this subsection, and (4) compute 25% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the third year of the threeyear period for which the district may levy a tax under authority of this subsection.

- (c) The proceeds from the tax levied by a district under authority of this section shall be deposited in the supplemental general fund of the district, budgeted in the local option budget of the district as an addition to the amount of such budget adopted under authority of and in accordance with the provisions of K.S.A. 72-6433, and amendments thereto, and used exclusively to supplement amounts expended from the general fund of the district for payment of the costs attributable to commencing operation of new school facilities remitted to the state treasurer. Upon receipt of such remittance, the state treasurer shall deposit the same in the state treasury to the credit of the state school district finance fund:
- Sec. 9. On July 1, 1997, K.S.A. 1996 Supp. 72-6442 shall be and is hereby amended to read as follows: 72-6442. (a) In any school year commencing after any school year in which the provisions of K.S.A. 1996 Supp. 72-6442a are operational, if the state board determines that the amount of appropriations for general state aid, inclusive of the amount determined necessary for effectuation of this section, is sufficient to pay in full the amount each district is entitled to receive for the school year, the provisions of this section shall become operational and The correlation weighting of each district with 1,800 or over enrollment shall be determined by the state board as follows:
- (1) (a) Determine the schedule amount for a district with 1,800 enrollment as derived from the linear transition under (d) of K.S.A. 72-6412, and amendments thereto, and subtract the amount determined under (c) of K.S.A. 72-6412, and amendments thereto, from the schedule amount so determined;
- (2) (b) divide the remainder obtained under (1) (a) by the amount determined under (c) of K.S.A. 72-6412, and amendments thereto, and multiply the quotient by the enrollment of the district in the current school year. The product is the correlation weighting of the district.
- (b) The provisions of this section shall take effect and be in force from and after July 1, 1995.
- New Sec. 10. (a) For the purposes of the school district finance and quality performance act, and notwithstanding any provision of the act to the contrary, the school facilities weighting of each district to which the provisions of this section apply shall be determined in the 1996-97 school year as follows:
- (1) Determine the number of pupils, included in enrollment of the district, who are attending a new school facility;
- (2) multiply the number of pupils determined under (1) by .33. The product is the school facilities weighting of the district.
- (b) For districts to which the provisions of this section apply, the school facilities weighting prescribed under subsection (a) is in lieu of the school facilities weighting prescribed under K.S.A. 72-6415, and amendments thereto.
- (c) For the purpose of assigning the school facilities weighting prescribed under subsection (a) to enrollment of the districts to which the provisions of this section apply, the term "new school facility" means any school facility which a district commenced operating in the 1995-96 school year or in the 1996-97 school year.
- (d) The provisions of this section apply to any district that (1) commenced operation of one or more new school facilities in the 1992-93 school year or in any school year succeeding the 1992-93 school year up to and including the 1996-97 school year, and (2) is authorized to adopt and has adopted a local option budget in an amount equal to the state prescribed percentage of the amount of state financial aid determined for the district in the current school year, and (3) is experiencing extraordinary enrollment growth as determined by the state board of education, and (4) has been authorized to levy an ad valorem tax on the taxable tangible property of the district under K.S.A. 1996 Supp. 72-6441, and amendments thereto.
- (e) The proceeds from the tax levied by a district under authority of K.S.A. 1996 Supp. 72-6441, and amendments thereto, prior to the effective date of this act shall be retained in the supplemental general fund of the district and used exclusively to reduce the amount of the tax levied by the district in the 1997-98 school year under authority of K.S.A. 72-6435, and amendments thereto.
- (f) The provisions of subsections (a) through (d) shall expire on June 30, 1997. The provisions of subsection (e) and this subsection shall expire on June 30, 1998.
- New Sec. 11. (a) For taxable years 1997 and 1998, the following described property, to the extent herein specified, shall be and is hereby

exempt from the property tax levied pursuant to the provisions of K.S.A. 1996 Supp. 72-6431, and amendments thereto: Property used as a single family residence, to the extent of \$20,000 of its appraised valuation.

- Sec. 12. On July 1, 1997, K.S.A. 1996 Supp. 79-5105 shall be and is hereby amended to read as follows: 79-5105. (a) A tax is hereby levied upon every motor vehicle, as the same is defined by K.S.A. 79-5101, and amendments thereto, in an amount which shall be determined in the manner hereinafter prescribed, except that: (1) (A) For 1995, the tax on any motorcycle shall not be less than \$6 and the tax on any other motor vehicle shall not be less than \$12; and (B) the tax on each motor vehicle the age of which is 15 years or older shall not be more than \$12; and (2) for 1996, and each year thereafter: (A) The tax on any motorcycle shall not be less than \$12 and the tax on any other motor vehicle shall not be less than \$24, except as otherwise provided by clause (B) and (C); (B) the tax on any motorcycle the model year of which is 1980 or earlier shall be \$6 and the tax on any other motor vehicle the model year of which is 1980 or earlier shall be \$12; and (C) if the tax on any motorcycle in 1995 was more than \$6 but less than \$12, the tax shall be determined for 1996 and each year thereafter in the manner hereinafter prescribed but shall not be less than \$6, and if the tax on any other motor vehicle in 1995 was more than \$12 but less than \$24, the tax shall be determined for 1996 and each year thereafter in the manner hereinafter prescribed but shall not be less than \$12.
- (b) The amount of such tax on a motor vehicle shall be computed by: (1) Determining the amount representing the midpoint of the values included within the class in which such motor vehicle is classified under K.S.A. 79-5102 or 79-5103, and amendments thereto, except that the midpoint of class 20 shall be \$21,000 plus \$2,000 for each \$2,000 or portion thereof by which the trade-in value of the vehicle exceeds \$22,000; (2) if the model year of the motor vehicle is a year other than the year for which the tax is levied, by reducing such midpoint amount by an amount equal to 16% in 1995, and all years prior thereto, and 15% in 1996, and all years thereafter, of the remaining balance for each year of difference between the model year of the motor vehicle and the year for which the tax is levied if the model year of the motor vehicle is 1981 or a later year or (B) the remaining balance for each year of difference between the year 1980 and the year for which the tax is levied if the model year of the motor vehicle is 1980 or any year prior thereto; (3) by multiplying the amount determined after application of clause (2) above by 30% during calendar year 1995, 28.5% during the calendar year 1996, 26.5% during the calendar year 1997, 24.5% during the calendar year 1998, 22.5% during the calendar year 1999, and 20% during all calendar years thereafter, which shall constitute the taxable value of the motor vehicle; and (4) by multiplying the taxable value of the motor vehicle produced under clause (3) above by the county average tax rate
- The "county average tax rate" means the total amount of general property taxes levied within the county by the state, county and all other taxing subdivisions levying such taxes within such county in the second calendar year before the calendar year in which the owner's full registration year begins divided by the total assessed tangible valuation of property within such county as of November 1 of such second calendar year before the calendar year in which the owner's full registration year begins as certified by the secretary of revenue, except that: (1) As of November 1, 1994, such rate shall be computed without regard to 11.429% of the general property taxes levied by school districts pursuant to K.S.A. 72-6431, and amendments thereto; (2) as of November 1, 1995, such rate shall be computed without regard to 31.429% of the general property taxes levied by school districts pursuant to K.S.A. 72-6431, and amendments thereto; (3) as of November 1, 1996, such rate shall be computed without regard to 54.286% of the general property taxes levied by school districts pursuant to K.S.A. 72-6431, and amendments thereto; (4) as of November 1, 1997, such rate shall be computed without regard to 75.75% 70.36% of the general property taxes levied by school districts pursuant to K.S.A. 72-6431, and amendments thereto; and (5) as of November 1, 1998, and such date in all years thereafter, such rate shall be computed without regard to the general property taxes levied by school districts pursuant to K.S.A. 72-6431, and amendments thereto,
- Sec. 13. On July 1, 1997, K.S.A. 1996 Supp. 79-32,110 shall be and is hereby amended to read as follows: 79-32,110. (a) Resident Individuals. Except as otherwise provided by subsection (a) of K.S.A. 79-3220, and amendments thereto, a tax is hereby imposed upon the Kansas taxable income of every resident individual, which tax shall be computed in accordance with the following tax schedules: (continued)

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(1) Married individuals filing joint returns.

