



# Kansas Register

Ron Thornburgh, Secretary of State

Vol. 16, No. 18    May 1, 1997    Pages 663-726

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## State of Kansas

**Social and Rehabilitation Services****Request for Comments**

The Kansas Mental Health and Developmental Disabilities Commission of SRS (MH&DD) announces the intended use of federal Projects for Assistance in Transition from Homelessness (PATH) funding in the amount of \$300,000. The purpose of the grant is to provide assertive outreach and engage into mainstream community services and housing people who are literally homeless, who have a mental illness, and who were previously unknown to or not engaged in the mental health system.

Direct written comments or questions regarding the intended use of PATH funds to Lori Nuebel, SRS, Department of Mental Health and Developmental Disabilities, 5th Floor North, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. Written comments must be received by the close of business May 5 in order to be considered in formulating a final decision.

Rochelle Chronister  
Secretary of Social and  
Rehabilitation Services

Doc. No. 019044

## State of Kansas

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

Notice is hereby given of the commencement of negotiations for architectural services for the construction of a child care center at the University of Kansas, Lawrence campus. The facility will house approximately 220 children in Phase I. The total project cost is estimated to be \$3.3 million.

For information regarding the scope of services, contact Warren Corman, University Architect/Special Assistant to Chancellor, University of Kansas, (913) 864-4868.

If interested, an original and six copies of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 625 Polk, Topeka, 66603, (913) 233-9367. Submittals not complying with the guidelines will be returned without consideration.

Expressions of interest and the SF 255 submittals should be received by Gary Grimes before 5 p.m. May 16.

Thaine Hoffman, AIA  
Director, Division of  
Architectural Services

Doc. No. 019049

## State of Kansas

**Board of Examiners in Optometry****Notice of Hearing on Proposed  
Administrative Regulations**

A public hearing will be conducted at 10 a.m. Wednesday, July 2, in the conference room in Suite 303, 555 S. Kansas Ave., Topeka, to consider the adoption of proposed changes in an existing rule and regulation of the Kansas Board of Examiners in Optometry.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All parties may submit written comments prior to the hearing to the secretary-treasurer of the Kansas State Board of Examiners in Optometry, 1001 S.W. Mulvane, Topeka, 66604-1419. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting the board office.

A summary of the regulation and its economic impact follows. The regulation is not mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program. Copies of the regulation and the economic impact statement may be obtained by writing: Frieden, Haynes & Forbes, P.O. Box 639, Topeka, 66601.

**K.A.R. 65-10-1, Practice locations.** This amendment to an existing regulation makes several changes. First, it eliminates the provision that a licensee shall not derive any economic benefit from or maintain more than three offices or practice locations. Second, it eliminates the provision that a licensee who intends to engage in the practice of optometry at any office or practice location in this state, other than to one which the licensee has previously given notice of to the board, shall give notice in writing to the board prior to performing any optometric services. Third, it adds that no licensee shall maintain an office or practice location in a manner that indicates or implies either of the following:

(1) An unlicensed person is engaged in or maintains an office for the practice of optometry.

(2) The licensee's practice is being carried on as a part of or in association with the business enterprise of the unlicensed person.

There is no economic impact. This is not an environmental regulation.

Larry D. Stoppel  
President

Doc. No. 019071

## State of Kansas

**Department of Administration  
Division of Architectural Services**

**Notice of Commencement of Negotiations  
for Construction Management Services**

Notice is hereby given of the commencement of negotiations for construction management services for athletic facilities improvement at the University of Kansas, Lawrence.

The University of Kansas will soon begin a major program of work at Memorial Stadium and Allen Field House, on the Lawrence campus. Work will include rehabilitation of deteriorated structural and seating areas, demolition and reconstruction of restroom and concessions facilities, addition of a new press box and scholarship boxes, new elevators and similar accessibility improvements, and related utility and infrastructure upgrades.

The work will be performed while maintaining seasonal events scheduled for the facility to be retained and enabling a number of campus operational units to remain in business at Memorial Stadium. Phasing of contractor work and adherence to the project budget and timelines will be critical to the success of the project.

It is the intent of this contract to utilize the skills, experience and talents of a construction management firm, serving as a member of the design team and assisting other design professionals, under separate contract to the University of Kansas, to develop the construction documents necessary to accomplish the program of work within the budgeted resources available. The design team should provide maximum assurance that design efforts will result in an awardable contract for construction and adherence to critical schedules during which the work must be performed.

The construction management services representative, as a member of the project design team, will provide services which include, but are not limited to:

- Construction site access, staging, etc.
- Value engineering
- Verification of probable costs of construction
- Design review
- Constructability evaluation
- Schedule verification

Fees shall be negotiated according to K.S.A. 75-1265 and shall not exceed 1 percent of the estimated cost of the project, which is \$32,391,210. For information regarding the scope of services, contact Warren Corman, University Architect/Special Assistant to Chancellor, University of Kansas, (913) 864-4868.

If interested, an original and six copies of qualifications and expressions of interest should be submitted to Gary Grimes, Division of Architectural Services, 625 Polk, Topeka, 66603. These submittals should be concise and relevant to the project.

Expressions of interest and submittals should be received by Gary Grimes before 5 p.m. May 16.

Thaine Hoffman, AIA  
Director, Division of  
Architectural Services

## State of Kansas

**State Corporation Commission**

**Notice of Motor Carrier Hearings**

The following motor carriers have filed various applications and are scheduled for hearings May 20 before the commission at its offices, 1500 S.W. Arrowhead Road, Topeka, as indicated below. This list does not include cases which have been continued from earlier assigned hearing dates for which parties of record have received notice.

Requests to inspect and copy the notices provided to the parties and questions in regard to these hearings should be addressed to the State Corporation Commission, Transportation Division, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (913) 271-3225 or 271-3151. The presiding officer for these matters is Dan Riley, Assistant General Counsel, (913) 271-3159. Anyone needing special accommodations should give notice to the commission 10 days prior to the scheduled hearing date.

Attention should be directed to Kansas Administrative Regulation 82-1-228, "Rules of Practice and Procedure Before the Commission."

\*\*\*\*\*

**Applications for Certificate of Public Service:**

- Blaine A. Brought, Tarkio, MO;  
MC ID No. 106643
- C.R.W. & Family Trucking, Inc., Valley Falls, KS;  
MC ID No. 153038
- Carl Hagebusch, dba Flying H. Hotshot, Coffeyville, KS;  
MC ID No. 154085
- Eddie M. Haynes, dba Twilite Recovery Service,  
Pleasanton, KS; MC ID No. 154079
- Rodney Heasley, dba Ram Rod Service, Parsons, KS;  
MC ID No. 154460
- Petco Transportation of Oklahoma, Inc., Arnett, OK;  
MC ID No. 154084
- River City Courier, Inc., Wichita, KS; MC ID No. 154083
- M. Curt Saket, dba Curt's Cars, Frontenac, KS;  
MC ID No. 151981
- Gary L. Stone, Washington, KS; MC ID No. 154087
- Kenneth J. and Ronda L. Zook, dba Zook Trucking,  
Abilene, KS; MC ID No. 154086

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

- Terry L. Hofmann, dba Terry L. Hofmann Transportation, Norfolk, NE; MC ID No. 219107

**Application for Extension of Certificate  
of Public Service:**

- Michael A. and Tracy L. Carlile, dba M & T Transport, Liberal, KS; MC ID No. 154049

**Applications for Transfer of Certificate  
of Public Service:**

- Gregory Allen Hoffman, dba Allen's Wrecker Service, McPherson, KS; MC ID No. 152363, to: Burton A. Day, dba Allen's Wrecker Service, McPherson, KS

**Application for Abandonment of Public Service:**

- BJ Trucking Company, Rolla, KS; MC ID No. 121016



**Application for Abandonment of  
Contract Carrier Permit:**

Bobby W. Dodson, dba Wildcat Express, Emporia, KS.;  
MC ID No. 102467

Judith McConnell  
Executive Director

Doc. No. 019063

**State of Kansas**

**Department of Commerce  
and Housing**

**Notice of Hearing on Proposed  
Administrative Regulations**

The Department of Commerce and Housing will conduct a public hearing at 1 p.m. Monday, July 7, in the 13th floor conference room, 700 S.W. Harrison, Suite 1300, Topeka, to consider proposed permanent regulations for the Investments in Major Projects and Comprehensive Training (IMPACT) program. All interested persons will be given a reasonable opportunity at the hearing to present their views or arguments, either orally or in writing, concerning the proposed regulations. In addition, the 60-day period of public notice hereby provided constitutes a public comment period for the purpose of receiving written public comments on the proposed regulations. Such written comments may be submitted prior to the hearing to the Department of Commerce and Housing, Business Development Division, at the address above.

The IMPACT program allows employers to enter into agreements with the state and a Kansas public educational institution to establish training projects for new employees. In addition, up to 10 percent of the total funding available through the program may be used to finance private capital costs associated with a project's new jobs. This sub-component of IMPACT is called Major Project Investment (MPI). Immediate training and MPI project costs are financed through state-issue, tax-exempt, public purpose bonds. A summary of the proposed regulations and their anticipated economic impact follows.

**K.A.R. 110-4-1** defines all terms used in the regulations and clarifies statutory terms for the purpose of administering the IMPACT program.

**K.A.R. 110-4-2** establishes review standards and priorities for the approval of proposed agreements and places limits on individual project costs and size. More specifically, the language of this article lists the information required by the Department of Commerce and Housing in order to initiate the review procedure. Finally, the article identifies 13 factors that will be used to determine whether a project should be funded and the amount of such funding. These factors are:

- (1) the per capita cost of training expenses to be funded by the program;
- (2) the amount of funds used to pay project costs from alternative sources;
- (3) the needs and tangible impact of the proposed project;

- (4) the quality of the jobs to be created;
- (5) the extent to which the proposed project is being coordinated with other projects;
- (6) the extent to which the proposed project does not duplicate existing training resources;
- (7) the extent to which the project is fiscally efficient;
- (8) the extent to which program funds are essential to project success;
- (9) the economic stability of the client company;
- (10) the client company's plans and intentions for future operations in the state;
- (11) if funding for MPI is requested, the extent to which the proposed MPI project utilizes funds in the most efficient and effective manner to defray business costs for which financial assistance is required;
- (12) the extent to which business costs to be defrayed with MPI funding are directly related to the creation of new jobs in Kansas; and
- (13) the extent to which financial assistance provided through an MPI will confer benefits on the state, the community, local educational institutions or other persons or entities in addition to the benefits it will confer on the employer.

**K.A.R. 110-4-3** clarifies that the statutorily imposed maximum funding restrictions for the IMPACT program does not limit the amount of project costs that can be from non-IMPACT sources.

**K.A.R. 110-4-4** clarifies the enforcement responsibilities of the Secretary of Commerce and Housing with respect to individual agreements.

**K.A.R. 110-4-5** sets forth eligible training and education expenditures in the event that a program client wishes to pursue MPI funding exclusively (see K.S.A. 74-50,106 (d)(1)).

**Economic Impact:** There is no tangible fiscal cost associated with the adoption of the proposed regulations. However, up to 1 percent of total statewide withholding taxes can be utilized to repay the principal and interest of all training/MPI bond issues. Potential beneficiaries of the IMPACT program include any business classified as a "Kansas basic enterprise," private citizens who receive new employment opportunities, and the community at-large through an expanded tax base.

Copies of the administrative regulations and the related economic impact statement may be obtained from the Department of Commerce and Housing at the address above.

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 statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting David Cleveland or Steve Jack at (913) 296-5298 or (913) 296-3487 (TTY).

Gary Sherrer  
Secretary of Commerce  
and Housing

Doc. No. 019052

## 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:

**District Judge, 21st Judicial District, Division 2**

**Meryl D. Wilson**, 3112 Bethany Circle, Manhattan, 66503. Succeeds Jerry Mershon.

**Chase County Commissioner, 2nd District**

**Gary D. Bruch**, Route 1, Strong City, 66869. Term expires when a successor is elected and qualifies according to law. Succeeds M. Paul Jones, resigned.

**Wilson County Commissioner, 1st District**

**Fred D. Rinne**, 318 N. 17th, Fredonia, 66736. Term expires when a successor is elected and qualifies according to law. Succeeds Everett Morris, resigned.

**State Banking Board**

**Kathleen Steward**, 6160 N. Broadway, Wichita, 67219. Term expires March 15, 2000. Succeeds Doug Morley.

**Ben F. Zimmerman III**, 510 2nd Ave., Dodge City, 67801. Term expires March 15, 1999. Succeeds Candace Murphy.

**State Board of Indigents' Defense Services**

**Devon F. Knoll**, 7612 Hilldale Road South, Ozawie, 66070. Term expires January 15, 2000. Succeeds Harry Perry.

**Kansas Development Finance Authority**

**Robert I. Guenther**, 200 W. Douglas, 4th Floor, Wichita, 67202. Term expires January 15, 1999. Succeeds David Aull, resigned.

**Carol S. Marinovich**, 701 N. 7th, Suite 926, Kansas City, KS 66101. Term expires January 15, 2001. Succeeds Betty McBride.

**Kansas Performance Review Board**

(Established pursuant to K.S.A. 1996 Supp. 75-7102)

**Clarence "Bud" Burgess**, Burgess & Associates, 15940 College Blvd., Lenexa, 66219. Term expires June 30, 2000.

**Jeanne Andra Cranford**, Andra Design Associates, 262 N. Waco, Wichita, 67202. Term expires June 30, 1998.

**Dale K. Davis**, Sauder Custom Fabrication, Inc., 220 Weaver, Box 1158, Emporia, 66801. Term expires June 30, 2000.

**Howard R. Fricke**, Security Benefit Group of Companies, 700 S.W. Harrison, Topeka, 66636. Term expires June 30, 2000.

**F. Lynn Markel**, Koch Industries, Inc., P.O. Box 2256, Wichita, 67201. Term expires June 30, 1998.

**Public Employee Relations Board**

**Gregory M. Windholz**, 325 Maine, Lawrence, 66044. Term expires January 15, 2001. Reappointment.

**Kansas Public Employees Retirement System  
Board of Trustees**

**Jarold W. Boettcher**, 521 N. Campbell, Beloit, 67420. Term expires January 15, 1999. Succeeds K. Pat Marso.

**Stuart Murdock**, 4613 W. 113th Terrace, Shawnee Mission, 66211. Term expires January 15, 1999. Succeeds Jody Boeding.

**Ron Thornburgh**  
Secretary of State

Doc. No. 019009

## State of Kansas

## Department of Human Resources

## Request for Proposals

The deadline for submitting proposals under the Rural One-Stop System Electronic Expansion (ROSE) project request for proposals (RFP) process is hereby extended and expanded. The new deadline for submission of proposals is May 23.

Kansas electronic one-stop is designed (through computer Internet technology linked to the Kansas Department of Human Resources' home page) to provide maximum choices in employment, education, training, social service, and other services needed and wanted by the public. The project seeks to promote widespread availability of current telecommunications technologies throughout Kansas by installing and programming computer equipment and software technology permitting dissemination of employment, training, educational and other service information, in addition to providing one year of maintenance for the computer systems. Because the department seeks to fund a minimum of 30 projects throughout the state, it is reannouncing the RFP to expand eligibility and extend the deadline for submission of proposals.

Legislative intent in granting monies from the Economic Development Initiative Fund for this project was to provide equipment and Internet access to rural communities in Kansas; however, actual language contained in Section 48 of the 1996 Omnibus Bill (SB 95) did not prohibit other sites. Therefore, references of priority to qualified entities representing sites not closer than 30 miles from a city with a population of 30,000 or greater or cities or townships with populations between 1,000-15,000 have been removed. Likewise, communities with Workforce Development (Job Service) Centers are eligible to apply.

The modified RFP can be obtained by download at [entkdhrr.ink.org/rose](http://entkdhrr.ink.org/rose), or by written request to Pat Pritchard, Kansas Department of Human Resources, Division of Employment and Training, 401 S.W. Topeka Blvd., Topeka, 66603-3182. Technical assistance can be obtained by phoning (913) 296-2063, or via e-mail at [USKAN9H3@IBMMAIL.COM](mailto:USKAN9H3@IBMMAIL.COM).

**Wayne L. Franklin**  
Secretary of Human Resources

Doc. No. 019067

State of Kansas

**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 5-5-97 through 5-11-97**

Term	Rate
0-90 days	5.57%
3 months	5.43%
6 months	5.82%
9 months	6.05%
12 months	6.17%
18 months	6.41%
24 months	6.53%
36 months	6.70%
48 months	6.79%

William E. Lewis  
Chairman

Doc. No. 019047

State of Kansas

**Department of Transportation**

**Notice to Contractors**

Sealed proposals for road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, KDOT, Topeka, until 2 p.m. May 21, and then publicly opened:

**District One—Northeast**

**Doniphan**—22 C-3445-01—County road, from K-238 at Elwood west to U.S. 36, 1.2 miles (1.9 kilometers), surfacing. (State Funds)

**Jefferson**—44 C-3239-01—County road, 2.2 miles (3.5 kilometers) west and 7 miles (11.3 kilometers) south of McLouth, 0.14 mile (0.24 kilometers), grading and bridge. (Federal Funds)

**Johnson**—46 N-0085-01—151st and Brougham Street in Olathe, intersection improvement. (Federal Funds)

**Shawnee**—89 K-6683-01—Various bridges on U.S. 24 and I-70, mudjacking. (State Funds)

**Districtwide**—106 K-6684-01—Various locations on I-435, I-670, U.S. 69, U.S. 73 and K-10, mudjacking. (State Funds)

**District Two—Northcentral**

**McPherson**—56-59 K-5489-01—U.S. 56, from the junction of K-153, east to Hickory Street in McPherson, 0.4 mile (0.7 kilometer); grading and surfacing. (State Funds)

**Lincoln**—18-53 K-6578-01—K-18, from the Russell-Lincoln county line, east to the Lincoln-Ottawa county line, 31.6 miles (50.9 kilometers), sealing. (State Funds)

**Ottawa**—18-72 K-6580-01—K-18, from the Lincoln-Ottawa County line east to the U.S. 81 junction, 15.4 miles (24.8 Kilometers), sealing. (State Funds)

**Washington**—36-101 K-6707-01—U.S. 36, from the Republic-Washington county line east to the east city limits

of Washington, 16.4 miles (26.4 kilometers), sealing. (State Funds)

**Republic**—36-79 K-6708-01—U.S. 36, from the east city limits of Belleville, east to the Republic-Washington county line, 13.7 miles (22.1 kilometers), sealing. (State Funds)

**District Three—Northwest**

**Rawlins**—36-77 K-6704-01—U.S. 36, 11.7 miles (18.9 kilometers) east of the Cheyenne-Rawlins county line, east 10 miles (16.2 kilometers), sealing. (State Funds)

**Sheridan**—23-90 K-6219-01—K-23, Bridges 16 and 19, south and north fork Solomon River and Bridge 18 south Bow Creek, bridge overlay. (State Funds)

**Trego**—283-98 K-5491-01—U.S. 283, from I-70 north to Barclay Avenue in WaKeeney, 0.4 mile (0.6 kilometer), grading and surfacing. (State Funds)

**Trego**—70-98 M-1857-01—I-70, eastbound and westbound safety rest area east of WaKeeney, rest area improvement. (State Funds)

**District Four—Southeast**

**Crawford**—146-19 K-5555-01—K-146 Slough Creek Bridge (044), 1.3 miles (2.1 kilometers) east of the Neosho-Crawford county line, bridge replacement. (Federal Funds)

**Crawford**—57-19 K-6222-01—K-57, Bridge 019, Neosho River drainage, bridge repair. (State Funds)

**Crawford**—69-19 K-6439-01—U.S. 69, from the junction of K-126 southbound on the south end of the intersection in Pittsburg, bridge repair. (State Funds)

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

**Labette**—59-50 K-4359-02—U.S. 59, Bridge 1.5 miles (2.4 kilometers) north of Oswego, grading and surfacing. (Federal Funds)

**Labette**—59-50 K-6223-01—U.S. 59, Bridges 003 and 005, Labette Creek drainage, bridge repair. (State Funds)

**Miami**—69-61 K-6225-01—Bridge 014, County Route 0460 over U.S. 69, bridge overlay. (State Funds)

**Miami**—169-61 K-6227-01—U.S. 169, Bridge 053 over K-7, south of Osawatomie, bridge overlay. (State Funds)

**Montgomery**—169-63 K-6228-01—U.S. 169, Bridge 052, Big Hill Creek, bridge overlay. (State Funds)

**District Five—Southcentral**

**Butler**—254-8 K-5059-02—K-254, from the Sedgwick-Butler county line east to Santa Fe Lake Road, 7.2 miles (11.6 kilometers), surfacing. (State Funds)

**Butler**—254-8 K-5060-02—K-254, 1.2 miles (1.9 kilometers) east of Santa Fe Lake Road east to K-196, 5 miles (8 kilometers), surfacing. (State Funds)

**Kingman**—54-48 K-5493-01—U.S. 54, Douglas Street to Hendersen Street in Cunningham, 0.2 mile (0.3 kilometer), shoulder reconstruction and curb and gutter. (State Funds)

**Pratt**—54-76 K-5035-01—U.S. 54, from K-61 at the east city limits of Pratt, east to the Pratt-Kingman county line, 13.8 miles (22.2 kilometers), grading, bridge and surfacing. (Federal Funds)

(continued)

**Sedgwick**—254-87 K-5058-02—K-254, from east of Woodlawn Avenue, east to the Sedgwick-Butler county line, 6 miles (9.7 kilometers), surfacing. (State Funds)

**Statewide**—106 K-5928-97—Various locations in District Five, 365 miles (587 kilometers), signing. (State Funds)

**Sedgwick**—54-87 K-6651-01—U.S. 54 from K-42, east 3.5 miles (5.6 kilometers), pavement marking. (State Funds)

**Sedgwick**—135-87 K-6652-01—I-135 from 17th Street, south to Pawnee Street in Wichita, 4.9 miles (8 kilometers), pavement marking. (State Funds)

**Sedgwick**—87 N-0078-01—29th Street Bridge east of Oliver Street in Wichita, 0.01 mile (0.02 kilometer), grading and bridge. (Federal Funds)

#### District Six—Southwest

**Finney**—28 C-3323-01—County road, 0.5 mile (0.8 kilometer), south of Pierceville, 0.3 mile (0.5 kilometer), grading and bridge. (Federal Funds)

**Finney**—50-28 K-6438-01—East junction of U.S. 83 and U.S. 50B, southeast of Garden City, traffic signals. (State Funds)

**Ford**—29 C-3371-01—14th Street from U.S. 56 north to McArtor Street in Dodge City, 0.9 mile (1.5 kilometers), grading and surfacing. (Federal Funds)

**Ford**—50-29 K-6550-01—U.S. 50, 1 mile (1.6 kilometers) east of County Route 257, east to the Ford-Edwards county line, 9.3 miles (14.9 kilometers), sealing. (State Funds)

**Grant**—25-34 K-5554-01—K-25, north fork Cimarron River Bridge (005), 0.8 mile (1.3 kilometers) south of U.S. 160, bridge replacement. (Federal Funds)

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

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

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

E. Dean Carlson  
Secretary of Transportation

## State of Kansas

### Credit Union Council

#### Notice of Meeting

The Credit Union Council will meet at 1:30 p.m. Tuesday, May 6, in the conference room in the offices of the Department of Credit Unions, Suite B, American Home Life Insurance Company building, 400 S. Kansas Ave., Topeka. The council serves as an advisor to the administrator of the Kansas Department of Credit Unions as set forth in K.S.A. 17-2232 et seq.

John P. Smith  
Administrator

Doc. No. 019050

(Published in the Kansas Register May 1, 1997.)

#### NOTICE OF PARTIAL REDEMPTION

##### CRAWFORD COUNTY, KANSAS Single Family Mortgage Revenue Bonds 1980A

NOTICE IS HEREBY GIVEN, pursuant to the terms of the Indenture dated as of February 1, 1980 between Crawford County, Kansas, as Issuer, and Continental Illinois National Bank and Trust Company of Chicago (succeeded by First Trust National Association), as Trustee, that \$150,000 of the bonds listed below have been selected for Partial Redemption on June 1, 1997 (the Redemption Date) at a price of 100% of the principal amount (the Redemption Price) together with interest accrued to the Redemption Date.

\*CUSIP No: 224851AS4, 8.3000%  
Due: December 1, 1997, Redemption Price: 100.00%

*Bearer Bonds called in the amount of \$5,000 each:*  
852 908

\*CUSIP No: 224851AT2, 8.4000%  
Due: December 1, 1998, Redemption Price: 100.00%

*Bearer Bonds called in the amount of \$5,000 each:*  
1024

\*CUSIP No: 224851AU9, 8.5000%  
Due: December 1, 1999, Redemption Price: 100.00%

*Bearer Bonds called in the amount of \$5,000 each:*  
1027 1129

\*CUSIP No: 224851AW5, 9.0000%  
Due: December 1, 2010, Redemption Price: 100.00%

*Bearer Bonds called in the amount of \$5,000 each:*

1703	1738	1799	1832	1842	1947	2021	2051	2315	2385
2417	2471	2546	2561	2591	2693	2703	2749	2753	2819
2830	2922	2925	2945	3110					

Payment of the Redemption Price on the Bonds called for redemption will become due and payable on the Redemption Date upon presentation and surrender thereof in the following manner:

#### *If by Mail: (Registered Bonds)*

First Trust National Association  
First Trust Center  
P. O. Box 64111  
St. Paul, MN 55164-0111

#### *If by Mail: (Bearer Bonds)*

First Trust National Association  
First Trust Center  
P. O. Box 64452  
St. Paul, MN 55164-0452

#### *If by Hand or Overnight Mail:* First Trust National Association

180 East Fifth Street  
4<sup>th</sup> Floor - Bond Drop Window  
St. Paul, Minnesota 55101  
(612) 973-6700

Bondholders presenting their bonds in person for same day payment **must** surrender their bond(s) by 1:00 P.M. on the Redemption Date and a check will be available for pick up after 2:00 P.M.. Checks not picked up by 4:30 P.M. will be mailed out to the bondholder via first class mail. If payment of the Redemption Price is to be made to the registered owner of the Bond, you are not required to endorse the Bond to collect the Redemption Price.

Interest on the principal amount designated to be redeemed shall cease to accrue on and after the Redemption Date.

#### IMPORTANT NOTICE

Under the Interest and Dividend Tax Compliance Act of 1983 as amended by the Energy Policy Act of 1992, 31% will be withheld if tax identification number is not properly certified.

\*The Trustee shall not be held responsible for the selection or use of the CUSIP numbers, nor is any representation made as to its correctness indicated in the Redemption Notice. They are included solely for convenience of the Holders.

#### By: First Trust National Association

(successor to Continental Illinois National Bank and Trust Company of Chicago) as Trustee

Date: May 1, 1997  
Doc. No. 019046

Doc. No. 019033

## State of Kansas

## Department of Transportation

## Request for Comments

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 97-99 by adding the following project:

**Project TE-0118-01**, Landscaping for salvage yard screening, along I-35 in front of the truck wholesale and salvage center in Miami County

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

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

The comment period regarding the STIP amendment will conclude June 9.

E. Dean Carlson  
Secretary of Transportation

Doc. No. 019069

(Published in the Kansas Register May 1, 1997.)

## Summary Notice of Bond Sale

\$1,390,000

City of Park City, Kansas  
General Obligation Bonds  
Series 1997-1

(General obligation bonds payable from unlimited ad valorem taxes)

## Sealed Bids

Subject to the notice of bond sale dated April 22, 1997, sealed bids will be received by the clerk of the City of Park City, Kansas (the issuer), on behalf of the governing body at City Hall, 6110 N. Hydraulic, Wichita, KS 67219, until noon May 13, 1997, for the purchase of \$1,390,000 principal amount of General Obligation Bonds, Series 1997-1. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

## Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated May 1, 1997, and will become due on December 1 in the years as follows:

Year	Principal Amount
1998	\$ 75,000
1999	85,000
2000	85,000
2001	95,000
2002	100,000

2003	105,000
2004	110,000
2005	115,000
2006	125,000
2007	130,000
2008	65,000
2009	70,000
2010	70,000
2011	75,000
2012	85,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on June 1 and December 1 in each year, beginning June 1, 1998.

## Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

## Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States of America or a qualified financial surety bond in the amount of \$27,800 (2 percent of the principal amount of the bonds).

## Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before May 29, 1997, at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder.

## Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1996 is \$20,666,886. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold but excluding temporary notes to be retired in conjunction therewith, is \$3,665,000.

## Approval of Bonds

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

## Additional Information

Additional information regarding the bonds may be obtained from the clerk, (316) 744-2026, or from the financial advisor, Froggate & Herndon Capital Corporation, 320 N. Main, Suite 200, Wichita, KS 67202, Attention: Theron L. Froggate, (316) 264-6300.

Dated April 22, 1997.

City of Park City, Kansas

Doc. No. 019054



(Published in the Kansas Register May 1, 1997.)

**Summary Notice of Bond Sale**

Unified School District No. 232  
Johnson County, Kansas (De Soto)  
\$10,000,000

General Obligation Temporary Notes  
Series 1997-A  
and  
\$10,000,000

General Obligation School Building Bonds  
Series 1997

(General obligations payable from  
unlimited ad valorem taxes)

09/01/02	10,000
09/01/03	30,000
09/01/04	100,000
09/01/05	175,000
09/01/06	255,000
09/01/07	355,000
09/01/08	425,000
09/01/09	510,000
09/01/10	600,000
09/01/11	695,000
09/01/12	805,000
09/01/13	925,000
09/01/14	1,050,000
09/01/15	1,185,000
09/01/16	1,340,000
09/01/17	1,510,000

**Sealed Bids**

Subject to the notice of sale and preliminary official statement, sealed bids will be received by the clerk of Unified School District No. 232, Johnson County, Kansas (De Soto), on behalf of the Board of Education of the district at the District Office, 8305 Peoria, De Soto, KS 66018, Thursday, May 8, 1997, for the purchase of \$10,000,000 General Obligation Temporary Notes, Series 1997-A, and \$10,000,000 principal amount of General Obligation School Building Bonds, Series 1997. Bids for both the notes and the bonds will be opened at noon local time on that day. No bid will be considered of less than 99.75 percent of the principal amount of the notes and accrued interest to the date of delivery, or less than 99 percent of the principal amount of the bonds and accrued interest to the date of delivery.

**Note Details**

The notes will consist of fully registered notes in the denomination of \$5,000 or any integral multiple thereof. Notes shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of principal of and interest on the notes will be made. Individual purchases of notes will be made in book-entry form only. Purchasers will not receive certificates representing their interest in notes purchased. The notes will be dated May 1, 1997, and will become due June 1, 1998. The notes will bear interest from the dated date at the rate to be determined when the notes are sold, and interest will be payable only at maturity. The Kansas State Treasurer will be the paying agent and note registrar for the notes.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. Bonds shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of principal of and interest on the bonds will be made. Individual purchases of bonds will be made in book-entry form only. Purchasers will not receive certificates representing their interest in bonds purchased. The bonds will be dated May 1, 1997, and will become due annually on September 1, beginning September 1, 1999, in the years as follows:

Year	Principal Amount
09/01/99	\$ 10,000
09/01/00	10,000
09/01/01	10,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold, and interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 1998. The Kansas State Treasurer, Topeka, Kansas, will be the paying agent and bond registrar for the bonds.

**Good Faith Deposit**

Each bid for the notes shall be accompanied by a good faith deposit in the form of a cashier's or certified check or a financial surety bond in the amount of 1 percent of the principal amount of the notes. Each bid for the bonds shall be accompanied by a good faith check in the form of a cashier's or certified check or a financial surety bond in the amount of 2 percent of the principal amount of the bonds.

**Delivery**

The district will pay for preparing the notes and the bonds. The district will deliver the notes and the bonds in book-entry form only through the facilities of Depository Trust Company, New York, New York, on or before June 3, 1997.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations is \$97,271,230. The total general obligation indebtedness of the district as of the date of the bonds, including the notes and bonds being sold, is \$36,510,000.

**Approval of Bonds**

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

**Additional Information**

Additional information regarding the bonds or the notes may be obtained from Sharon Zoellner, Assistant Superintendent, (913) 583-8300, or the district's financial advisor, Ranson & Associates, Inc., Attention: Steve Shogren, (316) 681-3123.

Dated April 23, 1997.

Unified School District No. 232  
Johnson County, Kansas (De Soto)  
Charlene Braley  
Clerk, Board of Education

Doc. No. 019066



(Published in the Kansas Register May 1, 1997.)

**Summary Notice of Bond Sale****\$2,700,000****Unified School District No. 308  
Reno County, Kansas (Hutchinson)  
General Obligation Bonds, Series 1997****(General obligation bonds payable from  
unlimited ad valorem taxes)****Sealed Bids**

Subject to the notice of bond sale dated April 28, 1997, sealed bids will be received by the clerk of Unified School District No. 308, Reno County, Kansas (Hutchinson) (the issuer), on behalf of the governing body at the office of the Board of Education, 1520 N. Plum, Hutchinson, KS 67504, until 1:30 p.m. May 12, 1997, for the purchase of \$2,700,000 principal amount of General Obligation Bonds, Series 1997. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated June 1, 1997, and will become due on September 1 in the years as follows:

Year	Principal Amount
1998	\$465,000
1999	520,000
2000	545,000
2001	570,000
2002	600,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 1998.

**Paying Agent and Bond Registrar**

First National Bank in Hutchinson, Hutchinson, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States of America or a qualified financial surety bond in the amount of \$54,000 (2 percent of the principal amount of the bonds).

**Delivery**

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before June 3, 1997, at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1996 is \$176,005,479. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$15,046,000.

**Approval of Bonds**

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

**Additional Information**

Additional information regarding the bonds may be obtained from the clerk, (316) 665-4400, or from the financial advisor, Piper Jaffray Inc., Plaza West Building, Suite 1200, 4600 Madison Ave., Kansas City, MO 64112, Attention: Jeffrey K. Ray, (816) 360-3000.

Dated April 28, 1997.

\* Unified School District No. 308  
Reno County, Kansas (Hutchinson)

Doc. No. 019070

**State of Kansas****Department of Health  
and Environment****Request for Comments**

The Kansas Department of Health and Environment is soliciting comments regarding issuance of authorizations to operate under the general Class I air quality operating permit for natural gas compressor stations. Authorizations to operate under the general Class I operating permit have been issued in accordance with the provisions of K.A.R. 28-19-400 et seq.

A copy of each permit application, authorization, and all supporting nonconfidential documentation is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka. Information also is available at the KDHE district office indicated for each facility. To obtain or review the permit, an authorization and supporting documentation, contact Connie Carreno, (913) 296-6422, at the KDHE central office or the indicated district representative. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding an authorization to Connie Carreno, Bureau of Air and Radiation, KDHE, Building 283, Forbes Field, Topeka, 66620.

A list of all major sources within the state which are authorized to operate under the terms of the general Class I operating permit will be maintained at the Topeka offices of KDHE.

**Authorizations issued during the week of  
March 3, 1997:****Compressor Station:****Location:****KDHE District Rep.:****Rep. Location:**

Louisburg Compressor Station  
29115 Metcalf Road, Louisburg  
Pat Simpson, (913) 842-4600  
Northeast District Office, Lawrence

(continued)

Abilene Station  
 S23, T13S, R2E, Dickinson County  
 Beth Rowlands, (913) 827-9639  
 North Central District Office, Salina

South Hutchinson Station  
 S36, T23S, R6W, Reno County  
 David Butler, (316) 337-6020  
 South Central District Office, Wichita

Calista Station  
 S6, T28S, R8W, Kingman County  
 David Butler, (316) 337-6020  
 South Central District Office, Wichita

Spivey Station  
 S5, T31S, R8W, Harper County  
 David Butler, (316) 337-6020  
 South Central District Office, Wichita

Clark County #1 Station  
 S29, T34S, R24W, Clark County  
 Wayne Neese, (316) 225-3731  
 Southwest District Office, Dodge City

Clark County #2 Station  
 S34, T32S, R21W, Clark County  
 Wayne Neese, (316) 225-3731  
 Southwest District Office, Dodge City

Santa Fe Booster Station  
 S27, T33S, R33W, Seward County  
 Wayne Neese, (316) 225-3731  
 Southwest District Office, Dodge City

Panoma Station  
 S4, T32S, R38W, Stevens County  
 Wayne Neese, (316) 225-3731  
 Southwest District Office, Dodge City

Stirrup South Station  
 S2, T33S, R40W, Morton County  
 Wayne Neese, (316) 225-3731  
 Southwest District Office, Dodge City

North Elkhart Station  
 S6, T35S, R42W, Morton County  
 Wayne Neese, (316) 225-3731  
 Southwest District Office, Dodge City

Ward Station  
 S21, T33S, R39W, Morton County  
 Wayne Neese, (316) 225-3731  
 Southwest District Office, Dodge City

Ulysses Station  
 S10, T30S, R37W, Grant County  
 Wayne Neese, (316) 225-3731  
 Southwest District Office, Dodge City

Minneola Station  
 S13, T29S, R25W, Ford County  
 Wayne Neese, (316) 225-3731  
 Southwest District Office, Dodge City

Gary R. Mitchell  
 Secretary Designee  
 Department of Health  
 and Environment

State of Kansas

Department of Health  
 and Environment

Notice Concerning Kansas  
 Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared for discharges to the waters of the United States and the State of Kansas for the class of dischargers described below. The determinations for permit content are based on staff review, applying the appropriate standards, regulations and effluent limitations of the State of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization subject to certain conditions.

Public Notice No. KS-AG-97-102/107

Name and Address of Applicant	Legal Description	Receiving Water
Doug Thiessen d/b/a Triple T Livestock Route 1, Box 135 Whitewater, KS 67154	NE/4, Sec. 16, T24S, R3E, Butler County	Walnut River Basin

Kansas Permit No. A-WABU-H003 Federal Permit No. KS-0093742  
 This is a new facility for 959 head (480 animal units) of beef cattle and 2,100 head (600 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 Agricultural Engineering Associates 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 such that annual applications will never exceed 250 lbs./acre of nitrogen per year for irrigated crops and 60 lbs. of nitrogen/acre per year for dry land crops.

Dewatering equipment shall be obtained within three months after issuance of this permit through purchase, rental or custom application agreement. It shall be capable of pumping at least 160 gallons per minute and dispersing the wastewater over 125 acres of land suitable for waste application. Written verification of the acquisition of the equipment shall be submitted to the department.

Name and Address of Applicant	Legal Description	Receiving Water
Phillips Dairy Farm Ralph Phillips 17085 W. Rd. Mayetta, KS 66509	NE/4, Sec. 16, T8S, R16E, Jackson County	Kansas River Basin

Kansas Permit No. A-KSJA-M011  
 This is an expansion facility for 200 head (280 animal units) of dairy cattle.