If the taxable income is: Not over \$30,000 3.5% of Kansas taxable income Over \$30,000 but not over \$60,000 \$1,050 plus 6.25% of excess over \$30,000 Over \$60,000 ... \$2,925 plus 6.45% of excess over \$60,000

(2) All other individuals

(A) For tax year 1997: If the taxable income is: Not over \$20,000 Over \$20,000 but not over \$30,000 Over \$30,000

The tax is: 4.4% 4.1% of Kansas taxable income \$880 \$820 plus 7.5% of excess over \$20,000. \$1,630 \$1,570 plus 7.75% of excess over

(B) For tax year 1998: If the taxable income is: Not over \$15,000 Over \$15,000 but not over \$30,000 Over \$30,000 .

The tax is: 3.5% of Kansas taxable income \$525 plus 6.75% of excess over \$15,000 \$1,537.50 plus 7.75% of excess over \$30,000

(C) For tax year 1999: If the taxable income is: Not over \$15,000 Over \$15,000 but not over \$30,000 Over \$30,000

The tax is: 3.5% of Kansas taxable income \$525 plus 6.25% of excess over \$15,000 \$1,462.50 plus 7.45% of excess over \$30,000

(D) For tax year 2000, and all tax years thereafter: If the taxable income is: Not over \$15,000 Over \$15,000 but not over \$30,000

The tax is: 3.5% of Kansas taxable income \$525 plus 6.25% of excess over \$15,000 \$1,462.50 plus 6.45% of excess over \$30,000

(b) Nonresident Individuals. A tax is hereby imposed upon the Kansas taxable income of every nonresident individual, which tax shall be an amount equal to the tax computed under subsection (a) as if the nonresident were a resident multiplied by the ratio of modified Kansas source income to Kansas adjusted gross income.

Corporations. A tax is hereby imposed upon the Kansas taxable income of every corporation doing business within this state or deriving income from sources within this state. Such tax shall consist of a normal tax and a surtax and shall be computed as follows:

(1) The normal tax shall be in an amount equal to 4% of the Kansas taxable income of such corporation; and

(2) the surtax shall be in an amount equal to 3.35% of the Kansas taxable income of such corporation in excess of \$50,000.

(d) Fiduciaries. A tax is hereby imposed upon the Kansas taxable income of estates and trusts at the rates provided in paragraph (2) of subsection (a) hereof.

New Sec. 14. (a) For all taxable years commencing after December 31, 1996, there shall be allowed as a credit against the tax liability of a resident individual imposed under the Kansas income tax act an amount equal to 25% of the amount of the credit allowed against such taxpayer's federal income tax liability pursuant to section 23 determined without regard to subsection (c) thereof of the federal internal revenue code for the taxable year in which such credit was claimed against the taxpayer's federal income tax liability.

b) For all taxable years commencing after December 31, 1996, there shall be allowed as a credit against the tax liability of a resident individual imposed under the Kansas income tax act an amount equal to \$1,500 for the taxable year in which occurs the lawful adoption of a child in the custody of the secretary of social and rehabilitation services or a child with special needs, whether or not such individual is reimbursed for all or part of qualified adoption expenses or has received a public or private grant therefor. As used in this subsection, terms and phrases shall have the meanings ascribed thereto by the provisions of section 23 of the federal internal revenue code. No credit shall be allowed under subsection (a) for any qualified adoption expenses incurred in the adoption of a child described by this subsection.

(c) The credit allowed by subsections (a) and (b) shall not exceed the amount of the tax imposed by K.S.A. 79-32,110, and amendments thereto, reduced by the sum of any other credits allowable pursuant to law. If the amount of such tax credit exceeds the taxpayer's income tax liability for such taxable year, the amount thereof which exceeds such tax liability may be carried over for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credits has been deducted from tax liability, except that no such tax credit shall be carried over for deduction after the fifth taxable year succeeding the taxable year in which the credit was claimed.

Sec. 15. On and after October 16, 1997, K.S.A. 1996 Supp. 79-4502 is hereby amended to read as follows: 79-4502. As used in this act, unless the context clearly indicates otherwise:

(a) "Income" means the sum of adjusted gross income under the Kansas income tax act, maintenance, support money, cash public assistance and relief (not including any refund granted under this act), the gross amount of any pension or annuity (including all monetary retirement benefits from whatever source derived, including but not limited to, railroad retirement benefits, all payments received under the federal social security act and veterans disability pensions), all dividends and interest from whatever source derived not included in adjusted gross income, workers compensation and the gross amount of "loss of time" insurance. It does not include gifts from nongovernmental sources or surplus food or other relief in kind supplied by a governmental agency, nor shall net operating losses and net capital losses be considered in the determination of income.

"Household" means a claimant, a claimant and spouse who occupy the homestead or a claimant and one or more individuals not related as husband and wife who together own or rent and occupy a homestead.

"Household income" means all income received by all persons of a household in a calendar year while members of such household.

"Homestead" means the dwelling, or any part thereof, whether owned or rented, which is occupied as a residence by the household and so much of the land surrounding it, as defined as a home site for ad valorem tax purposes, and may consist of a part of a multi-dwelling or multi-purpose building and a part of the land upon which it is built or a manufactured home or mobile home and the land upon which it is situated. "Owned" includes a vendee in possession under a land contract, a life tenant, a beneficiary under a trust and one or more joint tenants or

"Claimant" means a person who has filed a claim under the provisions of this act and was, during the entire calendar year preceding the year in which such claim was filed for refund under this act, except as provided in K.S.A. 79-4503, and amendments thereto, both domiciled in this state and was: (1) A person having a disability; (2) a person who is 55 years of age or older or (3) a person other than a person included under (1) or (2) having one or more dependent children under 18 years of age residing at the person's homestead during the calendar year immediately preceding the year in which a claim is filed under this act.

When a homestead is occupied by two or more individuals and more than one of the individuals is able to qualify as a claimant, the individuals may determine between them as to whom the claimant will be. If they are unable to agree, the matter shall be referred to the secretary of rev-

enue whose decision shall be final.

- (f) "Property taxes accrued" means property taxes, exclusive of special assessments, delinquent interest and charges for service, levied on a claimant's homestead in 1979 or any calendar year thereafter by the state of Kansas and the political and taxing subdivisions of the state. When a homestead is owned by two or more persons or entities as joint tenants or tenants in common and one or more of the persons or entities is not a member of claimant's household, "property taxes accrued" is that part of property taxes levied on the homestead that reflects the ownership percentage of the claimant's household. For purposes of this act, property taxes are "levied" when the tax roll is delivered to the local treasurer with the treasurer's warrant for collection. When a claimant and household own their homestead part of a calendar year, "property taxes accrued" means only taxes levied on the homestead when both owned and occupied as a homestead by the claimant's household at the time of the levy, multiplied by the percentage of 12 months that the property was owned and occupied by the household as its homestead in the year. When a household owns and occupies two or more different homesteads in the same calendar year, property taxes accrued shall be the sum of the taxes allocable to those several properties while occupied by the household as its homestead during the year. Whenever a homestead is an integral part of a larger unit such as a multi-purpose or multi-dwelling building, property taxes accrued shall be that percentage of the total property taxes accrued as the value of the homestead is of the total value. For the purpose of this act, the word "unit" refers to that parcel of property covered by a single tax statement of which the homestead is a part.
 - "Disability" means:
- Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months, and an individual shall be determined to be under a disability only if the physical or mental impairment or impairments are of such severity that the individual is not only unable to do the individual's previous work but cannot, considering

age, education and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which the individual lives or whether a specific job vacancy exists for the individual, or whether the individual would be hired if application was made for work. For purposes of the preceding sentence (with respect to any individual), "work which exists in the national economy" means work which exists in significant numbers either in the region where the individual lives or in several regions of the country; for purposes of this subsection, a "physical or mental impairment" is an impairment that results from anatomical, physiological or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques; or

(2) blindness and inability by reason of blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which the individual has previously engaged with

some regularity and over a substantial period of time.

(h) "Blindness" means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for the purpose of this paragraph as having a central visual acuity of 20/200 or less.

(i) "Rent constituting property taxes accrued" means 15% 20% of the gross rent actually paid in cash or its equivalent in 1979 or any taxable year thereafter by a claimant and claimant's household solely for the right of occupancy of a Kansas homestead on which ad valorem property taxes were levied in full for that year. When a household occupies two or more different homesteads in the same calendar year, rent constituting property taxes accrued shall be computed by adding the rent constituting property taxes accrued for each property rented by the household while occupied by the household as its homestead during the year.

right of occupancy of a homestead or space rental paid to a landlord for the parking of a mobile home, exclusive of charges for any utilities, services, furniture and furnishings or personal property appliances furnished by the landlord as a part of the rental agreement, whether or not expressly set out in the rental agreement. Whenever the director of taxation finds that the landlord and tenant have not dealt with each other at arms length and that the gross rent charge was excessive, the director may adjust the gross rent to a reasonable amount for the purposes of the claim.

Sec. 16. On and after October 16, 1997, K.S.A. 79-4505 is hereby amended to read as follows: 79-4505. Except as provided in K.S.A. 79-4517, and amendments thereto, no claim in respect of property taxes levied in any year shall be paid or allowed unless such claim is actually filed with and in the possession of the department of revenue on or before October April 15 of the year next succeeding the year in which said taxes were levied.

Sec. 17. On and after October 16, 1997, K.S.A. 79-4508 is hereby amended to read as follows: 79-4508. The amount of any claim pursuant to this act shall be computed by deducting the amount computed under column (2) from the amount of claimant's property tax accrued and/or rent constituting property tax accrued.

	(1)	(2)
Clair	mants household	Deduction from property tax accrued
e division di	income	and/or rent constituting
At least	But not more than	property tax accrued
\$0	\$3,000	0
\$3,000.0	3,500	1% of income in execss of \$3,000
3,500.01	4,000	\$ 5 plus 2% of income in excess of \$3,500
4,000.01	4,500	\$ 15 plus 3% of income in excess of \$4,000
4.500.01	7,000	\$ 30 plus 4% of income in excess of \$4,500
7,000.01		\$130 plus 4 1/2% of income in excess of \$7,000
\$0	\$3,000	\$0
3,001	4,000	12%
4,001	25,000	12% plus 4% of every \$1,000, or fraction thereof
		of income in excess of \$4 001

The director of taxation shall prepare a table under which claims under this act shall be determined. The amount of claim for each bracket shall be computed only to the nearest one dollar (\$1) \$1.

The claimant may elect not to record the amount claimed on the claim. The claim allowable to persons making this election shall be computed by the department which shall notify the claimant by mail of the amount of the allowable claim.

Sec. 18. On and after October 16, 1997, K.S.A. 79-4505, 79-4508 and 79-4520 and K.S.A. 1996 Supp. 79-4502 are hereby repealed.

Sec. 19. On July 1, 1997, K.S.A. 72-6414 and K.S.A. 1996 Supp. 72-6407, 72-6410, 72-6412, 72-6412a, 72-6431, 72-6431a, 72-6438, 72-6441, 72-6442, 72-6442a, 72-8191, 72-8192, 79-5105 and 79-32,110 shall be and are hereby repealed.

Sec. 20. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 10, 1997.)

HOUSE BILL No. 2021

AN ACT concerning the Kansas commission on veterans affairs; relating to certain employees; amending K.S.A. 73-1210a and repealing the existing section.

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

Section 1. K.S.A. 73-1210a is hereby amended to read as follows: 73-1210a. (a) Except as otherwise provided by law, and subject to the Kansas civil service act, the executive director of the Kansas commission on veterans affairs shall appoint such subordinate officers and employees, subject to the approval of the commission, as are necessary to enable the commission to exercise or perform its functions, powers and duties pursuant to the provisions of article 12 of chapter 73 of Kansas Statutes Annotated, and amendments thereto. All such subordinate officers and employees shall be within the classified service under the Kansas civil service act, shall perform such duties and exercise such powers as the Kansas commission on veterans affairs and the executive director of the commission may prescribe and such duties and powers as are designated by law, and shall act for and exercise the powers of the commission and the executive director to the extent authority to do so is delegated by such commission or director.

(b) Except as otherwise provided by law, and subject to the Kansas civil service act, the executive director of the Kansas commission on veterans affairs shall appoint such subordinate officers and employees, subject to the approval of the Kansas commission on veterans affairs, as shall be necessary to enable the commission to exercise or perform its functions, powers and duties pursuant to the provisions of article 19 of chapter 76 of Kansas Statutes Annotated, and amendments thereto. All such subordinate officers and employees shall be within the classified service under the Kansas civil service act, shall perform such duties and exercise such powers as the commission, the executive director of the commission and the superintendent of the Kansas soldiers' home may prescribe and such duties and powers as are designated by law, and shall act for and exercise the powers of the commission, the executive director of the commission and the superintendent of the Kansas soldiers' home to the extent authority to do so is delegated by such commission, executive director or superintendent.

(c) Any veterans service representative appointed by the executive director of the Kansas commission on veterans affairs shall be an honorably discharged veteran or retired from the United States armed forces.

Nothing in this subsection shall be construed to affect the status, rights or benefits of any officer or employee of the Kansas veterans' commission employed by such commission on the effective date of this act.

employed by such commission on the effective date of this act.

For the purpose of this subsection, "veterans service representative" means any officer or employee appointed pursuant to this section whose primary duties include:

(1) Assisting and representing veterans and their dependents in securing benefits from the federal government and the state of Kansas.

(2) Providing information and assistance to veterans and dependents in obtaining special services and benefits based on knowledge of federal and state laws, policies and regulations pertaining to veterans benefits and services

(e) (d) Nothing in this act shall be construed to affect the status, rights or benefits of any officer or employee of the Kansas veterans' commission employed by such commission on the effective date of this act.

Sec. 2. K.S.A. 73-1210a is hereby repealed.

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

(Published in the Kansas Register April 10, 1997.)

HOUSE BILL No. 2211

AN ACT concerning criminal procedure; relating to parole and the Kansas parole board; amending K.S.A. 22-3701, 22-3707, 22-3709, 22-3712 and 22-3718 and K.S.A. 1996 Supp. 22-3717 and repealing the existing sections.

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

Section 1. K.S.A. 22-3701 is hereby amended to read as follows: 22-3701: (1) The governor may pardon, or commute the sentence of, any person convicted of a crime in any court of this state upon such terms and conditions as prescribed in the order granting the pardon or commutation.

(2) The Kansas parole board, hereafter referred to as the board, shall adopt rules and regulations governing the procedure for initiating, processing, and hearing reviewing applications for pardon, or commutation of sentence filed by and on behalf of persons convicted of crime.

(3) Except as otherwise provided, no pardon or commutation of sentence shall be granted until more than 30 days after written notice of the application therefor has been given to: (a) The prosecuting attorney and the judge of the court in which the defendant was convicted; and (b) any victim of the person's crime or the victim's family, if the person was convicted of a crime specified in article 34, 35 or 36 of chapter 21 of the Kansas statutes annotated. Notice of such application for pardon or commutation of sentence and of the hearing thereon shall be given by the secretary of corrections to the victim who is alive and whose address is known to the secretary of corrections, or if the victim is deceased, to the victims' victim's family if the family's address is known to the secretar of corrections. Notice of the hearing on receipt of such application shall be given by publication in the official county paper of the county of conviction not more than 30 days nor less than 15 days prior to such hearing. The form of notice shall be prescribed by the board. If the applicant executes a poverty affidavit, the cost of one publication of the notice during a twelve-month period shall be paid by the state. If more than one notice of application is published during any twelve-month period the additional cost of publication shall be paid by the applicant. Subject to the provisions of subsection (4), if written notification is not given to such victim who is alive and whose address is known to the secretary of corrections or, if the victim is deceased, to the victim's family if the family's address is known to the secretary of corrections, the governor shall not grant or deny such application until a time at least 30 days after notifi-

cation is given by publication as provided in this section.

(4) All applications for pardon or commutation of sentence shall be referred to the board. The board shall examine each case and submit a report, together with such information as the board may have concerning the applicant, to the governor within 120 days after referral to the board. The governor shall not grant or deny any such application until the governor has received the report of the board or until 120 days after the referral to the board, whichever time is the shorter and the provisions of

subsection (3) have been satisfied.