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

Compliance Schedule: 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 0.6 acre inch per year and solids shall be applied at not greater than 16 ton per acre.

Name and Address of Applicant	Legal Description	Receiving Water
Roy Stroup Route 1, Box 43 Fontana, KS 66026	SW/4, Sec. 29, T19S, R23E, Linn County	Marais des Cygnes River Basin

Kansas Permit No. A-MCLN-S021

This is a renewal for an existing facility of 700 head (280 animal units) of swine.

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

**Compliance Schedule:** None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Peterson Farms c/o Robert Peterson Route 2, Box 321 Wamego, KS 66547	NW/4, Sec. 6, T9S, R11E, Pottawatomie County	Kansas River Basin

Kansas Permit No. A-KSPT-C004 Federal Permit No. KS-0093751

This is a new facility for 4,000 head (4,000 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 for 30 acre-feet which meets or exceeds KDHE minimum requirements.

**Compliance Schedule:** The waste management plan developed by the designer and approved by the department shall be adhered to as a condition of this permit. The plan calls for nutrient analysis of both liquids and solids with applications to meet crop nutrient needs. If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than 4 acre inch per acre per year and solids shall be applied at not greater than 20 ton per acre.

Name and Address of Applicant	Legal Description	Receiving Water
Norman Legleiter Route 1, Box 19 LaCrosse, KS 67548	NE/4, Sec. 36, T16S, R18W, Rush County	Smoky Hill River Basin

Kansas Permit No. A-SHRH-M002

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

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

**Compliance Schedule:**

- 1) The livestock waste management plan for the facility developed by the N.R.C.S. and approved by the department shall become a part of this permit. The plan covers 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 and disposal equipment capable of providing 20 gpm shall be obtained within six months after the issuance of this permit through purchase, rental or custom application agreement. This department is to be notified in writing within the six-month period.

Name and Address of Applicant	Legal Description	Receiving Water
D & D Swine, Inc. Route 1, Box 63 Menlo, KS 67746	Sec. 14, T8S, R31W, Thomas County	Solomon River Basin

Kansas Permit No. A-SOTH-S004

This is an existing facility for 1,900 head (360 animal units) of swine.

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

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

**Public Notice No. KS-97-059/065**

Name and Address of Applicant	Waterway	Type of Discharge
City of Colby 585 N. Franklin Colby, KS 67701	Prairie Dog Creek	Treated domestic wastewater

Kansas Permit No. M-UR06-0001 Federal Permit No. KS0116394

Location: NW/4, S32, T7S, R33W, Thomas County

**Facility Description:** The proposed action is to re-issue an existing permit for operation of an existing wastewater treatment facility. The facility consists of two parallel facilities, the first of which is a contact stabilization activated sludge plant and the second is a trickling filter. Disposal of water is primarily by effluent irrigation. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
City of Leon P.O. Box 25 Leon, KS 67074	Walnut River via Litter Walnut River	Treated domestic wastewater

Kansas Permit No. M-WA11-0002 Federal Permit No. KS0089133

Location: SE/4, S21, T27S, R6E, Butler County

**Facility Description:** The proposed action is to re-issue an existing permit for operation of an existing wastewater treatment facility. The facility consists of a three-cell lagoon system treating domestic wastewater. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
City of Walnut P.O. Box 168 Walnut, KS 66780	Neosho River via Rock Creek via Big Walnut Creek via Little Walnut Creek	Treated domestic wastewater

Kansas Permit No. M-NE66-0001 Federal Permit No. KS0083887

Location: NE/4, S23, T28S, R21E, Crawford County

**Facility Description:** The proposed action is to re-issue an existing permit for operation of an existing wastewater treatment facility. The facility consists of a three-cell lagoon system treating domestic wastewater. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Mineral-Right, Inc. P.O. Box 427 Phillipsburg, KS 67661	Solomon River via Deer Creek via Plottner Creek	Process wastewater

Kansas Permit No. I-SO31-PO04 Federal Permit No. S0088277

Location: NE/4, S27, T3S, R18W, Phillips County

**Facility Description:** The proposed action is to re-issue an existing permit for operation of an existing retention basin discharge. This is a zeolite production facility. The discharge consists of wash water that has been settled and neutralized. The discharge is intermittent and averages 461,000 gpd when discharging. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-

(continued)

28(b-f), and federal surface water criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
N.R. Hamm Quarry, Inc. Mellgren #29 Quarry P.O. Box 17 Perry, KS 66073	Big Blue River via Tuttle Creek Reservoir via Shannon Creek via unnamed tributary	Quarry dewatering and stormwater

Kansas Permit No. I-BB18-PO01 Federal Permit No. KS0087084

Location: SE¼, S11, T7S, R7E, Pottawatomie County

Facility Description: The proposed action is to re-issue an existing permit for operation of an existing quarry. The facility is a limestone quarrying and crushing operation with no washing. The permit requirements are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

Name and Address of Applicant	Waterway	Type of Discharge
Walker Stone Co., Inc. P F Quarry P.O. Box 563 Chapman, KS 67431	Smoky Hill River via unnamed tributary	Quarry dewatering and stormwater

Kansas Permit No. I-SH13-PO01 Federal Permit No. KS0088510

Location: S½ of S19 and N½ of S30, T12S, R6E, Geary County

Facility Description: The proposed action is to re-issue an existing permit for operation of an existing quarry. The facility is a limestone quarrying and crushing operation with no washing. The permit requirements are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

Name and Address of Applicant	Waterway	Type of Discharge
Walker Stone Co., Inc. Junction City/Ft. Riley Plant P.O. Box 563 Chapman, KS 67431	Lower Republican River via Four Mile Creek	Quarry dewatering and stormwater

Kansas Permit No. I-LR15-PO01 Federal Permit No. KS00001821

Location: SE¼ of S2 and NE¼ of S11, T11S, R5E, Geary County

Facility Description: The proposed action is to re-issue an existing permit for operation of an existing quarry. The facility is a limestone quarrying and crushing operation with no washing. The permit requirements are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

### Public Notice No. KS-ND-97-028/029

Name and Address of Application	Legal Location	Type of Discharge
Louisburg Cider Mill, Inc. P.O. Box 670 Louisburg, KS 66053	S28, T16S, R24E, Miami County	Nonoverflowing

Kansas Permit No. I-MC20-NO03

Facility Description: The proposed action is to re-issue an existing permit for operation of an existing three-cell lagoon treating domestic wastewater and process wastewater. This facility is a cider mill. Juice and washwater from the apple processing line are directed to the northeast cell. Sanitary wastewater and other wastewater flow into the northwest cell. Both cells have aerators. The wastewater combines in the southwest cell where it is used in an underground irrigation system to irrigate the apple orchard.

Name and Address of Applicant	Legal Location	Type of Discharge
Parks, Inc. % John Culver P.O. Box 588 Augusta, KS 67010-0588	S25, T27S, R3E, Butler County	Nonoverflowing

Kansas Permit No. C-WA03-NO04

Facility Description: The proposed action is to issue a new permit for operation of a new earthen lagoon treating domestic wastewater and small amounts of vehicle washwater. The facility is an automobile

sales and service business. The automobile service area that drains to the lagoon will be blocked. The permit will restrict use of the lagoon to the proposed service and will require annual monitoring for VOCs to assure compliance with the permit conditions.

### Public Notice No. KS-EG-97-009

In accordance with K.A.R. 28-46-7 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, a draft permit has been prepared for the construction of a shallow Class V injection well (infiltration trench) within the State of Kansas for the applicant described below.

Name and Address of Applicant	Well Location
Conoco Pipe Line Co. 600 N. Dairy Ashford Houston, TX 77079	
Injection Well No. #INF-1	SW¼, S3, T28S, R2E, Sedgwick County
KS Permit No. KS-05-173-005	

Description: The infiltration trench is designed to accept treated groundwater, originally contaminated by hydrocarbons, for the purpose of remediation of the soil and aquifer, to maintain hydraulic control of the site and to return treated groundwater to the aquifer. The facility is a pipe line.

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 post-marked or received on or before May 30 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-97-102/107, KS-97-059/065, KS-ND-97-028/029, KS-EG-97-009) 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.

Gary R. Mitchell  
Secretary Designee  
Department of Health  
and Environment

Doc. No. 019058

State of Kansas

University of Kansas Medical Center

Notice to Bidders

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

Monday, May 19, 1997

727132

World Wide Web computer system

727133

VHS editing system

727137

Fan coil units

Barbara Lockhart  
Purchasing Director

Doc. No. 019064

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. Williams Energy Group 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 potential-to-emit for these pollutants to below major source thresholds.

Williams Energy Group, Tulsa, Oklahoma, owns and operates a liquid petroleum pipeline located at 215 Oak, Augusta, Kansas.

A copy of the proposed permit, permit application, all supporting nonconfidential documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the 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 Rasha Bishara, (913) 296-1693, 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 Rasha Bishara, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. Written comments must be received by the close of business June 2 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 June 2 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell  
Secretary Designee  
Department of Health  
and Environment

Doc. No. 019055

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. Williams Pipeline Company 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) 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.

Williams Pipeline Company, Tulsa, Oklahoma, owns and operates a petroleum bulk station and terminal located at 1100 E. 21st, Wichita, Kansas.

A copy of the proposed permit, permit application, all supporting nonconfidential documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the Wichita-Sedgwick County Department of Community Health, 1900 E. 9th, Wichita. To obtain or review the proposed permit and supporting documentation, contact Rasha Bishara, (913) 296-1693, at the KDHE central office, or Fred Spencer, (316) 268-8448, at the Wichita-Sedgwick County Department of Community Health. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Rasha Bishara, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. Written comments must be received by the close of business June 2 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 June 2 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell  
Secretary Designee  
Department of Health  
and Environment

Doc. No. 019056



## State of Kansas

Department of Administration  
Division of Purchases

## Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, 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, May 12, 1997

5797

Department of Transportation—Top loading electronic balances, Hutchinson

5824

Kansas State University—Blankets and linens

5826

University of Kansas—Gas chromatograph flame ionization

5827

University of Kansas—Precision surface profilometer

Tuesday, May 13, 1997

A-8149

Wichita State University—Tuckpointing and waterproofing, Industrial Technology Building  
32312 Supp.

Department of Commerce and Housing—Kansas promotional items

32453

Department of Health and Environment—State water plan contamination remediation program

32456

Ellsworth Correctional Facility—Laundry supplies

5807

University of Kansas—Editing equipment

5834

Fort Hays State University—Digital converter

Wednesday, May 14, 1997

32458

Department of Wildlife and Parks—Channel catfish, Arkansas River at Great Bend

5798

Department of Health and Environment—Shelter

5799

Kansas State University—Furnish and install carpet and cove base

5800

Department of Transportation—Wood signposts

5801

Department of Transportation—Plain paper copier

5802

Kansas State University—Plain paper copier

5803

University of Kansas—Interior painting

Thursday, May 15, 1997

5808

Department of Wildlife and Parks—AS/400 upgrade (B30 to 9202-400)2130

5809

University of Kansas—High performance RISC server running digital Unix and open VMS

5810

University of Kansas—Polycenter software for Unix based systems

5833

Osawatomie State Hospital—200 lb. gas dryer

Friday, May 16, 1997

5815

Osawatomie State Hospital—Turf vehicle

5816

Kansas State University—Cargo van

5817

University of Kansas—Mini passenger van

5819

Fort Hays State University—Printers

5820

Kansas State University—Electric pump motor

5821

Department of Administration, Division of Information Systems and Communications—Telecommunications equipment

5822

Fort Hays State University—Furnish and install carpet and cove base

5823

Department of Human Resources—IBM printer supplies

5825

University of Kansas Medical Center—Locks

5828

Department of Transportation—Standby power system

5829

Department of Transportation—AB-special aggregate (Wichita)

5830

Department of Transportation—Limestone screenings (Cowley County)

5831

Department of Transportation—Bituminous plant mix (Lincoln)

5832

Department of Transportation—Bituminous mix (Abilene)

5835

Wichita State University—Sport utility vehicle

Tuesday, May 20, 1997

A-7914

Kansas Vocational Rehabilitation Center—Replace automatic temperature control system

A-7918

Larned State Hospital—Replace domestic water heating equipment, Jung Building

Wednesday, May 21, 1997

Office of the State Treasurer—Sale of stock

Thursday, May 22, 1997

A-8227

Department of Wildlife and Parks—Construct vault toilets, various locations



32442

Statewide—Plastic and rubber goods (Class 10)

Wednesday, May 28, 1997

A-8174

University of Kansas—Improvements, Summerfield Hall

Thursday, May 29, 1997

A-8012

Department of Transportation—New sub-area shop, Hays

Friday, June 6, 1997

32450

University of Kansas Medical Center—Hospital and nurse liability insurance

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Request for Proposals

5818

Design database for the Board of Accountancy

John T. Houlihan  
Director of Purchases

Doc. No. 019065

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  
Wyandotte County Courthouse  
710 N. 7th, Third Floor  
Division 17 Courtroom  
Kansas City, Kansas

Before Gernon, P.J.; Rulon, J.; and James L. Burgess, District Judge, assigned.

Tuesday, May 13, 1997

10:00 a.m.

Attorneys

Case No.	Case Name	Attorneys	County
76,710	In the Matter of the Appeal of Flexel, Inc., from an Order of the Director of Taxation on Assessment of Additional Kansas Retailers' Sales Tax and Kansas Consumers' Compensating (Use) Tax.	Frank S. Reeb Ben W. Hobart	Tax Appeal
75,911	Phillip C. Shuey, Appellant, v. Janis G. Newcomer, Appellee.	Gerald N. Jeserich Dana M. Harris	Johnson
75,731	Landau Investment Company, Inc., et al., Appellants, v. City of Overland Park, Kansas, Appellee.	Ruth L. Landau Neil R. Shortlidge	Johnson
75,604	State of Kansas, Appellee, v. Terry D. Wills, Appellant.	Attorney General Michael A. Russell, Asst. D.A. Jessica R. Kunen Hazel Haupt	Wyandotte
77,284	James Valdez, Appellant, v. Kansas Parole Board, et al., Appellees.	Gary L. Fuller John R. Dowell, Asst. A.G. James W. Coder, Asst. A.G.	Leavenworth
76,800	In the Matter of the Marriage of Jean M. Palmateer, Appellee, and Robert C. Palmateer, Appellant.	Patrick S. Levy Margie Wakefield	Douglas

1:30 p.m.

2:45 p.m.

Wednesday, May 14, 1997

9:00 a.m.

Attorneys

Case No.	Case Name	Attorneys	County
74,978	State of Kansas, Appellee, v. Carl Jackson, Appellant.	Attorney General Terra D. Morehead, Asst. D.A. Jessica R. Kunen Janine Cox	Wyandotte

(continued)

77,039	Victoria L. Shields, Appellant, v. J. E. Dunn Construction Company, and Builders' Association Self-Insurance Fund, Appellees.	Dennis L. Hornier Kathleen M. Lynch Wade A. Dorothy	Work Comp
76,543	Francis Nemechek, Appellee, v. David R. McKune, et al., Appellants.	Bruce C. Hedrick Charles J. Cavenee Jeff Cowger	Leavenworth
<b>Summary Calendar—No Oral Argument</b>			
76,018	State of Kansas, Appellee, v. Frederick L. Mims, Appellant.	Attorney General Michael A. Russell, Asst. D.A. Jessica R. Kunen Rhonda Keylon Levinson	Wyandotte
76,653	Dennis R. Peters, Appellant, v. Kansas Department of Human Resources and Daniels-McCray Lumber Company, Appellee.	Dean D. Garland Clifford A. Cohen Rachelle M. Shocklee	Johnson
74,358	State of Kansas, Appellee, v. Robert L. Ford, Appellant.	Attorney General Terra D. Morehead, Asst. D.A. Patrick E. D'Arcy	Wyandotte
77,370	In the Interest of C.J., d/o/b: 05/09/91; R.J., Jr., d/o/b: 08/17/92.	Charles D. Lawhorn David L. Polsley Ann K. Perry, Asst. D.A. Janet S. Ensign	Wyandotte
74,414	State of Kansas, Appellee, v. Raymond M. Davis, Appellant.	Attorney General A. J. Stecklein, Asst. D.A. Jessica R. Kunen Jean K. Gilles Phillips	Wyandotte
76,383	State of Kansas, Appellee, v. Alfred R. Gauger, Appellant.	Attorney General Frank E. Kohl, C.A. Jessica R. Kunen Elizabeth Seale Cateforis	Leavenworth

**Kansas Court of Appeals  
Court of Appeals Courtroom  
Kansas Judicial Center  
301 W. 10th, Second Floor  
Topeka, Kansas**

**Before Knudson, P.J.; Marquardt, J.; and Richard Wahl, Senior Judge.**

**Tuesday, May 13, 1997**

**9:00 a.m.**

Case No.	Case Name	Attorneys	County
75,276 75,334	Jeffrey Gregoire, Appellant, v. The Boeing Company—Wichita, and Aetna Casualty & Surety, and Kansas Workers Compensation Fund, Appellees.	Michael L. Snider Stephen M. Kerwick Cortland Q. Clotfelter Frederick L. Haag	Work Comp
74,869	State of Kansas, Appellee, v. Lance Millard Massey, Appellant.	Attorney General Athena E. Andaya, Asst. D.A. Jessica R. Kunen Wendy L. Rhyne Slayton	Shawnee

77,072	Larry R. Kietzman, d/b/a Kietzman Companies, v. Topeka Foundry and Iron Works Company, Appellant, v. Trinity Universal Insurance Company of Kansas, Inc., Appellee.	William Hergenreter Keith Witten	Shawnee
10:45 a.m.			
76,666	In the Matter of the Appeal of Graphic Technology, Inc., and Subsidiaries from a Notice of Assessment of Corporate Income Tax.	James Bartle Bruce D. Woolpert	Tax Appeal
77,978	In the Matter of E.B.F., A Minor Child.	Douglas P. Witteman, C.A. Donald R. Hoffman	Coffey
1:30 p.m.			
76,550	Brian Hickman and the Holton National Education Assn., Appellees, v. Board of Education, U.S.D. #336, Holton, Kansas, Appellant.	Marjorie A. Blaufuss Gregory P. Goheen	Jackson
75,783	State of Kansas, Appellee, v. Demetrius Pearson, Appellant.	Attorney General Marc Bennett, Asst. C.A. Jessica R. Kunen Debra J. Wilson	Geary
2:45 p.m.			
76,563	Derek Eshelbrenner, Appellant, v. Board of Trustees of Independence Community College, Appellee.	W. J. Fitzpatrick J. Steven Pigg	Montgomery
75,751	State of Kansas, Appellee, v. Stacy Lavell Fisher, Appellant.	Attorney General Scott C. Rask, Asst. C.A. Jessica R. Kunen Michael J. Helvey	Labette
Wednesday, May 14, 1997			
Summary Calendar—No Oral Argument			
75,740	James Glover II, Appellant, v. David R. McKune, et al., Appellees.	Jessica R. Kunen Lisa Nathanson Attorney General David Maslen, C.A.	Chautauqua
75,437	State of Kansas, Appellee, v.	Attorney General Steven J. Obermeier, Asst. D.A.	Johnson
75,438	Derek A. Hayes, Appellant.	Jessica R. Kunen Edward G. Collister, Jr.	
75,765	Richard and Martha Bridgeford, Benjamin Sickel, Appellees, v. City of Kansas City, KS, Appellant, and City of Kansas City, MO.	Donald T. Taylor Mary Eileen Mallon	Wyandotte
75,940	Stephanie Weiner (Deceased), Appellant, v. VSR Financial Services, Inc., and United States Fidelity & Guaranty Company, Appellees.	D'Ambra M. Howard Paul C. Gurney	Work Comp

(continued)

77,766	Leroy Randall, Appellant, v. David McKune, et al., Appellees.	Charles J. Cavenee James W. Coder Jeffrey L. Cowger	Leavenworth
76,124	In the Matter of the Marriage of Gale Dykes Grimmett, Appellee, and Joe Dean Grimmett, Appellant.	J. Charles Droegge Louis S. Wexler Marilyn M. Shapiro	Johnson

**Kansas Court of Appeals  
Sedgwick County Courthouse  
Courtroom 11-1  
535 N. Main  
Wichita, Kansas**

Before Brazil, C.J.; Pierron, J.; and James W. Paddock, Senior Judge, assigned.

Tuesday, May 13, 1997

10:00 a.m.

Case No.	Case Name	Attorneys	County
77,637 77,982	Christy Jean Coulston, Appellee, v. Roby Matthew Wallingford, Appellant.	Theresa M. Bogner Randy M. Barker David E. (Rick) Roberts	Cowley
75,798	State of Kansas, Appellant, v. Leslie D. Rush, Appellee,	Attorney General Julie McKenna, C.A. Jessica R. Kunen Elizabeth Seale Cateforis	Saline
76,504	Wendell E. Gravley, Appellant, v. Robert D. Blanpied, and Catholic Diocese of Wichita, Appellees.	Marlys A.K. Marshall Patrick J. Doran Darrell L. Warta Larry Withers	Sedgwick
1:30 p.m.			
76,619	Robert Wesley Bowen, et al., Appellees, v. Penny Lee Shaffer, formerly Penny Lee Schieffelbein, Appellant.	Jerry L. Griffith Terry L. Clark	Saline
75,886	State of Kansas, Appellee, v. Ricky C. Thompson, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen B. Kay Huff	Sedgwick
75,802	State of Kansas, Appellee, v. Eddie Buoy, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen Lisa Nathanson	Sedgwick

Wednesday, May 14, 1997

9:00 a.m.

Case No.	Case Name	Attorneys	County
76,279	State of Kansas, Appellee, v. Brian A. Snow, Appellant.	Attorney General Rick J. Scheufler, Asst. C.A. Jessica R. Kunen Edward G. Collister, Jr.	Barton
76,986	FBG Realty Advisors, Inc., Appellant, v. Alvin Dean Morford, et al., Appellees.	Jeff A. VanZandt Dennis O. Smith	Reno
10:30 a.m.			
74,974	State of Kansas, Appellee, v. Aaron L. Beers, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen Randall L. Hodgkinson	Sedgwick

Summary Calendar—No Oral Argument

75,603	State of Kansas, Appellee, v. Jose Carlos Rodriguez, Appellant.	Attorney General Robert R. Johnson, Asst. C.A. Jessica R. Kunen Randall L. Hodgkinson	Finney
76,108	State of Kansas, Appellee, v. Raymond J. Van Skiver, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Raymond J. Van Skiver	Sedgwick
75,346	Danny L. Kirkpatrick, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen Debra J. Wilson Attorney General Robert R. Johnson, Asst. C.A.	Finney
76,140	State of Kansas, Appellee, v. Mark A. Wares, Appellant.	Attorney General Clinton B. Peterson, Asst. C.A. Jessica R. Kunen Thomas Jacquinet	Seward
75,467	Ronald Alan Peoples, Appellant, v. State of Kansas, Appellee.	Mark T. Schoenhofer Attorney General Debra S. Peterson, Asst. D.A.	Sedgwick
75,559	State of Kansas, Appellee, v. Glen H. Lovin, Jr., Appellant.	Attorney General Phyllis K. Webster, Asst. C.A. Danny Saville	Butler

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

Before Royse, P.J.; Elliott, J.; and J. Byron Meeks, District Judge, assigned.

Tuesday, May 13, 1997

9:30 a.m.

Case No.	Case Name	Attorneys	County
75,450	State of Kansas, Appellee, v. Robert David Morris, Appellant.	Attorney General Ty Kaufman, C.A. Jessica R. Kunen Michael J. Helvey	McPherson
75,973	Stout Chiropractic Clinic, P.A., Appellant, v. Jeffrey D. Hayes, D.C., Appellee.	Daniel J. Severt Bradley C. Ralph	Ford

11:00 a.m.

75,549	In the Matter of the Estate of Doris M. Gardner, Deceased.	Daniel K. Diederich Norman R. Kelly	Saline
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1:30 p.m.

75,929	State of Kansas, Appellee, v. Anthony R. Daniels, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen Steven R. Zinn	Sedgwick
76,238	Donald L. Coffman, Appellant, v. George R. Randall, M.D., and St. Francis Regional Med. Ctr., Appellees.	Richard D. Cordry Frances A. Hartman Brian J. Niceswanger	Sedgwick

2:45 p.m.

75,917	James Titus and Anita Titus, Appellants, v. Raymond H. Dings, Appellee.	Ted E. Knopp Edgar Wm. Dwire	Sedgwick
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(continued)

Wednesday, May 14, 1997

9:00 a.m.

Attorneys

Case No.	Case Name	Attorneys	County
75,451	State of Kansas, Appellee, v. Gary A. Ulland, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen Steven R. Zinn	Sedgwick
76,282	Alan Douglas Moler, Appellant, v. Mark Edward Melzer, d/b/a Apex Building Inspectors, and Marchelle Co., Inc., d/b/a Apex Building Inspectors TRS, Appellees.	Edgar Wm. Dwire Charles E. Millsap	Sedgwick

10:15 a.m.

76,561	Charles Harmon and Dawn Harmon, Appellants, v. Dale Koch and Reba Koch, Appellees.	Kevin J. Carrico Curtis A. Frasier	Mitchell
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## Summary Calendar—No Oral Argument

75,579 75,580 75,581 75,582	State of Kansas, Appellee, v. Samuel W. Collins, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen Edward G. Collister, Jr.	Sedgwick
75,799	State of Kansas, Appellee, v. John E. Fierro, Appellant.	Attorney General John K. Bork, Assf. A.G. John E. Fierro	Ford
76,044	Fletcher Brimer, Appellant, v. State of Kansas, Appellee.	Kiehl Rathbun Attorney General Joe Shepack, C.A.	Ellsworth
76,045	Andrew B. Brimer, Appellant, v. State of Kansas, Appellee.	G. Knute Fraser Attorney General Joe Shepack, C.A.	Ellsworth
76,564	In the Matter of the Marriage of Loretta Baize, Appellee, and William Baize, Appellant.	Larry L. Livengood Julie McKenna	Saline
77,363	In the Interest of M.T.T., d/o/b: 10/02/86; K.H.T., Jr., d/o/b: 11/04/87; M.T., d/o/b: 02/21/89; J.L.T., d/o/b: 10/21/91; B.D.T., d/o/b: 07/05/92; Minor Children Under 18 Yrs. of Age.	Roger Batt William R. Griffith Kevin B. Johnson Shawn Elliott	Sedgwick

Carol G. Green  
Clerk of the Appellate Courts

Doc. No. 019045



State of Kansas

**Kansas Judicial Council**

**Notice of Meetings**

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

Date	Committee	Time
May 2	Civil-Chapter 61	9:30 a.m.
May 9	Care & Treatment	9:30 a.m.
May 16	Judicial Council	9:00 a.m.
May 30	Probate Law	9:30 a.m.
June 4	Civil Code-Lien Law	9:30 a.m.
June 6	Care & Treatment	9:30 a.m.
June 20	Civil-Chapter 61	9:30 a.m.

Justice Tyler C. Lockett  
Chair

Doc. No. 019059

State of Kansas

**Board of Emergency Medical Services**

**Permanent Administrative Regulations**

**Article 8.—EXAMINATIONS**

**109-8-1. Examinations.** (a) (1) On and after January 1, 1997, the written certification examination for first responders trained under the 1995 national standard curriculum, modified and adopted by the board, for emergency medical technicians trained under the 1994 national standard curriculum, modified and adopted by the board, and for mobile intensive care technicians shall be the national registry examination.

(2) Any candidate for mobile intensive care technician certification who fails the emt-paramedic national registry written examination may retake the examination the maximum allowable number of times pursuant to national registry policy during the period of eligibility as specified in K.S.A. 65-6129 and its amendments. Any first responder or emergency medical technician certification candidate who fails the first responder or emergency medical technician national registry written examination may retake the examination a maximum of three times during the period of eligibility as specified in K.S.A. 65-6129 and its amendments.

(b) The written certification examination for instructor/coordinator, emergency medical technician-intermediate, and emergency medical technician-defibrillator shall be the examination approved by the board on October 4, 1991. Any instructor/coordinator, emergency medical technician-intermediate, or emergency medical technician-defibrillator certification candidate who fails the examination may retake it a maximum of three times during the period of eligibility specified in K.S.A. 65-6129 and 65-6129b and their amendments.

(c) The examinations for instructor/coordinator endorsement for mobile intensive care technician, emergency medical technician-intermediate, and emergency

medical technician-defibrillator shall be the examinations approved by the board on June 8, 1990.

(d) The examinations for training officer I and training officer II approval shall be the examinations approved by the board on August 6, 1993.

(e) The examination for interactive television endorsement of instructor/coordinators and training officers I and II shall be the examination approved by the board on August 5, 1995.

(f) Each certification candidate shall obtain a minimum score of 70 percent on each written examination and shall demonstrate competency in activities authorized by statute as evaluated by the administrator or administrator's designee, using criteria approved by the board.

(g) Any attendant candidate who is tested in such activities and who fails any skill station may retest each failed station a maximum of three times during the period of eligibility prescribed in K.S.A. 65-6129 and 65-6129b and their amendments.

(h) After January 1, 1997, each mobile intensive care technician candidate who is tested on such activities in accordance with national registry criteria and who fails any skill station may retest each failed portion the maximum allowable times under national registry policies during the period of eligibility specified in K.S.A. 65-6129 and its amendments. Each first responder and emergency medical technician who is tested in such activities in accordance with national registry criteria and who fails any skill station may retest each failed portion three times during the period of eligibility as specified in K.S.A. 65-6129 and its amendments.

(i) Any examination for certification may be modified by the board in order to field-test proposed changes in either the written or practical skills examination. (Authorized by and implementing K.S.A. 65-6110, 65-6129 and 65-6129b; effective, T-109-1-19-89, Jan. 19, 1989; effective July 17, 1989; amended Aug. 27, 1990; amended Feb. 3, 1992; amended Dec. 19, 1994; amended Jan. 5, 1996; amended Nov. 8, 1996; amended May 16, 1997.)

Bob McDanel  
Administrator

Doc. No. 019053

State of Kansas

**Kansas Insurance Department**

**Permanent Administrative Regulations**

**Article 1.—GENERAL**

**40-1-19. Insurance companies; combination policies; requirements.** Each company authorized to transact business in this state shall be prohibited from issuing a policy which combines insurance for which rate filings are required with insurance for which rate filings are not required. This regulation shall not apply to the following:

(a) any policy for which:

(1) the premium for insurance coverage which is not subject to rate control is less than 50% of the total premium; or

(continued)

(2) the rate for each insurance coverage which is included in the policy is filed with and approved by the commissioner; or

(b) any policy combining life and accident and sickness insurance pursuant to K.S.A. 40-401. (Authorized by K.S.A. 40-103, 40-2204(G); implementing K.S.A. 40-926, 40-927, 40-1111, 40-1112, 40-1113, 40-2203; effective Jan. 1, 1966; amended Jan. 1, 1967; amended May 1, 1979; amended May 1, 1986; amended May 16, 1997.)

### Article 3.—FIRE AND CASUALTY INSURANCE

**40-3-5. Fire and casualty insurance; rating organizations; filing of forms.** For the purpose of this regulation, the word "company" includes a company or exchange of any type that is required to file rates pursuant to K.S.A. 40-931 or 40-1115, or both. The word "forms" means policies, endorsements, and standard provisions used in policies or endorsements. The word "rating organizations" means any organization licensed pursuant to K.S.A. 40-930 or 40-1114 or both.

(a) When the constitution, articles of association, by-laws, or regulations of a rating organization grant control over the forms to be used by its member and subscriber companies, such forms shall be filed in compliance with K.S.A. 40-216. An individual company shall not be required to file declarations pages or forms that have been filed on its behalf by a rating organization and approved by the commissioner of insurance.

(b) After approval, each member and subscriber of the rating organization making the filings shall adhere to the forms. Each deviation from approved filings shall be in violation of K.S.A. 40-216, except as provided under K.S.A. 40-931 and 40-1115.

(c) Except as provided in subsection (a) above, each company shall be responsible for the following:

- (1) controlling its filings of forms;
- (2) promptly discontinuing individual filings of those forms filed on its behalf by a rating organization; and
- (3) complying with Kansas individual filings of those forms filed on its behalf by a rating organization. A company which is not a member of or subscriber to a rating organization shall be required to make an individual filing in accordance with K.S.A. 40-216 for each standardized form filed by a rating organization that is accepted by the company.

(d) Each company that becomes a member or subscriber of a rating organization shall be presumed to be issuing the forms of the rating organization from the effective date of membership or subscribership.

(e) Each company that retires from membership or subscribership in a rating organization shall meet filing requirements by making individual filings. (Authorized by K.S.A. 40-103; implementing K.S.A. 40-216; effective Jan. 1, 1966; amended Jan. 1, 1967; amended May 1, 1979; amended May 1, 1986; amended May 15, 1989; amended May 16, 1997.)

**40-3-26. Modification of rate filing requirements for individual risks.** Rates submitted for approval pursuant to K.S.A. 40-928(g) or 40-1113a shall be filed with the commissioner of insurance within 60 days after their effective date. Such rate filings shall otherwise comply

with the applicable provisions set forth in K.S.A. 40-927, 40-928, 40-1112, 40-1113, and K.A.R. 40-3-25. Any filing submitted pursuant to this regulation shall be deemed approved if not disapproved within the waiting period provided by K.S.A. 40-928 or 40-1113. (Authorized by K.S.A. 40-103; implementing K.S.A. 40-1113a, 40-928, 40-1113; effective, E-76-19, May 1, 1975; effective May 1, 1976; amended May 1, 1979; amended May 1, 1986; amended May 16, 1997.)

**40-3-27. Modification of rate filing requirements for individual risks; disapproval.** Rates submitted for approval pursuant to K.S.A. 40-928(g) or 40-1113a, and found to be in violation of K.S.A. 40-927, 40-928, 40-1112, 40-1113 and K.A.R. 40-3-25, shall be disapproved. Each disapproval shall be effective as of the inception date of the policy. The premium for the policy shall be adjusted to the premium developed under the rate filing otherwise applicable and the excess returned to the insured. (Authorized by K.S.A. 40-103; implementing K.S.A. 40-1113a, 40-928(g); effective Jan. 1, 1968; amended May 1, 1979; amended May 1, 1986; amended May 16, 1997.)

**40-3-49. Fire and casualty insurance; modification of rate filing requirements; rates which cannot be practicably filed before use.** (a) Any insurer or rating organization may file with the commissioner a rule or procedure identifying those kinds of insurance, subdivisions, classes of risk, contracts or combinations thereof for which rates cannot practicably be filed before they are used.

(b) Any such rule or procedure approved by the commissioner shall provide for the filing of rates for approval on an individual basis no later than 60 days after the effective date of the contract or contracts to which the rates apply.

(c) Nothing in this regulation shall be construed as a suspension, preemption or modification of any provision of K.S.A. 40-1113 or 40-928, except as specifically permitted in this regulation. (Authorized by K.S.A. 40-103; implementing K.S.A. 40-928(f) and K.S.A. 40-1113(j); effective Jan. 4, 1993; amended May 16, 1997.)

### Article 4.—ACCIDENT AND HEALTH INSURANCE

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

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

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

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

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

(b) Each utilization review organization shall maintain written procedures for providing notification of determinations regarding all forms of certification in accordance with the following.

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

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

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

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

(A) If the attending health care provider cannot be contacted in a timely manner, the utilization review organization shall send written notification to the health care provider and the enrollee or patient within one working day following the determination. Each notification shall be accompanied by the most appropriate telephone number necessary to facilitate an expedited appeal.

(B) The written notification shall include the principal reasons, including any applicable clinical basis, for the determination and procedures to initiate an appeal of the determination. A determination not to certify may be based on a lack of adequate information to certify after a reasonable attempt has been made to contact the health care provider.

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

(c) Each utilization review organization shall maintain written procedures to address the failure of a health care provider, patient or other representative to provide the necessary information for review. If the patient or provider will not release the necessary, clinically relevant information to the utilization review organization, the util-

ization review organization may deny certification in accordance with its own policy or that of the health benefit plan. (Authorized by K.S.A. 40-103 and K.S.A. 1995 Supp. 40-22a01, et seq.; implementing K.S.A. 1995 Supp. 40-22a04; effective, T-40-4-26-95, April 26, 1995; effective June 12, 1995; amended May 16, 1997.)

#### Article 8.—EXCESS COVERAGE

**40-8-7. Excess lines insurance; agents; submission of affidavit required.** (a) The excess lines agent who actually places business with a non-admitted insurer shall file the affidavit and annual statement reporting forms prescribed by the commissioner. Other excess lines agents shall file only the affidavit form prescribed by the commissioner. Each excess line agent shall file the appropriate form or forms with the department, on or before March 1st of each year, and shall include a tax remittance in the amount of 6% of the gross premium for all policies written on risks that were placed during the preceding calendar year.

(1) "Gross premium" means the amount charged to the insured for the insurance procured. When an audit or gross receipts contract requires a deposit premium, the amount collected during the calendar year either as a deposit or partial payment shall be reported on the affidavit and annual statement reporting forms as gross premium for that calendar year. Gross premium shall not include the tax due on the premium nor shall that tax be charged to the insured unless specifically identified and provided for in the policy.

(2) When a policy is renewed or an adjustment, addition, or reduction is made on a risk previously placed, the excess lines agent shall make the appropriate adjusting entry on the annual statement reporting form.

(b) If the excess lines agent fails to submit a statement and pay the premium tax as required by subsection (a) of this regulation, an assessment equalling two times the amount of excess premium tax required by K.S.A. 40-246c shall be collected by the commissioner. This subsection shall not apply under the following circumstances:

(1) If the required statement and excess premium tax payment is submitted by mail on or before the 1st day of March of each year;

(2) if the required statement and the excess premium tax payment is received by the commissioner before the 1st day of January of each year and the statement and premium include all transactions of the excess coverage licensee during the year; or

(3) if the required statement and excess premium tax payment is not received by the commissioner because no transactions contemplated by the statute occurred during the preceding year. (Authorized by K.S.A. 40-103; implementing K.S.A. 40-246b, as amended by L. 1996, Ch. 45, Sec. 3, 40-246c; effective Jan. 1, 1966; amended Jan. 1, 1968; amended Jan. 1, 1970; amended Jan. 1, 1971; amended, E-76-29, June 19, 1975; amended May 1, 1976; amended May 1, 1979; amended, T-83-22, Aug. 11, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended May 1, 1987; amended, T-40-10-23-92, Oct. 23, 1992; amended Feb. 8, 1993; amended May 16, 1997.)

Kathleen Sebelius  
Kansas Insurance Commissioner

Doc. No. 019068

## State of Kansas

## Social and Rehabilitation Services

Permanent Administrative  
Regulations

## Article 4.—PUBLIC ASSISTANCE PROGRAM

**30-4-54. Citizenship, alienage, and residence.** (a)

Definition. "Resident" means any person who is living in the state voluntarily, with no intention of presently moving from the state, and who is not living in the state for a temporary purpose.