Sec. 2. K.S.A. 22-3707 is hereby amended to read as follows: 22-3707. (a) On and after July 1, 1997, the Kansas parole board shall consist of five four members 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 1996 Supp. 46-2601, and amendments thereto, no person shall exercise any power, duty or function as a member of the board until confirmed by the senate. No successor shall be appointed as provided in this section for any member of the Kansas parole board whose term expires on June 30, 1997. On and after July 1, 1997, no appointment shall be made that would result in more than three two members of the board shall be being members of the same political party. Except as provided by subsection (b), the term of office of the members of the board shall be four years and until their successors are appointed and confirmed. If a vacancy occurs in the membership of the board before the expiration of the term of office, a successor shall be appointed for the remainder of the unexpired term in the same manner that original appointments are made. Each member of the board shall devote the member's full time to the duties of membership on the board

(b) The terms of members who are serving on the board on the effective date of this act shall expire on January 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. Thereafter, members shall be appointed for terms of four years and until their successors are appointed

and confirmed.

(c) The governor may not remove any member of the Kansas parole

board except for disability, inefficiency, neglect of duty or malfeasance in office. Before removal, the governor shall give the member a written copy of the charges against the member and shall fix the time when the member can be heard at a public hearing, which shall not be less than 10 days thereafter. Upon removal, the governor shall file in the office of the secretary of state a complete statement of all charges made against the member and the findings thereupon, with a complete record of the proceedings.

- Sec. 3. K.S.A. 22-3709 is hereby amended to read as follows: 22-3709. (a) The chairperson and vice-chairperson of the Kansas parole board shall be designated by the governor. The chairperson of the board shall have the authority to organize and administer the activities of the board. The chairperson of the board may designate panels, consisting of three members of the board, which shall have the full authority and power of the board to order the denial, grant or revocation of an inmate's parole or conditional release, or for crimes committed on or after July 1, 1993, grant parole for off-grid crimes or revocation of postrelease supervision or to order the revocation of an inmate's conditional release, upon hearing by one or more members of the panel. The director of the board shall act as secretary to the board.
- (b) Any decision of the Kansas parole board granting original parole to an inmate sentenced for a class A or class B felony or for off-grid crimes committed on or after July 1, 1993, shall be by unanimous vote of all members of the three-member panel acting on such parole except that, if two members of such panel vote to parole the inmate, the full membership of the board shall review the decision of the panel and may parole such inmate upon the vote of four three members of the board.
- Sec. 4. K.S.A. 22-3712 is hereby amended to read as follows: 22-3712. The Kansas parole board may establish and maintain residence facilities for the housing of probationers, parolees or persons on post-release supervision; or may contract for such housing in facilities approved by it; it may establish and maintain diagnostic and treatment facilities for persons referred during presentence investigation or on probation, parole or postrelease supervision, or may contract for such facilities. As a condition of probation, parole or postrelease supervision may be placed in such residence; a diagnostic, or treatment facility by order of the court or parole board. Placement in a diagnostic or treatment facility shall not exceed 90 days or the maximum period of the prison sentence that could be imposed, but may be renewed for further ninety-day periods on certificates presented to the court by the director of such facility.
- Sec. 5. K.S.A. 1996 Supp. 22-3717 is hereby amended to read as follows: 22-3717. (a) Except as otherwise provided by this section, K.S.A. 1993 Supp. 21-4628 prior to its repeal and K.S.A. 21-4635 through 21-4638 and amendments thereto, an inmate, including an inmate sentenced pursuant to K.S.A. 21-4618 and amendments thereto, shall be eligible for parole after serving the entire minimum sentence imposed by the court, less good time credits.

(b) (1) Except as provided by K.S.A. 21-4635 through 21-4638 and amendments thereto, an inmate sentenced to imprisonment for the crime of capital murder, or an inmate sentenced for the crime of murder in the first degree based upon a finding of premeditated murder, committed on or after July 1, 1994, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits.

(2) Except as provided by subsection (b)(1) or (b)(4), K.S.A. 1993 Supp. 21-4628 prior to its repeal and K.S.A. 21-4635 through 21-4638, and amendments thereto, an inmate sentenced to imprisonment for an off-grid offense committed on or after July 1, 1993, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits.

(3) Except as provided by K.S.A. 1993 Supp. 21-4628 prior to its repeal, an inmate sentenced for a class A felony committed before July 1, 1993, including an inmate sentenced pursuant to K.S.A. 21-4618 and amendments thereto, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits.

(4) An inmate sentenced to imprisonment for a violation of subsection (a) of K.S.A. 21-3402 and amendments thereto committed on or after July 1, 1996, shall be eligible for parole after serving 10 years of confinement without deduction of any good time credits.

(c) Except as provided in subsection (e), if an inmate is sentenced to imprisonment for more than one crime and the sentences run consecutively, the inmate shall be eligible for parole after serving the total of:

- (1) The aggregate minimum sentences, as determined pursuant to K.S.A. 21-4608 and amendments thereto, less good time credits for those crimes which are not class A felonies; and
- (2) an additional 15 years, without deduction of good time credits, for each crime which is a class A felony.
- (d) (1) Persons sentenced for crimes, other than off-grid crimes, committed on or after July 1, 1993, will not be eligible for parole, but will be released to a mandatory period of postrelease supervision upon completion of the prison portion of their sentence as follows:

(A) Except as provided in subparagraphs (C) and (D), persons sentenced for nondrug severity level 1 through 6 crimes and drug severity levels 1 through 3 crimes must serve 36 months, plus the amount of good time earned and retained pursuant to K.S.A. 21-4722 and amendments thereto, on postrelease supervision.

(B) Except as provided in subparagraphs (C) and (D), persons sentenced for nondrug severity level 7 through 10 crimes and drug severity level 4 crimes must serve 24 months, plus the amount of good time earned and retained pursuant to K.S.A. 21-4722 and amendments thereto, on postrelease supervision.

(C) (i) The sentencing judge shall impose the postrelease supervision period provided in subparagraph (d)(1)(A) or (d)(1)(B), unless the judge finds substantial and compelling reasons to impose a departure based upon a finding that the current crime of conviction was sexually violent or sexually motivated. In that event, departure may be imposed to extend the postrelease supervision to a period of up to 60 months.

(ii) If the sentencing judge departs from the presumptive postrelease supervision period, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure. Departures in this section are subject to appeal pursuant to K.S.A. 21-4721

and amendments thereto.

- (iii) In determining whether substantial and compelling reasons exist, the court shall consider:
- (a) Written briefs or oral arguments submitted by either the defendant or the state;
 - (b) any evidence received during the proceeding;
- (c) the presentence report, the victim's impact statement and any psychological evaluation as ordered by the court pursuant to subsection (e) of K.S.A. 21-4714 and amendments thereto; and
 - (d) any other evidence the court finds trustworthy and reliable.
- (iv) The sentencing judge may order that a psychological evaluation be prepared and the recommended programming be completed by the offender. The department of corrections or the parole board shall ensure that court ordered sex offender treatment be carried out.
- (v) In carrying out the provisions of subparagraph (d)(1)(C), the court shall refer to K.S.A. 21-4718 and amendments thereto
- (vi) Upon petition, the parole board may provide for early discharge from the postrelease supervision period upon completion of court ordered programs and completion of the presumptive postrelease supervision period, as determined by the crime of conviction, pursuant to subparagraph (d)(1)(A) or (B). Early discharge from postrelease supervision is at the discretion of the parole board.
- (vii) Persons convicted of crimes deemed sexually violent or sexually motivated, shall be registered according to the habitual sex offender registration act, K.S.A. 22-4901 through 22-4910 and amendments thereto.
- (D) The period of postrelease supervision provided in subparagraphs (A) and (B) may be reduced by up to 12 months based on the offender's compliance with conditions of supervision and overall performance while on postrelease supervision. The reduction in the supervision period shall be on an earned basis pursuant to rules and regulations adopted by the secretary of corrections.
- (E) In cases where sentences for crimes from more than one severity level have been imposed, the highest severity level offense will dictate the period of postrelease supervision. Supervision periods will not aggregate.
 - (2) As used in this section, "sexually violent crime" means:
 - (A) Rape, K.S.A. 21-3502, and amendments thereto;
- (B) indecent liberties with a child, K.S.A. 21-3503, and amendments thereto;
- (C) aggravated indecent liberties with a child, K.S.A. 21-3504, and amendments thereto;
- (D) criminal sodomy, subsection (a)(2) and (a)(3) of K.S.A. 21-3505 and amendments thereto;
- (E) aggravated criminal sodomy, K.S.A. 21-3506, and amendments thereto:

- (F) indecent solicitation of a child, K.S.A. 21-3510, and amendments thereto:
- (G) aggravated indecent solicitation of a child, K.S.A. 21-3511, and amendments thereto;
- (H) sexual exploitation of a child, K.S.A. 21-3516, and amendments thereto:
- (I) aggravated sexual battery, K.S.A. 21-3518, and amendments thereto;
- (J) any conviction for a felony offense in effect at any time prior to the effective date of this act, that is comparable to a sexually violent crime as defined in subparagraphs (A) through (I), or any federal or other state conviction for a felony offense that under the laws of this state would be a sexually violent crime as defined in this section;

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

(L) any act which at the time of sentencing for the offense has been determined beyond a reasonable doubt to have been sexually motivated. As used in this subparagraph, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(e) If an inmate is sentenced to imprisonment for a crime committed while on parole or conditional release, the inmate shall be eligible for parole as provided by subsection (c), except that the Kansas parole board may postpone the inmate's parole eligibility date by assessing a penalty not exceeding the period of time which could have been assessed if the inmate's parole or conditional release had been violated for reasons other than conviction of a crime.

If a person is sentenced to prison for a crime committed on or after July 1, 1993, while on probation, parole, conditional release or in a community corrections program, for a crime committed prior to July 1, 1993, and the person is not eligible for retroactive application of the sentencing guidelines and amendments thereto pursuant to K.S.A. 21 4724 and amendments thereto, the new sentence shall not be aggregated with the old sentence, but shall begin when the person is paroled or reaches the conditional release date on the old sentence. If the offender was past the offender's conditional release date at the time the new offense was committed, the new sentence shall not be aggregated with the old sentence but shall begin when the person is ordered released by the Kansas parole board or reaches the maximum sentence expiration date on the old sentence, whichever is earlier. The new sentence shall then be served as otherwise provided by law. The period of postrelease supervision shall be based on the new sentence, except that those offenders whose old sentence is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp. 21-4628 prior to its repeal, or an indeterminate sentence with a maximum term of life imprisonment, for which there is no conditional release or maximum sentence expiration date, shall remain on postrelease supervision for life or until discharged from supervision by the Kansas parole board.

(g) Subject to the provisions of this section, the Kansas parole board may release on parole those persons confined in institutions who are eligible for parole when: (1) The board believes that the inmate should be released for hospitalization, for deportation or to answer the warrant or other process of a court and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate; or (2) the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a and amendments thereto, or any revision of such agreement, and the board believes that the inmate is able and willing to fulfill the obligations of a law abiding citizen and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate. Parole shall not be granted as an award of elemency and shall not be considered a reduction of sentence or a pardon.

(h) The Kansas parole board shall hold a parole hearing during at least the month prior to the month an inmate will be eligible for parole under subsections (a), (b) and (c). At least the month preceding the parole hearing, the county or district attorney of the county where the inmate was convicted shall give written notice of the time and place of the public comment sessions for the inmate to any victim of the inmate's crime who is alive and whose address is known to the county or district attorney or, if the victim is deceased, to the victim's family if the family's address is known to the county or district attorney. Except as otherwise provided,

(continued)

failure to notify pursuant to this section shall not be a reason to postpone a parole hearing. In the case of any inmate convicted of a class A felony the secretary of corrections shall give written notice of the time and place of the public comment session for such inmate at least one month preceding the public comment session to any victim of such inmate's crime or the victim's family pursuant to K.S.A. 74-7338 and amendments thereto. If notification is not given to such victim or such victim's family in the case of any inmate convicted of a class A felony, the board shall postpone a decision on parole of the inmate to a time at least 30 days after notification is given as provided in this section. Nothing in this section shall create a cause of action against the state or an employee of the state acting within the scope of the employee's employment as a result of the failure to notify pursuant to this section. If granted parole, the inmate may be released on parole on the date specified by the board, but not earlier than the date the inmate is eligible for parole under subsections (a), (b) and (c). At each parole hearing and, if parole is not granted, at such intervals thereafter as it determines appropriate, the Kansas parole board shall consider: (1) Whether the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a and amendments thereto, or any revision of such agreement; and (2) all pertinent information regarding such inmate, including, but not limited to, the circumstances of the offense of the inmate; the presentence report; the previous social history and criminal record of the inmate; the conduct, employment, and attitude of the inmate in prison; the reports of such physical and mental examinations as have been made; comments of the victim and the victim's family; comments of the public; official comments; and capacity of state correctional institutions.

(i) In those cases involving inmates sentenced for a crime committed after July 1, 1993, the parole board will review the inmates proposed release plan. The board may schedule a hearing if they desire. The board may impose any condition they deem necessary to insure public safety, aid in the reintegration of the inmate into the community, or items not completed under the agreement entered into under K.S.A. 75-5210a and amendments thereto. The board may not advance or delay an inmate's release date. Every inmate while on postrelease supervision shall remain in the legal custody of the secretary of corrections and is subject to the

orders of the secretary.

(j) Within a reasonable time after an immate is committed to the custody of the secretary of corrections, a member of the Kansas parole board, or a designee of the board, shall hold an initial informational hearing with such immate and other immates.

Before ordering the parole of any inmate, the Kansas parole board shall have the inmate appear before it either in person or via a video conferencing format and shall interview the inmate unless impractical because of the inmate's physical or mental condition or absence from the institution. Every inmate while on parole shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary. Whenever the Kansas parole board formally considers placing an inmate on parole and no agreement has been entered into with the inmate under K.S.A. 75-5210a and amendments thereto, the board shall notify the inmate in writing of the reasons for not granting parole. If an agreement has been entered under K.S.A. 75-5210a and amendments thereto and the inmate has not satisfactorily completed the programs specified in the agreement, or any revision of such agreement, the hoard shall notify the inmate in writing of the specific programs the inmate must satisfactorily complete before parole will be granted. If parole is not granted only because of a failure to satisfactorily complete such programs, the board shall grant parole upon the secretary's certification that the inmate has successfully completed such programs. If an agreement has been entered under K.S.A. 75-5210a and amendments thereto and the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by such agreement, or any revision thereof, the board shall not require further program participation. However, if the board determines that other pertinent information regarding the inmate warrants the inmate's not being released on parole, the board shall state in writing the reasons for not granting the parole. If parole is denied for an inmate sentenced for a crime other than a class A or class B felony or an off-grid felony, the board shall hold another parole hearing for the inmate not later than one year after the denial unless the parole board finds that it is not reasonable to expect that parole would be granted at a hearing if held in the next three years or during the interim period of a deferral. In such case, the parole board may defer subsequent parole hearings for up to three years but any such deferral by the board shall require the board to state the basis for its findings. If parole is denied

for an inmate sentenced for a class A or class B felony or an off-grid felony, the board shall hold another parole hearing for the inmate not later than three years after the denial unless the parole board finds that it is not reasonable to expect that parole would be granted at a hearing if held in the next 10 years or during the interim period of a deferral. In such case, the parole board may defer subsequent parole hearings for up to 10 years but any such deferral shall require the board to state the basis for its findings.

(1) (k) Parolees and persons on postrelease supervision shall be assigned, upon release, to the appropriate level of supervision pursuant to

the criteria established by the secretary of corrections.

(m) (l) The Kansas parole board shall adopt rules and regulations in accordance with K.S.A. 77-415 et seq., and amendments thereto, not inconsistent with the law and as it may deem proper or necessary, with respect to the conduct of parole hearings, postrelease supervision reviews, revocation hearings, orders of restitution and other conditions to be imposed upon parolees or releases. Whenever an order for parole or postrelease supervision is issued it shall recite the conditions thereof.

(n) (m) Whenever the Kansas parole board orders the parole of an inmate or establishes conditions for an inmate placed on postrelease su-

pervision, the board:

(1) Unless it finds compelling circumstances which would render a plan of payment unworkable, shall order as a condition of parole or post-release supervision that the parolee or the person on postrelease supervision pay any transportation expenses resulting from returning the parolee or the person on postrelease supervision to this state to answer criminal charges or a warrant for a violation of a condition of probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision;

(2) to the extent practicable, shall order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision make progress towards or successfully complete the equivalent of a secondary education if the immate has not previously completed such

educational equivalent and is capable of doing so; and

(3) may order that the parolee or person on postrelease supervision perform community or public service work for local governmental agencies, private corporations organized not-for-profit or charitable or social

service organizations performing services for the community.