(1) Any child living in the state shall be considered a resident.

(2) For TAF, any person who has entered the state with a job commitment or who is seeking employment in the state shall be considered a resident.

(3) For GA, any individual who owns an automobile or other motor vehicle that is not registered in this state, but that is required by law to be registered in this state shall not be considered a resident.

(b) Citizenship and alienage. Each applicant or recipient shall be a citizen of the United States or shall be an alien who meets either of the following conditions:

(1) entered the United States before August 22, 1996; and

(A) is a refugee;

(B) is granted asylum;

(C) has deportation withheld;

(D) is a lawful permanent resident;

(E) is an honorably discharged veteran or currently on active duty in the armed forces or is the spouse or unmarried dependent child of such an alien;

(F) is paroled into the United States for at least one year; or

(G) is granted conditional entry.

(2) entered the United States on or after August 22, 1996; and

(A) is a refugee;

(B) is granted asylum;

(C) has deportation withheld;

(D) is an honorably discharged veteran or currently on active duty in the armed forces or is the spouse or unmarried dependent child of such an alien;

(E) is a lawful permanent resident who has resided in the United States at least five years;

(F) is paroled into the United States for at least one year and has resided in the United States at least five years; or

(G) is granted conditional entry and has resided in the United States for at least five years.

(c) Residence. Each applicant or recipient shall be a resident of the state of Kansas. Temporary absence from the state, with subsequent returns to the state, or intent to return when the purposes of the absence have been accomplished, shall not be considered to interrupt continuity of residence. Residence shall be considered to be maintained until abandoned or established in another state. (Authorized by K.S.A. 1996 Supp. 39-708c; implementing K.S.A. 1996 Supp. 39-708c, 39-719b, 39-709; effective May 1, 1981; amended, T-88-10, May 1, 1987;

amended May 1, 1988; amended Oct. 1, 1989; amended, T-30-2-20-97, March 1, 1997; amended May 16, 1997.)

Article 6.—MEDICAL ASSISTANCE PROGRAM—  
CLIENTS' ELIGIBILITY FOR PARTICIPATION**30-6-54. Citizenship, alienage, and residence.** (a)

Definition. "Resident" means any person who is living in the state voluntarily, with no intention of presently moving from the state, and who is not living in the state for a temporary purpose.

(1) Any child who is living in the state shall be considered a resident.

(2) Any person who is otherwise eligible for medicaid and who has entered the state with a job commitment or who is seeking employment shall be considered a resident.

(3) For institutionalized individuals, the following criteria shall be used to determine residency.

(A) Any person placed by a state agency in an out-of-state institution shall be considered to retain residence in the state making the placement.

(B) Any person who is under age 21 or who became incapable of intent before age 21 shall be considered to have the same residence as the parent or legal guardian.

(C) Any person who became incapable of intent on or after age 21 shall remain a resident of the state in which the person is physically residing.

(D) Any other person shall be regarded as a resident of the state in which the person is living with the intention to remain there permanently or for an indefinite period.

(b) Citizenship and alienage. Each applicant or recipient shall be a citizen of the United States or shall be an alien who meets one of the following conditions:

(1) entered the United States before August 22, 1996; and

(A) is a refugee;

(B) is granted asylum;

(C) has deportation withheld;

(D) is a lawful, permanent resident;

(E) is an honorably discharged veteran or currently on active duty in the armed forces or is the spouse or unmarried dependent child of such an alien;

(F) is paroled into the United States for at least one year; or

(G) is granted conditional entry.

(2) entered the United States on or after August 22, 1996; and

(A) is a refugee;

(B) is granted asylum;

(C) has deportation withheld;

(D) is an honorably discharged veteran or currently on active duty in the armed forces or is the spouse or unmarried dependent child of such an alien;

(E) is a lawful, permanent resident who has resided in the United States for at least five years;

(F) is paroled into the United States for at least one year and has resided in the United States for at least five years; or

(G) is granted conditional entry and has resided in the United States for at least five years.

An otherwise eligible alien who does not qualify under the above provisions shall be eligible for emergency medical care.

(c) Residence. Each applicant or recipient shall be a resident of Kansas. The individual shall be living in the state and shall not be receiving assistance from another state. Temporary absence from the state with subsequent returns to the state, or intent to return when the purposes of the absence have been accomplished, shall not be considered to interrupt continuity of residence. Residence shall be considered to be retained until abandoned or established in another state. (Authorized by and implementing K.S.A. 1996 Supp. 39-708c and K.S.A. 39-709; effective May 1, 1981; amended May 1, 1987; amended, T-88-10, May 1, 1987; amended May 1, 1988; amended, T-30-2-20-97, March 1, 1997; amended May 16, 1997.)

Rochelle Chronister  
Secretary of Social and  
Rehabilitation Services

Doc. No. 019051

## State of Kansas

### Kansas Lottery

#### Temporary Administrative Regulations

#### Article 2.—LOTTERY RETAILERS

##### 111-2-58. "Win for Life" kick-off retailer incentive.

(a) During the period between the start of the "Win for Life" game and ending 5:00 p.m., July 11, 1997, in addition to compensation provided for in K.A.R. 111-2-4, the Kansas lottery shall also offer for all retailers the "Win for Life" retailer incentive promotion drawings to be held in conjunction with the Kansas lottery's "Win for Life" game (K.A.R. 111-4-992 through 111-4-1000):

(b) Each pack of "Win for Life" tickets will have an entry card in it. Printed on each entry card will be the pack number of the pack it represents.

(c) To enter the drawing, a retailer must activate a pack of "Win for Life" instant tickets, fill out the entry card completely and give the entry card or cards to its Kansas lottery district manager. Only entry cards from activated "Win for Life" tickets are eligible for the drawings. District managers will collect the entry cards for each activated pack and bring them into their regional offices for the regional drawings. Drawings will be held at the regional offices on the following days:

Topeka - May 6, 20, June 3, 17

Wichita - May 7, 21, June 4, 18

Great Bend - May 12, 27, June 9, 23

(d) At each drawing, 40 entry cards will be drawn for promotional prizes. The first 25 entry cards drawn will win a "Win for Life" t-shirt. The next 10 entry cards drawn will win a "Win for Life" six-pack beverage cooler. The last five entry cards drawn will win a "Win for Life" car sunshade. After each regional drawing, the entry cards from the drawing will be collected by security. These entry cards will not be included in the subsequent drawings for promotional prizes. District Managers will deliver the promotional prizes.

(e) After the four regional drawings in each region are held, there will be one final drawing for each region held on July 11, 1997, at the state sales meeting. One entry card from each regional pool of entry cards previously entered will be drawn. All entry cards, including the winners from the four promotional prize drawings in each region, will be included in the final drawings for each region. One winner from each region will win a trip for two to Las Vegas for three days and two nights. The prizes include hotel and air fare for two from either Wichita or Kansas City, as well as \$300 cash.

(f) The final drawings will be held at approximately noon on Friday, July 11, 1997, at the state sales meeting at a location to be announced. The first card drawn from each of the regional pools of Kansas lottery's entry cards entered will entitle the retailer named thereon to win a trip specified in subsection (e). (Authorized by K.S.A. 1996 Supp. 74-8710; implementing K.S.A. 74-8708 and K.S.A. 1996 Supp. 74-8710; effective, T-111-4-17-97, March 21, 1997.)

#### Article 4.—INDIVIDUAL GAME RULES RULES FOR INSTANT GAME NO. 88 "WIN FOR LIFE"

**111-4-992. Name of game.** The Kansas lottery shall conduct an instant winner lottery game entitled "Win for Life" commencing on or after April 28, 1997. The specific rules for the "Win for Life" game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-992 through 111-4-1000. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710; effective, T-111-4-17-97, March 21, 1997.)

**111-4-993. Definitions.** The following definitions shall apply to the "Win for Life" instant lottery game:

(a) "Game symbols" are the numbers, letters, symbols, pictures or prizes printed in each of the three play areas of each instant game ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the game symbols are printed in black ink in 10 point WGI font with matching captions in WGI Cap font. In the first game, a "WINNING NUMBERS/YOUR NUMBERS" game, a game symbol appears in each of the 12 play spots within the play area. Each game symbol for the game one play area is one of the following: 01 - 02 - 03 - 04 - 05 - 07 - 08 - 09 - 10 - 11 - 12 - 13 - 14 - 15 - 17 - 18 - 19 - 20 - 21 - 22 - 23 - 24 - 25 - LIFE - \$500/Mo. - \$2.<sup>00</sup> - \$5.<sup>00</sup> - 10.<sup>00</sup> - 15.<sup>00</sup> - 20.<sup>00</sup> - 25.<sup>00</sup> - 50.<sup>00</sup> - \$100\$ - \$1000. Each game symbol for the second and third game play areas is one of the following: image of a dollar sign - image of a treasure chest - image of a clover - image of a pot of gold - image of a bankroll - image of a money bag - image of a horseshoe - image of the sun - image of a diamond - image of coins - image of a heart - image of a star - image of a rainbow - image of a piggy bank. In the second game entitled "Fast \$25," a game symbol appears in both of the two play spots. In the third game entitled "Fast \$100," a game symbol appears in both of the two play spots.

(b) "Game symbol captions" are the words or portions of words, letters or numbers printed beneath each game symbol in the play area and are used to repeat or explain the game symbol. The game symbol caption associated with each game symbol is as follows:

Game Symbol	Game Symbol Caption
01	ONE
02	TWO

(continued)



03	THR
04	FOR
05	FIV
07	SEV
08	EGT
09	NIN
10	TEN
11	ELEVEN
12	TWELVE
13	THIRTN
14	FOURTN
15	FIFTN
17	SEVTN
18	EGTN
19	NINTN
20	TWENTY
21	TWTYONE
22	TWTYTWO
23	TWTYTHR
24	TWTYFOR
25	TWTYFIV
Image of a dollar sign	DLLR SGN
Image of a treasure chest	CHEST
Image of a clover	CLOVER
Image of a pot of gold	GOLD
Image of bankroll	BNKRL
Image of a money bag	MNY BAG
Image of a horseshoe	HSHOE
Image of the sun	SUN
Image of a diamond	DIAMOND
Image of coins	COINS
Image of a heart	HEART
Image of a star	STAR
Image of a rainbow	RAINBOW
Image of a piggy bank	PGGY BNK

Prize Symbol	Prize Symbol Caption
LIFE	ENTRY
\$500/Mo.	For 1 Year
\$2.00	TWO\$
\$5.00	FIVE\$
10.00	TEN\$
15.00	FIFTEEN
20.00	TWENTY
25.00	TWEN-FIV
50.00	FIFTY
\$100\$	ONE-HUN
\$1000	ONE-THOU

(c) "Ticket validation number" means a unique number appearing on each ticket which is used to validate winning tickets. For this instant game, the ticket validation number is an 11-digit number which appears on the front of each instant ticket and will be covered by latex.

(d) "Book-ticket number" means the unique number appearing on each ticket which includes the number of the book from which it was removed and the serially assigned number of the ticket within that book. For this instant game, the book-ticket number is an 8-digit book number followed by a dash and then a 3-digit ticket number. The ticket numbers in each book start with 000 and end with 059. The book-ticket number is printed in black ink on the front of each instant game ticket as well as on the back of each ticket both above the information form and below the bar code.

(e) "Retailer validation code" means the small letters found under removable covering in the play area of each

instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer. In this instant game, the retailer validation code is a three letter code printed and appearing in three of eight varying locations among the game symbols in the "WINNING NUMBERS/YOUR NUMBERS" play area. The codes and their meanings are as follows: ENY = Entry (\$500 a month for life entry); FIV = \$5.00; TEN = \$10.00; FTN = \$15.00; TWY = \$20.00; TWF = \$25.00; FRY = \$40.00; FTY = \$50.00; HUN = \$100.00.

(f) "Bar code" means the 16-digit bar-coded number appearing on the back of each ticket. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710; effective, T-111-4-17-97, March 21, 1997.)

**111-4-994. Cost of ticket.** The price of "Win for Life" instant tickets sold by a retailer shall be \$5.00 each. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710; effective, T-111-4-17-97, March 21, 1997.)

**111-4-995. Determination of prize winners.** (a) An instant prize winner is determined for this instant game when the player removes or "scratches off" the removable layer of material covering the play area to reveal the prize symbols and captions in the three play areas. The first is a key number match game. If either of "YOUR NUMBERS" matches one or more of the 10 "WINNING NUMBERS," the player wins the prize amount below that number. If a \$500/Mo. symbol is found in any of the "YOUR NUMBER" spots, the player wins \$500 per month for a year. In this play area, a player will be eligible to win up to 10 prizes. The second is a match game entitled "Fast \$25" in which a player wins \$25 if the two symbols in this play area match. The third is a match game entitled "Fast \$100" in which a player wins \$100 if the two symbols in this play area match.

(b) The grand prize winner in the "Win for Life" drawing(s) shall receive \$500 per month for life with a minimum prize totaling \$100,000 payable to the winner and/or the winner's estate. Payments shall commence at once, but no sooner than the eighteenth birthday of the grand prize winner.

(c) There will be 10 additional winners drawn after the grand prize winner is drawn, and each will receive \$1,000.

(d) The grand prize and 10 additional prizes of \$1,000 are funded from unclaimed prizes. (Authorized by K.S.A. 1996 Supp. 74-8710(a)(1) and (2), implementing K.S.A. 1996 Supp. 74-8710(a)(1), (2) and (3), K.S.A. 1996 Supp. 74-8718(a)(3), and K.S.A. 74-8720(b), (d) and (f); effective, T-111-4-17-97, March 21, 1997.)

**111-4-996. Number and value of instant prizes.** (a) There will be approximately 1,200,000 tickets ordered for this instant game. The expected number and value of the instant prizes are as follows:

Match	Prizes	Expected Number of Prizes in Game	Expected Value in Game
"LIFE" (Entry) Symbol	Entry	240,000	\$ 0
\$5	\$5	300,000	1,500,000
\$10	\$10	10,000	100,000
\$10(\$5 x 2)	\$10	8,000	80,000
\$10(\$2 x 5)	\$10	14,000	140,000



\$15	\$15	5,200	78,000
\$15(\$5 + \$10)	\$15	5,400	81,000
\$15(\$5 × 3)	\$15	8,000	120,000
\$20	\$20	3,000	60,000
\$20(\$5 × 4)	\$20	5,400	108,000
\$20(\$2 × 10)	\$20	8,600	172,000
\$25	\$25	1,200	30,000
\$25(\$5 + \$10 × 2)	\$25	1,640	41,000
\$25(Fast \$25)	\$25	12,400	310,000
\$40(\$20 × 2)	\$40	800	32,000
\$40(\$10 × 4)	\$40	1,200	48,000
\$40(\$5 × 8)	\$40	1,600	64,000
\$50	\$50	200	10,000
\$50(\$25 × 2)	\$50	300	15,000
\$50(\$5 × 10)	\$50	1,200	60,000
\$100	\$100	60	6,000
\$100(\$20 × 5)	\$100	120	12,000
\$100(\$10 × 10)	\$100	212	21,200
\$100(Fast \$100)	\$100	4,000	400,000
\$1,000	\$1,000	8	8,000
\$1,000(\$100 × 10)	\$1,000	8	8,000
\$500/Month	\$500 a Month/ 1 Year	16	96,000
TOTAL		<u>632,564</u>	<u>\$3,600,200</u>

(b) The executive director may terminate the sale of tickets prior to the complete sale of all tickets. In this event, the number and value of prizes will be approximately proportional to the number of tickets actually sold. The odds of winning a cash prize in this game are one in 3.06. The odds of winning an entry into the "Win for Life" drawing(s) are one in five. The odds of winning either a cash prize or an entry ticket are one in 1.9.

(c) All prizes are subject to deductions provided by law. (Authorized by K.S.A. 1996 Supp. 74-8710(b), (c) and (f); implementing K.S.A. 1996 Supp. 74-8710(b), (c) and (f), and K.S.A. 74-8720; effective, T-111-4-17-97, March 21, 1997.)

**111-4-997. Method of entry for "Win for Life" grand prize drawing(s).** The first "Win for Life" grand prize drawing shall be conducted on August 1, 1997, or after approximately one-half of the initial printing of "Win for Life" tickets is sold, whichever comes first. The determination of tickets sold shall be based on validations of winning "Win for Life" tickets. The date of the drawing shall be announced by the executive director approximately 10 days prior to the drawing. Entry into the drawing shall be accomplished as follows:

(a) Purchase a valid "Win for Life" ticket which wins through the key number match in the first play area a prize bearing the game symbol "LIFE" and the game symbol caption "ENTRY" in the play area.

(b) Only valid entry tickets received by the lottery by the Monday morning mail pickup immediately prior to the Friday of the announced drawing will be eligible for that drawing. Mailed entries received by the post office identified in subsection (d) after the mail pickup specified will be eligible for the second "Win for Life" drawing if announced by the executive director. Should additional drawings be announced by the executive director, only entries picked up subsequent to the mail pickup for the previous drawing will be eligible.

(c) Each individual entry ticket shall be eligible for only one "Win for Life" drawing.

(d) Place one or more entry tickets into an envelope and mail them to: "Kansas Lottery Win for Life Drawing," P. O. Box 7777, Lawrence, Kansas, 66044-7777. The mailing address shall also be printed on each entry ticket issued.

(e) The holder of the entry ticket must complete the information form on each entry ticket in a legible manner. Only one name shall appear on each entry ticket.

(f) There is no limit on the number of entries a person may make.

(g) All entry tickets which are mailed and received by the lottery by the Monday morning mail pickup immediately prior to the Friday of each announced drawing shall be entered into the "Win for Life" drawing.

(h) To be eligible to enter or to win any "Win for Life" drawing, a person must be 18 years of age or older.

(i) Entry tickets eligible for one drawing shall not be eligible for entry into subsequent drawings.

(j) Completing the information form on the entry tickets and entering the ticket into the drawing constitutes authorization to identify publicly the person whose entry is drawn. (Authorized by K.S.A. 1996 Supp. 74-8710; implementing K.S.A. 1996 Supp. 74-8710 and 74-8718(a)(3); effective, T-111-4-17-97, March 21, 1997.)

**111-4-998. Certification of drawing.** (a) The "Win for Life" drawing shall be personally observed by a member of the Kansas lottery division of security and the lottery draw manager.

(b) Upon completion of the drawing, the security official and the draw manager shall issue a report to the executive director, certifying that the name of the prize winner is correct, and that to the best of their knowledge the procedures required by these rules were followed in selecting the prize winner. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710(b); effective, T-111-4-17-97, March 21, 1997.)

**111-4-999. Selection of winners.** The following process shall be used for the selection of winners in the "Win for Life" drawing(s):

(a) Kansas lottery personnel shall pick up all mail containing "Win for Life" drawing envelopes at the United States Post Office in Lawrence, Kansas.

(b) Lottery personnel shall transport the mail to the mail room where the entries will be removed from the envelopes and placed in a secure receptacle by lottery security personnel.

(c) Drawing(s) shall be held at lottery headquarters in a place accessible to the public and open for public attendance with lottery security personnel present. The drawing(s) shall be audio and video taped.

(d) Prior to each drawing, the drum or receptacle shall be sealed and the contents mixed by rotating the drum five times, if a drum is used, or by mixing the contents with a shovel or by other means for at least three minutes if another type receptacle is used.

(e) The designated individual shall then unseal the drum or receptacle, and using the bare-arm technique, remove one entry from the drum or receptacle.

(continued)

(f) After the grand prize "Win for Life" entry has been drawn, 10 more entries shall be drawn in the same manner, one at a time, for the 10 additional prizes of \$1,000 each. Five more entries will be drawn in the same manner to serve as alternate entries. The alternate entries will be marked in order drawn, 1A, 2A, 3A, 4A and 5A. The alternate entries will be used only if the original winners cannot be located or are declared ineligible. In the event the grand prize winning entry is disqualified or the winner cannot be located or notified within 30 days of the drawing, the second winning entry drawn will be declared the grand prize winner. Each of the remaining winners will move up one position in the order drawn and the first winning entry alternate will become the \$1,000 prize winner. This process will be used in the event other winners are disqualified or cannot be located or notified.

(g) The Kansas lottery security official present shall review each entry drawn to determine the validity of the entry into the drawing in accordance with these regulations. If each entry is valid and the name is legible, the draw manager and the security person shall record the name of the grand prize winner and the 10 additional winners of \$1,000 each shall be promptly notified.

(h) If an entry is determined to be ineligible, it shall be discarded by the security person present and another entry drawn. This procedure will be repeated until valid selections are obtained.

(i) The person whose name appears on each entry on the entry drawn shall win the prize identified in K.A.R. 111-4-995, subject to validation by the lottery as set forth in these rules and location of the winner(s) within 30 days of the date of the drawing.

(j) All "Win for Life" drawing(s) entry tickets remaining in the drum or receptacle after each "Win for Life" grand prize drawing winner and 10 additional winners of \$1,000 each have been selected, the entries validated and the winners located shall be destroyed. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710(b); effective, T-111-4-17-97, March 21, 1997.)

**111-4-1000. Rights of participants.** Any "Win for Life" grand prize drawing ticket entry entered into any "Win for Life" drawing shall be disqualified from any other Kansas lottery prize or eligibility for which that entry ticket may have been redeemable. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710(d); effective, T-111-4-17-97, March 21, 1997.)

#### RULES FOR INSTANT GAME NO. 89 "LIGHTNING CASH"

**111-4-1001. Name of game.** The Kansas lottery shall conduct an instant winner lottery game entitled "Lightning Cash" commencing on or after March 24, 1997. The specific rules for the "Lightning Cash" game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1001 through 111-4-1004. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710; effective, T-111-4-17-97, March 21, 1997.)

**111-4-1002. Definitions.** The following definitions shall apply to the "Lightning Cash" instant lottery game:

(a) "Game symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game

ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the game symbols are printed in black ink in 15 point WGI font with matching captions in WGI Cap font. A game symbol appears in each of six play spots within the play area. Each game symbol for this instant game is one of the following: FREE - \$2.<sup>00</sup> - \$5.<sup>00</sup> - 10.<sup>00</sup> - 15.<sup>00</sup> - 50.<sup>00</sup> - \$500\$.

(b) "Game symbol captions" are the words or portions of words, letters or numbers printed beneath each game symbol in the play area and are used to repeat or explain the game symbol. The game symbol caption associated with each game symbol is as follows:

Prize/Play Symbol	Prize/Play Symbol Caption
FREE	TICKET
\$2. <sup>00</sup>	TWO\$
\$5. <sup>00</sup>	FIVE\$
10. <sup>00</sup>	TEN\$
15. <sup>00</sup>	FIFTEEN
50. <sup>00</sup>	FIFTY
\$500\$	FIVE-HUN

(c) "Ticket validation number" means a unique number appearing on each ticket which is used to validate winning tickets. For this instant game, the ticket validation number is an 11-digit number which appears on the front of each instant ticket and will be covered by latex.

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

(e) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer. In this instant game, the retailer validation code is a three letter code printed and appearing in three of six varying locations among the game symbols. The codes and their meanings are as follows: FRE = FREE TICKET; TWO = \$2.00; FIV = \$5.00; TEN = \$10.00; FTN = \$15.00; FTY = \$50.00; FHN = \$500.00.

(f) "Bar code" means the 16-digit bar-coded number appearing on the back of each ticket. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710; effective, T-111-4-17-97, March 21, 1997.)

**111-4-1003. Determination of instant prize winners.** An instant prize winner is determined for this instant game when the player removes or "scratches off" the removable layer of material covering the play area to reveal the six prize symbols. If three like prize amounts are revealed, the player wins that amount. (Authorized by K.S.A. 1996 Supp. 74-8710(b), (c) and (i); implementing K.S.A. 1996 Supp. 74-8710(b), (c) and (i), and K.S.A. 74-8720(b) and (d); effective, T-111-4-17-97, March 21, 1997.)

**111-4-1004. Number and value of instant prizes.** (a) There will be approximately 1,800,000 tickets ordered for this instant game. The expected number and value of the instant prizes are as follows:

Prizes	Expected Number of Prizes in Game	Expected Value in Game
FREE TICKET	216,000	\$ 0
\$2.00	72,000	144,000
\$5.00	40,800	204,000
\$10.00	12,000	120,000
\$15.00	6,600	99,000
\$50.00	6,600	330,000
\$500.00	30	15,000
	<u>354,030</u>	<u>\$912,000</u>

(b) The executive director may terminate the sale of tickets prior to the complete sale of all tickets. In this event, the number and value of prizes will be approximately proportional to the number of tickets actually sold. The odds of winning a prize in this game are one in 5.08.

(c) All prizes are subject to deductions provided by law. (Authorized by K.S.A. 1996 Supp. 74-8710(b), (c) and (f); implementing K.S.A. 1996 Supp. 74-8710(b), (c) and (f), and K.S.A. 74-8720; effective, T-111-4-17-97, March 21, 1997.)

**RULES FOR INSTANT GAME NO. 92  
"WILD CHERRIES"**

**111-4-1005. Name of game.** The Kansas lottery shall conduct an instant winner lottery game entitled "Wild Cherries" commencing on or after March 24, 1997. The specific rules for the "Wild Cherries" game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1005 through 111-4-1008. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710; effective, T-111-4-17-97, March 21, 1997.)

**111-4-1006. Definitions.** The following definitions shall apply to the "Wild Cherries" instant lottery game:

(a) "Game symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the game symbols are printed in black ink in 15 point WGI font with matching captions in WGI Cap font. A game symbol appears in each of 12 play spots within the play area. Each game symbol for this instant game is one of the following: symbol of a bell - symbol of a bar - symbol of a lemon - symbol of a pear - symbol of an apple - symbol of a bunch of cherries - symbol of a banana.

(b) "Game symbol captions" are the words or portions of words, letters or numbers printed beneath each game symbol in the play area and are used to repeat or explain the game symbol. The game symbol caption associated with each game symbol is as follows:

Play Symbol	Play Symbol Caption
Symbol of a bell	BELL
Symbol of a bar	BAR
Symbol of a lemon	LEMON
Symbol of a pear	PEAR
Symbol of an apple	APPLE
Symbol of a bunch of cherries	CHER
Symbol of a banana	BNANA

(c) "Ticket validation number" means a unique number appearing on each ticket which is used to validate

winning tickets. For this instant game, the ticket validation number is an 11-digit number which appears on the front of each instant ticket and will be covered by latex.

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

(e) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer. In this instant game, the retailer validation code is a three letter code printed and appearing in three of eight varying locations among the game symbols. The codes and their meanings are as follows: FRE = FREE TICKET; TWO = \$2.00; FOR = \$4.00; FIV = \$5.00; SIX = \$6.00; EGT = \$8.00; TEN = \$10.00; FTN = \$15.00; STN = \$17.00; TWY = \$20.00; TRY = \$30.00; HUN = \$100.00; HFY = \$150.00.

(f) "Bar code" means the 16-digit bar-coded number appearing on the back of each ticket. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710; effective, T-111-4-17-97, March 21, 1997.)

**111-4-1007. Determination of instant prize winners.** An instant prize winner is determined for this instant game when the player removes or "scratches off" the removable layer of material covering the play area to reveal 12 play symbols. If three like play symbols are revealed in any one row across, the player wins the prize indicated in the prize legend located on the ticket front. (Authorized by K.S.A. 1996 Supp. 74-8710(b), (c) and (i); implementing K.S.A. 1996 Supp. 74-8710(b), (c) and (i), and K.S.A. 74-8720(b) and (d); effective, T-111-4-17-97, March 21, 1997.)

**111-4-1008. Number and value of instant prizes.** (a) There will be approximately 1,800,000 tickets ordered for this instant game. The expected number and value of the instant prizes are as follows:

Prizes	Expected Number of Prizes in Game	Expected Value in Game
FREE TICKET	210,000	\$ 0
\$2.00	84,000	168,000
\$4.00	54,000	216,000
\$5.00	18,000	90,000
\$6.00	18,000	108,000
\$10.00	11,670	116,700
\$15.00	7,200	108,000
\$20.00	2,190	43,800
\$30.00	1,290	38,750
\$100.00	60	6,000
\$150.00	108	16,200
\$1,000.00	10	10,000
	<u>406,528</u>	<u>\$921,400</u>

(continued)

(b) The executive director may terminate the sale of tickets prior to the complete sale of all tickets. In this event, the number and value of prizes will be approximately proportional to the number of tickets actually sold. The odds of winning a prize in this game are one in 4.43.

(c) All prizes are subject to deductions provided by law. (Authorized by K.S.A. 1996 Supp. 74-8710(b), (c) and (f); implementing K.S.A. 1996 Supp. 74-8710(b), (c) and (f), and K.S.A. 74-8720; effective, T-111-4-17-97, March 21, 1997.)

**RULES FOR INSTANT GAME NO. 93  
"BREAK THE BANK"**

**111-4-1009. Name of game.** The Kansas lottery shall conduct an instant winner lottery game entitled "Break the Bank" commencing on or after March 24, 1997. The specific rules for the "Break the Bank" game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1009 through 111-4-1012. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710; effective, T-111-4-17-97, March 21, 1997.)

**111-4-1010. Definitions.** The following definitions shall apply to the "Break the Bank" instant lottery game:

(a) "Game symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the game symbols are printed in black ink in 15 point WGI font with matching captions in WGI Cap font. A game symbol appears in each of six play spots within the play area. Each game symbol for this instant game is one of the following: FREE - \$2.<sup>00</sup> - \$4.<sup>00</sup> - 10.<sup>00</sup> - 20.<sup>00</sup> - 40.<sup>00</sup> - \$500\$ - 01¢ - 05¢ - 10¢ - 25¢ - 50¢.

(b) "Game symbol captions" are the words or portions of words, letters or numbers printed beneath each game symbol in the play area and are used to repeat or explain the game symbol. The game symbol caption associated with each game symbol is as follows:

<b>Prize Symbol</b>	<b>Prize Symbol Caption</b>
FREE	TICKET
\$2. <sup>00</sup>	TWO\$
\$4. <sup>00</sup>	FOUR\$
10. <sup>00</sup>	TEN\$
20. <sup>00</sup>	TWENTY
40. <sup>00</sup>	FORTY
\$500\$	FIVE-HUN
<b>Play Symbol</b>	<b>Play Symbol Caption</b>
01¢	PENNY
05¢	NICKEL
10¢	DIME
25¢	QUARTER
50¢	HALF

(c) "Ticket validation number" means a unique number appearing on each ticket which is used to validate winning tickets. For this instant game, the ticket validation number is an 11-digit number which appears on the front of each instant ticket and will be covered by latex.

(d) "Book-ticket number" means the unique number appearing on each ticket which includes the number of

the book from which it was removed and the serially assigned number of the ticket within that book. For this instant game, the book-ticket number is an 8-digit book number followed by a dash and then a 3-digit ticket number. The ticket numbers in each book start with 000 and end with 299. The book-ticket number is printed in black ink on the back of each instant game ticket both above the information form and below the bar code.

(e) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer. In this instant game, the retailer validation code is a three letter code printed and appearing in three of six varying locations among the game symbols. The codes and their meanings are as follows: FRE = FREE TICKET; TWO = \$2.00; FOR = \$4.00; TEN = \$10.00; TWY = \$20.00; FRY = \$40.00; FHN = \$500.00.

(f) "Bar code" means the 16-digit bar-coded number appearing on the back of each ticket. (Authorized by and implementing K.S.A. 1996 Supp. 74-8710; effective, T-111-4-17-97, March 21, 1997.)

**111-4-1011. Determination of instant prize winners.** An instant prize winner is determined for this instant game when the player removes or "scratches off" the removable layer of material covering the play area to reveal the five play symbols and one prize symbol. If the five coins add up to \$1.00 or more, the player wins the prize in the box. (Authorized by K.S.A. 1996 Supp. 74-8710(b), (c) and (i); implementing K.S.A. 1996 Supp. 74-8710(b), (c) and (i), and K.S.A. 74-8720(b) and (d); effective, T-111-4-17-97, March 21, 1997.)

**111-4-1012. Number and value of instant prizes.** (a) There will be approximately 1,800,000 tickets ordered for this instant game. The expected number and value of the instant prizes are as follows:

Prizes	Expected Number of Prizes in Game	Expected Value in Game
FREE TICKET	216,000	\$ 0
\$2.00	72,000	144,000
\$4.00	42,000	168,000
\$10.00	12,000	120,000
\$20.00	7,200	144,000
\$40.00	6,600	264,000
\$500.00	150	75,000
	<u>355,950</u>	<u>\$915,000</u>

(b) The executive director may terminate the sale of tickets prior to the complete sale of all tickets. In this event, the number and value of prizes will be approximately proportional to the number of tickets actually sold. The odds of winning a prize in this game are one in 5.06.

(c) All prizes are subject to deductions provided by law. (Authorized by K.S.A. 1996 Supp. 74-8710(b), (c) and (f); implementing K.S.A. 1996 Supp. 74-8710(b), (c) and (f), and K.S.A. 74-8720; effective, T-111-4-17-97, March 21, 1997.)

Gregory P. Ziemak  
Executive Director

Doc. No. 019046

## 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 May 1, 1997.)

## HOUSE BILL No. 2167

AN ACT concerning driver's licenses and nondriver identification cards; amending K.S.A. 1996 Supp. 8-260 and 8-1327 and repealing the existing sections.

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

Section 1. K.S.A. 1996 Supp. 8-260 is hereby amended to read as follows: 8-260. (a) It shall be unlawful for any person, for any purpose, to:

(1) Display or cause or permit to be displayed or have in possession any ~~canceled, revoked, suspended, fictitious or fraudulently altered~~ driver's license.

(2) Lend any driver's license to any other person or knowingly permit the use thereof by another.

(3) Display or represent as the person's own, any driver's license not issued to the person.

(4) Fail or refuse to surrender to the division upon its lawful demand any driver's license which has been suspended, revoked, or canceled.

(5) Use a false or fictitious name in any application for a driver's license, or any renewal or replacement thereof, or knowingly conceal a material fact, or otherwise commit a fraud in any such application.

(6) Permit any unlawful use of a driver's license issued to the person.

(7) Photograph, photostat, duplicate or in any way reproduce any driver's license or facsimile thereof in such a manner that it could be mistaken for a valid driver's license or display or have in possession any such photograph, photostat, duplicate, reproduction or facsimile unless authorized by law.

(8) Display or possess any photograph, photostat, duplicate or facsimile of a driver's license unless authorized by law.

(9) *Display or cause or permit to be displayed any canceled, revoked or suspended driver's license.*

(b) *Violation of paragraphs (1) or (9) of subsection (a) is a class B nonperson misdemeanor. Violation of paragraphs (2), (3), (4), (6), (7) or (8) of subsection (a) is a class A nonperson misdemeanor. Violation of paragraphs (1) or paragraph (5) of subsection (a) is a severity level 9, nonperson felony.*

(c) It shall be unlawful for any person to:

(1) Lend any driver's license to or knowingly permit the use of any driver's license by any person under 21 years of age for use in the purchase of any alcoholic liquor.

(2) Lend any driver's license to or knowingly permit the use of any driver's license by a person under the legal age for consumption of cereal malt beverage for use in the purchase of any cereal malt beverage.

(3) Lend any driver's license, nondriver's identification card or other form of identification to aid another person in wrongfully obtaining a driver's license or replacement driver's license.

(4) Display or cause to be displayed or have in possession any fictitious or fraudulently altered driver's license by any person under 21 years of age for use in the purchase of any alcoholic liquor or cereal malt beverage.

(d) *Violation of any provision of subsection (e) is a class A misdemeanor.*

(d) (1) *Upon a first conviction of a violation of any provision of subsection (c) a person shall be guilty of a class B nonperson misdemeanor and shall be sentenced to not less than 100 hours of public service and fined not less than \$200 nor more than \$500.*

(2) *On a second or subsequent conviction of a violation of any provision of subsection (c), a person shall be guilty of a class A nonperson misdemeanor.*

(e) The provisions of this section shall apply to any driver's license, nondriver's identification card or other form of identification whether issued under the laws of this state or issued under the laws of another state or jurisdiction.

Sec. 2. K.S.A. 1996 Supp. 8-1327 is hereby amended to read as follows: 8-1327. (a) It shall be unlawful for any person, for any purpose, to:

(1) Display, cause or permit to be displayed, or have in possession, any ~~canceled, fictitious, fraudulently altered or fraudulently obtained~~ identification card.

(2) Lend any identification card to any other person or knowingly permit the use thereof by another.

(3) Display or represent any identification card not issued to the person as being the person's card.

(4) Permit any unlawful use of an identification card issued to the person.

(5) ~~Do any act forbidden or fail to perform any act required by this act Use a false or fictitious name in any application for an identification card, or any renewal or replacement thereof, or knowingly conceal a material fact or otherwise commit a fraud in any such application.~~

(6) Display or possess any photograph, photostat, duplicate, reproduction or facsimile of an identification card unless authorized by the provisions of this act.

(7) *Photograph, photostat, duplicate or in any way reproduce any identification card or facsimile thereof in such a manner that it could be mistaken for a valid identification card or display or have in possession any such photograph, photostat, duplicate, reproduction or facsimile unless authorized by law.*

(8) *Fail or refuse to surrender to the division upon its lawful demand any identification card which has been canceled.*

(9) *Display or cause or permit to be displayed any canceled identification card.*

(b) *Violation of paragraphs (1) or (9) of subsection (a) is a class B nonperson misdemeanor. Violation of any provision paragraphs (2), (3), (4), (6), (7) or (8) of subsection (a) is a class B A nonperson misdemeanor. Violation of paragraph (5) of subsection (a) is a severity level 9, nonperson felony.*

(c) It shall be unlawful for any person to:

(1) Lend any identification card to or knowingly permit the use of any identification card by any person under 21 years of age for use in the purchase of any alcoholic liquor.

(2) Lend any identification card to or knowingly permit the use of any identification card by any person under the legal age for consumption of cereal malt beverage for use in the purchase of any cereal malt beverage.

(3) Lend any identification card, driver's license or other form of identification to aid another person in obtaining an identification card or replacement identification card.

(4) *Display or cause to be displayed or have in possession any fictitious or fraudulently altered identification card by any person under 21 years of age for use in the purchase of any alcoholic liquor or cereal malt beverage.*

(d) *Violation of any provision of subsection (e) is a class A misdemeanor.*

(d) (1) *Upon a first conviction of a violation of any provision of subsection (c) a person shall be guilty of a class B nonperson misdemeanor and shall be sentenced to not less than 100 hours of public service and fined not less than \$200 nor more than \$500.*

(2) *On a second or subsequent conviction of a violation of any provision of subsection (c), a person shall be guilty of a class A nonperson misdemeanor.*

(e) The provisions of this section shall apply to any identification card, driver's license or other form of identification whether issued under the laws of this state or issued under the laws of another state or jurisdiction.

Sec. 3. K.S.A. 1996 Supp. 8-260 and 8-1327 are hereby repealed.