(o) (n) If the court which sentenced an inmate specified at the time of sentencing the amount and the recipient of any restitution ordered as a condition of parole or postrelease supervision, the Kansas parole board shall order as a condition of parole or postrelease supervision that the inmate pay restitution in the amount and manner provided in the journal entry unless the board finds compelling circumstances which would render a plan of restitution unworkable. If the parolee was sentenced before July 1, 1986, and the court did not specify at the time of sentencing the amount and the recipient of any restitution ordered as a condition of parole; the parole board shall order as a condition of parole that the parolee make restitution for the damage or loss eaused by the parolee's erime in an amount and manner determined by the board unless the board finds compelling circumstances which would render a plan of restitution unworkable. If the parolee was sentenced on or after July 1, 1986, and the court did not specify at the time of sentencing the amount and the recipient of any restitution ordered as a condition of parole or postrelease supervision, the parole board shall not order restitution as a condition of parole or postrelease supervision unless the board finds compelling circumstances which justify such an order.

(p) (o) Whenever the Kansas parole board grants the parole of an inmate, the board, within 10 days of the date of the decision to grant parole, shall give written notice of the decision to the county or district

attorney of the county where the inmate was sentenced.

(q) (p) When an inmate is to be released on postrelease supervision, the secretary, within 30 days prior to release, shall provide the county or district attorney of the county where the inmate was sentenced written notice of the release date.

(r) (q) Inmates shall be released on postrelease supervision upon the termination of the prison portion of their sentence. Time served while

on postrelease supervision will vest.

(s) (r) An inmate who is allocated regular good time credits as provided in K.S.A. 22-3725 and amendments thereto may receive meritorious good time credits in increments of not more than 90 days per meritorious act. These credits may be awarded by the secretary of corrections when an inmate has acted in a heroic or outstanding manner in coming

to the assistance of another person in a life threatening situation, preventing injury or death to a person, preventing the destruction of property or taking actions which result in a financial savings to the state.

Sec. 6. K.S.A. 22-3718 is hereby amended to read as follows: 22-3718. Upon release, an inmate who has served the inmate's maximum term or terms, less such work and good behavior credits as have been earned, shall, upon release, shall be subject to such written rules and conditions as the Kansas parole board may impose, until the expiration of the maximum term or terms for which the inmate was sentenced or until the inmate is otherwise discharged. If the court which sentenced an inmate specified at the time of sentencing the amount and the recipient of any restitution ordered as a condition of release pursuant to this section, the parole board may set aside restitution as a condition of release payment of restitution, if the board finds compelling circumstances which would render a plan of restitution unworkable. If the immate was sentenced before July 1, 1986, and the court did not specify at the time of sentencing the amount and the recipient of any restitution ordered as a condition of release, the parole board shall order as a condition of release

that the immate make restitution for the damage or loss caused by the immate's crime in an amount and manner determined by the board unless the board finds compelling circumstances which would render a plan of restitution unworkable. If the immate was sentenced on or after July 1, 1986, and the court did not specify at the time of sentencing the amount and the recipient of any restitution ordered as a condition of release pursuant to this section, the parole board shall not order restitution as a condition of release unless the board finds compelling circumstances which justify such an order. Prior to the release of any inmate on parole, conditional release or expiration of sentence, if an inmate is released into the community under a program under the supervision of the secretary of corrections, the secretary shall give written notice of such release to any victim or victim's family as provided in K.S.A. 22-3727, and amendments thereto.

Sec. 7. K.S.A. 22-3701, 22-3707, 22-3709, 22-3712 and 22-3718 and K.S.A. 1996 Supp. 22-3717 are hereby repealed.

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

State of Kansas

Office of Judicial Administration Court of Appeals Docket

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

Kansas Court of Appeals Kansas Judicial Center Court of Appeals Courtroom 301 W. 10th Ave., 2nd Floor Topeka, Kansas

Before Rulon, P.J.; Green, J.; and Glenn D. Schiffner, D.J., assigned.

Tuesday, April 22, 1997

Case No.	Case Name	230 d.M. Attorneys	County
75,495	State of Kansas, Appellee,	Attorney General	Shawnee
	v. Fred W. Phelps, Sr., Appellant.	Joel W. Meinecke, Asst. D.A. Chris R. Davis Margie J. Phelps	
75,494	State of Kansas, Appellee,	Attorney General	Shawnee
	v. Benjamin C. Phelps, Appellant.	James A. Brown, Asst. D.A. Chris R. Davis Margie J. Phelps	
	- 10 (14) 音点性の (15) (15) (15) (15) (16) (16) (17) (17) (17) (17) (17) (17) (17) (17	0:45 a.m.	
75,903	In the Matter of the Appeal of Epimenio Lopez/Guereca from the Orders of the Kansas Board of Tax Appeals on Assessment of Marijuana and Controlled Substances Tax.	Donald H. Humphreys Brian Cox	Tax Appeal
	and the state of t	:30 p.m.	
76,042	State of Kansas, Appellee, v. Timothy W. Spidel, Appellant.	Attorney General Michael B. Kearns, Asst. C.A. Erik R. Sundbye	Riley
75,819	Manuel Magallanez, Appellee, v. IBP, Inc.,	David O. Alegria Gregory D. Worth Paul K. Thoma	Work Comp.
	and Self-Insured, Appellant.		(continued)

2:45 p.m.

State of Kansas, Appellee, 75,189 Jeff S. Matthews, Appellant. **Attorney General** Sarah S. Henson, Asst. C.A. Jessica R. Kunen Edward G. Collister, Jr.

Pottawatomie

Wednesday, April 23, 1997

a.m.	

Case No.	Case Name	Attorneys	County
77,030	In the Matter of the Care and Treatment of Ada Vanderblomen.	O.W. Bobo III Kenneth M. Carpenter	wnee
76,682	Jack Dempsey James, Jr., Appellant,	John H. Taylor Attorney General	y
	State of Kansas, Appellee.	County Attorney	
	10	:45 a.m.	
77,687	State of Kansas, Appellant, v.	Attorney General Gea Thomas Alongi, Asst. C.A.	ry
	Anthony Groves, Appellee.	David J. Orr	
	1:	45 p.m.	
75,570	State of Kansas, Appellee, v. Matthew Turk, Appellant.	Attorney General Shar James A. Brown, Assst. D.A. William R. Stewart	wnee
76,001	State of Kansas, Appellee, v.	District Attorney	wnee
	Wesley Tyrone Rayton, Appellant.	Jessica R. Kunen Julie A. Gorenc	
	3:	00 p.m.	

6,412	Stephen W. Abbott, O.D.,
	W. Chris Arensberg, O.D.
	John W. Page II, O.D.,
	Dennis L. Smith, O.D., James
	C. Williams, O.D., Appellants,
	gjang kan k v. Hillianski

Reid F. Holbrook Brent G. Wright Randall J. Forbes

Shawnee

Kansas Board of Examiners in Optometry, et al., Appellees.

Summary Calendar—No Oral Argument

76,368	State of Kansas, Appellee,	Attorney General Meade	<u> </u>
	$oldsymbol{v}_{oldsymbol{v}}$, which is the state of $oldsymbol{v}_{oldsymbol{v}}$	Louis A. Pedrebarac, C.A.	
	Joseph Glassman, Appellant.	John T. Bird	10, 10 1, 10
77,905	In the Interest of W.S. and H.J.S., Children	Rene M. Netherton Shawne	e
	Under the Age of 18.	District Attorney	, i .
		Mark Ward	
75,442	State of Kansas, Appellee,	Attorney General Sedgwie	ck
75,443		Debra S. Peterson	
75,444	Daniel W. Hammar, a/k/a Walter D.	Jessica R. Kunen	
a profit	Hammar, Appellant.	Edward G. Collister, Jr.	. 3 [1]

Kansas Court of Appeals
Commission Meeting Room, 2nd Floor
Old Douglas County Courthouse
1100 Massachusetts
Lawrence, Kansas

Before Elliott, P.J.; Gernon and Marquardt, JJ.

Tuesday, April 22, 1997

Case No.	Case Name	9:00 a.m. Attorneys	County
75,563	State of Kansas, Appellee,	Attorney General Jerome A. Gorman, Asst. D.A.	Wyandotte
	Randall C. Sanford, Appellant.	Jessica R. Kunen	等国际 自己的
		:15 a.m.	
75,934	Mirrors International, Ltd., Appellee, v.	John H. Fields Gerald C. Golden	Johnson
	Vic Graf's Gallery, Inc., and Kay Doubleday Graf, Personally, Appellants.		
77,391	State of Nebraska, ex rel. Vicki Lynn Buckendahl, Appellee, V.	District Attorney Michael J. Maddox Gary Pomeroy	Douglas
	James A. Gragg, Appellant.	J. Scott Thompson	
76,083	Cynthia Angell, Appellant, v.	Philip C. Lorton Todd N. Thompson	Leavenworth
	Randy Hocking, Appellee.		
		45 p.m.	
76,253	Olathe Santa Fe Partnership, Appellant, v.	Michael K. Seck Thomas A. Glinstra	Johnson
\	City of Olathe, Kansas, Appellee.	Timothy J. Sear	
75,569	Jeffrey L. Clark and Rebecca Clark, Appellants,	James L. Sanders Donald W. Vasos	Wyandotte
	v. State Farm Fire & Casualty Co., Appellee.		
	3. (1) (1) (1) (1) (1) (1) (1) (1) (1) (1)	15 p.m.	
76,087	In the Matter of Edgar Lazo-Wasem, Appellant,	James M. Jesse David J. Brown	Douglas
	Cotati Coffee Roasting Company; Greg Haskell, an Individual; Emily Haskell, an	James E. Salyer	
	Individual; and Does 1-10, and Cory Turner, Intervenor, Appellees.		
74,795	Thomas B. Hyder, Appellee, v.	Richmond M. Enochs Keven M. P. O'Grady	Johnson
	Continental Casualty Company, Appellant.		
	Wednesda	y, April 23, 1997	
		9:00 a.m.	
75,255	State of Kansas, Appellee,	Attorney General	County Johnson
	v. Todd E. Bowman, a/k/a Quillen, Appellant.	District Attorney Jessica R. Kunen Janine Cox	
74,650	Linda R. Burt, Appellee,	John B. Gage II Donald E. Howell, Jr.	Johnson
	Kristy Maurer, f/k/a Burmeister, Appellant.		(continued)

		.0:45 a.m.	
75,615	State of Kansas, Appellee, v. Theresa M. Harris, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Randall L. Hodgkinson	Johnson
75,741	James M. Massey, Appellant, v. State of Kansas, Appellee.	Attorney General Terra D. Morehead, Asst. D.A. Thomas W. Bartee	Wyandotte
	Summary Calen	dar—No Oral Argument	
75,685	State of Kansas, Appellee, v. Alphonso Q. Toney, a/k/a Terrell Toney, Appellant.	Attorney General County Attorney Jessica R. Kunen Wendy L. Rhyne Slayton	Reno
75,770	Vernon Arrington, Appellant, v. State of Kansas, Appellee.	Attorney General Terra D. Morehead, Asst. D.A. Jessica R. Kunen Elizabeth Seale Cateforis	Wyandotte
75,074	State of Kansas, Appellee, v. James E. Landis, Appellant.	Attorney General Ty Kaufman, C.A. Charles A. O'Hara	McPherson

Kansas Court of Appeals 233 General Education Building Johnson County Community College 12345 College Blvd., College & Quivera Overland Park, Kansas

Before Royse, P.J.; Lewis and Knudson, JJ.

Tuesday, April 22, 1997 9:00 a.m.

Case No.	Case Name	Attorneys	County
75,216	State of Kansas, Appellee, v.	Attorney General Sheryl L. Lidtke, Asst. D.A.	Wyandotte
	Michael E.D. Foster, Appellant.	Alice A. Craig	
76,393	George and Sue Reeves, Appellants, v.	Thomas R. Hill James S. Kreamer	Johnson
	Sunflower Dodge, Inc., Appellee.	Thomas E. Rice, Jr.	
	10	:30 a.m.	
74,997 76,191	State of Kansas, Appellee, v. Brian A. Minton, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. James F. Vano	Johnson
76,121	In the Matter of the Marriage of Roxanne Tevis-Bleich, Appellant,	Shawn E. DeGraff Bruce W. Beye	Johnson
	Michael Alan Bleich, Appellee.	. 기계	
		30 p.m.	
76,408	University of Kansas Medical Center, Appellant,	John C. McFadden Emmanuel Barnes	Shawnee
	Emmanuel Barnes, Appellee.		
75,991	In the Matter of the Marriage of Ronald D. Deffenbaugh, Appellee,	Dennis Moore	Johnson
	and Karen C. Deffenbaugh, Appellant.	Charles E. Wetzler John Ivan Jennifer L. Lewis	

3:00 p.m.

74,124 State of Kansas, Appellee,

Ezra Hills, Appellant.

Attorney General

Steven J. Obermeier, Asst. D.A.

Jessica R. Kunen

Johnson

County

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Wyandotte

Johnson

Montgomery

Johnson

Kansas Court of Appeals 655 U.S. Courthouse 500 State Ave. Kansas City, Kansas

Before Royse, P.J.; Lewis and Knudson, JJ.

Wednesday, April 23, 1997

9:00 a.m.

Attorneva

Steven D. Ruse

James R. Shetlar

Marcia L. Yates

Frank A. Caro, Jr.

Donald W. Vasos

Leonard R. Frischer

Charles D. Lawhorn

Case No. Case Name
76,559 Shughart Thomson & Kilroy, PC,

Appellant,

Max Rieke & Brothers, Inc., and American States Insurance Co., Appellees.

76,390 Barbara Shipley, Appellant,

Beckwell International, Inc., and

Insurance Company of North America, and Kansas Workers Compensation Fund

Kansas Workers Compensation Fund, Appellees.

76,639 Daniel L. Jacobson, d/b/a Jacobson Trucking, Appellant,

Trucking, Appellant,

Wayne B. Turner, Defendant,

State Farm Mutual Automobile Insurance Company, Appellee,

and
State Farm Mutual Automobile Insurance
Company,

Wayne B. Turner, et al.

10:45 a.m.

75,008 Steven R. Arrasmith, Appellee,

v. Mark A. King, Appellee, Farm Bureau Mutual Insurance Co., Inc., Garnishee,

Appellant.

76,697 Lawrence R. Bold, Appellant,

76,323

v. Larry S. Spitcaufsky, Appellee. Jack F. West

Philip W. Bledsoe Andrew M. Demarea Robert R. McQuain

Timothy Alvarez

Donald W. Vasos

Paul Hasty, Jr.

Summary Calendar—No Oral Argument

77,614 In the Interest of A.R.K., dob: 11/21/80; T.L.W., dob: 04/25/82; T.R.W., dob: 07/13/

83; B.S.S., dob: 06/14/86; B.D.S., dob: 04/09/91; T.W., dob: 02/08/93; D.C., dob: 09/13/94; Children Under the Age of 18

Bret Lawson, Asst. D.A. Daylene Brody Walls

F. William Cullins

13/94; Children Under the Age of 18.

Thomas P. Lamb, Appellant, v.

State of Kansas, Appellee.

Thomas P. Lamb

Harry M. Bass

Steven J. Obermeier, Asst. D.A.

(continued)

Johnson

77,547 Glen E. Greenwood, Appellant, v. Kansas Parole Board, Appellee. Nicholas M. St. Peter James W. Coder Cowley

Kansas Court of Appeals Court of Appeals Courtroom, Third Floor Old Sedgwick County Courthouse, 510 N. Main Wichita, Kansas

Before Pierron, P.J.; Roggs, S.J.; and Larry T. Solomon, D.J.; assigned.