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



(Published in the Kansas Register May 1, 1997.)

## SENATE BILL No. 166

AN ACT concerning hotels; relating to rights and duties of innkeepers and guests.

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

Section 1. As used in this act:

- (a) "Hotel" means the same as provided in K.S.A. 36-501, and amendments thereto;
- (b) "innkeeper" means the owner, operator, manager or keeper of a hotel;
- (c) "minor" means an unemancipated person under the age of 18 years;
- (d) "alcoholic liquor" means the same as provided in subsection (b) of K.S.A. 41-102, and amendments thereto;
- (e) "cereal malt beverage" means the same as provided in subsection (a) of K.S.A. 41-2701, and amendments thereto;
- (f) "controlled substance" means the same as provided in K.S.A. 65-4101 et seq., and amendments thereto.

Sec. 2. An innkeeper shall have the right to refuse or deny any accommodations, facilities or privileges of a hotel to:

(a) Any person who is unwilling or unable to pay for accommodations and services of the hotel. The innkeeper shall have the right to require the prospective guest to demonstrate such prospective guest's ability to pay by cash, valid credit card or a validated check;

(b) any minor. The innkeeper may require a parent or legal guardian of a minor or a representative of the entity responsible for payment of the accommodation to: (1) Accept in writing liability of the guest room costs, taxes, all charges by the minor and any damages to the guest room, hotel and its furnishings caused by the minor while a guest at the hotel; and (2) provide the innkeeper with a valid credit card number to cover the guest room costs, taxes, charges by the minor and any damages to the guest room or its furnishings caused by the minor; or (3) if the credit card is not an option, give the innkeeper an advance cash payment to cover the guest room costs and taxes for all room nights reserved for the minor, plus reasonable cash deposit not to exceed \$250 towards the payment of any charges by the minor for any damages to the guest room, hotel and its furnishings. The innkeeper shall refund such cash deposit to the extent not used to cover any such charges or any damages as determined by the innkeeper following room inspection at check-out;

(c) any person who is engaged in disorderly conduct as defined in K.S.A. 21-4101, and amendments thereto; and

(d) any person who is on record by the hotel as having violated the provisions contained in section 4 of this act in the past.

Any innkeeper who refuses or denies such accommodations, facilities or privileges of a hotel for any of the reasons specified in subsections (a) through (d) shall not be liable in any civil or criminal action or for any fine or penalty based upon such refusal or denial, except that such accommodation, facilities or privilege of a hotel shall not be refused or denied based upon the person's race, religion, color, sex, disability, origin or ancestry.

Sec. 3. Every guest of the hotel may be required by the innkeeper to produce a valid identification satisfactory to the innkeeper, containing a photograph of the guest and setting forth the name, age and residence of the guest. If the guest is a minor, the innkeeper may also require a parent of such guest to register and to accept, in writing, liability for the guest's room costs, taxes and all charges by such minor and any damages to the guest room, hotel, its furnishings and lost revenue caused by such minor while a guest at the hotel.

Sec. 4. An innkeeper may eject a person from the hotel premises, without return of such person's room rental payment, for any of the following reasons:

- (a) Nonpayment of the hotel's charges for accommodations or services;
- (b) the person is engaged in disorderly conduct as defined in K.S.A. 21-4101, and amendments thereto, or has been the subject of complaints from other guests of the hotel;
- (c) the person is using the premises for an unlawful act, including but not limited to the unlawful use or possession of controlled substances by such person in violation of K.S.A. 65-4101 et seq., and amendments thereto or the use of the premises for the consumption of alcoholic liquor or cereal malt beverage by any person under the age of 21 years in violation of K.S.A. 41-727, and amendments thereto;

(d) the person has brought property onto the hotel premises which may be dangerous to other persons as defined in K.S.A. 21-4201 et seq., and amendments thereto;

(e) the person is not a registered guest of the hotel;

(f) the person has exceeded the limitations for guest room occupancy established by the hotel;

(g) the person has obtained the accommodation under false pretenses;

(h) the person is a minor and is not under the supervision of the adult who has obtained the accommodation;

(i) the person has violated any federal, state or local laws or regulations relating to the hotel; or

(j) the person has violated any rule of the hotel which is posted in a conspicuous place and manner in the hotel as provided in section 5, except that no such rule may authorize the innkeeper to eject or to refuse or deny service or accommodations to a person because of race, religion, color, sex, disability, national origin or ancestry.

Sec. 5. The innkeeper shall post a copy of this act together with all rules of the lodging establishment, in a conspicuous place at or near the guest registration desk or inside each guest room at the hotel.

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

(Published in the Kansas Register May 1, 1997.)

## SENATE BILL No. 210

AN ACT authorizing the conveyance of certain real property between the Kansas military board and Mr. and Mrs. Jon Flickinger and authorizing the acceptance and conveyance of real property owned by Mr. and Mrs. Jon Flickinger to the Kansas military board.

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

Section 1. (a) The Kansas military board, for and on behalf of the state of Kansas is hereby authorized to exchange and convey the real property described in subsection (b) and improvements thereon to Mr. and Mrs. Jon Flickinger, Salina, Kansas, in consideration for which Mr. and Mrs. Jon Flickinger, Salina, Kansas, are hereby authorized to exchange and convey the real property described in subsection (c) and improvements thereon to the Kansas military board, for and on behalf of the state of Kansas. The exchange and conveyance of real property and improvements thereto by the Kansas military board under this section shall be executed in the name of the state of Kansas and shall be delivered upon receipt of a good and sufficient warranty deed from Mr. and Mrs. Jon Flickinger, Salina, Kansas, to the real property described in subsection (c). Before such real property is exchanged and conveyed, the attorney general shall approve the instruments of conveyance of the Kansas military board to Mr. and Mrs. Jon Flickinger, Salina, Kansas, and the instruments of conveyance of Mr. and Mrs. Jon Flickinger, Salina, Kansas, to the Kansas military board and shall approve the title to the real property exchanged and conveyed by the Kansas military board and the instruments of conveyance of Mr. and Mrs. Jon Flickinger, Salina, Kansas.

(b) In accordance with the provisions of this section, the Kansas military board is hereby authorized to exchange and convey the following described real property to Mr. and Mrs. Jon Flickinger, Salina, Kansas: Beginning at the SW corner of Block Three (3) in the Northeast Quarter (NE/4) of Section Three (3), Township Fifteen (15) South, Range Three (3) West of the 6th Principal Meridian, thence N 00 06'24" W for a distance 350'-8", thence N 89 53'36" E for a distance of 400'-0, thence S 00 06'24" E for a distance of 350'-8", thence S 89 53'36" W for a distance of 400'-0" to P.O.B. within the Schilling Subdivision, Saline County, Kansas, and containing 3.22 acres.

(c) In accordance with the provisions of this section, the Kansas military board is hereby authorized to accept title on behalf of the state of Kansas to the following described real property conveyed to the state of Kansas by Mr. and Mrs. Jon Flickinger, Salina, Kansas: The South Two Hundred Ninety-Six Feet (296') of the West Four Hundred Seventy-Four Feet (474') of Block Seven (7) of the Schilling Subdivision to the City of Salina, Saline County, Kansas, and which contains 3.22 acres more or less.

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

(Published in the Kansas Register May 1, 1997.)

## SENATE BILL, No. 221

AN ACT concerning health care providers; relating to peer review and risk management; amending K.S.A. 65-4925 and K.S.A. 1996 Supp. 65-4915 and repealing the existing sections.

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

Section 1. K.S.A. 1996 Supp. 65-4915 is hereby amended to read as follows: 65-4915. (a) As used in this section:

(1) "Health care provider" means: (A) Those persons and entities defined as a health care provider under K.S.A. 40-3401 and amendments thereto; and (B) a dentist licensed by the Kansas dental board, a dental hygienist licensed by the Kansas dental board, a professional nurse licensed by the board of nursing, a practical nurse licensed by the board of nursing, a mental health technician licensed by the board of nursing, a physical therapist assistant certified by the state board of healing arts, an occupational therapist registered by the state board of healing arts, an occupational therapy assistant registered by the state board of healing arts, a respiratory therapist registered by the state board of healing arts, a physician's assistant registered by the state board of healing arts and attendants and ambulance services certified by the emergency medical services board.

(2) "Health care provider group" means:

(A) A state or local association of health care providers or one or more committees thereof;

(B) the board of governors created under K.S.A. 40-3403 and amendments thereto;

(C) an organization of health care providers formed pursuant to state or federal law and authorized to evaluate medical and health care services;

(D) a review committee operating pursuant to K.S.A. 65-2840b through 65-2840d, and amendments thereto;

(E) an organized medical staff of a licensed medical care facility as defined by K.S.A. 65-425 and amendments thereto, an organized medical staff of a private psychiatric hospital licensed under K.S.A. 75-3307b and amendments thereto or an organized medical staff of a state psychiatric hospital or state institution for the mentally retarded, as follows: Larned state hospital, Osawatomie state hospital, Rainbow mental health facility, Topeka state hospital, Kansas neurological institute, Norton state hospital, Parsons state hospital and training center and Winfield state hospital and training center;

(F) a health care provider;

(G) a professional society of health care providers or one or more committees thereof;

(H) a Kansas corporation whose stockholders or members are health care providers or an association of health care providers, which corporation evaluates medical and health care services; or

(I) an insurance company, health maintenance organization or administrator of a health benefits plan which engages in any of the functions defined as peer review under this section.

(3) "Peer review" means any of the following functions:

(A) Evaluate and improve the quality of health care services rendered by health care providers;

(B) determine that health services rendered were professionally indicated or were performed in compliance with the applicable standard of care;

(C) determine that the cost of health care rendered was considered reasonable by the providers of professional health services in this area;

(D) evaluate the qualifications, competence and performance of the providers of health care or to act upon matters relating to the discipline of any individual provider of health care;

(E) reduce morbidity or mortality;

(F) establish and enforce guidelines designed to keep within reasonable bounds the cost of health care;

(G) conduct of research;

(H) determine if a hospital's facilities are being properly utilized;

(I) supervise, discipline, admit, determine privileges or control members of a hospital's medical staff;

(J) review the professional qualifications or activities of health care providers;

(K) evaluate the quantity, quality and timeliness of health care services rendered to patients in the facility;

(L) evaluate, review or improve methods, procedures or treatments being utilized by the medical care facility or by health care providers in a facility rendering health care.

(4) "Peer review officer or committee" means:

(A) An individual employed, designated or appointed by, or a committee of or employed, designated or appointed by, a health care provider group and authorized to perform peer review; or

(B) a health care provider monitoring the delivery of health care at correctional institutions under the jurisdiction of the secretary of corrections.

(b) Except as provided by K.S.A. 60-437 and amendments thereto and by subsections (c) and (d), the reports, statements, memoranda, proceedings, findings and other records of submitted to or generated by peer review committees or officers shall be privileged and shall not be subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity or be admissible in evidence in any judicial or administrative proceeding. Information contained in such records shall not be discoverable or admissible at trial in the form of testimony by an individual who participated in the peer review process. *The peer review officer or committee creating or initially receiving the record is the holder of the privilege established by this section.* This privilege may be claimed by the legal entity creating the peer review committee or officer, or by the commissioner of insurance for any records or proceedings of the board of governors.

(c) Subsection (b) shall not apply to proceedings in which a health care provider contests the revocation, denial, restriction or termination of staff privileges or the license, registration, certification or other authorization to practice of the health care provider. *A licensing agency in conducting a disciplinary proceeding in which admission of any peer review committee report, record or testimony is proposed shall hold the hearing in closed session when any such report, record or testimony is disclosed. Unless otherwise provided by law, a licensing agency conducting a disciplinary proceeding may close only that portion of the hearing in which disclosure of a report or record privileged under this section is proposed. In closing a portion of a hearing as provided by this section, the presiding officer may exclude any person from the hearing location except the licensee, the licensee's attorney, the agency's attorney, the witness, the court reporter and appropriate staff support for either counsel. The licensing agency shall make the portions of the agency record in which such report or record is disclosed subject to a protective order prohibiting further disclosure of such report or record. Such report or record shall not be subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity. No person in attendance at a closed portion of a disciplinary proceeding shall at a subsequent civil, criminal or administrative hearing, be required to testify regarding the existence or content of a report or record privileged under this section which was disclosed in a closed portion of a hearing, nor shall such testimony be admitted into evidence in any subsequent civil, criminal or administrative hearing. A licensing agency conducting a disciplinary proceeding may review peer review committee records, testimony or reports but must prove its findings with independently obtained testimony or records which shall be presented as part of the disciplinary proceeding in open meeting of the licensing agency. Offering such testimony or records in an open public hearing shall not be deemed a waiver of the peer review privilege relating to any peer review committee testimony, records or report.*

(d) Nothing in this section shall limit the authority, which may otherwise be provided by law, of the commissioner of insurance, the state board of healing arts or other health care provider licensing or disciplinary boards of this state to require a peer review committee or officer to report to it any disciplinary action or recommendation of such committee or officer; to transfer to it records of such committee's or officer's proceedings or actions to restrict or revoke the license, registration, certification or other authorization to practice of a health care provider; or to terminate the liability of the fund for all claims against a specific health care provider for damages for death or personal injury pursuant to subsection (i) of K.S.A. 40-3403 and amendments thereto. Reports and records so furnished shall not be subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity and shall not be admissible in evidence in any judicial or administrative proceeding other than a disciplinary proceeding by the state board of healing arts or other health care provider licensing or disciplinary boards of this state.

(e) A peer review committee or officer may report to and discuss its activities, information and findings to other peer review committees or officers or to a board of directors or an administrative officer of a health care provider without waiver of the privilege provided by subsection (b)

(continued)

and the records of all such committees or officers relating to such report shall be privileged as provided by subsection (b).

(f) Nothing in this section shall be construed to prevent an insured from obtaining information pertaining to payment of benefits under a contract with an insurance company, a health maintenance organization or an administrator of a health benefits plan.

Sec. 2. K.S.A. 65-4925 is hereby amended to read as follows: 65-4925. (a) The reports and records made pursuant to K.S.A. 65-4923 or 65-4924, and amendments thereto, shall be confidential and privileged, including:

- (1) Reports and records of executive or review committees of medical care facilities or of a professional society or organization;
- (2) reports and records of the chief of the medical staff, chief administrative officer or risk manager of a medical care facility;
- (3) reports and records of any state licensing agency or impaired provider committee of a professional society or organization; and
- (4) reports made pursuant to this act to or by a medical care facility risk manager, any committee, the board of directors, administrative officer or any consultant.

Such reports and records shall not be subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity and shall not be admissible in any civil or administrative action other than a disciplinary proceeding by the appropriate state licensing agency.

(b) No person in attendance at any meeting of an executive or review committee of a medical care facility or of a professional society or organization while such committee is engaged in the duties imposed by K.S.A. 65-4923 shall be compelled to testify in any civil, criminal or administrative action, other than a disciplinary proceeding by the appropriate licensing agency, as to any committee discussions or proceedings.

(c) No person in attendance at any meeting of an impaired provider committee shall be required to testify, nor shall the testimony of such person be admitted into evidence, in any civil, criminal or administrative action, other than a disciplinary proceeding by the appropriate state licensing agency, as to any committee discussions or proceedings.

(d) Any person or committee performing any duty pursuant to this act shall be designated a peer review committee or officer pursuant to K.S.A. 65-4915 and amendments thereto.

(e) A licensing agency in conducting a disciplinary proceeding in which admission of any peer review committee report, record or testimony is proposed shall hold the hearing in closed session when any such report, record or testimony is disclosed. Unless otherwise provided by law, a licensing agency conducting a disciplinary proceeding may close only that portion of the hearing in which disclosure of a report or record privileged under this section is proposed. In closing a portion of a hearing as provided by this section, the presiding officer may exclude any person from the hearing location except the licensee, the licensee's attorney, the agency's attorney, the witness, the court reporter and appropriate staff support for either counsel. The licensing agency shall make the portions of the agency record in which such report or record is disclosed subject to a protective order prohibiting further disclosure of such report or record. Such report or record shall not be subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity. No person in attendance at a closed portion of a disciplinary proceeding shall at a subsequent civil, criminal or administrative hearing, be required to testify regarding the existence or content of a report or record privileged under this section which was disclosed in a closed portion of a hearing, nor shall such testimony be admitted into evidence in any subsequent civil, criminal or administrative hearing. A licensing agency conducting a disciplinary proceeding may review peer review committee records, testimony or reports but must prove its findings with independently obtained testimony or records which shall be presented as part of the disciplinary proceeding in open meeting of the licensing agency. Offering such testimony or records in an open public hearing shall not be deemed a waiver of the peer review privilege relating to any peer review committee testimony, records or report.

Sec. 3. K.S.A. 65-4925 and K.S.A. 1996 Supp. 65-4915 are hereby repealed.

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

(Published in the Kansas Register May 1, 1997.)

SENATE BILL No. 232

AN ACT concerning cities and counties; relating to planning and zoning; relating to the enforcement of codes and resolutions; amending K.S.A. 12-504, 12-505, 12-745, 12-747, 12-752, 12-758, 19-101d, 58-2613 and 58-2614 and repealing the existing sections.

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

Section 1. K.S.A. 12-504 is hereby amended to read as follows: 12-504. Whenever the governing body of the city in which any of the following are located or whenever the owner or owners of any townsite or part of a townsite, or of any addition or part of an addition to any city, or the governing body in which the following are located, or the owner or owners of the lands adjoining on both sides of any street, alley or public reservation such as, but not limited to public easements, dedicated building setback lines, access control, or a part thereof, in any city or any addition thereto, desires to have the same vacated, or desires to exclude any farming lands or unplatted tracts, or any addition or part of an addition to be vacated hereunder, from the boundaries of the city wherein situated, the governing body of such city or the city planning commission shall give public notice of the same by a publication for two consecutive weeks in some in a newspaper of general circulation in the vicinity of such place sought to be vacated or excluded or in the official city newspaper in which is situated the place, tract or tracts, street, alley, or public reservation sought to be vacated or excluded; if there is any such newspaper published therein. Such notice shall be published at least one time at least 20 days prior to the date of the hearing. Such notice shall state that a petition has been filed in the office of the city clerk praying for such vacation or exclusion, or both, describing the property fully, and that on a certain date after the completion of such publication notice, naming the day on which the petition will be presented to the governing body of the city or the city planning commission for a hearing thereon, and that at such time and place all persons interested can appear and be heard under the petition.

Sec. 2. K.S.A. 12-505 is hereby amended to read as follows: 12-505. (a) Upon the presentation of such petition, as hereinbefore provided for, to the governing body of the city or planning commission, the governing body or planning commission shall proceed to hear the same, or may adjourn the hearing from time to time to some day and hour certain, as deemed necessary, and which adjournment shall be noted upon the record of the proceedings thereof. On the day of the hearing of such petition, the governing body or planning commission shall hear such testimony as may be produced before it, and such other testimony as required in order to fully understand the true nature of the petition and the propriety of granting the same. If the planning commission holds the hearing, the commission shall make a recommendation regarding the vacation and submit such recommendation to the governing body in the same manner provided by K.S.A. 12-752, and amendments thereto, for the submission and approval of recommendations regarding plats. Subject to the provisions of subsection (b), if the governing body or planning commission determines from the proofs and evidence presented that due and legal notice has been given by publication as required in this act, and that no private rights will be injured or endangered by such vacation or exclusion, and that the public will suffer no loss or inconvenience thereby, and that in justice to the petitioner or petitioners the prayer of the petitioner ought to be granted, the governing body shall order that such vacation or exclusion, or both, be made. Any order approving a vacation of plat, street, alleys, easements or a public reservation shall provide for the reservation to the city and the owners of any lesser property rights for public utilities, rights-of-ways and easements for public service facilities originally held in such plat, street, alley, easement or public reservation then in existence and use. The petition shall not be granted if a written objection thereto is filed with the city clerk, at the time of or before the hearing, by any owner or adjoining owner who would be a proper party to the petition but has not joined therein. When only a portion of a street, alley or public reservation is proposed to be vacated, the petition shall not be granted if a written objection is filed with the clerk of the governing body by any owner of lands which adjoin the portion to be vacated.

(b) If within two years following the effective date of the annexation of any tract pursuant to K.S.A. 12-520c, and amendments thereto, and upon petition of the owner of any such tract, the governing body of the city shall exclude such tract if the owner reimburses the city for all costs incurred by the city in the extension of services to such tract, together with interest on the amount of such costs at a rate provided by K.S.A. 16-201, and amendments thereto. The owner shall be required to pay only



those costs which are attributable to services which exclusively benefit such tract.

The provisions of this subsection shall apply only to a tract which is under one ownership on the date the petition for exclusion is filed by the owner thereof with the city governing body, and which will not adjoin the city on the effective date of its exclusion from the city.

The terms "tract" and "owner" in this subsection shall have the same meaning ascribed thereto in K.S.A. 12-519, and amendments thereto.

The provisions of this subsection shall expire on December 31, 1997.

(c) Any lands so excluded shall be listed for future taxation the same as though it had never been a part of such city, and which order shall be entered at length on the records of the proceedings of the governing body. Thereupon the city clerk shall certify a copy of such order to the register of deeds of the county in which such property is located. The register of deeds shall record in the deed records of the county at the expense of the petitioner or petitioners, and the register of deeds shall also write on the margin of the recorded plat of such townsite or addition, the words "canceled by order" or "canceled in part by order," as the case may be, giving reference thereon to the page and book of records where such order is recorded in the register's office.

Sec. 3. K.S.A. 12-745 is hereby amended to read as follows: 12-745. (a) The members of the planning commission shall meet at such time and place as may be fixed in the commission's bylaws. The commission shall elect one member as chairperson and one member as vice-chairperson who shall serve one year and until their successors have been elected. A secretary also shall be elected who may or may not be a member of the commission. Special meetings may be called at any time by the chairperson or in the chairperson's absence by the vice-chairperson. The commission shall adopt bylaws for the transaction of business and hearing procedures. *The bylaws may provide for and establish conditions and procedures under which subcommittees of the commission which are authorized to approve plats and make recommendations to the governing body on amendments to the zoning regulations affecting specific properties.* Unless otherwise provided by this act or by ordinance of the governing body of a city or by a resolution of the governing body of a county, no action by the planning commission shall be taken except by a majority vote of the membership thereof members present and voting. A record of all proceedings of the planning commission shall be kept. The commission may employ such persons deemed necessary and may contract for such services as the commission requires. The commission, from time to time, may establish subcommittees, advisory committees or technical committees to advise or assist in the activities of the commission.

(b) The provisions of this section shall become effective on and after January 1, 1992.

Sec. 4. K.S.A. 12-747 is hereby amended to read as follows: 12-747. (a) A city planning commission is hereby authorized to make or cause to be made a comprehensive plan for the development of such city and any unincorporated territory lying outside of the city but within the same county in which such city is located, which in the opinion of the planning commission, forms the total community of which the city is a part. The city shall notify the board of county commissioners in writing of its intent to extend the planning area into the county. A county planning commission is authorized to make or cause to be made a comprehensive plan for the coordinated development of the county, including references to planning for cities as deemed appropriate. The provisions of this subsection may be varied through interlocal agreements.

(b) The planning commission may adopt and amend a comprehensive plan as a whole by a single resolution, or by successive resolutions, the planning commission may adopt or amend parts of the plan. Such resolution shall identify specifically any written presentations, maps, plats, charts or other materials made a part of such plan. In the preparation of such plan, the planning commission shall make or cause to be made comprehensive surveys and studies of past and present conditions and trends relating to land use, population and building intensity, public facilities, transportation and transportation facilities, economic conditions, natural resources and may include any other element deemed necessary to the comprehensive plan. Such proposed plan shall show the commission's recommendations for the development or redevelopment of the territory including: (a) The general location, extent and relationship of the use of land for agriculture, residence, business, industry, recreation, education, public buildings and other community facilities, major utility facilities both public and private and any other use deemed necessary; (b) population and building intensity standards and restrictions and the application of the same; (c) public facilities including transportation facilities of all

types whether publicly or privately owned which relate to the transportation of persons or goods; (d) public improvement programming based upon a determination of relative urgency; (e) the major sources and expenditure of public revenue including long range financial plans for the financing of public facilities and capital improvements, based upon a projection of the economic and fiscal activity of the community, both public and private; (f) utilization and conservation of natural resources; and (g) any other element deemed necessary to the proper development or redevelopment of the area. Before adopting or amending any such plan or part thereof, the planning commission shall hold a public hearing thereon, notice of which shall be published at least once in the official city newspaper in the case of a city or in the official county newspaper in the case of a county. Such notice shall be published at least 20 days prior to the date of the hearing. Upon the adoption or amendment of any such plan or part thereof by adoption of the appropriate resolution by a majority vote of all members of the planning commission, a certified copy of the plan or part thereof, together with a written summary of the hearing thereon, shall be submitted to the governing body. No comprehensive plan shall be effective unless approved by the governing body as provided by this section. The governing body either may: (1) Approve such recommendations by ordinance in a city or resolution in a county; (2) override the planning commission's recommendations by a 2/3 majority vote; or (3) may return the same to the planning commission for further consideration, together with a statement specifying the basis for the governing body's failure to approve or disapprove. If the governing body returns the planning commission's recommendations, the planning commission, after considering the same, may resubmit its original recommendations giving the reasons therefor or submit new and amended recommendations. Upon the receipt of such recommendations, the governing body, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendations by the respective ordinance or resolution, or it need take no further action thereon. If the planning commission fails to deliver its recommendations to the governing body following the planning commission's next regular meeting after receipt of the governing body's report, the governing body shall consider such course of inaction on the part of the planning commission as a resubmission of the original recommendations and proceed accordingly. The comprehensive plan and any amendments thereto shall become effective upon publication of the respective adopting ordinance or resolution.

(c) An attested copy of the comprehensive plan and any amendments thereto shall be sent to all other taxing subdivisions in the planning area which request a copy of such plan. Such plan or part thereof shall constitute the basis or guide for public action to insure a coordinated and harmonious development or redevelopment which will best promote the health, safety, morals, order, convenience, prosperity and general welfare as well as wise and efficient expenditure of public funds.

(d) At least once each year, the planning commission shall review or reconsider the plan or any part thereof and may propose amendments, extensions or additions to the same. The procedure for the adoption of any such amendment, extension or addition to any plan or part thereof shall be the same as that required for the adoption of the original plan or part thereof.

(e) The provisions of this section shall become effective on and after January 1, 1992.

Sec. 5. K.S.A. 12-752 is hereby amended to read as follows: 12-752. (a) The owner or owners of any land located within an area governed by regulations subdividing the same into lots and blocks or tracts or parcels, for the purpose of laying out any subdivisions, suburban lots, building lots, tracts or parcels or any owner of any land establishing any street, alley, park or other property intended for public use or for the use of purchasers or owners of lots, tracts or parcels of land fronting thereon or adjacent thereto, shall have a plat drawn as may be required by the subdivision regulations. Such plat shall accurately describe the subdivision, lots, tracts or parcels of land giving the location and dimensions thereof and the location and dimensions of all streets, alleys, parks or other properties intended to be dedicated to public use or for the use of purchasers or owners of lots, tracts or parcels of land fronting thereon or adjacent thereto. All plats shall be verified by the owner or owners thereof. All such plats shall be submitted to the planning commission or to the joint committee for subdivision regulation.

(b) The planning commission or the joint committee shall determine if the plat conforms to the provisions of the subdivision regulations. If such determination is not made within 60 days after the first meeting of

(continued)

such commission or committee following the date of the submission of the plat to the secretary thereof, such plat shall be deemed to have been approved and a certificate shall be issued by the secretary of the planning commission or joint committee upon demand. If the planning commission or joint committee finds that the plat does not conform to the requirements of the subdivision regulations, the planning commission or joint committee shall notify the owner or owners of such fact. If the plat conforms to the requirements of such regulations, there shall be endorsed thereon the fact that the plat has been submitted to and approved by the planning commission or joint committee.

(c) The governing body shall accept or refuse the dedication of land for public purposes within 30 days after the first meeting of the governing body following the date of the submission of the plat to the clerk thereof. The governing body may defer action for an additional 30 days for the purpose of allowing for modifications to comply with the requirements established by the governing body. No additional filing fees shall be assessed during that period. If the governing body defers or refuses such dedication, it shall advise the planning commission or joint committee of the reasons therefor.

(d) The governing body may establish a scale of reasonable fees to be paid to the secretary of the planning commission or joint committee by the applicant for approval for each plat filed with the planning commission or joint committee.

(e) No building or zoning permit shall be issued for the use or construction of any structure upon any lot, tract or parcel of land located within the area governed by the subdivision regulations that has been subdivided, resubdivided or replatted after the date of the adoption of such regulations by the governing body or governing bodies but which has not been approved in the manner provided by this act.

(f) Any regulations adopted by a governing body with reference to subdividing lots shall provide for the issuance of building permits on *platted* lots divided into not more than two tracts without having to replat the lot, provided that the resulting tracts shall not again be divided without replatting such lots. Such regulations also may authorize and establish conditions for the issuance of building permits on lots divided into three or more tracts without having to replat such lots. Such regulations shall provide that lots zoned for industrial purposes may be divided into two or more tracts without replatting such lot. Such regulations shall contain a procedure for issuance of building or zoning permits on divided lots which shall take into account the need for adequate street rights-of-way, easements, improvement of public facilities, and zoning regulations if in existence.

(g) The regulations shall provide for a procedure which specifies a time limit within which action shall be taken, and shall further provide, where applicable, for the final decision on the issuance of such building permit to be made by the governing body, except as may be provided by law.

(h) The register of deeds shall not file any plat until such plat shall bear the endorsement hereinbefore provided and the land dedicated for public purposes has been accepted by the governing body.

(i) The provisions of this section shall become effective on and after January 1, 1992.

Sec. 6. K.S.A. 58-2613 is hereby amended to read as follows: 58-2613. Whenever the owners of any tract or part of a tract of land which has been platted as an addition or subdivision or adjoins on both sides of any street, alley, public easement, or public reservation, or part thereof, and which lies wholly outside the limits of any incorporated city or within the limits of an incorporated city which has had no governing body for 10 years or more desire to have the same vacated, the owners shall file a petition with the board of county commissioners of the county in which the land is located or with the planning commission of such county, describing the plat, street, alley, public easement or reservation, including dedicated building setback lines or access control proposed to be vacated and praying for the vacation of the plat, street, alley, public easement or reservation described. Upon the filing of the petition, the board of county commissioners or the planning commission shall fix a time for the hearing of the petition and shall give notice of the hearing by publication once each week for three consecutive weeks in the official county paper. Such notice shall be published at least one time at least 20 days prior to the date of the hearing. If the land is located within an area which is subject to the subdivision regulations of any city, notice of the hearing shall also be given to the governing body and planning commission of such city.

Sec. 7. K.S.A. 58-2614 is hereby amended to read as follows: 58-2614. Upon the hearing, if the board of county commissioners shall be satisfied that due and regular notices have determined that notice has been

given as required by this act, that the public will suffer no loss or inconvenience by such vacation and that no private rights will be injured or endangered thereby, the board shall order that such vacation be made and if the vacation is of a plat that such land shall thereafter be listed for taxation and for other purposes as though it had never been platted. *Provided, That if the planning commission holds the hearing, the commission shall make a recommendation regarding the vacation and submit such recommendation to the board in the same manner provided by K.S.A. 12-752, and amendments thereto, for submission and approval of recommendations regarding plats.* No such vacation shall be granted if the governing body of any city having subdivision regulations applicable to the area in which said the property is located, shall protest against such vacation. When only a portion of a street, alley or public reservation is proposed to be vacated, the petition shall not be granted if a written objection is filed with the county clerk by any owner of land which adjoins the portion to be vacated. The order of the board shall be entered on the records of proceedings of the board, and a certified copy thereof recorded in the office of the register of deeds of the county. Such order, if approving a vacation of a plat, street, alley, public easement or reservation shall protect and provide for the property rights of public utilities, rights-of-way, and easements for public service facilities then in existence and use. The costs of the proceedings, including publication and recording costs, shall be paid by the party or parties presenting the petition.

Sec. 8. K.S.A. 19-101d is hereby amended to read as follows: 19-101d. (a) (1) The board of county commissioners of any county shall have the power to enforce all resolutions passed pursuant to county home rule powers, as designated by K.S.A. 19-101c and amendments thereto. Such resolutions may be enforced by enjoining violations thereof or by prescribing penalties for violations of such resolutions, either by fine, or by confinement in the county jail, or by both such fine and confinement. Unless otherwise provided by the resolution that defines and makes punishable the violation of such resolution, the penalty imposed shall be in accordance with the penalties established by law for conviction of a class C misdemeanor. In no event shall the penalty imposed for the violation of a resolution exceed the penalties established by law for conviction of a class B misdemeanor.

(2) Prosecution for any such violation shall be commenced in the district court in the name of the county and, except as provided in subsection (b), shall be conducted in the manner provided by law for the prosecution of misdemeanor violations of state laws. Writs and process necessary for the prosecution of such violations shall be in the form prescribed by the judge or judges of the courts vested with jurisdiction of such violations by this act, and shall be substantially in the form of writs and process issued for the prosecution of misdemeanor violations of state laws. Each county shall provide all necessary supplies, forms and records at its own expense.

(b) (1) In addition to all other procedures authorized for the enforcement of county codes and resolutions, in any county with a population in excess of 300,000 150,000, the prosecution for violation of codes and resolutions adopted by the board of county commissioners may be commenced in the district court in the name of the county and may be conducted, except as otherwise provided in this section, in the manner provided for and in accordance with the provisions of the code for the enforcement of county codes and resolutions.

(2) For the purposes of aiding in the enforcement of county codes and resolutions, the board of county commissioners may employ or appoint code enforcement officers for the county who shall have power to sign, issue and execute notices to appear and uniform citations or uniform complaints and notices to appear, as provided in the appendix of forms of the code contained in this act to enforce violations of county codes and resolutions; but shall have no power to issue warrants or make arrests. All warrants shall be issued and arrests made by law enforcement officers pursuant to and in the manner provided in chapter 21 of the Kansas Statutes Annotated.

(3) The board of county commissioners may employ or appoint attorneys for the purpose of prosecuting actions for the enforcement of county codes and resolutions, and such attorneys shall have the duties, powers and authorities provided by the board as necessary to prosecute actions under the code.

(4) All costs for the enforcement and prosecution of violations of county codes and resolutions, except for compensation and expenses of the district court judge, shall be paid from the revenues of the county and, the board of county commissioners may establish a special law enforcement fund for the purpose of paying for the costs of code enforce-

ment within the county. In addition, the board of county commissioners is hereby authorized to levy a tax of not to exceed ½ mill upon all taxable tangible property within such county to pay the costs of code enforcement.

(c) Notwithstanding the provisions of subsection (b), any action commenced in the district court for the enforcement of county codes and resolutions, wherein a person may be subject to detention or arrest or wherein an accused person, if found guilty, would or might be deprived of such person's liberty, shall be conducted in the manner provided by law for the prosecution of misdemeanor violations of state laws under the Kansas code of criminal procedure and not under the code for the enforcement of county codes and resolutions.

Sec. 9. K.S.A. 12-758 is hereby amended to read as follows: 12-758. (a) *Except as otherwise provided by this section and sections 10 and 11, and amendments thereto*, regulations adopted under authority of this act shall not apply to the existing use of any building or land, but shall apply to any alteration of a building to provide for a change in use or a change in the use of any building or land after the effective date of any regulations adopted under this act. If a building is damaged by more than 50% of its fair market value such building shall not be restored if the use of such building is not in conformance with the regulations adopted under this act.

(b) Except for flood plain regulations in areas designated as a flood plain, regulations adopted by a city pursuant to K.S.A. 12-715b, and amendments thereto, or a county pursuant to this act shall not apply to the use of land for agricultural purposes, nor for the erection or maintenance of buildings thereon for such purposes so long as such land and buildings are used for agricultural purposes and not otherwise.

New Sec. 10. (a) When used in this section:

(1) The words and phrases used in this section shall have the same meaning ascribed thereto by K.S.A. 12-742, and amendments thereto;

(2) "adult arcade" means any place to which the public is permitted or invited in which coin-operated, slug-operated or for any form of consideration, electronically, electrically or mechanically controlled still or motion picture machines, projectors, video or laser disc players or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

(3) "adult bookstore", "adult novelty store" or "adult video store" means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

(A) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or

(B) instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities;

(4) "adult cabaret" means a nightclub, bar, restaurant or similar commercial establishment which regularly features:

(A) Persons who appear in a state of nudity or semi-nudity; or

(B) live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or

(C) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas;

(5) "adult motel" means a hotel, motel or similar commercial establishment which:

(A) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

(B) offers a sleeping room for rent for a period of time that is less than 10 hours; or

(C) allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours;

(6) "adult motion picture theater" means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown

which are characterized by the depiction or description of specified sexual activities or specified anatomical areas;

(7) "adult theater" means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities;

(8) "escort" means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person;

(9) "escort agency" means a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration;

(10) "nude model studio" means any place where a person who appears semi-nude, in a state of nudity, or who displays specified anatomical areas and is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. Nude model studio shall not include a college, community college or university supported entirely or in part by public money; a private college or university which maintains and operates educational programs in which credits are transferable to a college, community college or university supported entirely, partly by public money or in a structure or private studio:

(A) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing;

(B) where, in order to participate in a class, a student must enroll at least three days in advance of the class; and

(C) where no more than one nude or semi-nude model is on the premises at any one time;

(11) "nudity" or a "state of nudity" means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple or the showing of the covered male genitals in a discernibly turgid state.

(12) "sexual encounter center" means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

(A) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

(B) activities between either male and female persons or persons of the same sex, or both, when one or more of the persons is in a state of nudity or semi-nude;

(13) "semi-nude" or in a "semi-nude condition" means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. Such term shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part;

(14) "sexually oriented business" means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center;

(15) "specified anatomical areas" means:

(A) The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

(B) less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

(b) The governing body may adopt, in the manner provided by K.S.A. 12-741 et seq., and amendments thereto, reasonable regulations for the gradual elimination of sexually oriented businesses which constitute nonconforming uses.

New Sec. 11. Nothing in this act is intended to prevent cities or counties from enforcing local laws, enacted under other legal authority, for the gradual elimination of nonconforming uses.

Sec. 12. K.S.A. 12-504, 12-505, 12-745, 12-747, 12-752, 12-758, 19-101d, 58-2613 and 58-2614 are hereby repealed.

Sec. 13. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register May 1, 1997.)

## HOUSE BILL No. 2361

AN ACT concerning nongame, threatened and endangered species; relating to listing of and recovery plans for such species; allowing tax credits for certain taxes and assessments; amending K.S.A. 32-957, 32-960 and 32-962 and K.S.A. 1996 Supp. 79-32,117 and repealing the existing sections; also repealing K.S.A. 1996 Supp. 32-963a.