Tuesday, April 22, 1997

	10	D:00·a.m.		
Case No.	Case Name	Attorneys		County
75,174	Gene D. Spencer, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen Janine Cox Attorney General County Attorney		Reno
75,870	State of Kansas, Appellee, v. Mercedes Jean Morris, a/k/a Mercedes Barklage, a/k/a Mercedes Geren, Midge Geren, a/k/a Midge Barklage, a/k/a Midge Morris, Appellant.	Attorney General Ty Kaufman, C.A. Jessica R. Kunen Janine Cox		McPherson
	: ^ ^ () : [[[[[[[[[[[[[[[[[[l:00 a.m.		
75,353	Family Dollar Stores of Kansas, Inc., a Kansas Corporation, Appellant, v. David J. Christie, Michael J. Doyle, Clifton E. Pummill, Broadway Plaza Partners, a Kansas General Partnership, and Consolidated Stores Corporation, an Ohio Corporation, Appellees.	Eric S. Strickler Jeffery L. Carmichael Daniel G. Menzie Gregory N. Pottorff		Sedgwick
75,191	State of Kansas, Appellee, v. David S. Musgrove, Appellant.	Attorney General Mike E. Ward, C.A. Jessica R. Kunen Rhonda Keylon Levinson		Butler
	11. 12. 12. 12. 12. 12. 12. 12. 12. 12.	:30 p.m.		
74,969	State of Kansas, Appellee, v. James W. Madigan, Appellant.	Attorney General Mike E. Ward, C.A. Edward G. Collister, Jr. Jessica R. Kunen		Butler
75,421	State of Kansas, Appellee, v. James M. Gray, Appellant.	Attorney General Debra S. Peterson Michael H. Dunn	ngagar 10 hatis - Sar 10 hatis - Sar	Sedgwick
		:00 p.m.		
75,732	State of Kansas, Appellee, v. Christian M. Hill, Appellant.	Attorney General Debra S. Peterson Jessica R. Kunen Hazel Haupt		Sedgwick
74,831 74,843	State of Kansas, Appellee, v. Darrick A. Chinn, Appellant.	Attorney General Debra S. Peterson Jessica R. Kunen Hazel Haupt	1 (1) (1) (1) (1) (1) (1) (1) (1) (1) (1	Sedgwick
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Wednesday, April 23, 1997

9:00 a.m.

Case No.	Case Name	UU a.m. Attorneys	County
75,642	State of Kansas, Appellee, v. David L. Upchurch, Appellant.	Attorney General Debra S. Peterson Kurt P. Kerns	Sedgwick
75,607	Leva Bohanan, Appellee, v. U.S.D. 260 and Kansas Association of School Boards, Appellants, and Kansas Workers Compensation Fund, Appellee.	Vincent L. Bogart Douglas M. Greenwald Anton C. Andersen Dennis L. Phelps	Work Comp.
	10	:45 a.m	and the second of the second o
77,326	In the Interest of D.M.R., dob: 06/06/89; C.L.F., dob: 02/07/94; and M.D.B., dob: 07/23/95; Minor Children Under 18 Years of Age.	Mary J. Ivester Kevin B. Johnson Willard L. Thompson, Jr.	Sedgwick
76,144	Lesta K. Vanier, John K. Vanier, and Jerry D. Vanier, Appellants, v. Joyce V. Hale, H.D. Hale, John J. Hale, Max A. Hale, Dana R. Nelson, Lisa K. Hodos, Karen L. Hale, and Mollie A. Hale, Appellees.	Thomas D. Kitch Lyndon W. Vix Steven W. Brown James D. Griffin	Saline
	Summary Calenda	ar—No Oral Argument	The second second
75,553	State of Kansas, Appellee, v. Douglas A. Gish, Appellant.	Attorney General John Wilcox, Jr., Asst. D.A. Elizabeth Seale Cateforis	Douglas
74,011	State of Kansas, Appellee, v. Clan P. Hulott, Appellant	Attorney General County Attorney	Anderson
75,419	Glen R. Hulett, Appellant. Roderick F. Fields, Appellant, v. State of Kansas, Appellee.	Hazel Haupt Attorney General William E. Kennedy III, C.A. Stephen Freed	Riley
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Carol G. Green Clerk of the Appellate Courts

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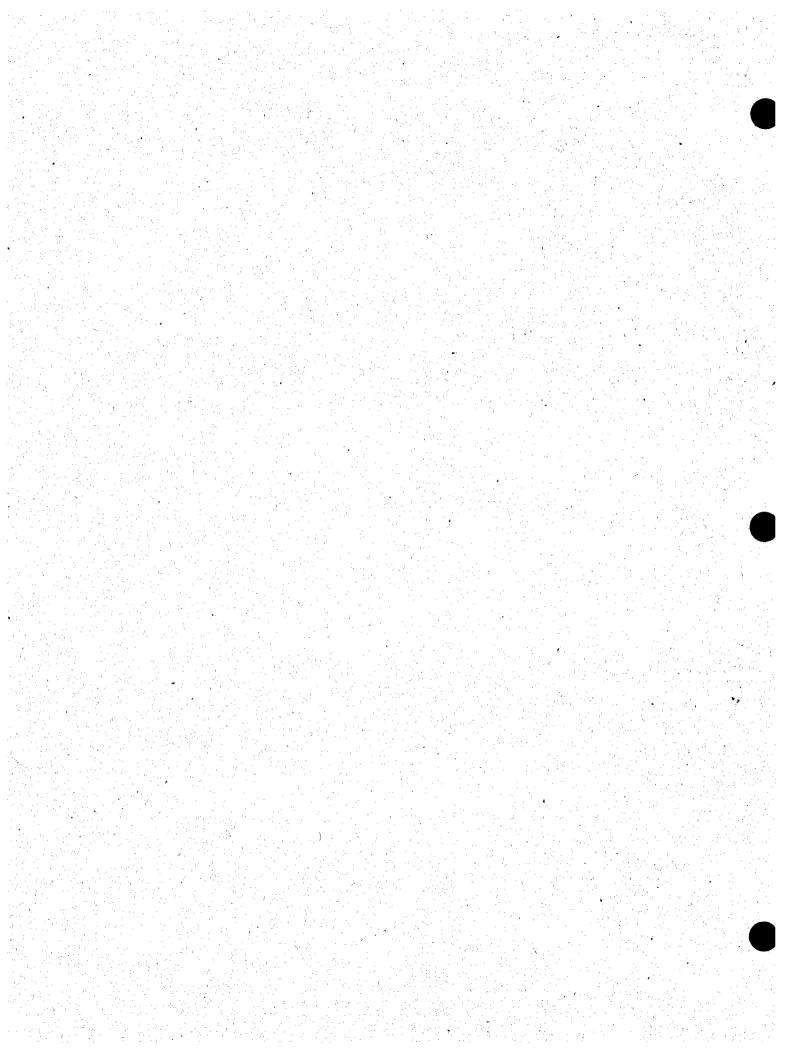
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60-2-102			69-8-4	Revoked	V. 15, p. 296	AGEN	CY 82: STATE	CORPORATION
through			69-8-6	Revoked	V. 15, p. 296		COMMIS	
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60-9-109	Revoked	V. 15, p. 1807	69-13-1	Amended	V. 15, p. 296	82-3-101	Amended	V. 15, p. 1538
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60-11-108	Amended	V. 15, p. 115	69-14-1			82-3-307	Amended	V. 15, p. 1670
60-11-109	Revoked	V. 15, p. 115	through			82-3-700		
60-11-112	Revoked	V. 15, p. 115	69-14-5	New	V. 15, p. 971, 972	through		
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60-13-115	Revoked	V. 15, p. 116	70-1-6	New	V. 16, p. 441	86-1-5	Amended	V. 15, p. 598
60-16-102	Amended	V. 15, p. 1807	70-2-1	Revoked	V. 16, p. 173	86-1-11	Amended	V. 15, p. 1831
				,		86-3-25	Amended	V. 15, p. 1331
60-16-104	Amended	V. 15, p. 1807	70-2-2	Revoked	V. 16, p. 173	A.G	ENCY 91: DEP	RTMENT OF
AGEN	NCY 65: BOARD	OF EXAMINERS	70-2-3	Revoked	V. 16, p. 173		EDUCAT	
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65-5-6	Amended	V. 16, p. 300	70-4-8	New	V. 16, p. 441	91-5-3	Amended	V. 15, p. 1864
65-5-9	New	V. 16, p. 249	70-4-9	New	V. 16, p. 443	91-10-2	Amended	V. 16, p. 409
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66-6-6	Amended	V. 15, p. 185	Reg. No.	Action		91-31-4a	Revoked	V. 15, p. 1864
66-7-3	Amended	V. 15, p. 185		* *	Register	91-31-5	Revoked-	V. 15, p. 1864
66-8-1	Amended	V. 15, p. 185	71-4-1	Amended	V. 15, p. 1860	91-31-6	Revoked	V. 15, p. 1864
66-10-1	Amended	V. 15, p. 185	71-4-3	Amended	V. 15, p. 1860	91-31-7	Revoked	V. 15, p. 1864
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69-1-4	Amended	V. 15, p. 292	75-6-7	Revoked	V. 15, p. 1129	91-31-14c	Revoked	V. 15, p. 1865
69-1-7	Revoked	V. 15, p. 293	75-6-8	Revoked	V. 15, p. 1129	91-31-15	Revoked	V. 15, p. 1865
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