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

Section 1. K.S.A. 32-957 is hereby amended to read as follows: 32-957. K.S.A. 32-957 through 32-963, 32-1009 through 32-1012 and 32-1033 and sections 3 and 4, and amendments thereto, shall be known and may be cited as the nongame and endangered species conservation act.

Sec. 2. K.S.A. 32-960 is hereby amended to read as follows: 32-960. (a) The secretary shall determine whether any species of wildlife indigenous to the state is a threatened species or an endangered species in this state because of any of the following factors:

- (1) The present or threatened destruction, modification or curtailment of its habitat or range;
- (2) the overutilization of such species for commercial, sporting, scientific, educational or other purposes;
- (3) disease or predation;
- (4) the inadequacy of existing regulatory mechanisms; or
- (5) the presence of other natural or man-made factors affecting its continued existence within this state.

(b) (1) The secretary shall make the determinations required by subsection (a) on the basis of the best scientific, commercial and other data available to the secretary and after consultation, as appropriate, with federal agencies, other interested state agencies and interested persons and organizations.

(2) In determining whether any species of wildlife is a threatened species or an endangered species in this state, the secretary shall take into consideration those actions, if any, being carried out or about to be carried out by the federal government, by other states, by other agencies of this state or political subdivisions thereof, or by nongovernmental persons or organizations which may affect the species under consideration.

(3) Species of wildlife which occur in this state and which have been determined to be threatened species or endangered species pursuant to Pub. L. No. 93-205 (December 28, 1973), the endangered species act of 1973, and amendments thereto, shall receive full consideration by the secretary to determine whether each such species is a threatened or an endangered species in this state.

(c) (1) The secretary shall adopt, in accordance with K.S.A. 32-805 and amendments thereto, rules and regulations pursuant to K.S.A. 32-963 and amendments thereto which contain a list of all species of wildlife indigenous to this state which have been determined to be endangered species pursuant to this section and a list of all such species which have been determined to be threatened species pursuant to this section. Each list shall refer to the species contained therein by their scientific and common names, if any, and shall specify with respect to each such species the portion of the range of such species within this state in which it is threatened or endangered.

(2) The secretary may not add a species to nor remove a species from any such list unless the secretary has first:

- (A) Published a public notice of such proposed action;
- (B) notified the governor of any state which shares a common border with this state and in which the subject species is known to occur that such action is being proposed; and

(C) allowed at least 30 days following publication of such public notice for comment from the public and other interested parties, except that in cases where the secretary determines that an emergency situation exists, the secretary may add species to such lists provided the secretary has published a public notice that such an emergency situation exists together with a summary of facts which support such determination (i) in cases where the secretary determines that an emergency situation exists, published a public notice that such an emergency situation exists, together with a summary of facts that support such determination; or (ii) in all other cases, conducted public informational meetings to coincide with the scientific review outside the agency which will recommend action with regard to the addition of the species to or removal of the species from the list. All documents within the control and custody of the secretary that pertain to adding the species to or removing the species from the list shall be made available to the public in a local repository, such as a public library, courthouse or regional office of the department. The secretary shall also mail a notice of the proposed addition of the species to or re-

moval of the species from the list to federal and state agencies and local and tribal governments that are or may be affected by results of the review and to all individuals and organizations that have requested notification of department action regarding the administration of this act. The secretary shall also issue news releases to publicize the proposed addition of the species to or removal of the species from the list.

(3) Upon the petition of an interested person, the secretary shall conduct a review of any listed or unlisted species of wildlife proposed to be removed from or added to either of the lists adopted pursuant to this subsection (c), but only if the secretary makes a determination and publishes a public notice that such person has presented substantial evidence which warrants such a review. Once the secretary has made a determination that a review is warranted, the process described in subsection (c)(2), including the conducting of a public information meeting, shall apply.

(d) Every five years the secretary shall conduct a review of the species listed pursuant to this act (except for those species listed pursuant to the federal endangered species act of 1973, as amended) and shall submit any proposed changes in the listings to the following for consideration: (1) Federal and state agencies and local and tribal governments that are or may be affected by results of the change; and (2) all individuals and organizations that have requested notification of departmental action regarding administration of this act. After at least 90 days for comment by the agencies, governments, individuals and organizations to which the proposed changes are submitted, the secretary shall submit to the commission proposed rules and regulations making any changes that the secretary determines should be made in the listings.

New Sec. 3. (a) On or before January 1, 1998, the secretary shall adopt, in accordance with K.S.A. 32-805 and amendments thereto, rules and regulations establishing procedures for developing and implementing recovery plans for all species listed as in need of conservation, threatened or endangered. The secretary shall give priority to development of recovery plans for particular species based on a cumulative assessment of the scientific evidence available. Based on the priority ranking, the secretary shall develop and begin implementation of recovery plans for at least two listed species on or before January 1, 1999.

(b) Whenever a species is added to the list of threatened or endangered species, the secretary shall establish a volunteer local advisory committee composed of members broadly representative of the area affected by the addition of the species to the list. Members shall include representatives of specialists from academic institutions, agribusiness and other trade organizations, state environmental and conservation organizations and other interested organizations and individuals. In addition, the membership shall include, if appropriate, landowners and public officials representing state, local and tribal governments. To the maximum extent possible, committee membership shall evenly balance the interests of all potentially affected groups and institutions.

(c) The advisory committee shall: (1) Work with the secretary to adapt the listing of the species and the recovery plan for the species to the social and economic conditions of the affected area; and (2) disseminate information to the public about the scientific basis of the decision to list the species, the regulatory process and incentives available to landowners pursuant to this act.

(d) If a species in need of conservation receives a priority ranking to develop and begin implementation of a recovery plan, the secretary shall establish a volunteer local advisory committee in the same manner as provided by subsection (b) to work with the secretary to adapt the recovery plan and disseminate information to the public.

(e) In implementing a recovery plan for a species, the secretary shall consider any data, recommendations and information provided by the advisory committee.

New Sec. 4. The secretary shall adopt, in accordance with K.S.A. 32-805 and amendments thereto, rules and regulations establishing those guidelines prescribed in the operational directive of the secretary dated January 18, 1996, as the guidelines for law enforcement actions and permit requirements relating to the species listed as threatened or endangered pursuant to the Kansas nongame and endangered species conservation act and based on a determination of "intent" as it relates to lawful activities associated with normal farming and ranching practices. In addition, such rules and regulations incorporating the operational directive shall establish guidelines for enforcement activities related to development of residential and commercial property on privately owned property financed with private, nonpublic funds.



Sec. 5. K.S.A. 32-962 is hereby amended to read as follows: 32-962.

(a) The secretary shall establish such programs, including acquisition of land or aquatic habitat, as are deemed necessary for the conservation of nongame, threatened and endangered species. The secretary shall utilize all authority vested in the secretary by the laws of this state to carry out the purposes of this section with the exception that the secretary shall not utilize the power of eminent domain to carry out such programs unless a specific authorization and appropriation is made therefor by the legislature.

(b) (1) In carrying out programs authorized by this section, the secretary may enter into agreements with federal agencies, other states, other state agencies, political subdivisions of this state or with private persons for administration and management of any area established under this section or utilized for conservation of nongame, species, species in need of conservation or threatened or endangered species. Such programs shall include, but not be limited to, the following conservation agreements:

(A) *Prelisting conservation agreement:* An agreement identifying land where the contracting entity agrees to carry out management activities that increase the likelihood of species survival before a species is listed as threatened or endangered. The intent of such agreement would be to allow the contracting entity to carry out management activities specified in the agreement during the life of the agreement without penalties of law enforcement action or permitting requirements if the species is listed at a later date.

(B) *Safe harbor agreement:* An agreement in which the contracting entity agrees to maintain or enhance suitable, but currently unoccupied, habitat for a species listed as in need of conservation, threatened or endangered so as to increase utilization of the habitat by a listed species. The intent of such agreement would be to protect the contracting entity from any restrictions on land use that might otherwise occur if a listed species immigrates into the habitat.

(C) *No take agreement:* An agreement allowing the contracting entity to implement voluntary management activities that maintain, enhance, set aside or create habitat for species listed as in need of conservation, threatened or endangered. The intent of such agreement would be to provide assurance that the management activities specified in the agreement would not lead to penalties of law enforcement action or permitting requirements if future changes in land use are needed.

(2) The initial term of any agreement pursuant to subsection (b)(1) shall be five years. An agreement may be continued, with or without modification, after the five-year term, subject to review and determination by all parties. In the absence of a mutually satisfactory determination by the parties that an agreement should continue, the agreement will terminate.

(c) The governor shall review other programs administered by the governor and utilize such programs in furtherance of the purposes of the nongame and endangered species conservation act. All state agencies shall cooperate with the secretary in furtherance of the conservation of nongame, threatened and endangered species.

New Sec. 6. (a) There shall be allowed two types of credits against the tax liability of a taxpayer imposed under the Kansas income tax act related to real property that is both:

(1) Designated by the secretary of wildlife and parks pursuant to the nongame and endangered species conservation act as critical habitat for a threatened or endangered species or certified by the secretary of wildlife and parks as land known to support populations of species in need of conservation; and

(2) included in management activities as part of a recovery plan, or an agreement identified in subsection (b) of K.S.A. 32-962 and amendments thereto, as approved by the secretary of wildlife and parks, for a species listed as threatened, endangered or in need of conservation pursuant to the nongame and endangered species conservation act.

(b) There shall be allowed as an annual credit against the tax liability of a taxpayer imposed an amount equal to the total amount paid by the taxpayer during the taxable year for ad valorem taxes and assessments that are imposed by the state or by any political or taxing subdivision of the state or related to real property described in subsection (a) for each year that the management activities specified in the recovery plan or agreement described in subsection (a)(2) remain in effect and apply to such real property. The credit allowed by this subsection shall not exceed the amount of tax imposed under the Kansas income tax act reduced by the sum of any other credits allowable pursuant to law.

(c) There shall be allowed as a credit against the tax liability of a taxpayer imposed under the Kansas income tax act an amount equal to

costs incurred by the taxpayer for habitat management or construction and maintenance of improvements on real property described in subsection (a). Such costs shall be for management of improvements in accordance with management activities as a part of a recovery plan or conservation agreement identified in subsection (b) of K.S.A. 32-962 and amendments thereto, as approved by the secretary of wildlife and parks, for a species listed as threatened, endangered or in need of conservation pursuant to the nongame and endangered species conservation act. The tax credit allowed by this subsection shall be deducted from the taxpayer's income tax liability for the taxable year in which the expenditures are made by the taxpayer. If the amount of such tax credit exceeds the taxpayer's income tax liability for such taxable year, the taxpayer may elect, at the time of filing the initial return upon which the credit is claimed, to: (1) Carry over the amount thereof that exceeds such tax liability for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability; or (2) receive reimbursement of the amount thereof that exceeds such tax liability, to be paid from amounts appropriated to the secretary of revenue for that purpose upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or a person or persons designated by the secretary.

(d) The provisions of this section shall be applicable to all taxable years commencing after December 31, 1997, but before January 1, 2003.

Sec. 7. K.S.A. 1996 Supp. 79-32,117 is hereby amended to read as follows: 79-32,117. (a) The Kansas adjusted gross income of an individual means such individual's federal adjusted gross income for the taxable year, with the modifications specified in this section.

(b) There shall be added to federal adjusted gross income:

(i) Interest income less any related expenses directly incurred in the purchase of state or political subdivision obligations, to the extent that the same is not included in federal adjusted gross income, on obligations of any state or political subdivision thereof, but to the extent that interest income on obligations of this state or a political subdivision thereof issued prior to January 1, 1988, is specifically exempt from income tax under the laws of this state authorizing the issuance of such obligations, it shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income. Interest income on obligations of this state or a political subdivision thereof issued after December 31, 1987, shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income.

(ii) Taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state or any other taxing jurisdiction to the extent deductible in determining federal adjusted gross income and not credited against federal income tax. This paragraph shall not apply to taxes imposed under the provisions of K.S.A. 79-1107 or 79-1108, and amendments thereto, for privilege tax year 1995, and all such years thereafter.

(iii) The federal net operating loss deduction.

(iv) Federal income tax refunds received by the taxpayer if the deduction of the taxes being refunded resulted in a tax benefit for Kansas income tax purposes during a prior taxable year. Such refunds shall be included in income in the year actually received regardless of the method of accounting used by the taxpayer. For purposes hereof, a tax benefit shall be deemed to have resulted if the amount of the tax had been deducted in determining income subject to a Kansas income tax for a prior year regardless of the rate of taxation applied in such prior year to the Kansas taxable income, but only that portion of the refund shall be included as bears the same proportion to the total refund received as the federal taxes deducted in the year to which such refund is attributable bears to the total federal income taxes paid for such year. For purposes of the foregoing sentence, federal taxes shall be considered to have been deducted only to the extent such deduction does not reduce Kansas taxable income below zero.

(v) The amount of any depreciation deduction or business expense deduction claimed on the taxpayer's federal income tax return for any capital expenditure in making any building or facility accessible to the handicapped, for which expenditure the taxpayer claimed the credit allowed by K.S.A. 79-32,177, and amendments thereto.

(vi) Any amount of designated employee contributions picked up by an employer pursuant to K.S.A. 12-5005, 20-2603, 74-4919 and 74-4965, and amendments to such sections.

(vii) The amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 1996 Supp. 79-32,196, and amendments thereto.

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(viii) The amount of any ad valorem taxes and assessments paid, and the amount of any costs incurred for habitat management or construction and maintenance of improvements on real property, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to section 6 and amendments thereto.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. 228b (a) and 228c (a)(1) *et seq.*

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. 280 C.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas Venture Capital, Inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249 and amendments thereto.

(xiii) For taxable years beginning after December 31, 1993, the amount of income earned on contributions deposited to an individual development account under K.S.A. 1996 Supp. 79-32,117h, and amendments thereto.

(d) There shall be added to or subtracted from federal adjusted gross income the taxpayer's share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.

(e) The amount of modifications required to be made under this section by a partner which relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131,

and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.

Sec. 8. K.S.A. 32-957, 32-960 and 32-962 and K.S.A. 1996 Supp. 32-963a and 79-32,117 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register May 1, 1997.)

#### SENATE Substitute for HOUSE BILL No. 2272

AN ACT making and concerning appropriations for the fiscal year ending June 30, 1997, for the state board of healing arts, state board of veterinary examiners, Kansas state board of cosmetology, board of nursing, Kansas dental board, state department of credit unions, state bank commissioner, consumer credit commissioner, office of the securities commissioner of Kansas, state board of technical professions, real estate appraisal board, Kansas real estate commission, department of administration, Kansas racing and gaming commission, state corporation commission, Kansas public employees retirement system, department of revenue, insurance department, state board of indigents' defense services, attorney general, department of social and rehabilitation services, department of human resources, department of health and environment, department of education, Kansas state school for the blind, state historical society, Kansas arts commission, state library, Fort Hays state university, Emporia state university, Pittsburg state university, Kansas state university, Kansas state university—Salina, college of technology, university of Kansas, university of Kansas medical center, Wichita state university, legislature, department of corrections, Kansas parole board, Kansas sentencing commission, state fire marshal, juvenile justice authority, Kansas department of agriculture, state fair board, Kansas state grain inspection department, Kansas animal health department, Kansas wheat commission, department of wildlife and parks, Kansas water office, state conservation commission, Kansas lottery, adjutant general, ombudsman of corrections, department of commerce and housing, Kansas commission on veterans affairs, department of revenue—homestead property tax refunds, department of transportation and Kansas technology enterprise corporation; authorizing certain transfers and capital improvement projects, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

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

Section 1. (a) For the fiscal year ending June 30, 1997, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, capital improvement projects, fees, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

Sec. 2.

#### STATE BOARD OF HEALING ARTS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 1997, by section 82(a) of chapter 191 of the 1996 Session Laws of Kansas on the expenditures from the healing arts fee fund is hereby decreased from \$1,756,937 to \$1,577,418.

Sec. 3.

#### STATE BOARD OF VETERINARY EXAMINERS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 1997, by section 85(a) of chapter 191 of the 1996 Session Laws of Kansas on the veterinary examiners fee fund is hereby increased from \$167,517 to \$187,269.

Sec. 4.

#### KANSAS STATE BOARD OF COSMETOLOGY

(a) On the effective date of this act, the position limitation for the fiscal year ending June 30, 1997, established by section 22 of chapter 224 of the 1995 Session Laws of the Kansas for the Kansas state board of cosmetology is hereby increased from 9.0 to 10.0.

(b) On or after the effective date of this act, expenditures shall be made by the above agency from the cosmetology fee fund for fiscal year 1997 to terminate and cancel each existing contract for the tracking of continuing education requirements and the above agency is hereby authorized and directed to terminate and cancel each such contract: *Provided*, That no expenditures shall be made from the cosmetology fee fund for fiscal year 1997 for entering into any contract for the tracking of continuing education requirements: *Provided further*, That the continuation of any such contract for such tracking is hereby deemed to be not in the best interest of the citizens of the state of Kansas.

Sec. 5.

#### BOARD OF NURSING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 1997, by section 14(a) of chapter 224 of the 1995 Session Laws of Kansas on the board of nursing fee fund is hereby increased from \$887,646 to \$891,763.



## Sec. 6.

## KANSAS DENTAL BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 1997, by section 10(a) of chapter 224 of the 1995 Session Laws of Kansas on the dental board fee fund is hereby decreased from \$206,743 to \$184,830.

## Sec. 7.

## STATE DEPARTMENT OF CREDIT UNIONS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 1997, by section 33(a) of chapter 272 of the 1996 Session Laws of Kansas on the credit union fee fund is hereby increased from \$705,859 to \$723,185.

## Sec. 8.

## STATE BANK COMMISSIONER

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 1997, by section 30(a) of chapter 272 of the 1996 Session Laws of Kansas on the bank commissioner fee fund is hereby decreased from \$3,643,395 to \$3,510,542.

## Sec. 9.

## CONSUMER CREDIT COMMISSIONER

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 1997, by section 31(a) of chapter 272 of the 1996 Session Laws of Kansas on the consumer credit fee fund is hereby increased from \$362,478 to \$368,097.

## Sec. 10.

## OFFICE OF THE SECURITIES COMMISSIONER OF KANSAS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 1997, by section 19(a) of chapter 224 of the 1995 Session Laws of Kansas on the securities act fee fund is hereby increased from \$1,594,886 to \$1,619,178.

(b) Upon request of the securities commissioner, the director of accounts and reports shall transfer one or more amounts of money from the securities act fee fund for the fiscal year ending June 30, 1997, to the appropriate account of the restricted fees fund of Wichita state university pursuant to a contract which is hereby authorized to be entered into by the securities commissioner and the Kansas council on economic education of Wichita state university to conduct a securities and investment education program. *Provided*, That any transfer of money from the securities act fee fund for the fiscal year ending June 30, 1997, to the appropriate account of the restricted fees fund of Wichita state university pursuant to such contract shall be in addition to any expenditure limitation imposed on the securities act fee fund for the fiscal year ending June 30, 1997. *Provided, however*, That the total amount of such transfers for the fiscal year ending June 30, 1997, shall not exceed \$20,000.

## Sec. 11.

## STATE BOARD OF TECHNICAL PROFESSIONS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 1997, by section 20(a) of chapter 224 of the 1995 Session Laws of Kansas on the technical professions fee fund is hereby decreased from \$375,270 to \$370,977.

## Sec. 12.

## REAL ESTATE APPRAISAL BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 1997, by section 17(a) of chapter 224 of the 1995 Session Laws of Kansas on the appraiser fee fund is hereby increased from \$129,756 to \$144,294.

## Sec. 13.

## KANSAS REAL ESTATE COMMISSION

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 1997, by section 18(a) of chapter 224 of the 1995 Session Laws of Kansas on the real estate fee fund, is hereby decreased from \$620,402 to \$579,810.

## Sec. 14.

## DEPARTMENT OF ADMINISTRATION

(a) On the effective date of this act, of the amount appropriated for the above agency for the fiscal year ending June 30, 1997, by section 11(a) of chapter 259 of the 1996 Session Laws of Kansas from the state general fund in the rehabilitation and repair—statehouse, judicial center and governor's residence account, the sum of \$37,025 is hereby lapsed.

(b) (1) In addition to the other purposes for which expenditures may be made by the above agency from the closure term life insurance fund for the fiscal year ending June 30, 1997, as authorized by this or other

appropriation act of the 1997 regular session of the legislature, expenditures may be made by the above agency from the closure term life insurance fund for fiscal year 1997 for the following, which the secretary of administration is hereby authorized to provide from the closure term life insurance fund:

(A) The death benefits authorized by K.S.A. 1996 Supp. 75-4373, and amendments thereto, on a self-insured basis, for which the net amount of the death benefit shall be equal to 150% of the annual rate of compensation of the covered state officer or employee, as of the date the covered state officer or employee is laid off in accordance with K.S.A. 1996 Supp. 75-4373, and amendments thereto; and

(B) the costs of self-administering such death benefits or of contracting with a third party for administration of such death benefits.

(2) During the fiscal year ending June 30, 1997, upon request of the secretary of administration, the director of accounts and reports shall make periodic transfers of moneys during fiscal year 1997 in amounts specified by the secretary of administration from the state hospital closure account of the state general fund of the department of social and rehabilitation services to the closure term life insurance fund of the department of administration.

(3) During the fiscal year ending June 30, 1997, upon certification by the secretary of administration to the director of accounts and reports that the unencumbered balance in the closure term life insurance fund is insufficient to pay an amount for which the closure term life insurance fund is liable and that there are insufficient moneys in the state hospital closure account of the state general fund of the department of social and rehabilitation services to transfer pursuant to paragraph (2) of this subsection, the director of accounts and reports shall transfer an amount equal to the insufficiency from the state general fund to the closure term life insurance fund.

## Sec. 15.

## KANSAS RACING AND GAMING COMMISSION

(a) On the effective date of this act, the expenditure limitation established by section 54(g) of chapter 272 of the 1996 Session Laws of Kansas on the state racing fund is hereby decreased from \$2,257,186 to \$2,051,414.

(b) During the fiscal year ending June 30, 1997, the director of accounts and reports shall transfer one or more amounts certified by the executive director of the state gaming agency from the tribal gaming fund to the state general fund. *Provided*, That all such transfers shall be for the purpose of reimbursing the state general fund for the amount equal to the net amount obtained by subtracting (1) the aggregate of any costs incurred by the state gaming agency for any arbitration or litigation in connection with the administration and enforcement of tribal-state gaming compacts or the provisions of the tribal gaming oversight act, from (2) the aggregate of the amounts transferred to the tribal gaming fund of the Kansas racing and gaming commission during fiscal year 1997, for the operating expenditures for the state gaming agency and any other expenses incurred in connection with the administration and enforcement of tribal-state gaming compacts or the provisions of the tribal gaming oversight act.

## Sec. 16.

## STATE CORPORATION COMMISSION

(a) On the effective date of this act, the expenditure limitation established by section 59(b) of chapter 272 of the 1996 Session Laws of Kansas on the aggregate expenditures from the public service regulation fund, the motor carrier license fees fund and the conservation fee fund is hereby decreased from \$11,867,890 to \$11,605,058.

(b) On the effective date of this act, the position limitation established by section 59(c) of chapter 272 of the 1996 Session Laws of Kansas for the above agency is hereby decreased from 213.0 to 212.0.

(c) On the effective date of this act, the expenditure limitation established by section 59(a) of chapter 272 of the 1996 Session Laws of Kansas on the abandoned oil and gas well fund is hereby increased from \$1,200,000 to No limit.

## Sec. 17.

## KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) On the effective date of this act, the expenditure limitation established by section 75(b) of chapter 191 of the 1996 Session Laws of Kansas on the expenditures from the Kansas public employees retirement fund for investment related expenses is hereby increased from \$19,231,252 to \$19,339,400.

(continued)

Sec. 18.

DEPARTMENT OF REVENUE

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

Operating expenditures ..... \$99,974

(b) On the effective date of this act, the director of accounts and reports shall transfer \$500,000 from the state highway fund of the department of transportation to the division of vehicles operating fund of the department of revenue for the purpose of financing the cost of operation and general expense of the division of vehicles and related operations of the department of revenue.

(c) On the effective date of this act, the expenditure limitation established by section 2(b) of chapter 272 of the 1996 Session Laws of Kansas on the division of vehicles operating fund is hereby decreased from \$28,678,854 to \$28,367,837.

Sec. 19.

INSURANCE DEPARTMENT

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

Senior health insurance counseling for Kansans fund..... No limit

(b) On and after December 15, 1996, in addition to the other purposes for which expenditures may be made by the above agency from the insurance department service regulation fund for the fiscal year ending June 30, 1997, expenditures shall be made by the above agency from the insurance department service regulation fund for fiscal year 1997 for an additional amount of biweekly compensation for the commissioner of insurance equal to \$60.01 per biweekly pay period: Provided, That expenditures for such purpose shall be made in the same manner and at the same times that biweekly compensation is payable to the commissioner of insurance for the biweekly pay periods which commence on or after December 15, 1996, and which are chargeable to fiscal year 1997: Provided, however, That all additional amounts of biweekly compensation for biweekly pay periods which commence on or after December 15, 1996, which are chargeable to fiscal year 1997 and which end prior to the effective date of this act, shall be paid in the same manner and at the same time that biweekly compensation is payable to the commissioner of insurance for the first biweekly pay period which commences on or after December 15, 1996, and which ends after the effective date of this act.

Sec. 20.

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

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

Operating expenditures ..... \$988,199

Sec. 21.

ATTORNEY GENERAL

(a) On the effective date of this act, of the \$2,851,625 appropriated for the above agency for the fiscal year ending June 30, 1997, by section 56(a) of chapter 191 of the 1996 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$250,000 is hereby lapsed.

Sec. 22.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

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

State operations ..... \$3,848,608
Mental health and retardation services aid and assistance and state institutions operations ..... \$41,726,664
Alcohol and drug abuse services grants ..... \$487
Youth services aid and assistance ..... \$13,743,555
Purchase of atypical antipsychotic drugs ..... \$680,000

Provided, That the \$680,000 appropriated in the purchase of atypical antipsychotic drugs account is recommended and included in this account for atypical antipsychotic drug therapy and shall be expended to ensure the continuation of atypical antipsychotic drug therapy for patients who are released from a state mental health institution to reside in a Kansas community so that no such patient, who is receiving atypical antipsychotic drug therapy when released, is denied access to such medications in the community because of the person's financial need: Provided further, That any remaining balance of such \$680,000 after the expenditures for this continuation of atypical antipsychotic drug therapy program have been made shall be distributed to the community mental health centers for support of patients who are at great risk of rehospitalization.

(b) On the effective date of this act, of the \$108,338,055 appropriated for the above agency by section 115(a) of chapter 191 of the 1996 Session Laws of Kansas from the state general fund in the adult care homes account, the sum of \$8,717,005 is hereby lapsed.

(c) On the effective date of this act, of the \$44,283,041 appropriated for the above agency by section 115(a) of chapter 191 of the 1996 Session Laws of Kansas from the state general fund in the community based services account, the sum of \$33,938,160 is hereby lapsed.

(d) On the effective date of this act, of the \$168,485,645 appropriated for the above agency by section 115(a) of chapter 191 of the 1996 Session Laws of Kansas from the state general fund in the other medical assistance account, the sum of \$8,070,639 is hereby lapsed.

(e) On the effective date of this act, of the \$2,744,962 appropriated for the above agency by section 115(a) of chapter 191 of the 1996 Session Laws of Kansas from the state general fund in the vocational rehabilitation aid and assistance account, the sum of \$198,419 is hereby lapsed.

(f) On the effective date of this act, of the \$59,788,520 appropriated for the above agency by section 115(a) of chapter 191 of the 1996 Session Laws of Kansas from the state general fund in the cash assistance account, the sum of \$10,244,433 is hereby lapsed.

(g) On the effective date of this act, the expenditure limitation established by section 25(l) of chapter 272 of the 1996 Session Laws of Kansas on the social welfare fund is hereby increased from \$41,070,590 to \$45,700,370.

(h) On the effective date of this act, the expenditure limitation established by section 115(b) of chapter 191 of the 1996 Session Laws of Kansas on the juvenile detention facilities fund is hereby increased from \$2,480,515 to \$2,727,830.

(i) On the effective date of this act, the expenditure limitation established by section 115(b) of chapter 191 of the 1996 Session Laws of Kansas on the child care development block grant federal fund is hereby increased from \$7,154,420 to \$8,126,466.

(j) On the effective date of this act, the expenditure limitation established by section 115(b) of chapter 191 of the 1996 Session Laws of Kansas on the mental health block grant federal fund is hereby increased from \$1,872,734 to \$1,947,358.

(k) On the effective date of this act, the expenditure limitation established by section 115(b) of chapter 191 of the 1996 Session Laws of Kansas on the rehabilitation services federal fund is hereby increased from \$20,380,402 to \$21,201,388.

(l) On the effective date of this act, the expenditure limitation established by section 115(b) of chapter 191 of the 1996 Session Laws of Kansas on the Topeka state hospital fee fund is hereby decreased from \$6,573,235 to \$3,807,490.

(m) On the effective date of this act, the expenditure limitation established by section 25(k) of chapter 272 of the 1996 Session Laws of Kansas on the title XIX fund is hereby increased from \$69,145,199 to \$73,241,980.

(n) On or before June 30, 1997, the director of accounts and reports shall transfer any moneys credited to the Topeka state hospital fee fund as certified by the secretary of social and rehabilitation services, in one or more amounts and to one or more fee funds of mental health institutions of the department of social and rehabilitation services as specified by the secretary of social and rehabilitation services. After the closure of Topeka state hospital and before July 1, 1997, the secretary of social and rehabilitation services shall transmit a certification to the director of accounts and reports specifying the transfer of any moneys credited to and the amounts of any outstanding obligations of the Topeka state hospital fee fund to one or more fee funds of mental health institutions of the department of social and rehabilitation services as appropriate with respect to each such institution or institutions and the closure of Topeka state hospital. After all such transfers of moneys, the amounts of any outstanding obligations of the Topeka state hospital fee fund are hereby transferred as specified by the certification of the secretary of social and rehabilitation services and the Topeka state hospital fee fund is hereby abolished.

(o) On or before June 30, 1997, the director of accounts and reports shall transfer any moneys credited to the Topeka state hospital—elementary and secondary education fund—federal as certified by the secretary of social and rehabilitation services, in one or more amounts and to one or more federal elementary and secondary education funds of mental health institutions of the department of social and rehabilitation services as specified by the secretary of social and rehabilitation services. After the closure of Topeka state hospital and before July 1, 1997, the secretary of social and rehabilitation services shall transmit a certification to the director of accounts and reports specifying the transfer of any moneys credited to and any outstanding obligations of the Topeka state hospital—elementary and secondary education fund—federal to one or more fed-

eral elementary and secondary education funds of mental health institutions of the department of social and rehabilitation services as appropriate with respect to such institution or institutions and the closure of Topeka state hospital. After all such transfers of moneys, the amounts of any outstanding obligations of the Topeka state hospital—elementary and secondary education fund—federal are hereby transferred as specified by the certification of the secretary of social and rehabilitation services and the Topeka state hospital—elementary and secondary education fund—federal is hereby abolished.

(p) On or before June 30, 1997, the director of accounts and reports shall transfer any moneys credited to the Topeka state hospital—canteen fund, Topeka state hospital—patient benefit fund and the Topeka state hospital—work therapy patient benefit fund as certified by the secretary of social and rehabilitation services, in one or more amounts to the respective canteen fund, patient benefit fund or work therapy patient benefit fund of one or more mental health institutions of the department of social and rehabilitation services as specified by the secretary of social and rehabilitation services. After the closure of Topeka state hospital and before July 1, 1997, the secretary of social and rehabilitation services shall transmit a certification to the director of accounts and reports specifying the transfer of any moneys credited to and any outstanding obligations of the Topeka state hospital—canteen fund, Topeka state hospital—patient benefit fund and Topeka state hospital—work therapy patient benefit fund to the respective canteen fund, patient benefit fund or work therapy patient benefit fund of one or more mental health institutions of the department of social and rehabilitation services as appropriate with respect to each such institution or institutions and the closure of Topeka state hospital. After all such transfers of moneys, the amounts of any outstanding obligations of the Topeka state hospital—canteen fund, Topeka state hospital—patient benefit fund and Topeka state hospital—work therapy patient benefit fund are hereby transferred as specified by the certification of the secretary of social and rehabilitation services and the Topeka state hospital—canteen fund, Topeka state hospital—patient benefit fund and Topeka state hospital—work therapy patient benefit fund are hereby abolished.

(q) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,400,000 from the juvenile detention facilities fund to the social welfare fund.

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

Table with 2 columns: Description and Amount. Row 1: Temporary assistance to needy families federal fund ..... No limit. Row 2: Provided, That expenditures may be made from the temporary assistance to needy families federal fund for computer systems related to welfare reform: Provided, however, That no expenditures shall be made from this fund for such computer systems unless the plans for such computer systems have been reviewed by the joint-committee on computers and telecommunications.

Sec. 23.

DEPARTMENT OF HUMAN RESOURCES

(a) On the effective date of this act, the expenditure limitation established by section 89(b) of chapter 191 of the 1996 Session Laws of Kansas on the occupational health and safety—federal fund is hereby increased from \$365,976 to \$388,776.

(b) On the effective date of this act, the expenditure limitation established by section 48(b) of chapter 272 of the 1996 Session Laws of Kansas on the one stop career center system fund is hereby decreased from \$500,000 to \$70,000.

(c) On the effective date of this act, the director of accounts and reports shall transfer \$430,000 from the one stop career center system fund of the department of human resources to the Kansas economic development endowment account of the state economic development initiatives fund.

Sec. 24.

DEPARTMENT OF HEALTH AND ENVIRONMENT

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

Table with 2 columns: Description and Amount. Row 1: Salaries and wages ..... \$4,896

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

Table with 2 columns: Description and Amount. Row 1: Wetlands protection—federal fund ..... \$17,428. Row 2: Federal NICE3 public utility grant fund ..... \$346,000. Row 3: Lead poisoning prevention—federal fund ..... \$211,442

(c) On the effective date of this act, the expenditure limitation established by section 91(b) of chapter 191 of the 1996 Session Laws of Kansas on the environmental permit fund is hereby decreased from \$300,054 to \$232,000.

(d) On the effective date of this act, the expenditure limitation established by section 91(b) of chapter 191 of the 1996 Session Laws of Kansas on the air quality fee fund is hereby decreased from \$3,610,309 to \$3,590,784.

(e) On the effective date of this act, the expenditure limitation established by section 57(k) of chapter 272 of the 1996 Session Laws of Kansas on the title XIX fund is hereby decreased from \$3,924,244 to \$3,893,498.

(f) On the effective date of this act, the expenditure limitation established by section 91(b) of chapter 191 of the 1996 Session Laws of Kansas on the national center for health statistics fund—federal is hereby increased from \$192,406 to \$238,406.

(g) On the effective date of this act, the expenditure limitation established by section 91(b) of chapter 191 of the 1996 Session Laws of Kansas on the solid waste management fund is hereby increased from \$4,773,896 to \$5,713,160.

(h) On the effective date of this act, the expenditure limitation established by section 57(e) of chapter 272 of the 1996 Session Laws of Kansas on the waste tire management fund is hereby increased from \$1,896,647 to \$2,272,084.

(i) On the effective date of this act, the expenditure limitation established by section 91(b) of chapter 191 of the 1996 Session Laws of Kansas on the state operations account of the disease prevention and health promotion federal grants fund is hereby increased from \$1,458,192 to \$1,591,192.

(j) On the effective date of this act, the expenditure limitation established by section 91(b) of chapter 191 of the 1996 Session Laws of Kansas on the office of rural health—federal fund is hereby increased from \$59,719 to \$72,990.

(k) On the effective date of this act, the expenditure limitation established by section 91(b) of chapter 191 of the 1996 Session Laws of Kansas on the disease prevention and health promotion federal grants fund is hereby increased from \$1,661,192 to \$1,804,192.

(l) On the effective date of this act, the expenditure limitation established by section 91(b) of chapter 191 of the 1996 Session Laws of Kansas on the federal women, infants and children health program fund is hereby increased from \$40,910,102 to \$40,927,869.

(m) On the effective date of this act, the expenditure limitation established by section 91(b) of chapter 191 of the 1996 Session Laws of Kansas on the state operations account of the federal women, infants and children health program fund is hereby increased from \$2,410,102 to \$2,427,869.

(n) On the effective date of this act, the expenditure limitation established by section 91(b) of chapter 191 of the 1996 Session Laws of Kansas on the other federal grants fund is hereby increased from \$1,008,414 to \$1,054,674.

(o) On the effective date of this act, the expenditure limitation established by section 91(b) of chapter 191 of the 1996 Session Laws of Kansas on the maternal and child health services block grant fund is hereby increased from \$5,005,344 to \$5,217,160.

(p) On the effective date of this act, the expenditure limitation established by section 91(b) of chapter 191 of the 1996 Session Laws of Kansas on the radiological environmental cooperative monitoring—federal fund is hereby increased from \$2,500 to \$10,500.

(q) On the effective date of this act, the expenditure limitation established by section 91(b) of chapter 191 of the 1996 Session Laws of Kansas on the state operations account of the maternal and child health services block grant fund is hereby increased from \$2,722,392 to \$2,934,208.

(r) On the effective date of this act, the expenditure limitation established by section 91(b) of chapter 191 of the 1996 Session Laws of Kansas on the commodity supplemental food program fund is hereby increased from \$297,147 to \$444,049.

(s) On the effective date of this act, the expenditure limitation established by the state finance council on the gifts, grants and donations fund is hereby increased from \$1,030,102 to \$1,141,715.

(t) On the effective date of this act, the expenditure limitation established by section 91(b) of chapter 191 of the 1996 Session Laws of Kansas

(continued)

on the salaries and wages account of the immunization grant funds— federal fund is hereby increased from \$466,285 to \$509,582.

(u) On the effective date of this act, the expenditure limitation established by section 91(b) of chapter 191 of the 1996 Session Laws of Kansas on the federal cancer registry fund is hereby increased from \$340,000 to \$436,000.

(v) On the effective date of this act, the expenditure limitation established by section 91(b) of chapter 191 of the 1996 Session Laws of Kansas on the mined-land conservation and reclamation fee fund is hereby increased from \$98,451 to \$98,453.

(w) On the effective date of this act, the expenditure limitation established by the state finance council on the public water supply loan fund is hereby decreased from \$90,481 to \$0.

(x) On the effective date of this act, of the \$4,942,408 appropriated for the above agency for the fiscal year ending June 30, 1997, by section 91(a) of chapter 191 of the 1996 Session Laws of Kansas from the state general fund in the other operating expenditures (including official hospitality) account, the sum of \$339,940 is hereby lapsed.

Sec. 25.

DEPARTMENT OF EDUCATION

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

Operating expenditures (including official hospitality) ..... \$97,967

Provided, That expenditures shall be made by the department of education from the operating expenditures (including official hospitality) account for a project to develop a financial reporting system for school districts that reformats financial accounting data into more easily understood management reports: Provided further, That expenditures may be made by the department of education from this account to purchase services for such project pursuant to a contract which is hereby authorized to be negotiated and entered into by the department of education with Coopers and Lybrand to serve as consultants to the project.

(b) On the effective date of this act, the expenditure limitation established by section 46(c) of chapter 272 of the 1996 Session Laws of Kansas on the tuition and fee waiver reimbursement fund is hereby increased from \$0 to \$1,906.

(c) On the effective date of this act, the director of accounts and reports shall transfer \$1,906 from the state general fund to the tuition and fee waiver reimbursement fund of the department of education.

Sec. 26.

KANSAS STATE SCHOOL FOR THE BLIND

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

Operating expenditures ..... \$42,820

Sec. 27.

STATE HISTORICAL SOCIETY

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

Operating expenditures ..... \$12,986

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

Property sale proceeds fund ..... No limit

Provided, That proceeds from the sale of property pursuant to K.S.A. 75-2701 and amendments thereto shall be deposited in the state treasury and credited to the property sale proceeds fund.

(c) On the effective date of this act, the expenditure limitation established by section 130(b) of chapter 191 of the 1996 Session Laws of Kansas on the state operations account of the heritage trust fund is hereby increased from \$70,703 to \$82,851.

Sec. 28.

KANSAS ARTS COMMISSION

(a) On the effective date of this act, of the \$315,155 appropriated for the above agency for the fiscal year ending June 30, 1997, by section 127(a) of chapter 191 of the 1996 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$26,605 is hereby lapsed.

Sec. 29.

STATE LIBRARY

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

Literacy EDIF grant fund ..... \$25,982

Sec. 30.

FORT HAYS STATE UNIVERSITY

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

Operating expenditures (including official hospitality) ..... \$65,675

(b) On the effective date of this act, the expenditure limitation established by section 18(c) of chapter 272 of the 1996 Session Laws of Kansas on the general fees fund is hereby increased from \$7,891,985 to \$7,957,638.

Sec. 31.

EMPORIA STATE UNIVERSITY

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

Operating expenditures (including official hospitality) ..... \$250,563

(b) On the effective date of this act, the expenditure limitation established by section 100(b) of chapter 191 of the 1996 Session Laws of Kansas on the general fees fund is hereby decreased from \$8,147,554 to \$7,896,991.

Sec. 32.

PITTSBURG STATE UNIVERSITY

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

Operating expenditures (including official hospitality) ..... \$453,089

Construct Kansas technology center ..... \$1,750,000

(b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$250,000 from the Kansas economic development endowment account of the state economic development initiatives fund of the department of commerce and housing to the Kansas technology center gifts and donations fund of Pittsburg state university.

(c) On the effective date of this act, the expenditure limitation established by section 19(c) of chapter 272 of the 1996 Session Laws of Kansas on the general fees fund is hereby decreased from \$10,310,512 to \$9,998,736.

(d) During the fiscal year ending June 30, 1997, the director of accounts and reports shall transfer \$50,000 from the equipment reserve fund to the general fees fund.

(e) Expenditures may be made by the above agency for fiscal year 1997 from the amount reappropriated in the operating expenditures (including official hospitality) account of the state general fund by section 101(a) of chapter 191 of the 1996 Session Laws of Kansas: Provided, however, That expenditures from such reappropriated balance for fiscal year 1997 shall not exceed \$178,855 except upon approval of the state finance council.

Sec. 33.

KANSAS STATE UNIVERSITY

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

Operating expenditures (including official hospitality) ..... \$841,652

(b) On the effective date of this act, the expenditure limitation established by section 12(e) of chapter 272 of the 1996 Session Laws of Kansas on the general fees fund is hereby decreased from \$38,889,248 to \$38,047,596.

Sec. 34.

KANSAS STATE UNIVERSITY—SALINA, COLLEGE OF TECHNOLOGY

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

Operating expenditures (including official hospitality) ..... \$44,112

(b) On the effective date of this act, the expenditure limitation established by section 13(d) of chapter 272 of the 1996 Session Laws of Kansas on the general fees fund is hereby decreased from \$952,680 to \$908,568.

Sec. 35.

UNIVERSITY OF KANSAS

(a) The director of accounts and reports shall not make any transfers pursuant to the provisions of section 10(g) of chapter 272 of the 1996 Session Laws of Kansas and any amounts transferred prior to the effective date of this act pursuant to such provisions shall be transferred from the tuition accountability fund of the above agency to the general fees fund of the above agency.

(b) On or after the effective date of this act, upon a finding by the director of the budget that the above agency realized an increase in re-



ceipts to the general fees fund in the summer 1996 session, fall 1996 semester or spring 1997 semester above the comparable periods in the preceding year, which increase in receipts resulted from increases in enrollment, changes in resident and nonresident student mix, or the imposition of a more restrictive tuition waiver policy, the director of the budget shall certify such amount of increased receipts to the director of accounts and reports. Upon receipt of such certification, the director of accounts and reports shall transfer the amount certified from the general fees fund of the above agency to the tuition accountability fund of the above agency.

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

Operating expenditures (including official hospitality) ..... \$1,091,325

(d) On the effective date of this act, the expenditure limitation established by section 10(f) of chapter 272 of the 1996 Session Laws of Kansas on the general fees fund is hereby decreased from \$69,749,380 to \$68,658,055.

Sec. 36.

UNIVERSITY OF KANSAS MEDICAL CENTER

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

Biomedical research building principal and interest sinking fund ..... No limit

(b) The director of accounts and reports shall transfer moneys during the fiscal year ending June 30, 1997, from the sponsored research overhead fund to the biomedical research building principle and interest sinking fund of the above agency upon recommendation of the chancellor of the university of Kansas.

(c) On June 30, 1997, the director of accounts and reports shall transfer the unencumbered balance in the construction of clinical facility—revenue bonds fund to the hospital depreciation reserve fund.

(d) On the effective date of this act, the expenditure limitation established by section 103(b) of chapter 191 of the 1996 Session Laws of Kansas on the medical scholarship and loan repayment fund is hereby increased from \$1,200,000 to \$2,200,000.

Sec. 37.

WICHITA STATE UNIVERSITY

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

Operating expenditures (including official hospitality) ..... \$375,615

(b) On the effective date of this act, the expenditure limitation established by section 16(d) of chapter 272 of the 1996 Session Laws of Kansas on the general fees fund is hereby decreased from \$24,122,481 to \$23,746,866.

Sec. 38.

LEGISLATURE

(a) On and after the effective date of this act, in addition to the other purposes for which expenditures may be made by the above agency from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 1997, expenditures shall be made by the above agency from the operations (including official hospitality) account of the state general fund for fiscal year 1997 for an additional amount of biweekly compensation for each biweekly pay period commencing on or after December 15, 1996, for the following legislative officers as follows: The minority leaders of the senate and house of representatives equal to \$8.97 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions: *Provided*, That expenditures for such purpose shall be made in the same manner and at the same times that biweekly compensation is payable to the legislators eligible for such additional compensation for the biweekly pay periods which commence on or after December 15, 1996, and which are chargeable to fiscal year 1997: *Provided, however*, That all additional amounts of biweekly compensation for biweekly pay periods which commence on or after December 15, 1996, which are chargeable to fiscal year 1997 and which end prior to the effective date of this act, shall be paid in the same manner and at the same time that biweekly compensation is payable to the legislators eligible for such additional compensation for the first biweekly pay period which commences on or after December 15, 1996, and which ends after the effective date of this act.

Sec. 39.

DEPARTMENT OF CORRECTIONS

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

Central administration operations and parole and postrelease supervision operations ..... \$107,282  
Treatment and programs ..... \$51,000

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

Juvenile justice assistance—federal fund ..... No limit

Sec. 40.

KANSAS PAROLE BOARD

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

Parole from adult correctional institutions ..... \$15,684

Sec. 41.

KANSAS SENTENCING COMMISSION

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

Operating expenditures ..... \$433,118

(b) On the effective date of this act, of the amount reappropriated for the above agency for the fiscal year ending June 30, 1997, by section 72(a) of chapter 191 of the 1996 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$62,001 is hereby lapsed.

(c) On the effective date of this act, the expenditure limitation established by section 72(a) of chapter 191 of the 1996 Session Laws of Kansas on expenditures from the reappropriated balance in the operating expenditures account of the state general fund is hereby increased from \$5,987 to \$214,002.

Sec. 42.

STATE FIRE MARSHAL

(a) On the effective date of this act, the expenditure limitation established by section 63(a) of Chapter 191 of the 1996 Session Laws of Kansas on the fire marshal fee fund is hereby increased from \$2,072,439 to \$2,104,592.

Sec. 43.

JUVENILE JUSTICE AUTHORITY

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

Operating expenditures ..... \$74,079

(b) The number of full-time and regular part-time positions equated to full-time, paid from appropriations for fiscal year 1997, made in this or other appropriation act of the 1997 regular session of the legislature for the juvenile justice authority shall not exceed 5.0.

Sec. 44.

KANSAS DEPARTMENT OF AGRICULTURE

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

Computer system ..... \$200,000

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

EPA pesticide performance partnership grant ..... No limit

(c) On the effective date of this act, the expenditure limitation established by section 137(b) of chapter 191 of the 1996 Session Laws of Kansas on the agriculture seed fee fund is hereby decreased from \$75,463 to \$73,279.

(d) On the effective date of this act, the expenditure limitation established by section 137(b) of chapter 191 of the 1996 Session Laws of Kansas on the feeding stuffs fee fund is hereby increased from \$445,344 to \$495,344.

(e) On the effective date of this act, the expenditure limitation established by section 137(b) of chapter 191 of the 1996 Session Laws of Kansas on the fertilizer fee fund is hereby decreased from \$611,322 to \$487,600.

(f) On the effective date of this act, the expenditure limitation established by section 137(b) of chapter 191 of the 1996 Session Laws of Kansas on the egg fee fund is hereby decreased from \$133,840 to \$105,857.

(continued)

## Sec. 45.

## STATE FAIR BOARD

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

Encampment building renovation ..... \$24,115

## Sec. 46.

## KANSAS STATE GRAIN INSPECTION DEPARTMENT

(a) On the effective date of this act, the expenditure limitation established by section 4(a) of chapter 272 of the 1996 Session Laws of Kansas on the grain inspection fee fund is hereby decreased from \$5,106,095 to \$5,097,874.

## Sec. 47.

## KANSAS ANIMAL HEALTH DEPARTMENT

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

Operating expenditures ..... \$60,150

## Sec. 48.

## KANSAS WHEAT COMMISSION

(a) On the effective date of this act, the expenditure limitation established by the state finance council on the Kansas wheat commission emergency fund is hereby decreased from \$300,000 to \$0.

## Sec. 49.

## DEPARTMENT OF WILDLIFE AND PARKS

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

Operating expenditures ..... \$37,437  
Flood damage ..... \$385,000

(b) On the effective date of this act, the expenditure limitation established by section 144(b) of chapter 191 of the 1996 Session Laws of Kansas on the boating fee fund is hereby increased from \$1,321,065 to \$1,326,124.

(c) On the effective date of this act, the expenditure limitation established by section 144(b) of chapter 191 of the 1996 Session Laws of Kansas on the wildlife fee fund is hereby increased from \$20,946,171 to \$20,947,764.

## Sec. 50.

## KANSAS WATER OFFICE

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

Water resources operating expenditures ..... \$28,478

## Sec. 51.

## STATE CONSERVATION COMMISSION

(a) Subject to the limitation on total expenditures from the water plan special revenue fund, and in addition to the other purposes for which expenditures may be made by the above agency from the water plan special revenue fund for fiscal year 1997, expenditures may be made by the above agency from the water plan special revenue fund during fiscal year 1997 for the following specified purposes, subject to the expenditure limitations prescribed therefor:

State water plan fund administrative operations ..... \$16,750

(b) On the effective date of this act, the expenditure limitation established by section 142(b) of chapter 191 of the 1996 Session Laws of Kansas on the water plan special revenue fund is hereby decreased from \$10,375,642 to \$10,214,668.

(c) On the effective date of this act, the director of accounts and reports shall transfer \$258,901 from the water plan special revenue fund of the state conservation commission to the state water plan fund of the Kansas water office.

(d) On the effective date of this act, the expenditure limitation established by section 142(c) of chapter 191 of the 1996 Session Laws of Kansas on the conservation district aid account of the water plan special revenue fund is hereby increased from \$1,008,892 to \$1,009,392.

## Sec. 52.

## KANSAS LOTTERY

(a) On the effective date of this act, the expenditure limitation established by section 109(a) of chapter 191 of the 1996 Session Laws of Kansas on the computer systems account of the lottery operating fund is hereby decreased from \$500,000 to \$0.

(b) On June 15, 1997, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the sum of \$312,761 from the lottery operating fund to the state gaming revenues fund.

## Sec. 53.

## ADJUTANT GENERAL

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

Operating expenditures ..... \$55,000

## Sec. 54.

## OMBUDSMAN OF CORRECTIONS

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

Adult corrections oversight ..... \$6,000

## Sec. 55.

## DEPARTMENT OF COMMERCE AND HOUSING

(a) On the effective date of this act, the expenditure limitation established by section 111(d) of chapter 191 of the 1996 Session Laws of Kansas on the Kansas existing industry expansion program subaccount of the Kansas economic development endowment account of the state economic development initiatives fund is hereby decreased from \$950,000 to \$450,000.

## Sec. 56.

## KANSAS COMMISSION ON VETERANS AFFAIRS

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

Operating expenditures—Kansas soldiers' home ..... \$20,000

*Provided*, That the Kansas commission on veterans affairs is hereby authorized and directed to proceed with negotiations with the United States department of veterans affairs for the operation by the commission on veterans affairs of an existing 60-bed intermediate care nursing facility located adjacent to the United States department of veterans affairs hospital in Wichita, Kansas; *Provided, however*, That upon concluding such agreement with the United States department of veterans affairs, the Kansas commission of veterans affairs shall not seek United States department of veterans affairs certification for the operation of the above nursing facility until expressly authorized by the state legislature.

(b) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 1997, for the capital improvement project or projects specified as follows:

Winfield veterans home ..... \$1,700,000

## Sec. 57.

## DEPARTMENT OF REVENUE—HOMESTEAD PROPERTY TAX REFUNDS

(a) On the effective date of this act, of the \$8,099,700 appropriated for the above agency for the fiscal year ending June 30, 1997, by section 88(a) of chapter 191 of the 1996 Session Laws of Kansas from the state general fund in the homestead tax refunds account, the sum of \$300,000 is hereby lapsed.

## Sec. 58.

## DEPARTMENT OF TRANSPORTATION

(a) On and after the effective date of this act, the department of transportation is hereby directed that \$12,000,000 of the funding available in the other capital improvements account of the state highway fund shall be expended for fiscal year 1997 for design and right-of-way expenses associated with substantial maintenance, major modification and priority bridge projects.

## Sec. 59.

## KANSAS TECHNOLOGY ENTERPRISE CORPORATION

(a) No moneys appropriated for the fiscal year ending June 30, 1997, by any appropriation act of the 1996 regular session of the legislature or by this or other appropriation act of the 1997 regular session of the legislature for the Kansas technology enterprise corporation shall be expended for any bonus or other payment of additional compensation for any officer or employee of the Kansas technology enterprise corporation, or any subsidiary corporation, agency or instrumentality thereof, except longevity bonus payments pursuant to K.S.A. 75-5541 and amendments thereto or as otherwise specifically authorized by statute.

Sec. 60. *Appeals to exceed position limitations.* The limitations imposed by this act on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for fiscal year 1997 made in this act or in any appropriation act of the 1996 regular session of the legislature or in any other appropriation act of the 1997 regular session of the legislature may be exceeded upon approval of the state finance council.

Sec. 61. *Appeals to exceed limitations.* Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

Sec. 62. *Effective date.* This act shall take effect and be in force from and after its publication in the Kansas register.



(Published in the Kansas Register May 1, 1997.)

SENATE Substitute for HOUSE BILL No. 2166

AN ACT making and concerning appropriations for the fiscal years ending June 30, 1997, and June 30, 1998, and authorizing certain financing, for certain capital improvement projects for the state fair board, department of social and rehabilitation services, Kansas state school for the blind, Kansas state school for the deaf, department of corrections, state historical society, insurance department, department of administration, department of commerce and housing, Fort Hays state university, Kansas state university, Kansas state university—extension systems and agriculture research programs, Emporia state university, Pittsburg state university, university of Kansas, university of Kansas medical center, Wichita state university, department of human resources, Kansas commission on veterans affairs, attorney general—Kansas bureau of investigation, Kansas highway patrol, adjutant general, department of wildlife and parks and Kansas state university veterinary medical center; authorizing the initiation and completion of certain capital improvement projects; and directing or authorizing certain disbursements and acts incidental to the foregoing.

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

Section 1. (a) For the fiscal years ending June 30, 1997, and June 30, 1998, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, disbursements and acts incidental to the foregoing are hereby directed or authorized to initiate and complete capital improvement projects as provided in this act.

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

(c) This act shall not be subject to the provisions of subsection (a) of K.S.A. 1996 Supp. 75-6702 and amendments thereto.

Sec. 2.

STATE FAIR BOARD

(a) In addition to the other purposes for which expenditures may be made from the state budget stabilization fund for fiscal year 1998, expenditures may be made by the above agency from the state budget stabilization fund for fiscal year 1998 for the following specified purpose subject to the expenditure limitation prescribed therefor:

ADA/EPA projects ..... \$30,000

Provided, That all expenditures by the above agency from the state budget stabilization fund for fiscal year 1998 for the ADA/EPA projects shall be in addition to any expenditure limitation imposed on the state budget stabilization fund for fiscal year 1998.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1998, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Table with 2 columns: Fund Name and Limit. Rows include State fair capital improvements fund (No limit), Grandstand renovation project fund (No limit), Grandstand cost of issuance fund (No limit), Grandstand principal and interest fund (No limit), Grandstand renovation reserve fund (No limit), Grandstand rebate fund (No limit), Grandstand renovation surplus fund (No limit), Grandstand contingency fund (No limit), SBSF—encampment building renovation fund (No limit), EDIF—encampment renovation fund (No limit).

(c) Any unencumbered balance in excess of \$100 as of June 30, 1997, in the encampment building renovation account of the state general fund is hereby reappropriated for fiscal year 1998. Provided, That the director of accounts and reports shall release moneys in the encampment building renovation account as amounts of private funding are certified by the secretary of the state fair board as available for the renovation of the 4-H encampment building. Provided further, That the director of accounts and reports shall release the funding at the rate of \$8 from this account of the state general fund for every \$1 of private funding certified as available from other sources.

Sec. 3.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 1998, for the capital improvement project or projects specified as follows:

Rehabilitation and repair projects ..... \$3,965,000

Provided, That the secretary of social and rehabilitation services is hereby authorized to transfer moneys during fiscal year 1998 from the rehabilitation and repair projects account to a rehabilitation and repair account for any institution, as defined by K.S.A. 76-12a01 or 76-12a18 and amendments thereto, for projects approved by the secretary of social and rehabilitation services. Provided further, That expenditures also may be made from this account during fiscal year 1998 for the purposes of rehabilitation and repair for facilities of the department of social and rehabilitation services other than any institution, as defined by K.S.A. 76-12a01 or 76-12a18 and amendments thereto.

(b) In addition to the purposes for which expenditures may be made by the above agency from the other state fees fund for the fiscal year ending June 30, 1998, expenditures may be made by the above agency from the other state fees fund for fiscal year 1998 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Area office rehabilitation and repair ..... \$278,488

Provided, That expenditures from the area office rehabilitation and repair account shall be in addition to any expenditure limitation imposed on the other state fees fund for fiscal year 1998.

Sec. 4.

KANSAS STATE SCHOOL FOR THE BLIND

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 1998, for the capital improvement project or projects specified as follows:

Rehabilitation and repair projects ..... \$171,885

Sec. 5.

KANSAS STATE SCHOOL FOR THE DEAF

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 1998, for the capital improvement project or projects specified as follows:

Rehabilitation and repair projects ..... \$175,000

Install air conditioning in Roth dormitories and Roberts academic building ..... \$446,900

Sec. 6.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1998, for the capital improvement project or projects specified as follows:

Debt service payment for the revenue refunding bond issue ..... \$7,294,000

Debt service payment for the Wichita work release facility bond issue ..... \$163,000

Debt service payment for the Ellsworth correctional facility at Ellsworth, Kansas ..... \$1,674,000

(b) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 1998, for the capital improvement project or projects specified as follows:

Capital improvements—rehabilitation, remodeling, renovation and repair of correctional institutions ..... \$4,000,000

Provided, That the secretary of corrections is hereby authorized to transfer moneys during fiscal year 1998 from the capital improvements—rehabilitation, remodeling, renovation and repair of correctional institutions account of the correctional institutions building fund to an account or accounts of the correctional institutions building fund of any institution or facility under the jurisdiction of the secretary of corrections to be expended during fiscal year 1998 by the institution or facility for capital improvement projects, including security improvement projects, approved by the secretary of corrections.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1998, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Ellsworth correctional facility—principal and interest fund—K DFA B bonds ..... No limit

Ellsworth correctional facility—principal and interest fund—K DFA C bonds ..... No limit

Wichita work release facility—principal and interest fund—K DFA F bonds ..... No limit

Revenue refunding bond—principal and interest fund—K DFA L bonds ..... No limit

Sec. 7.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1998, for the capital improvement project or projects specified as follows:

Rehabilitation and repair projects ..... \$125,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1998, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

EDIF cyclical maintenance projects fund ..... \$50,000

(c) On July 15, 1997, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$50,000 from the Kansas economic development endowment account of the state economic development initiatives fund of the department of commerce and housing to the EDIF cyclical maintenance projects fund of the state historical society.

(continued)

Sec. 8.

INSURANCE DEPARTMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1998, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

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

Sec. 9.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1998, for the capital improvement project or projects specified as follows:

Energy conservation improvements—debt service.....	\$2,866,873
Rehabilitation and repair—statehouse, judicial center and governor's residence.....	\$200,000
Memorial hall bond anticipation note.....	\$19,113
Police garage debt service.....	\$20,150

Any unencumbered balance in excess of \$100 as of June 30, 1997, in each of the following capital improvement accounts is hereby reappropriated for fiscal year 1998: Rehabilitation and repair—statehouse, judicial center and governor's residence; fire and safety alarms—statehouse; planning for memorial hall renovation; roof repair at center section and rotunda—statehouse.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1998, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Energy conservation improvements fund.....	No limit
State buildings depreciation fund.....	\$0

(c) In addition to the other purposes for which expenditures may be made from the state budget stabilization fund for fiscal year 1998, expenditures may be made by the above agency from the unencumbered balance as of June 30, 1997, in each of the following capital improvement accounts of the state budget stabilization fund: ADA capital improvement projects—department of administration; fire and safety alarms—statehouse: *Provided*, That expenditures for fiscal year 1998 from the unencumbered balance in any such account shall not exceed the amount of the unencumbered balance in such account as of June 30, 1997: *Provided further*, That all expenditures for fiscal year 1998 from such unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on total expenditures from the state budget stabilization fund for fiscal year 1998.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the building and ground fund for fiscal year 1998, expenditures may be made by the above agency from any unencumbered balance as of June 30, 1997, in each of the following capital improvement accounts of the building and ground fund: Parking lot rehabilitation and repair: *Provided*, That expenditures for fiscal year 1998 from the unencumbered balance in any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 1997: *Provided further*, That all expenditures for fiscal year 1998 from such unencumbered balance in any such account of the building and ground fund shall be in addition to any expenditure limitation imposed on the building and ground fund for fiscal year 1998.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 1998, expenditures may be made by the above agency from the following capital improvement account or accounts of the state buildings depreciation fund during fiscal year 1998 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Special maintenance, repairs and improvements—state office buildings.....	\$250,000
Landon south economizer installation.....	\$94,200
Replace roof of Forbes building #740.....	\$125,900
Docking renovation debt service.....	\$165,918
Police garage debt service.....	\$2,897

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the state buildings depreciation fund for fiscal year 1998.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 1998, expenditures may be made by the above agency from the state buildings depreciation fund from the unencumbered balance as of June 30, 1997, in each capital improvement account of the state buildings depreciation fund for one or more projects approved for prior fiscal

years: *Provided*, That expenditures from the unencumbered balance in any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 1997: *Provided further*, That all expenditures from any such account shall be in addition to any expenditure limitation imposed on the state buildings depreciation fund for fiscal year 1998.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings operating fund for fiscal year 1998, expenditures may be made by the above agency from the following capital improvement account or accounts of the state buildings operating fund during fiscal year 1998 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Landon state office building debt service.....	\$1,408,300
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*Provided*, That all expenditures by the above agency from the state buildings operating fund for fiscal year 1998 for Landon state office building debt service shall be in addition to any expenditure limitation imposed on the state buildings operating fund for fiscal year 1998.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the motor pool service fund for fiscal year 1998, expenditures may be made by the above agency from the following capital improvement account or accounts of the motor pool service fund during fiscal year 1998 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Police garage debt service.....	\$39,611
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*Provided*, That all expenditures by the above agency from the motor pool service fund for fiscal year 1998 for police garage debt service shall be in addition to any expenditure limitation imposed on the motor pool service fund for fiscal year 1998.

Sec. 10.

DEPARTMENT OF COMMERCE AND HOUSING

(a) In addition to the other purposes for which expenditures may be made from the Kansas economic development endowment account of the state economic development initiatives fund for fiscal year 1998, moneys may be expended by the above agency from the Kansas economic development endowment account of the state economic development initiatives fund during the fiscal year 1998 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair—travel information centers.....	\$35,000
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(b) Expenditures may be made from the construct Olathe travel information center subaccount of the Kansas economic development endowment account of the state economic development initiatives fund during the fiscal year ending June 30, 1998: *Provided*, That such expenditures shall not exceed the amount of the unencumbered balance in such subaccount on June 30, 1997: *Provided further*, That all expenditures from the unencumbered balance of such subaccount shall be in addition to any expenditure limitation imposed on the total expenditures from the Kansas economic development endowment account of the state economic development initiatives fund for fiscal year 1998.

Sec. 11.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1998, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Lewis field renovation—bond and interest sinking fund.....	No limit
Lewis field renovation—revenue fund.....	No limit
Sternberg museum gift fund.....	No limit

Sec. 12.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1998, for the capital improvement project or projects specified as follows:

Lease payment—Salina aeronautical center (including aeronautical laboratory center).....	\$189,466
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(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1998, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

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

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

Student fee bonds repair, equipment and improvement fund.....	No limit
Federal construction funds fund.....	No limit
Bond construction funds fund.....	No limit
Coliseum repair, equipment and improvement fund.....	No limit
Housing system project revenue fund.....	No limit
Housing system bond and interest sinking fund.....	No limit
Haymaker hall bond and interest sinking fund.....	No limit
Student union annex I bond and interest sinking fund.....	No limit
Jardine terrace III bond and interest sinking fund.....	No limit
Student recreational building bond and interest sinking fund.....	No limit
Student union renovation and expansion fund.....	No limit

*Provided*, That Kansas state university may make expenditures from the student union renovation and expansion fund for the capital improvement project to renovate and expand the student union in an amount of not more than \$10,500,000, plus all amounts required for cost of bond issuance, cost of interest on the bonds during the construction of the project and required reserves for the payment of principal and interest on the bonds: *Provided further*, That such capital improvement project is hereby approved for Kansas state university for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

Student coliseum bond fee fund.....	No limit
Ackert hall addition—federal fund.....	No limit
Ackert hall addition—gifts and grants fund.....	No limit
Student and staff parking garage—special revenue fund.....	No limit

*Provided*, That Kansas state university may make expenditures from the student and staff parking garage—special revenue fund for the capital improvement project to construct a parking garage in addition to the expenditure of other moneys appropriated therefor: *Provided, however*, That expenditures from this fund for such capital improvement project shall not exceed \$10,500,000 plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for such capital improvement project and any required reserves for payment of principal and interest on any bond: *Provided further*, That such capital improvement project is hereby approved for Kansas state university for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

(c) On or before July 10, 1997, and on or before the 10th day of each month thereafter during fiscal year 1998, the director of accounts and reports shall transfer from the state general fund to the student coliseum bond fee fund interest earnings based on: (1) The average daily balance of moneys in the student coliseum bond fee fund for the preceding month, and (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the restricted fees fund for the fiscal year ending June 30, 1998, expenditures may be made by the above agency from the appropriate account or accounts of the restricted fees fund during fiscal year 1998 for the following capital improvement projects, subject to the expenditure limitations prescribed therefor:

Biological and agricultural engineering research storage building.....	No limit
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(e) In addition to the other purposes for which expenditures may be made by the above agency from the student union renovation and expansion fund for the fiscal year ending June 30, 1998, expenditures may be made by the above agency from the student union renovation and expansion fund during fiscal year 1998 for costs associated with roof repair on an existing portion of the student union building.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the sponsored research overhead fund for the fiscal year ending June 30, 1998, expenditures may be made by the above agency from the sponsored research overhead fund for the following capital improvement projects, subject to the expenditure limitation prescribed therefor:

Accelerated testing laboratory garage addition.....	No limit
Accelerated testing laboratory storage/equipment shed.....	No limit
Salina national gas machinery laboratory.....	No limit

(g) During the fiscal year ending June 30, 1998, Kansas state university is hereby authorized to make expenditures to raze Dennison hall.

Sec. 13.

KANSAS STATE UNIVERSITY—EXTENSION SYSTEMS AND AGRICULTURE RESEARCH PROGRAMS

(a) In addition to the other purposes for which expenditures may be made by the above agency from the restricted fees fund for the fiscal year ending June 30, 1998, expenditures may be made by the above agency from the appropriate account or accounts of the restricted fees fund during fiscal year 1998 for the following capital improvement project or projects:

Equipment/pesticide storage building.....	No limit
Renovate laboratories in Throckmorton hall.....	No limit
Warehouse expansion—department of agronomy building.....	No limit
Scandia experiment field office facility.....	No limit

(b) During the fiscal years ending June 30, 1997, and June 30, 1998, Kansas state university—extension systems and agriculture research programs is hereby authorized to make expenditures to raze the barn, building number 882, two residences, buildings numbered 851 and 853, and two garages, buildings numbered 852 and 853a at the Hays agricultural research center.

Sec. 14.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1998, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Student union refurbishing fund.....	No limit
Bond construction funds fund.....	No limit
Student union addition bond and interest sinking fund.....	No limit
Twin towers project revenue fund.....	No limit
Twin towers bond and interest sinking fund.....	No limit
Twin towers maintenance and equipment reserve fund.....	No limit

Sec. 15.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1998, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

1962 dormitory and student apartments sinking fund.....	No limit
1962 dormitory and student apartments revenue fund.....	No limit
1962 dormitory and student apartment repair and replacement fund.....	No limit
Horace Mann construction fund.....	No limit

*Provided*, That Pittsburg state university may make expenditures from the Horace Mann construction fund for the renovation of the Horace Mann building: *Provided further*, That the capital improvement project to renovate the Horace Mann building is hereby approved for Pittsburg state university for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *And provided further*, That the above agency is authorized to expend moneys in fiscal years 1997 and 1998 from restricted fee fund sources for up-front project expenses that will be reimbursed from subsequent project bonds proceeds: *And provided further*, That all moneys received from the issuance of any such project bonds shall be deposited to the credit of this fund.

Willard hall construction fund.....	No limit
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*Provided*, That Pittsburg state university may make expenditures from the Willard hall construction fund for the renovation of Willard hall: *Provided further*, That the capital improvement project to renovate Willard hall is hereby approved for Pittsburg state university for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *And provided further*, That the above agency is authorized to expend moneys in fiscal years 1997 and 1998 from the housing system operations fund for up-front project expenses that will be reimbursed from subsequent project bond proceeds: *And provided further*, That all moneys received from the issuance of any such project bonds shall be deposited to the credit of this fund.

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

(b) Any unencumbered balance in excess of \$100 as of June 30, 1997, in each of the following capital improvement accounts of the state general fund is hereby reappropriated for fiscal year 1998: Construct Kansas technology center.

Sec. 16.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1998, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Plan and construct human development center—gift fund.....	No limit
Student union renovation revenue fund.....	No limit
Student union renovation bond and interest sinking fund.....	No limit
Student union renovation bond reserve fund.....	No limit
Student health facility maintenance, repair, and equipment fee fund.....	No limit

*Provided*, That expenditures may be made from the student health facility maintenance, repair and equipment fee fund for the capital improvement project for the addition to and renovation of the student health facility.

Housing system revenue fund.....	No limit
Housing system bond and interest sinking fund.....	No limit
Parking facilities surplus fund—KDFFA A bonds, 1988.....	No limit
Regents center revenue fund—KDFFA D bonds, 1990.....	No limit

(continued)

Regents center bond reserve fund—K DFA D bonds, 1990 .....	No limit
Regents center surplus fund .....	No limit
Regents center rebate fund .....	No limit
Student union renovation rebate fund (phase I) .....	No limit
Student union renovation principal and interest—K DFA C bonds, 1992 .....	No limit
Student union renovation bond reserve—K DFA C bonds, 1992 .....	No limit
Student union renovation surplus fund—K DFA C bonds, 1992 .....	No limit
Student union renovation rebate fund—K DFA C bonds, 1992 .....	No limit
Bioscience research center rebate fund—K DFA series Q bonds, 1992 .....	No limit
Bioscience research center project account—K DFA A bonds, 1994 fund .....	No limit
Bioscience research center principal and interest payment account—K DFA A bonds, 1994 fund .....	No limit
Bioscience research center reserve account—K DFA A bonds, 1994 fund .....	No limit
Bioscience research center rebate account—K DFA A bonds, 1994 fund .....	No limit
Parking facilities refunding bonds principal and interest fund—K DFA G bonds, 1993 .....	No limit
Parking facilities refunding bonds reserve fund—K DFA G bonds, 1993 .....	No limit
Parking facilities refunding bonds rebate fund—K DFA G bonds, 1993 .....	No limit
Student health facility addition revenue fund .....	No limit

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

Biosciences research center—special revenue fund .....

*Provided*, That the university of Kansas may make expenditures from the biosciences research center—special revenue fund for the capital improvement project to construct and equip a biosciences research center in addition to the expenditure of other moneys appropriated therefor: *Provided, however*, That expenditures from this fund for such capital improvement project shall not exceed \$4,053,000 plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for such capital improvement project and any required reserves for payment of principal and interest on any bond: *Provided further*, That all gifts and grants received for the capital improvement project to construct and equip a biosciences research center, other than those received from the federal government for such capital improvement project, shall be deposited in the state treasury to the credit of this fund: *And provided further*, That the above agency may transfer moneys for fiscal year 1998 from the sponsored research overhead fund and from appropriate accounts of the restricted fees fund to this fund for such capital improvement project or for debt service for such capital improvement project; *And provided further*, That all transfers of moneys for fiscal year 1998 from the sponsored research overhead fund to this fund shall be in addition to any expenditure limitation imposed on the sponsored research overhead fund for fiscal year 1998: *And provided further*, That such capital improvement project is hereby approved for the university of Kansas for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

Law enforcement training center improvements special revenue fund .....

*Provided*, That the university of Kansas may make expenditures from the law enforcement training center improvements special revenue fund for a capital improvement project for planning and construction—phase II—for law enforcement training center improvements: *Provided, however*, That expenditures from this fund for such capital improvement project shall not exceed \$5,436,000: *Provided further*, That the above agency may transfer moneys for fiscal year 1998 from the law enforcement training center fund to this fund for such capital improvement project: *And provided further*, That all transfers of moneys for fiscal year 1998 from the law enforcement training center fund to this fund shall be in addition to any expenditure limitation imposed on the law enforcement training center fund for fiscal year 1998.

Sunflower research landfill remediation fund .....

SBSF—Plan, construct, reconstruct and equip Hoch auditorium fund .....

Renovate Lewis hall—special revenue fund .....

*Provided*, That the university of Kansas may make expenditures from the renovate Lewis hall—special revenue fund for the capital improvement project to renovate the Lewis hall building in addition to the expenditure of other moneys appropriated therefor: *Provided, however*, That expenditures from this fund for such capital improvement project shall not exceed \$5,915,000 plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for such capital improvement project and any required reserves for payment of principal and interest on any bond: *And provided further*, That the above agency may transfer moneys for fiscal year 1998 from appropriate accounts of the housing system operations fund to this fund for such capital improvement project or for debt service for such capital improvement project: *And provided further*, That such capital improvement project is hereby approved for the university of Kansas for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

Regents center principal and interest payment account K DFA D bonds, 1990 fund .....

Energy conservation revenue bond K DFA A bonds, 1996 fund .....

Templin hall renovation principal and interest payment account K DFA E bonds, 1996 fund .....	No limit
Templin hall renovation bond proceeds project account K DFA E bonds, 1996 fund .....	No limit
Templin hall renovation university proceeds project account K DFA E bonds, 1996 fund .....	No limit
Templin hall renovation cost of issuance K DFA E bonds, 1996 fund .....	No limit
Templin hall renovation bond reserve K DFA E bonds, 1996 fund .....	No limit
Watkins health center addition principal and interest payment account K DFA D bonds, 1995 fund .....	No limit
Watkins health center addition project account K DFA D bonds, 1995 fund .....	No limit
Watkins health center addition university proceeds project account K DFA D bonds, 1995 fund .....	No limit
Watkins health center addition cost of issuance K DFA D bonds, 1995 fund .....	No limit
Watkins health center addition bond reserve K DFA D bonds, 1995 fund .....	No limit
Regents R&R project K DFA K bonds, 1996 fund .....	No limit
Construct parking garage no. 2—special revenue fund .....	No limit

*Provided*, That the university of Kansas may make expenditures from the construct parking garage no. 2—special revenue fund for the capital improvement project to construct a parking garage in addition to the expenditure of other moneys appropriated therefor: *Provided, however*, That expenditures from this fund for such capital improvement project shall not exceed \$10,025,000 plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for such capital improvement project and any required reserves for payment of principal and interest on any bond: *Provided further*, That such capital improvement project is hereby approved for the university of Kansas for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

Edwards campus facility expansion—special revenue fund .....

*Provided*, That the university of Kansas may make expenditures from the Edwards campus facility expansion—special revenue fund for the capital improvement project to expand facilities on the Edwards campus in addition to the expenditure of other moneys appropriated therefor: *Provided, however*, That expenditures from this fund for such capital improvement project shall not exceed \$13,230,000 plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for such capital improvement project and any required reserves for payment of principal and interest on any bond: *Provided further*, That such capital improvement project is hereby approved for the university of Kansas for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

Construct child care facility—special revenue fund .....

*Provided*, That the university of Kansas may make expenditures from the construct child care facility—special revenue fund for the capital improvement project to construct a child care facility in addition to the expenditure of other moneys appropriated therefor: *Provided, however*, That expenditures from this fund for such capital improvement project shall not exceed \$4,470,000 plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for such capital improvement project and any required reserves for payment of principal and interest on any bond: *Provided further*, That such capital improvement project is hereby approved for the university of Kansas for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

Athletic facilities enhancements—special revenue fund .....

*Provided*, That the university of Kansas may make expenditures from the athletic facilities enhancements—special revenue fund for the capital improvement project to renovate athletic facilities in addition to the expenditure of other moneys appropriated therefor: *Provided, however*, That expenditures from this fund for such capital improvement project shall not exceed \$32,391,210 plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for such capital improvement project and any required reserves for payment of principal and interest on any bond: *Provided further*, That such capital improvement project is hereby approved for the university of Kansas for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

Budig hall completion fund .....

*Provided*, That during the fiscal year ending June 30, 1998, the director of accounts and reports shall transfer amounts specified by the chancellor of the university of Kansas from moneys available to the above agency in special revenue funds for fiscal year 1998, including the general fees fund, sponsored research overhead fund and various moneys within the restricted fees fund, including grants, gifts, contracts and fees to the Budig hall completion fund: *Provided, however*, That no expenditures shall be made from this fund until the preliminary plans and program statement for the Budig hall completion project have been reviewed by the joint committee on state building construction.

(b) During the fiscal year ending June 30, 1998, the university of Kansas is hereby authorized to make expenditures to raze the jayhawker towers parking garage.

(c) During the fiscal year ending June 30, 1998, the university of Kansas is hereby authorized to make expenditures to raze building #17 annex.



Sec. 17.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1998, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking facility K DFA principal and interest fund .....	No limit
Parking facility K DFA bond reserve fund .....	No limit
Parking facility K DFA surplus fund .....	No limit
Medical library bond and interest sinking fund .....	No limit
Parking facility revenue fund .....	No limit
Parking facility bond and interest sinking fund .....	No limit
Parking facility refunding interest and sinking fund .....	No limit
Parking facility refunding repair and construction fund .....	No limit
Hospital refunding bond reserve fund .....	No limit
Biomedical research building principal and interest sinking fund .....	No limit
Rehabilitation and repair projects for institutions of higher education fund .....	No limit
1985 parking facility refund revenue bond—repair and construction fund .....	No limit
Construct and equip research building fund .....	No limit
Construct and equip center for health in aging fund .....	No limit

*Provided*, That the university of Kansas medical center may make expenditures from the construct and equip center for health in aging fund for the capital improvement project to construct the center for health in aging in addition to the expenditure of other moneys appropriated therefor: *Provided, however*, That expenditures from this fund for such capital improvement project shall not exceed \$8,000,000 plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for such capital improvement project and any required reserves for payment of principal and interest on any bond: *Provided further*, That the above agency may transfer moneys for fiscal year 1998 from appropriate accounts of the sponsored research overhead fund to this fund for such capital improvement project or for debt service for such capital improvement project: *And provided further*, That such capital improvement project is hereby approved for the university of Kansas medical center for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

Construct and equip research support facility fund .....

No limit

*Provided*, That the university of Kansas medical center may make expenditures from the construct and equip research support facility fund for the capital improvement project to construct an addition to the research support facility in addition to the expenditure of other moneys appropriated therefor: *Provided, however*, That expenditures from this fund for such capital improvement project shall not exceed \$3,250,000 plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for such capital improvement project and any required reserves for payment of principal and interest on any bond: *Provided further*, That the above agency may transfer moneys for fiscal year 1998 from appropriate accounts of the sponsored research overhead fund to this fund for such capital improvement project or for debt service for such capital improvement project: *And provided further*, That such capital improvement project is hereby approved for the university of Kansas medical center for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

(b) During the fiscal year ending June 30, 1998, the director of accounts and reports shall transfer amounts certified by the chancellor of the university of Kansas from the sponsored research overhead fund to the biomedical research principal and interest sinking fund.

(c) During the fiscal year ending June 30, 1998, the university of Kansas medical center is hereby authorized to make expenditures to raze portions of building no. 13 (the Eleanor Taylor administration building).

(d) During the fiscal year ending June 30, 1998, the university of Kansas medical center is hereby authorized to make expenditures to raze building no. 4 (Hinch hall).

Sec. 18.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1998, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

On-campus parking construction and maintenance fund .....	No limit
Stadium maintenance reserve fund .....	No limit
Cessna stadium repair and rehabilitation gifts fund .....	No limit

Sec. 19.

DEPARTMENT OF HUMAN RESOURCES

(a) In addition to the other purposes for which expenditures may be made by the above agency from the special employment security fund for fiscal year 1998, expenditures may be made by the above agency from the unencumbered balance as of June 30, 1997, in each of the following capital improvement accounts of the special employment security fund for fiscal year 1998: Handicapped accessibility upgrades at existing

buildings used by department of human resources: *Provided*, That expenditures from the unencumbered balance of any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 1997: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the special employment security fund for fiscal year 1998.

(b) In addition to the other purposes for which expenditures may be made by the above agency from the employment security administration fund for the fiscal year ending June 30, 1998, expenditures may be made by the above agency from the employment security administration fund from moneys made available to the state under section 903 of the federal social security act, as amended, during fiscal year 1998: *Provided*, That expenditures from this fund during fiscal year 1998 of moneys made available to the state under section 903 of the federal social security act, as amended, shall be made only for the following capital improvement purposes: (1) For major maintenance of existing buildings used by the department of human resources for employment security purposes; (2) for paving, landscaping and acquiring fixed equipment as may be required for the use and operation of such buildings; (3) for the purposes of purchasing real property adjoining or near the main office of the department of human resources located at 401 Topeka Avenue, Topeka, Kansas, for parking lot expansion for such office; or (4) for any combination of these purposes: *Provided further*, That expenditures from this fund during fiscal year 1998 of moneys made available to the state under section 903 of the federal social security act, as amended, for such capital improvement purposes shall not exceed \$25,000 plus the amounts of unencumbered balances on June 30, 1997, for capital improvement projects approved for fiscal years prior to fiscal year 1998: *And provided further*, That all expenditures from this fund for such capital improvement purposes or projects shall be in addition to any expenditure limitation imposed on the employment security administration fund for fiscal year 1998.

(c) For the fiscal years ending June 30, 1997, and June 30, 1998, the department of human resources is hereby authorized to make expenditures for the purpose of selling the following described real property: South 10 feet of Lot thirty (30), all of lots thirty-two (32), thirty-four (34) and thirty-six (36) and Block 60, City of Ottawa, Franklin County, Kansas.

Sec. 20.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 1998, for the capital improvement project or projects specified as follows:

Repair and rehabilitation projects .....	\$377,500
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(b) In addition to the other purposes for which expenditures may be made by the above agency from the soldiers' home fee fund for fiscal year 1998, expenditures may be made by the above agency from the unencumbered balance as of June 30, 1997, in each of the following capital improvement accounts of the soldiers' home fee fund for fiscal year 1998: Life safety improvements: *Provided*, That expenditures for fiscal year 1998 from the unencumbered balance in any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 1997: *Provided further*, That all expenditures for fiscal year 1998 from the unencumbered balance in any such account shall be in addition to any expenditure limitation imposed on the soldiers' home fee fund for fiscal year 1998.

Sec. 21.

ATTORNEY GENERAL—KANSAS BUREAU OF INVESTIGATION

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1998, for the capital improvement project or projects specified as follows:

Rehabilitation and repair—headquarters building .....	\$15,000
Debt service principal payment—headquarters building .....	\$155,000
Forensic lab ventilation .....	\$60,192

Sec. 22.

KANSAS HIGHWAY PATROL

(a) In addition to the other purposes for which expenditures may be made from the highway patrol training center fund for fiscal year 1998, expenditures may be made by the above agency from the highway patrol training center fund for fiscal year 1998 to make debt service payments for the Kansas highway patrol training center at Salina for the bonds issued for such project pursuant to subsection (b) of section 6 of chapter 326 of the 1992 Session Laws of Kansas.

(continued)

(b) In addition to the other purposes for which expenditures may be made from the highway patrol training center fund for the fiscal year ending June 30, 1998, moneys may be expended by the above agency from the highway patrol training center fund for fiscal year 1998 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Training center—remodeling, rehabilitation and repair projects ..... \$50,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the highway patrol training center fund for fiscal year 1998.

(c) In addition to other purposes for which expenditures may be made by the above agency from the motor carrier inspection fund for the fiscal year ending June 30, 1998, moneys may be expended by the above agency from the motor carrier inspection fund during fiscal year 1998 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Remodeling, rehabilitation and repair projects ..... \$50,000  
Replacement of scales ..... \$85,176

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the motor carrier inspection fund for fiscal year 1998.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the motor carrier inspection fund for fiscal year 1998, expenditures may be made by the above agency from the unencumbered balance as of June 30, 1997, in each of the following capital improvement accounts of the motor carrier inspection fund for fiscal year 1998: Replacement of Caney Trailer: *Provided*, That expenditures for fiscal year 1998 from the unencumbered balance in any such account shall not exceed the unencumbered balance in such account on June 30, 1997. *Provided further*, That all expenditures for fiscal year 1998 from the unencumbered balance in any such account shall be in addition to any expenditure limitation imposed on the motor carrier inspection fund for fiscal year 1998.

Sec. 23.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1998, for the capital improvement project or projects specified as follows:

Rehabilitation and repair projects ..... \$250,000

(b) Any unencumbered balance in excess of \$100 as of June 30, 1997, in each of the following capital improvement accounts of the state general fund is hereby reappropriated for fiscal year 1998: Rehabilitation and repair projects.

Sec. 24.

DEPARTMENT OF WILDLIFE AND PARKS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1998, for the capital improvement project or projects specified as follows:

Rehabilitation and repair ..... \$135,700  
Cheney match ..... \$30,000  
Handicapped accessibility renovation ..... \$25,000

Any unencumbered balance in excess of \$100 as of June 30, 1997, in each of the following capital improvement accounts of the state general fund is hereby reappropriated for fiscal year 1998: Handicapped accessibility renovation; Prairie Spirit rails-to-trails project; flood damage repair.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1998, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Department access road fund ..... No limit  
Migratory waterfowl propagation and protection fund ..... \$300,000

Provided, That, in addition to the other purposes for which expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 1998, expenditures may be made by the above agency for fiscal year 1998 from the unencumbered balance as of June 30, 1997, in each of the following capital improvement accounts of the migratory waterfowl propagation and protection fund: Renovate Cheyenne bottoms: *Provided, however*, That expenditures from the unencumbered balance of any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 1997. *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the migratory waterfowl propagation and protection fund for fiscal year 1998. *And provided further*, That all expenditures from migratory waterfowl propagation and protection fund for land acquisition shall be for acquisition of existing wetlands that are adjacent to state-owned wetlands. *And provided further*, That, as used in this subsection, wetlands are defined as areas that have a predominance of hydric soils and that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

Clean lakes fund—federal .....	No limit
Renovation of Cheyenne bottoms—federal fund .....	No limit
Bureau of reclamation federal flood aid fund .....	No limit
Cheyenne bottoms project gift fund .....	No limit
Rails-to-trails federal fund .....	No limit
Economic development initiatives grant fund .....	No limit

Provided, That, in addition to the other purposes for which expenditures may be made by the above agency from the economic development initiatives grant fund for fiscal year 1998, expenditures may be made by the above agency for fiscal year 1998 from the unencumbered balance as of June 30, 1997, in each of the following capital improvement accounts of the economic development initiatives grant fund: Prairie Spirit rails-to-trails project; campground renovation: *Provided, however*, That expenditures from the unencumbered balance of any such account shall not exceed the unencumbered balance in such account on June 30, 1997. *Provided further*, That any unencumbered balance in each of the following accounts of the economic development initiatives grant fund is hereby lapsed: Southwest recreational water study; final planning—Cheyenne bottoms visitor center.

(c) On July 1, 1997, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,350,000 from the state highway fund of the department of transportation to the department access road fund of the department of wildlife and parks.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 1998, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fee fund during fiscal year 1998 for the following capital improvement project or projects and other specified purposes, subject to the expenditure limitations prescribed therefor:

Boating fee fund boating access and development ..... \$80,600

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the boating fee fund for fiscal year 1998.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 1998, expenditures may be made by the above agency for fiscal year 1998 from the unencumbered balance as of June 30, 1997, in each existing capital improvement account of the boating fee fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 1997. *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the boating fee fund for fiscal year 1998 and shall be in addition to any other expenditure limitation imposed on any such account of the boating fee fund for fiscal year 1998.

(f) In addition to the other purposes for which expenditures may be made from the state budget stabilization fund for fiscal year 1998, expenditures may be made by the above agency from the state budget stabilization fund for fiscal year 1998 for the following specified purpose subject to the expenditure limitation prescribed therefor:

State budget stabilization fund ADA accessibility ..... \$90,000

Provided, That all expenditures by the above agency from the state budget stabilization fund for fiscal year 1998 for the state budget stabilization fund ADA accessibility projects shall be in addition to any expenditure limitation imposed on the state budget stabilization fund for fiscal year 1998.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the state budget stabilization fund for fiscal year 1998, expenditures may be made by the above agency for fiscal year 1998 from the unencumbered balance as of June 30, 1997, in each existing capital improvement account of the above agency in the state budget stabilization fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 1997. *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the state budget stabilization fund for fiscal year 1998.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 1998, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund during fiscal year 1998 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Wildlife fee fund fishery enhancements .....	\$94,700
Wildlife fee fund ADA renovation fishery enhancements .....	\$150,000
Wildlife fee fund state fishing lake projects .....	\$1,175,200
Wildlife fee fund shooting range development .....	\$50,000
Wildlife fee fund shooting range development—local cost-sharing projects .....	\$150,000
Wildlife fee fund land acquisition .....	\$150,000



Wildlife fee fund flood damage repair in wildlife areas .....	\$100,000
Wildlife fee fund wetlands rehabilitation .....	\$50,000
Wildlife fee fund rehabilitation and repair .....	\$176,800

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the wildlife fee fund for fiscal year 1998.

(i) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 1998, expenditures may be made by the above agency for fiscal year 1998 from the unencumbered balance as of June 30, 1997, in each existing capital improvement account of the wildlife fee fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 1997: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the wildlife fee fund for fiscal year 1998: *And provided further*, That, on July 1, 1997, any unencumbered balance as of June 30, 1997, in each of the following capital improvement accounts of the wildlife fee fund is hereby lapsed: Ford county lake renovation; repair outlet—McPherson county state fishing lake; McPherson wetland development; Barber state fishing lake dam.

(j) In addition to the other purposes for which expenditures may be made by the above agency from the water plan special revenue fund for fiscal year 1998, expenditures may be made by the above agency for fiscal year 1998 from the unencumbered balance as of June 30, 1997, in each existing capital improvement account of the water plan special revenue fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 1997: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the water plan special revenue fund for fiscal year 1998.

(k) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 1998, expenditures may be made by the above agency for fiscal year 1998 from the unencumbered balance as of June 30, 1997, in each existing capital improvement account of the wildlife conservation fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 1997: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the wildlife conservation fund for fiscal year 1998 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife conservation fund for fiscal year 1998.

(l) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund for fiscal year 1998, expenditures may be made by the above agency for fiscal year 1998 from the unencumbered balance as of June 30, 1997, in each existing capital improvement account of the parks fee fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 1997: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the parks fee fund for fiscal year 1998.

(m) In addition to the other purposes for which expenditures may be made by the above agency from the nongame wildlife improvement fund for fiscal year 1998, expenditures may be made by the above agency for fiscal year 1998 from the unencumbered balance as of June 30, 1997, in each existing capital improvement account of the nongame wildlife improvement fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 1997: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the nongame wildlife improvement fund for fiscal year 1998 and shall be in addition to any other expenditure limitation imposed on any such account of the nongame wildlife improvement fund for fiscal year 1998.

(n) On July 1, 1997, the director of accounts and reports shall transfer any unencumbered balance in the clean lakes fund—federal to the wildlife fee fund.

(o) On July 1, 1997, the director of accounts and reports shall transfer

any unencumbered balance in the construct Milford conservation education center gift fund of the department of wildlife and parks to the department of wildlife and parks private gift and donations fund. On July 1, 1997, the construct Milford conservation education center gift fund is hereby abolished.

(p) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund for fiscal year 1997, expenditures may be made by the above agency from the following capital improvement account or accounts of the parks fee fund during fiscal year 1997 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Construct boat slips at Prairie Dog state park..... \$50,000

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the parks fee fund for fiscal year 1997.

#### Sec. 25.

##### KANSAS STATE UNIVERSITY VETERINARY MEDICAL CENTER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1998, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Greyhound research facility expansion fund..... \$140,000

(b) Notwithstanding the provisions of K.S.A. 74-8831, on July 1, 1997, the director of accounts and reports shall transfer \$140,000 from the Kansas greyhound breeding development fund of the Kansas racing and gaming commission to the greyhound research facility expansion fund of Kansas state university veterinary medical center.

Sec. 26. *Appeals to exceed limitations*. Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

Sec. 27. *Savings*. Any unencumbered balance as of June 30, 1997, in any special revenue fund, or account thereof, which is not otherwise specifically appropriated or limited by this or other appropriation act of the 1997 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 1998, for the same use and purpose as the same was heretofore appropriated.

Sec. 28. Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 1997 regular session of the legislature, and having an unencumbered balance as of June 30, 1997, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 1998, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.

Sec. 29. Any Kansas educational building fund appropriation heretofore appropriated to any institution named in this or other appropriation act of the 1997 regular session of the legislature and having an unencumbered balance as of June 30, 1997, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 1998, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

Sec. 30. Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 1997 regular session of the legislature and having an unencumbered balance as of June 30, 1997, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 1998, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

Sec. 31. Any Kansas special capital improvements fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 1997 regular session of the legislature, and having an unencumbered balance as of June 30, 1997, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 1998, for the same use and purpose as originally appropriated unless specific provision is made for lapsing such appropriation.

Sec. 32. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register May 1, 1997.)

SENATE BILL No. 43

AN ACT making and concerning appropriations for the fiscal year ending June 30, 1997, for the department of wildlife and parks, state fair board and attorney general; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

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

Section 1. For the fiscal year ending June 30, 1997, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

Sec. 2.

DEPARTMENT OF WILDLIFE AND PARKS

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

Repayment for El Dorado State Park ..... \$8,170,756

Provided, That expenditures from this account shall be made for repayment in full and for satisfaction of all agreements between the department of wildlife and parks and the United States corps of engineers under contract number DACW56-72-C-0221 which establishes the responsibilities of the state of Kansas for payment of a portion of the costs of recreation development at El Dorado state park.

Sec. 3.

STATE FAIR BOARD

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

EDIF — encampment renovation fund ..... \$95,000

(b) On the effective date of this act, the director of accounts and reports shall transfer \$95,000 from the Kansas economic development endowment account of the state economic development initiatives fund of the department of commerce and housing to the EDIF — encampment renovation fund of the Kansas state fair.

Sec. 4.

ATTORNEY GENERAL

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

Additional operating expenditures for investigation and litigation regarding interstate water rights ..... \$598,402

Sec. 5. Appeals to exceed limitations. Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

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

(Published in the Kansas Register May 1, 1997.)

SUBSTITUTE FOR HOUSE BILL No. 2368

AN ACT concerning surface water quality; relating to application of certain stream designations and certain standards; creating the special commission on water quality standards and specifying the membership and functions thereof.

Whereas, The federal clean water act and regulations adopted under that act set out broad parameters for the establishment of state water quality standards; and

Whereas, The federal act and regulations recognize that standards should take into consideration the use and value of waters for a variety of purposes, including public water supplies, propagation of fish and wildlife, and recreational, agricultural and industrial purposes; and

Whereas, The federal act and regulations give the state broad latitude to designate water uses, giving due consideration to social and economic factors; and

Whereas, The state has the responsibility and obligation to ensure public health and environmental protection through the identification, adoption and enforcement of scientifically established surface water quality standards within a cost-effective framework; and

Whereas, The United States Environmental Protection Agency's National Ammonia Criteria Document recognizes that there is insufficient

scientific data to derive a broadly applicable standard for ammonia toxicity and evidence submitted to the Environmental Protection Agency for the Triazine Special Review indicates that the numeric chronic aquatic life criteria for atrazine is not based on scientific evidence; and

Whereas, The special aquatic life use waters designation, the numeric aquatic life criteria for total ammonia and chloride, and the numeric chronic aquatic life criteria for atrazine contained in the 1994 surface water quality standards adopted by the Department of Health and Environment may be based on incorrect information and thereby cause widespread and substantial unnecessary social and economic impacts without appreciably benefiting the environment: Now, therefore,

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

Section 1. As used in this act, unless the context otherwise requires:

- (a) "Department" means the department of health and environment.
(b) "Secretary" means the secretary of health and environment.

(c) "1994 Surface water quality standards" means the Kansas surface water quality standards found at K.A.R. 28-16-28b et seq., as in effect August 29, 1994.

Sec. 2. On and after the effective date of this act and before July 1, 1999:

(a) The department shall use a mixing zone of 50% of the average cross-sectional area of the stream based on either a low flow provision of one cubic foot per second or the 7Q10 flow, whichever is the greater existing condition in the receiving stream, in determining NPDES permit limits for total ammonia and chlorides under subsections (b) and (d) for permits issued by the department.

(b) Unless an applicant for a new or renewal NPDES permit agrees to meet all 1994 surface water quality standards, notwithstanding the provisions of subsection (a), the department shall not require the applicant to comply with the numeric aquatic life criteria for total ammonia and chlorides that are contained in the 1994 surface water quality standards and shall instead require an applicant to comply with the applicant's existing permit requirements, including mixing zone provisions applicable to the permit, for numeric criteria for total ammonia and chlorides or with the criteria for total ammonia and chlorides that took effect May 1, 1987, whichever is more protective. Nothing herein shall be construed to require compliance with mixing zone provisions and numeric aquatic life criteria for total ammonia and chlorides that are more restrictive than the 1994 surface water quality standards.

(c) The department shall not use the numeric chronic aquatic life criteria for atrazine in Table 1a of subsection (d) of K.A.R. 1995 Supp. 28-16-28e and shall rely instead on the greater of either a standard of 3 parts per billion for atrazine or any revised numeric chronic aquatic life criteria for atrazine adopted by the department after consideration of any new criteria recommended by the United States environmental protection agency after the effective date of this act. Conformance with the atrazine standard shall be determined by application of the methodology used in the 1996 Kansas water quality assessment report (305(b) report) published by the department.

(d) Permits issued for expansion, upgrade or new construction of wastewater treatment facilities and modifications and renewals of existing permits shall include the following statement of conditions, which shall be legally binding and enforceable upon the permittee:

"The permittee who does not agree to meet effluent limitations as necessary to attain the aquatic life criteria for ammonia and chlorides within the 1994 surface water quality standards incurs and acknowledges the legal duty and obligation to bring the facilities and operations authorized by this permit into compliance with the permit effluent limitations based on the 1994 surface water quality standards within 24 months after July 1, 1999, unless before July 1, 1999, revised numeric criteria for ammonia and chlorides are adopted pursuant to subsection (g) of section 3, in which case the permittee incurs and acknowledges the legal duty and obligation to bring such facilities and operations into compliance with the permit effluent limitations based on the revised criteria within 24 months following the date of adoption of the rules and regulations containing the revised criteria."

(e) The department shall develop a plan and permit conditions that will assist entities that, on the effective date of this act, hold a permit or are applicants for a permit in meeting the requirements of this section relating to total ammonia and chlorides.

Sec. 3. (a) There is hereby created the Kansas special commission on surface water quality standards. Within the limits of appropriations therefor, the commission shall undertake the following activities:

- (1) Investigate and evaluate the technical and scientific basis of the 1994 surface water quality standards, including: (A) Stream designations use attainability analysis as required when compiling the 1996 Kansas Water Quality Assessment 305(b) report pursuant to 33. U.S.C.

1315(b)(1)(D) or 33 U.S.C. 1313(c)(2)(A); (B) low, high and yearly average flow impact criteria; and (C) scientific appropriateness of the criteria guidance of the United States Environmental Protection Agency and the department;

(2) evaluate whether the 1994 surface water quality standards, including the use designations, surface water chemical and microbial criteria and the "Kansas Surface Water Register," as published by the department on June 20, 1994, are based on sound scientific and technical data and information, whether such standards are more stringent than are required by federal law and those of other midwestern and plains states, whether generally accepted criteria exist for evaluating the appropriateness and cost-effectiveness of the standard and whether the department should be directed to make any changes in the standards;

(3) develop and recommend cost-benefit or risk assessment models for the evaluation of the impact of surface water quality standards on the various elements of the environment, health and economy of Kansas, including but not limited to human health, animal and plant species actually found or likely to be reintroduced in Kansas waters, industry, agriculture and wastewater treatment;

(4) assess the probability that designated uses contained in the surface water quality standards can be attained in a cost-effective and reasonable manner when requirements are met;

(5) evaluate whether the 1994 surface water quality standards were adopted in full compliance with the requirements of Kansas law in effect at the time of adoption of the standards and whether the estimates of economic impact completed at the time accurately predicted the fiscal impact of the standards on communities facing compliance with the standards in 1997 and 1998;

(6) advise the governor, legislature and secretary of any revisions to the 1994 surface water quality standards that are justified based on additional scientific and technical information and data;

(7) advise the governor, legislature and secretary whether the department's process of revising the 1994 surface water quality standards is in full compliance with federal and state law;

(8) advise the governor, legislature and secretary regarding the extent of the department's compliance with the provisions of 1996 House Resolution No. 6013, concerning consultation with community officials on the impacts of the 1994 surface water quality standards on the communities of the state; and

(9) recommend the adoption of any procedures that the commission deems advisable to ensure the collection and evaluation of scientific and technical information necessary for the revision of the 1994 surface water quality standards in future years.

(b) In completing its study, the commission shall evaluate and advise the governor, legislature and secretary whether:

(1) There is reliable scientific documentation of the actual existence of the species that are designed to be protected by the special aquatic use designation contained in the 1994 surface water quality standards; and

(2) the special aquatic use designation and reduced mixing zone requirements contained in the 1994 surface water quality standards are

based on any recognized scientific data and models and whether there is an established and clear relationship between the presence of the regulated pollutants and the protection or restoration of the targeted aquatic species.

(c) The commission shall consist of seven members appointed by the governor. All members shall serve at the pleasure of the governor. The term of office of such members shall commence at the time of appointment until July 1, 1998, or unless the commission or the appointment is terminated by action of the governor on an earlier date. The chairperson of the commission shall be appointed by the governor from among the members of the commission. The staff of the department of health and environment, the department of agriculture, the Kansas biological survey and the department of wildlife and parks shall cooperate with and assist the deliberations of the commission.

(d) Members of the commission shall have experience in one or more of the following areas and disciplines: Environmental sciences; civil engineering; business and industry; public finance; municipal wastewater treatment; agriculture or agribusiness; environmental law; public health sciences; aquatic biology; risk assessment; and cost benefit analysis. At least one member shall represent the general public. Except for faculty members of universities under the supervision of the Kansas board of regents, no state officer or employee shall serve on the commission.

(e) Before assuming office as a member of the commission, each person appointed as a member shall complete and file with the office of the secretary of state:

(1) A statement containing the information required in a statement of substantial interests pursuant to K.S.A. 46-247 and amendments thereto; and

(2) a list of citations of any publications written by the person.

(f) Within the limits of appropriations provided therefor, the commission may retain such consultants and temporary staff as the commission deems necessary to complete the commission's investigations and final report. The secretary of administration shall provide appropriate space for the meetings of the commission. Each member of the commission shall receive compensation, subsistence, mileage and expenses as provided by K.S.A. 75-3223 and amendments thereto.

(g) On or before January 1, 1998, the commission shall submit a preliminary report to the governor and the legislature. The commission shall submit a final report to the governor and the legislature on or before June 30, 1998. The department shall hold public hearings and accept public comment on the commission's final report. After completion of the hearings and receipt of the comments, the department shall develop and publish proposed rules and regulations on or before December 31, 1998, and shall adopt rules and regulations in accordance with the rules and regulations filing act. On and after July 1, 1999, all stream designations and criteria contained in the 1994 surface water quality standards shall be in full force and effect unless otherwise revised by rules and regulations adopted by the secretary.

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

## INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. This cumulative index supplements the index found in the 1996 Supplement to the *Kansas Administrative Regulations*.

### AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-1-1	Amended	V. 15, p. 703
1-1-2	Revoked	V. 15, p. 704
1-1-3	Revoked	V. 15, p. 704
1-1-4	Revoked	V. 15, p. 704
1-2-53	Revoked	V. 15, p. 704
1-2-57	Amended	V. 15, p. 704
1-2-72	Amended	V. 15, p. 704
1-2-88	Amended	V. 15, p. 704
1-3-1	Revoked	V. 15, p. 704
1-3-3	Revoked	V. 15, p. 704
1-3-4	Revoked	V. 15, p. 704
1-4-2	Amended	V. 15, p. 704
1-4-6	Revoked	V. 15, p. 704
1-5-1	Amended	V. 15, p. 704
1-5-2	Revoked	V. 15, p. 704
1-5-3	Revoked	V. 15, p. 704
1-5-6	Revoked	V. 15, p. 704
1-5-7	Amended	V. 15, p. 704
1-5-12	Amended	V. 15, p. 705
1-5-15	Amended	V. 15, p. 705
1-5-22	Amended	V. 15, p. 706
1-5-24	Amended	V. 15, p. 706
1-5-26	Amended	V. 15, p. 707
1-6-22a	Amended	V. 15, p. 707
1-6-23	Amended	V. 15, p. 708
1-6-24	Amended	V. 15, p. 708
1-6-31	Amended	V. 15, p. 708
1-8-1	Revoked	V. 15, p. 709
1-8-5	Amended	V. 15, p. 709
1-8-7	Revoked	V. 15, p. 709
1-9-9	Revoked	V. 15, p. 709
1-9-15	Revoked	V. 15, p. 709
1-9-16	Revoked	V. 15, p. 709
1-9-19a	Amended	V. 15, p. 709
1-9-23	Amended	V. 15, p. 710
1-9-27	New	V. 15, p. 711
1-10-6	Amended	V. 15, p. 713
1-10-8	Revoked	V. 15, p. 713
1-10-9	Revoked	V. 15, p. 713
1-11-1	Amended	V. 15, p. 713
1-13-1a	Amended	V. 15, p. 713
1-13-2	Revoked	V. 15, p. 714
1-13-3	Revoked	V. 15, p. 714
1-13-4	Revoked	V. 15, p. 714
1-14-6	Revoked	V. 15, p. 714
1-14-7	Amended	V. 15, p. 714
1-14-10	Amended	V. 15, p. 715
1-14-11	Amended	V. 15, p. 715
1-14-12a	New	V. 16, p. 170
1-16-18a	Amended	V. 15, p. 317
1-17-10	Amended	V. 15, p. 1706
1-18-1a	Amended	V. 15, p. 1508
1-45-4	Amended	V. 15, p. 1706
1-45-7	Amended	V. 15, p. 1706
1-45-8	Amended	V. 15, p. 1706

### AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-25-1		
through		
5-25-10	Amended	V. 15, p. 410-412
5-50-1	Amended	V. 15, p. 1861
5-50-2	Amended	V. 15, p. 1861
5-50-3	Revoked	V. 15, p. 1862
5-50-4	Amended	V. 15, p. 1862

5-50-5	Amended	V. 15, p. 1862
5-50-6	Amended	V. 15, p. 1863
5-50-7	New	V. 15, p. 1863
5-50-8	New	V. 15, p. 1863

### AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-18-1	New	V. 15, p. 1508
7-18-2	New	V. 15, p. 1508
7-18-3	New	V. 15, p. 1508
7-23-2	Amended	V. 15, p. 1927
7-23-4	Amended	V. 15, p. 1927
7-23-8	Revoked	V. 15, p. 1927
7-38-1	New	V. 15, p. 1927
7-38-2	New	V. 15, p. 1927

### AGENCY 9: ANIMAL HEALTH DEPARTMENT

Reg. No.	Action	Register
9-10-31	New	V. 15, p. 1671
9-10-32	New	V. 15, p. 1671
9-18-1	Amended	V. 15, p. 1671
9-19-1		
through		
9-19-11	Amended	V. 15, p. 1671-1677
9-25-1		
through		
9-25-15	New	V. 15, p. 1677-1684
9-26-1	New	V. 15, p. 1684

### AGENCY 11: STATE CONSERVATION COMMISSION

Reg. No.	Action	Register
11-8-8	Amended	V. 15, p. 1401

### AGENCY 16: ATTORNEY GENERAL

Reg. No.	Action	Register
16-2-1	Amended	V. 15, p. 375
16-5-1	Amended	V. 15, p. 375
16-5-4	Amended	V. 15, p. 375
16-5-5	Amended	V. 15, p. 376
16-6-1	Amended	V. 15, p. 376

### AGENCY 17: STATE BANKING DEPARTMENT

Reg. No.	Action	Register
17-1-1	New	V. 15, p. 1130
17-9-1		
through		
17-9-10	New	V. 15, p. 1130, 1131
17-10-1	Revoked	V. 15, p. 1131
17-11-1		
through		
17-11-12	Revoked	V. 15, p. 1131
17-11-13	Amended	V. 15, p. 1131
17-11-14	Amended	V. 15, p. 1380
17-11-15		
through		
17-11-19	Amended	V. 15, p. 1131, 1132
17-11-20	Revoked	V. 15, p. 1132
17-11-21	Amended	V. 15, p. 1132
17-11-23	New	V. 15, p. 1132
17-12-1	Amended	V. 15, p. 1132
17-12-2	Amended	V. 15, p. 1132
17-16-1	Amended	V. 15, p. 1132
17-16-2	Amended	V. 15, p. 1132
17-16-3	Revoked	V. 15, p. 1133
17-16-4	Amended	V. 15, p. 1133
17-16-5		
through		
17-16-8	Revoked	V. 15, p. 1133
17-16-9	Amended	V. 15, p. 1133
17-17-1		
through		
17-17-10	Amended	V. 15, p. 1133, 1134
17-18-1		
through		
17-18-4	Revoked	V. 15, p. 1134
17-21-1		
through		
17-21-6	Amended	V. 15, p. 1134, 1135
17-21-7	Revoked	V. 15, p. 1135
17-21-8	Amended	V. 15, p. 1135

### AGENCY 24: KANSAS WHEAT COMMISSION

Reg. No.	Action	Register
24-1-1	Amended	V. 15, p. 703

### AGENCY 25: STATE GRAIN INSPECTION DEPARTMENT

Reg. No.	Action	Register
25-1-1	Revoked	V. 15, p. 138
25-3-3	Amended	V. 15, p. 138
25-4-1	Revoked	V. 15, p. 1380
25-4-4	Amended	V. 15, p. 1538

### AGENCY 26: DEPARTMENT ON AGING

Reg. No.	Action	Register
26-5-6	Amended	V. 15, p. 1625
26-5-9	New	V. 15, p. 1626
26-5-10	New	V. 15, p. 1626
26-6-1		
through		
26-6-8	Revoked	V. 15, p. 1626

### AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-1-9	Revoked	V. 15, p. 550
28-1-10	Revoked	V. 15, p. 550
28-1-13	Amended	V. 15, p. 970
28-1-14	Amended	V. 15, p. 970
28-1-15	Amended	V. 15, p. 971
28-1-19	Revoked	V. 15, p. 550
28-1-21	Revoked	V. 15, p. 550
28-1-22	Revoked	V. 15, p. 550
28-3-5	Revoked	V. 15, p. 550
28-3-6	Revoked	V. 15, p. 550
28-4-72	Revoked	V. 15, p. 551
28-4-431	Revoked	V. 15, p. 551
28-4-506	Revoked	V. 15, p. 551
28-4-507	Revoked	V. 15, p. 551
28-4-508	Revoked	V. 15, p. 551
28-4-558		
through		
28-4-563	Amended	V. 15, p. 490-494
28-4-567	Amended	V. 15, p. 494
28-4-570	Amended	V. 15, p. 495
28-5-8	Revoked	V. 15, p. 551
28-6-1	Revoked	V. 15, p. 551
28-6-2	Revoked	V. 15, p. 551
28-7-1		
through		
28-7-9	Revoked	V. 15, p. 551
28-8-1	Revoked	V. 15, p. 551
28-10-36	Revoked	V. 15, p. 551
28-10-40	Revoked	V. 15, p. 551
28-10-41	Revoked	V. 15, p. 551
28-11-1		
through		
28-11-6	Revoked	V. 15, p. 551
28-13-10	Revoked	V. 15, p. 551
28-13-11	Revoked	V. 15, p. 551
28-16-50		
through		
28-16-54	Revoked	V. 15, p. 551
28-16-56a	Revoked	V. 15, p. 1402
28-16-56b	Revoked	V. 15, p. 1402
28-16-56c	New	V. 15, p. 1402
28-16-56d	New	V. 15, p. 1403
28-16-59	Amended	V. 15, p. 1403
28-16-65	Revoked	V. 15, p. 551
28-16-67	Revoked	V. 15, p. 551
28-17-5	Revoked	V. 15, p. 551
28-17-8	Revoked	V. 15, p. 551
28-19-45	Revoked	V. 15, p. 183
28-19-46	Revoked	V. 15, p. 183
28-19-47	Revoked	V. 15, p. 183
28-19-79	New	V. 16, p. 584
28-19-83		
through		
28-19-96	Revoked	V. 15, p. 551
28-19-98	Revoked	V. 15, p. 551
28-19-98a	Revoked	V. 15, p. 551
28-19-99		
through		
28-19-108	Revoked	V. 15, p. 552
28-19-108a	Revoked	V. 15, p. 552
28-19-109	Revoked	V. 15, p. 552
28-19-119		
to		
28-19-121a	Revoked	V. 15, p. 552
28-19-123	Revoked	V. 15, p. 552
28-19-124	Revoked	V. 15, p. 552
28-19-125	Revoked	V. 15, p. 552
28-19-127		
through		
28-19-131	Revoked	V. 15, p. 552

28-19-133 through  
 28-19-141 Revoked V. 15, p. 552  
 28-19-149 through  
 28-19-162 Revoked V. 15, p. 552  
 28-19-202 Amended V. 16, p. 176  
 28-19-645 New V. 15, p. 183  
 28-19-646 New V. 15, p. 183  
 28-19-647 New V. 15, p. 183  
 28-19-648 New V. 15, p. 184  
 28-19-800 New V. 15, p. 257  
 28-19-801 New V. 15, p. 258  
 28-21-3 Revoked V. 15, p. 552  
 28-21-90a Revoked V. 15, p. 552  
 28-21-91a Revoked V. 15, p. 552  
 28-21-91b Revoked V. 15, p. 552  
 28-21-92a Revoked V. 15, p. 552  
 28-21-93a Revoked V. 15, p. 552  
 28-21-94a Revoked V. 15, p. 552  
 28-21-96a Revoked V. 15, p. 552  
 28-21-98a Revoked V. 15, p. 552  
 28-21-99a Revoked V. 15, p. 552  
 28-21-102 through  
 28-21-112 Revoked V. 15, p. 552  
 28-23-5 Revoked V. 15, p. 552  
 28-23-8 Revoked V. 15, p. 552  
 28-23-14 Revoked V. 15, p. 552  
 28-23-15 Revoked V. 15, p. 552  
 28-23-25 Revoked V. 15, p. 552  
 28-23-33 Revoked V. 15, p. 552  
 28-23-60 through  
 28-23-66 Revoked V. 15, p. 552  
 28-23-69 Revoked V. 15, p. 552  
 28-23-72 Revoked V. 15, p. 553  
 28-23-74 Revoked V. 15, p. 553  
 28-23-76 Revoked V. 15, p. 553  
 28-23-77 Revoked V. 15, p. 553  
 28-26-80 through  
 28-26-87 Revoked V. 15, p. 553  
 28-26-90a Revoked V. 15, p. 553  
 28-28-1 Revoked V. 15, p. 553  
 28-28-2 Revoked V. 15, p. 553  
 28-29-1 Revoked V. 15, p. 553  
 28-29-83 Revoked V. 15, p. 553  
 28-29-98 Amended V. 15, p. 1804  
 28-29-100 Amended V. 15, p. 1804  
 28-29-103 Amended V. 15, p. 1804  
 28-31-4 Amended V. 15, p. 297  
 28-31-10 Amended V. 15, p. 301  
 28-33-1 Revoked V. 15, p. 495  
 28-33-11 Revoked V. 15, p. 495  
 28-33-12 Amended V. 15, p. 495  
 28-34-11 Amended V. 15, p. 497  
 28-35-178b Amended V. 15, p. 1592  
 28-35-180a Amended V. 15, p. 1593  
 28-35-184b New V. 15, p. 1596  
 28-35-193b New V. 15, p. 1596  
 28-35-201 New V. 15, p. 1598  
 28-35-202 New V. 15, p. 1599  
 28-35-290 New V. 15, p. 1601  
 28-35-291 New V. 15, p. 1601  
 28-35-362 Amended V. 15, p. 1602  
 28-37-10 through  
 28-37-14 Revoked V. 15, p. 553  
 28-39-144 Amended V. 16, p. 177  
 28-39-145 Amended V. 16, p. 179  
 28-39-146 Amended V. 16, p. 181  
 28-39-147 Amended V. 16, p. 181  
 28-39-148 Amended V. 16, p. 182  
 28-39-149 Amended V. 16, p. 183  
 28-39-150 Amended V. 16, p. 184  
 28-39-151 Amended V. 16, p. 184  
 28-39-152 Amended V. 16, p. 185  
 28-39-153 Amended V. 16, p. 187  
 28-39-154 Amended V. 16, p. 187  
 28-39-155 Amended V. 16, p. 188  
 28-39-156 Amended V. 16, p. 188  
 28-39-157 Amended V. 16, p. 189  
 28-39-158 Amended V. 16, p. 190  
 28-39-159 Amended V. 16, p. 192  
 28-39-160 Amended V. 16, p. 192  
 28-39-161 Amended V. 16, p. 192  
 28-39-162 Amended V. 16, p. 193  
 28-39-162a Amended V. 16, p. 194  
 28-39-162b Amended V. 16, p. 199  
 28-39-162c Amended V. 16, p. 200

28-39-163 Amended V. 16, p. 204  
 28-39-240 through  
 28-39-256 New V. 16, p. 206-213  
 28-41-1 through  
 28-41-9 Revoked V. 15, p. 553  
 28-42-1 Revoked V. 15, p. 553  
 28-42-3 through  
 28-42-7 Revoked V. 15, p. 553  
 28-42-9 through  
 28-42-16 Revoked V. 15, p. 553  
 28-49-1 through  
 28-49-8 Revoked V. 15, p. 553  
 28-68-1 through  
 28-68-9 New V. 15, p. 1931-1934

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-4-34	Amended	V. 16, p. 251
30-4-35w	Revoked	V. 16, p. 251
30-4-40	Amended	V. 16, p. 251
30-4-41	Amended	V. 16, p. 251
30-4-41w	Revoked	V. 16, p. 252
30-4-50	Amended	V. 16, p. 252
30-4-50w	Revoked	V. 16, p. 252
30-4-52	Amended	V. 16, p. 252
30-4-52w	Revoked	V. 16, p. 252
30-4-53	Revoked	V. 16, p. 252
30-4-53w	Revoked	V. 16, p. 252
30-4-54	Amended	V. 16, p. 339
30-4-54w	Revoked	V. 16, p. 252
30-4-55	Amended	V. 16, p. 252
30-4-55w	Revoked	V. 16, p. 253
30-4-58	Revoked	V. 16, p. 253
30-4-58w	Revoked	V. 16, p. 253
30-4-59	Amended	V. 16, p. 253
30-4-59w	Revoked	V. 16, p. 253
30-4-60w	Revoked	V. 16, p. 253
30-4-61	Amended	V. 16, p. 253
30-4-61w	Revoked	V. 16, p. 253
30-4-63	Revoked	V. 16, p. 253
30-4-63w	Revoked	V. 16, p. 254
30-4-64	Amended	V. 16, p. 254
30-4-64w	Revoked	V. 16, p. 255
30-4-65w	Revoked	V. 16, p. 255
30-4-70	Amended	V. 16, p. 255
30-4-70w	Revoked	V. 16, p. 256
30-4-71	Revoked	V. 16, p. 256
30-4-71w	Revoked	V. 16, p. 256
30-4-72	Revoked	V. 16, p. 256
30-4-72w	Revoked	V. 16, p. 256
30-4-73	Revoked	V. 16, p. 256
30-4-74	Revoked	V. 16, p. 256
30-4-74w	Revoked	V. 16, p. 256
30-4-78	Revoked	V. 16, p. 256
30-4-80	Amended	V. 16, p. 256
30-4-85a	Revoked	V. 16, p. 256
30-4-90	Amended	V. 16, p. 257
30-4-90w	Revoked	V. 16, p. 259
30-4-95	Amended	V. 16, p. 259
30-4-96	Amended	V. 16, p. 259
30-4-100	Amended	V. 16, p. 260
30-4-100w	Revoked	V. 16, p. 260
30-4-101	Amended	V. 16, p. 260
30-4-102	Amended	V. 16, p. 261
30-4-105	Revoked	V. 16, p. 261
30-4-105w	Revoked	V. 16, p. 261
30-4-106	Amended	V. 16, p. 261
30-4-106w	Revoked	V. 16, p. 262
30-4-108	Amended	V. 16, p. 262
30-4-109	Amended	V. 16, p. 262
30-4-109w	Revoked	V. 16, p. 263
30-4-110	Amended	V. 16, p. 263
30-4-110w	Revoked	V. 16, p. 264
30-4-111	Amended	V. 16, p. 264
30-4-111w	Revoked	V. 16, p. 265
30-4-112w	Revoked	V. 16, p. 265
30-4-113	Amended	V. 16, p. 265
30-4-113w	Revoked	V. 16, p. 266
30-4-120	Amended	V. 16, p. 266
30-4-120w	Revoked	V. 16, p. 266

30-4-121 Revoked V. 15, p. 915  
 30-4-122a Revoked V. 16, p. 266  
 30-4-130 Amended V. 16, p. 266  
 30-4-130w Revoked V. 16, p. 268  
 30-4-140 Amended V. 16, p. 268  
 30-4-140w Revoked V. 16, p. 268  
 30-5-58 Amended V. 15, p. 917  
 30-5-64 Amended V. 15, p. 923  
 30-5-70 Amended V. 15, p. 1017  
 30-5-81 Amended V. 15, p. 925  
 30-5-88 Amended V. 15, p. 925  
 30-5-101 Amended V. 15, p. 1876  
 30-5-300 through  
 30-5-308 New V. 15, p. 1877-1880  
 30-6-34 Amended V. 16, p. 268  
 30-6-35w Revoked V. 16, p. 268  
 30-6-41 Amended V. 16, p. 268  
 30-6-41w Revoked V. 16, p. 269  
 30-6-50w Revoked V. 16, p. 269  
 30-6-52 Amended V. 16, p. 269  
 30-6-52w Revoked V. 16, p. 269  
 30-6-53 Amended V. 15, p. 1880  
 30-6-53w Revoked V. 16, p. 269  
 30-6-54 Amended V. 16, p. 340  
 30-6-54w Revoked V. 16, p. 270  
 30-6-55 Amended V. 16, p. 270  
 30-6-55w Revoked V. 16, p. 270  
 30-6-56w Revoked V. 16, p. 270  
 30-5-59 Amended V. 16, p. 270  
 30-6-59w Revoked V. 16, p. 270  
 30-6-60w Revoked V. 16, p. 270  
 30-6-65 Amended V. 16, p. 270  
 30-6-65w Revoked V. 16, p. 271  
 30-6-70 Amended V. 16, p. 271  
 30-6-70w Revoked V. 16, p. 271  
 30-6-72 Revoked V. 16, p. 271  
 30-6-72w Revoked V. 16, p. 271  
 30-6-73 Revoked V. 16, p. 271  
 30-6-77w Revoked V. 16, p. 272  
 30-6-78w Revoked V. 16, p. 272  
 30-6-79 Revoked V. 16, p. 272  
 30-6-81w Revoked V. 16, p. 272  
 30-6-82w Revoked V. 16, p. 272  
 30-6-85w Revoked V. 16, p. 272  
 30-6-86w Revoked V. 16, p. 272  
 30-6-87w Revoked V. 16, p. 272  
 30-6-94w Revoked V. 16, p. 272  
 30-6-103 Amended V. 15, p. 1882  
 30-6-103w Revoked V. 16, p. 272  
 30-6-105 Revoked V. 16, p. 272  
 30-6-105w Revoked V. 16, p. 272  
 30-6-106 Amended V. 16, p. 272  
 30-6-106w Revoked V. 16, p. 274  
 30-6-107w Revoked V. 16, p. 274  
 30-6-108 Amended V. 16, p. 274  
 30-6-109 Amended V. 16, p. 275  
 30-6-109w Revoked V. 16, p. 276  
 30-6-110 Amended V. 16, p. 276  
 30-6-110w Revoked V. 16, p. 277  
 30-6-111 Amended V. 16, p. 277  
 30-6-111w Revoked V. 16, p. 278  
 30-6-112w Revoked V. 16, p. 278  
 30-6-113 Amended V. 16, p. 278  
 30-6-113w Revoked V. 16, p. 279  
 30-6-140 Amended V. 16, p. 279  
 30-6-150w Revoked V. 16, p. 280  
 30-7-65 Amended V. 16, p. 280  
 30-7-100 Amended V. 16, p. 280  
 30-7-102 Amended V. 15, p. 927  
 30-7-103 Amended V. 15, p. 929  
 30-7-104 Amended V. 15, p. 929  
 30-10-1a Amended V. 15, p. 1887  
 30-10-2 Amended V. 15, p. 1890  
 30-10-7 Amended V. 15, p. 1890  
 30-10-15a Amended V. 15, p. 1891  
 30-10-17 Amended V. 15, p. 1892  
 30-10-19 Amended V. 15, p. 1894  
 30-10-21 Amended V. 15, p. 929  
 30-10-25 Amended V. 15, p. 1894  
 30-10-217 Amended V. 15, p. 930  
 30-10-218 Amended V. 15, p. 550  
 30-41-1 through  
 30-41-5 Revoked V. 15, p. 930

(continued)



30-41-6a	Revoked	V. 15, p. 930
30-41-6b	Revoked	V. 15, p. 1895
30-41-6c		
through		
30-41-6h	Revoked	V. 15, p. 930, 931
30-41-7a		
through		
30-41-7i	Revoked	V. 15, p. 931
30-41-8	Revoked	V. 15, p. 931
30-41-10		
through		
30-41-20	Revoked	V. 15, p. 931
30-46-10	Amended	V. 15, p. 1895
30-46-13	Amended	V. 15, p. 1896
30-46-15	Amended	V. 15, p. 1896
30-46-16	Amended	V. 15, p. 1896
30-46-17	Amended	V. 15, p. 1896
30-63-1	New	V. 15, p. 931
30-63-10		
through		
30-63-14	New	V. 15, p. 931-933
30-63-20	New	V. 15, p. 933
30-63-21	New	V. 15, p. 933
30-63-22	New	V. 15, p. 934
30-63-23	New	V. 15, p. 1215
30-63-24		
through		
30-63-31	New	V. 15, p. 934-937
30-64-1	New	V. 15, p. 937
30-64-10		
through		
30-64-13	New	V. 15, p. 937
30-64-20		
through		
30-64-34	New	V. 15, p. 938-942

**AGENCY 40: KANSAS INSURANCE DEPARTMENT**

Reg. No.	Action	Register
40-1-42	New	V. 16, p. 41
40-1-43	New	V. 16, p. 41
40-1-44	New	V. 16, p. 41
40-2-24	New	V. 16, p. 482
40-4-17	Amended	V. 15, p. 77
40-4-35	Amended	V. 15, p. 622
40-4-37	Amended	V. 15, p. 77
40-4-37d	Amended	V. 15, p. 78
40-5-109	Amended	V. 15, p. 78
40-7-20a	Amended	V. 16, p. 483
40-7-21	Amended	V. 16, p. 484

**AGENCY 47: DEPARTMENT OF HEALTH AND ENVIRONMENT (MINED-LAND CONSERVATION AND RECLAMATION)**

Reg. No.	Action	Register
47-1-1	Revoked	V. 16, p. 585
47-1-3	Amended	V. 16, p. 585
47-1-4	Revoked	V. 16, p. 585
47-1-8	Amended	V. 16, p. 585
47-1-9	Amended	V. 16, p. 586
47-1-10	Revoked	V. 16, p. 586
47-1-11	Amended	V. 16, p. 586
47-2-14	Revoked	V. 16, p. 586
47-2-21	Amended	V. 16, p. 586
47-2-53	Amended	V. 16, p. 586
47-2-53a	Amended	V. 16, p. 586
47-2-58	Amended	V. 16, p. 586
47-2-64	Amended	V. 16, p. 586
47-2-67	Amended	V. 16, p. 587
47-2-74	Amended	V. 16, p. 587
47-2-75	Amended	V. 16, p. 587
47-3-1	Amended	V. 16, p. 587
47-3-2	Amended	V. 16, p. 588
47-3-3a	Amended	V. 16, p. 588
47-3-42	Amended	V. 16, p. 588
47-4-14a	Amended	V. 16, p. 590
47-4-15	Amended	V. 16, p. 595
47-4-16	Amended	V. 16, p. 598
47-4-17	Amended	V. 16, p. 598
47-5-5a	Amended	V. 16, p. 599
47-5-16	Amended	V. 16, p. 601
47-6-1	Amended	V. 16, p. 601
47-6-2	Amended	V. 16, p. 601
47-6-3	Amended	V. 16, p. 601
47-6-4	Amended	V. 16, p. 602

47-6-6	Amended	V. 16, p. 602
47-6-7	Amended	V. 16, p. 602
47-6-8	Amended	V. 16, p. 603
47-6-9	Amended	V. 16, p. 603
47-6-10	Amended	V. 16, p. 603
47-7-2	Amended	V. 16, p. 603
47-8-9	Amended	V. 16, p. 604
47-8-11	Amended	V. 16, p. 604
47-9-1	Amended	V. 16, p. 604
47-9-2	Amended	V. 16, p. 607
47-9-4	Amended	V. 16, p. 607
47-10-1	Amended	V. 16, p. 608
47-11-8	Amended	V. 16, p. 608
47-12-4	Amended	V. 16, p. 608
47-13-4	Amended	V. 16, p. 609
47-13-5	Amended	V. 16, p. 609
47-13-6	Amended	V. 16, p. 610
47-14-7	Amended	V. 16, p. 610
47-15-1a	Amended	V. 16, p. 610
47-15-3	Amended	V. 16, p. 611
47-15-4	Amended	V. 16, p. 611
47-15-7	Amended	V. 16, p. 611
47-15-8	Amended	V. 16, p. 611
47-15-15	Amended	V. 16, p. 612
47-15-17	Amended	V. 16, p. 612
47-16-1		
through		
47-16-8	Amended	V. 16, p. 612-614
47-16-9	New	V. 16, p. 614
47-16-10	New	V. 16, p. 614
47-16-11	New	V. 16, p. 614

**AGENCY 49: DEPARTMENT OF HUMAN RESOURCES**

Reg. No.	Action	Register
49-45-10		
through		
49-45-19	Revoked	V. 15, p. 1709
49-53-1	Revoked	V. 15, p. 1709
49-53-2	Revoked	V. 15, p. 1709

**AGENCY 50: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF EMPLOYMENT**

Reg. No.	Action	Register
50-2-21	Amended	V. 15, p. 1707

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

Reg. No.	Action	Register
51-9-7	Amended	V. 15, p. 345

**AGENCY 60: BOARD OF NURSING**

Reg. No.	Action	Register
60-1-104	New	V. 16, p. 436
60-2-101	Amended	V. 16, p. 437
60-2-102		
through		
60-2-108	New	V. 16, p. 437-440
60-3-106	Amended	V. 16, p. 440
60-9-109	Revoked	V. 15, p. 1807
60-11-103	Amended	V. 15, p. 1931
60-11-108	Amended	V. 15, p. 115
60-11-109	Revoked	V. 15, p. 115
60-11-112	Revoked	V. 15, p. 115
60-11-114	Revoked	V. 15, p. 115
60-11-117	Revoked	V. 15, p. 115
60-12-106	Amended	V. 15, p. 115
60-12-109	Revoked	V. 15, p. 116
60-13-112	Amended	V. 15, p. 116
60-13-115	Revoked	V. 15, p. 116
60-16-102	Amended	V. 15, p. 1807
60-16-104	Amended	V. 15, p. 1807

**AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY**

Reg. No.	Action	Register
65-5-6	Amended	V. 16, p. 300
65-5-9	New	V. 16, p. 249
65-5-10	New	V. 16, p. 250

**AGENCY 66: BOARD OF TECHNICAL PROFESSIONS**

Reg. No.	Action	Register
66-6-1	Amended	V. 15, p. 184
66-6-6	Amended	V. 15, p. 185

66-7-3	Amended	V. 15, p. 185
66-8-1	Amended	V. 15, p. 185
66-10-1	Amended	V. 15, p. 185
66-12-1	Amended	V. 15, p. 185
66-14-1		
through		
66-14-12	New	V. 15, p. 186, 187

**AGENCY 69: BOARD OF COSMETOLOGY**

Reg. No.	Action	Register
69-1-1	Amended	V. 15, p. 292
69-1-2	Amended	V. 15, p. 292
69-1-3	Revoked	V. 15, p. 292
69-1-4	Amended	V. 15, p. 292
69-1-7	Revoked	V. 15, p. 293
69-1-8	Amended	V. 15, p. 293
69-2-1	Revoked	V. 15, p. 293
69-3-1	Amended	V. 15, p. 293
69-3-2	Revoked	V. 15, p. 293
69-3-3	Amended	V. 15, p. 293
69-3-4	Amended	V. 15, p. 294
69-3-5	Revoked	V. 15, p. 294
69-3-6	Amended	V. 15, p. 294
69-3-7	Amended	V. 15, p. 294
69-3-8	Amended	V. 15, p. 742
69-3-9	Amended	V. 15, p. 294
69-3-10	Revoked	V. 15, p. 294
69-3-11	Revoked	V. 15, p. 294
69-3-17	Revoked	V. 15, p. 294
69-3-19	Revoked	V. 15, p. 294
69-3-22		
through		
69-3-25	Revoked	V. 15, p. 294
69-3-26	New	V. 15, p. 294
69-3-27	New	V. 15, p. 294
69-3-28	New	V. 15, p. 294
69-4-2	Amended	V. 15, p. 294
69-4-6	Revoked	V. 15, p. 295
69-4-9	Amended	V. 15, p. 295
69-4-11	Revoked	V. 15, p. 295
69-4-12	Amended	V. 15, p. 295
69-5-2	Revoked	V. 15, p. 295
69-5-6	Amended	V. 15, p. 295
69-5-10	Revoked	V. 15, p. 295
69-5-13	Revoked	V. 15, p. 295
69-5-14	New	V. 15, p. 295
69-5-15	New	V. 15, p. 295
69-5-16	New	V. 15, p. 295
69-6-1	Revoked	V. 15, p. 295
69-6-2	Amended	V. 15, p. 295
69-6-5	Amended	V. 15, p. 295
69-6-6	Revoked	V. 15, p. 296
69-6-7	Amended	V. 15, p. 296
69-8-2	Revoked	V. 15, p. 296
69-8-3	Revoked	V. 15, p. 296
69-8-4	Revoked	V. 15, p. 296
69-8-6	Revoked	V. 15, p. 296
69-11-1	Amended	V. 15, p. 296
69-11-2	Amended	V. 15, p. 296
69-13-1	Amended	V. 15, p. 296
69-13-2	Amended	V. 15, p. 296
69-14-1		
through		
69-14-5	New	V. 15, p. 971, 972

**AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS**

Reg. No.	Action	Register
70-1-1	Amended	V. 16, p. 173
70-1-6	New	V. 16, p. 441
70-2-1	Revoked	V. 16, p. 173
70-2-2	Revoked	V. 16, p. 173
70-2-3	Revoked	V. 16, p. 173
70-4-1		
through		
70-4-7	Revoked	V. 16, p. 173
70-4-8	New	V. 16, p. 441
70-4-9	New	V. 16, p. 443
70-4-10	New	V. 16, p. 443
70-5-1	Amended	V. 16, p. 173
70-7-1	New	V. 16, p. 173
70-8-1	New	V. 16, p. 174
70-10-1	New	V. 16, p. 175

**AGENCY 71: KANSAS DENTAL BOARD**

Reg. No.	Action	Register
71-4-1	Amended	V. 15, p. 1860
71-4-3	Amended	V. 15, p. 1860

**AGENCY 74: BOARD OF ACCOUNTANCY**

Reg. No.	Action	Register
74-12-1	Amended	V. 15, p. 1215

**AGENCY 75: CONSUMER CREDIT COMMISSIONER**

Reg. No.	Action	Register
75-6-3	Revoked	V. 15, p. 1129
75-6-4	Revoked	V. 15, p. 1129
75-6-7	Revoked	V. 15, p. 1129
75-6-8	Revoked	V. 15, p. 1129
75-6-9	Amended	V. 15, p. 1379
75-6-10	Revoked	V. 15, p. 1129
75-6-11	Revoked	V. 15, p. 1129
75-6-16	Revoked	V. 15, p. 1129
75-6-17	Revoked	V. 15, p. 1129
75-6-18	Revoked	V. 15, p. 1129
75-6-25	Revoked	V. 15, p. 1129
75-6-26	Amended	V. 16, p. 301
75-6-29	Revoked	V. 15, p. 1129
75-8-1 through 75-8-11	Revoked	V. 15, p. 1129

**AGENCY 80: KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM**

Reg. No.	Action	Register
80-8-2	Amended	V. 15, p. 1832
80-8-3	Amended	V. 15, p. 1832
80-8-4	Amended	V. 15, p. 1833
80-8-7	Amended	V. 15, p. 1833

**AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER**

Reg. No.	Action	Register
81-1-1	Amended	V. 15, p. 697
81-2-1	Amended	V. 15, p. 698
81-3-1	Amended	V. 15, p. 698
81-3-4	Revoked	V. 15, p. 700
81-4-1	Amended	V. 15, p. 700
81-5-1	Revoked	V. 15, p. 701
81-5-2	Revoked	V. 15, p. 701
81-5-3	Amended	V. 15, p. 701
81-5-4	Amended	V. 15, p. 701
81-5-7	Amended	V. 15, p. 701
81-5-9	Amended	V. 15, p. 702
81-6-1	Amended	V. 15, p. 702
81-7-2	Amended	V. 15, p. 703
81-8-1	Revoked	V. 15, p. 703
81-9-1	Revoked	V. 15, p. 703
81-13-1	Revoked	V. 15, p. 703

**AGENCY 82: STATE CORPORATION COMMISSION**

Reg. No.	Action	Register
82-3-101	Amended	V. 15, p. 1538
82-3-103	Amended	V. 15, p. 1541
82-3-206	Amended	V. 15, p. 1670
82-3-307	Amended	V. 15, p. 1670
82-3-700 through 82-3-794	New	V. 15, p. 1542-1544

**AGENCY 86: REAL ESTATE COMMISSION**

Reg. No.	Action	Register
86-1-5	Amended	V. 15, p. 598
86-1-11	Amended	V. 15, p. 1831
86-3-25	Amended	V. 15, p. 1331

**AGENCY 91: DEPARTMENT OF EDUCATION**

Reg. No.	Action	Register
91-1-68c	Amended	V. 15, p. 1863
91-5-3	Amended	V. 15, p. 1864
91-10-2	Amended	V. 16, p. 409
91-12-22	Amended	V. 15, p. 226
91-12-61	Amended	V. 15, p. 230
91-31-1	Revoked	V. 15, p. 1864
91-31-2	Revoked	V. 15, p. 1864
91-31-3	Revoked	V. 15, p. 1864
91-31-4	Revoked	V. 15, p. 1864
91-31-4a	Revoked	V. 15, p. 1864
91-31-5	Revoked	V. 15, p. 1864
91-31-6	Revoked	V. 15, p. 1864
91-31-7	Revoked	V. 15, p. 1864

91-31-8	Revoked	V. 15, p. 1864
91-31-9	Revoked	V. 15, p. 1864
91-31-10	Revoked	V. 15, p. 1865
91-31-12a through 91-31-12h	Revoked	V. 15, p. 1865
91-31-13	Revoked	V. 15, p. 1865
91-31-14	Revoked	V. 15, p. 1865
91-31-14a	Revoked	V. 15, p. 1865
91-31-14b	Revoked	V. 15, p. 1865
91-31-14c	Revoked	V. 15, p. 1865
91-31-15	Revoked	V. 15, p. 1865
91-31-16 through 91-31-30	New	V. 15, p. 1865-1869
91-33-1 through 91-33-8	Revoked	V. 15, p. 1869
91-34-1 through 91-34-5	Revoked	V. 15, p. 1870
91-34-7 through 91-34-14	Revoked	V. 15, p. 1870

**AGENCY 98: KANSAS WATER OFFICE**

Reg. No.	Action	Register
98-5-1	Amended	V. 15, p. 1708
98-5-8	New	V. 15, p. 1709

**AGENCY 100: BOARD OF HEALING ARTS**

Reg. No.	Action	Register
100-23-1	Amended	V. 16, p. 652
100-29-1 through 100-29-14	New	V. 16, p. 380-384
100-34-3	Revoked	V. 16, p. 384
100-34-4	Revoked	V. 16, p. 384
100-35-1	Revoked	V. 16, p. 384
100-35-3	Revoked	V. 16, p. 384
100-35-6	Revoked	V. 16, p. 384
100-35-7	Revoked	V. 16, p. 384
100-36-1	Revoked	V. 16, p. 384
100-37-1	Revoked	V. 16, p. 384
100-37-2	Revoked	V. 16, p. 384
100-38-1	Revoked	V. 16, p. 385
100-39-1	Revoked	V. 16, p. 385
100-40-2	Revoked	V. 16, p. 385
100-42-2	Revoked	V. 16, p. 385
100-46-1	Revoked	V. 16, p. 385
100-46-2	Revoked	V. 16, p. 385
100-46-3	Revoked	V. 16, p. 385
100-46-5	Revoked	V. 16, p. 385
100-46-6	Revoked	V. 16, p. 385
100-47-1	Revoked	V. 16, p. 385
100-54-7	Amended	V. 16, p. 142
100-55-1 through 100-55-8	Amended	V. 15, p. 1928-1930
100-55-9	New	V. 15, p. 1930
100-55-10	New	V. 15, p. 1930
100-69-1 through 100-69-9	New	V. 15, p. 1021, 1022

**AGENCY 104: STATE BANKING DEPARTMENT, CONSUMER CREDIT COMMISSIONER AND DEPARTMENT OF CREDIT UNIONS**

Reg. No.	Action	Register
104-1-2	Amended	V. 15, p. 1129

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

Reg. No.	Action	Register
105-3-2	Amended	V. 15, p. 1583
105-3-12	New	V. 15, p. 1584
105-4-2	Amended	V. 15, p. 1584
105-5-4	Amended	V. 15, p. 1584

**AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION**

Reg. No.	Action	Register
108-1-1	Amended	V. 16, p. 651

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

Reg. No.	Action	Register
109-1-1	Amended	V. 16, p. 77
109-1-2	New	V. 16, p. 79

109-2-1	Amended	V. 16, p. 79
109-2-2	Amended	V. 16, p. 79
109-2-3	Revoked	V. 16, p. 79
109-2-4 through 109-2-9	Amended	V. 16, p. 79-84
109-2-11	Amended	V. 16, p. 85
109-2-12	Amended	V. 16, p. 86
109-2-13	New	V. 16, p. 87
109-2-14	New	V. 16, p. 89
109-3-1	Amended	V. 16, p. 89
109-4-1	Revoked	V. 16, p. 89
109-4-2	Revoked	V. 16, p. 89
109-4-3	Revoked	V. 16, p. 89
109-5-1	Amended	V. 15, p. 1585
109-6-1	Amended	V. 15, p. 1586
109-6-2	New	V. 15, p. 1586
109-7-1	Amended	V. 15, p. 1586
109-8-1	Amended	V. 15, p. 1625
109-10-1	Amended	V. 15, p. 1587
109-14-1	New	V. 16, p. 89

**AGENCY 111: KANSAS LOTTERY**

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 15, p. 1304
111-2-1	Amended	V. 15, p. 881
111-2-2	Amended	V. 12, p. 1261
111-2-2a through 111-2-2e	New	V. 14, p. 1633, 1634
111-2-4	Amended	V. 15, p. 1953
111-2-6	Revoked	V. 13, p. 149
111-2-7	Revoked	V. 10, p. 1210
111-2-13	Revoked	V. 10, p. 881
111-2-14	Amended	V. 14, p. 1634
111-2-15	Revoked	V. 10, p. 881
111-2-16	Revoked	V. 10, p. 1210
111-2-17	Revoked	V. 10, p. 1210
111-2-18	Revoked	V. 11, p. 413
111-2-19	Revoked	V. 11, p. 413
111-2-20 through 111-2-26	Revoked	V. 13, p. 1401
111-2-27	Revoked	V. 14, p. 972
111-2-28	New	V. 12, p. 1844
111-2-29	Revoked	V. 14, p. 972
111-2-30	Amended	V. 15, p. 1180
111-2-31	New	V. 14, p. 170
111-2-32 through 111-2-42	Revoked	V. 16, p. 448, 449
111-2-43	New	V. 15, p. 287
111-2-44	New	V. 15, p. 288
111-2-45	New	V. 15, p. 288
111-2-46	New	V. 15, p. 624
111-2-47	Amended	V. 16, p. 449
111-2-48	New	V. 15, p. 1055
111-2-49	New	V. 15, p. 1055
111-2-50	New	V. 15, p. 1056
111-2-51	New	V. 15, p. 1440
111-2-52	New	V. 15, p. 1441
111-2-53	New	V. 15, p. 1710
111-2-54	New	V. 15, p. 1920
111-2-55	New	V. 15, p. 1953
111-2-56	New	V. 16, p. 449
111-2-57	New	V. 16, p. 449
111-3-1	Amended	V. 14, p. 908
111-3-6	Amended	V. 12, p. 677
111-3-9	Revoked	V. 11, p. 1793
111-3-10 through 111-3-31	New	V. 7, p. 201-206
111-3-11	Amended	V. 13, p. 35
111-3-12	Amended	V. 13, p. 1826
111-3-13	Amended	V. 11, p. 1148
111-3-14	Amended	V. 13, p. 1826
111-3-16	Amended	V. 9, p. 1566
111-3-19 through 111-3-22	Amended	V. 9, p. 30
111-3-19	Revoked	V. 13, p. 1827
111-3-20	Amended	V. 11, p. 1148
111-3-21	Amended	V. 11, p. 1148

(continued)

111-3-22	Amended	V. 11, p. 1148	111-4-328			111-4-497		
111-3-23	Revoked	V. 10, p. 883	through			through		
111-3-25	Amended	V. 13, p. 1827	111-4-335	Revoked	V. 12, p. 114	111-4-512	Revoked	V. 14, p. 975
111-3-26	Amended	V. 11, p. 1149	111-4-336			111-4-513		
111-3-27	Amended	V. 11, p. 1149	through			through		
111-3-29	Revoked	V. 11, p. 1149	111-4-340	Revoked	V. 16, p. 451	111-4-521	Revoked	V. 16, p. 453
111-3-31	Amended	V. 8, p. 209	111-4-341	Revoked	V. 11, p. 1473	111-4-522		
111-3-32	Amended	V. 10, p. 883	111-4-341a	Revoked	V. 12, p. 1372	through		
111-3-33	New	V. 7, p. 1434	111-4-341b	Revoked	V. 16, p. 451	111-4-571	Revoked	V. 14, p. 975-977
111-3-34	New	V. 13, p. 149	111-4-341c	Revoked	V. 16, p. 451	111-4-572		
111-3-35	Amended	V. 14, p. 909	111-4-342			through		
111-3-36	New	V. 13, p. 877	through			111-4-585	New	V. 13, p. 878-880
111-3-37	New	V. 13, p. 877	111-4-345	Revoked	V. 16, p. 451	111-4-572	Amended	V. 15, p. 882
111-4-1			111-4-346			111-4-574	Amended	V. 15, p. 882
through			through			111-4-575	Amended	V. 15, p. 882
111-4-5	Revoked	V. 12, p. 113	111-4-349	Revoked	V. 12, p. 114	111-4-576	Amended	V. 15, p. 882
111-4-5a	Revoked	V. 12, p. 113	111-4-350			111-4-577	Amended	V. 15, p. 883
111-4-6			through			111-4-579	Amended	V. 15, p. 883
through			111-4-355	Revoked	V. 16, p. 452	111-4-581	Amended	V. 15, p. 883
111-4-15	Revoked	V. 12, p. 113	111-4-356			111-4-582	Amended	V. 15, p. 883
111-4-66			through			111-4-583	Amended	V. 15, p. 883
through			111-4-361	Revoked	V. 14, p. 7	111-4-584	Amended	V. 15, p. 884
111-4-77	New	V. 7, p. 207-209	111-4-362			111-4-586		
111-4-96			through			through		
111-4-114	New	V. 7, p. 1606-1610	111-4-365	Revoked	V. 12, p. 114, 115	111-4-606	Revoked	V. 14, p. 977, 978
111-4-100	Amended	V. 14, p. 972	111-4-366			111-4-607		
111-4-101			through			through		
through			111-4-369	Revoked	V. 12, p. 1373	111-4-619	New	V. 13, p. 1436-1438
111-4-106	Revoked	V. 16, p. 450	111-4-370			111-4-607	Amended	V. 14, p. 1407
111-4-106a	Revoked	V. 16, p. 450	through			111-4-609	Amended	V. 14, p. 1407
111-4-107			111-4-379	Revoked	V. 14, p. 7, 8	111-4-610	Amended	V. 14, p. 1407
through			111-4-380			111-4-611	Amended	V. 14, p. 1407
111-4-114	Revoked	V. 16, p. 450, 451	through			111-4-613	Amended	V. 14, p. 1408
111-4-153			111-4-383	Revoked	V. 12, p. 1664	111-4-616		
through			111-4-384			through		
111-4-160	Revoked	V. 9, p. 1676, 1677	111-4-387	Revoked	V. 12, p. 1373	111-4-623	Revoked	V. 14, p. 978
111-4-177			111-4-388			111-4-624		
through			through			through		
111-4-212	Revoked	V. 9, p. 1677, 1678	111-4-391	Revoked	V. 12, p. 1373	111-4-702	Revoked	V. 16, p. 453-455
111-4-213			111-4-392			111-4-703		
through			through			through		
111-4-220	Revoked	V. 10, p. 1213	111-4-400	Revoked	V. 16, p. 252	111-4-723	New	V. 14, p. 909-914
111-4-221			111-4-401			111-4-724		
through			through			through		
111-4-224	Revoked	V. 10, p. 1585	111-4-404	Revoked	V. 12, p. 1373	111-4-736	New	V. 14, p. 978-981
111-4-225			111-4-405			111-4-737		
through			through			through		
111-4-228	Revoked	V. 10, p. 1585	111-4-413	Revoked	V. 16, p. 452	111-4-749	New	V. 14, p. 1095-1098
111-4-229			111-4-414			111-4-750		
through			through			through		
111-4-236	Revoked	V. 10, p. 1585, 1586	111-4-428	Revoked	V. 14, p. 8	111-4-757	New	V. 14, p. 1408, 1409
111-4-237			111-4-429			111-4-758		
through			through			through		
111-4-240	Revoked	V. 11, p. 413	111-4-432	Revoked	V. 12, p. 1373	111-4-761	New	V. 14, p. 1502, 1503
111-4-241			111-4-433			111-4-762		
through			through			through		
111-4-244	Revoked	V. 12, p. 1371	111-4-436	Revoked	V. 12, p. 1374	111-4-778	New	V. 14, p. 1410-1414
111-4-245			111-4-437			111-4-769	Amended	V. 14, p. 1503
through			through			111-4-779		
111-4-248	Revoked	V. 12, p. 1371	111-4-440	Revoked	V. 12, p. 1374	111-4-791	New	V. 14, p. 1504-1507
111-4-249			111-4-441			111-4-792		
through			through			through		
111-4-256	Revoked	V. 12, p. 113, 114	111-4-444	Revoked	V. 14, p. 8	111-4-803	New	V. 14, p. 1635-1638
111-4-257			111-4-445			111-4-804		
through			through			through		
111-4-286	Revoked	V. 11, p. 413, 414	111-4-448	Revoked	V. 12, p. 1374	111-4-816	New	V. 15, p. 116-119
111-4-287			111-4-449			111-4-817		
through			through			through		
111-4-290	Revoked	V. 12, p. 1371	111-4-453	Revoked	V. 14, p. 8	111-4-824	New	V. 15, p. 289, 290
111-4-291			111-4-454			111-4-825		
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through			through			through		
111-4-307	Revoked	V. 13, p. 1402	111-4-469	Revoked	V. 12, p. 1665	111-4-854	New	V. 15, p. 624-627
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111-4-317	Revoked	V. 16, p. 451	111-4-477	Revoked	V. 16, p. 452, 453	111-4-859	New	V. 15, p. 884, 885
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111-4-327	Revoked	V. 12, p. 1371	111-4-496	Revoked	V. 16, p. 453			

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111-4-893 through 111-4-910	New	V. 15, p. 1441-1445
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