

Kansas Register

Ron Thornburgh, Secretary of State

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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 4 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.

Thursday, May 14, 1998

728130

Motion analyzer

728131

X-ray film processor with mounting stand and developer fixer replacement tank set

Barbara Lockhart
Purchasing Director

Doc. No. 022367

State of Kansas

Attorney General

Opinion No. 98-23

Wildlife, Parks and Recreation—Enforcement—County or District Attorneys' Duties; Prosecution Fee.

Counties and County Officers—County Attorney—Duties; Fees, When Allowed. Bill Hasty, Chairman, Neosho County Board of County Commissioners, Erie, April 20, 1998.

Pursuant to K.S.A. 32-1053, a county or district attorney may personally receive and retain a fee for prosecuting violations of wildlife and parks laws or rules and regulations. Because there is currently no fee established by law, it is within the court's discretion to set a fee. Cited herein: K.S.A. 19-705; 28-175; 32-1053; L. 1911, Ch. 198, § 32; L. 1989, Ch. 118, § 139. DMV

Opinion No. 98-24

Waters and Watercourses—Groundwater Management Districts—District Powers; Home Office; Rules and Regulations. Thomas A. Adrain, Counsel, Equus Beds Groundwater Management District #2, Newton, April 20, 1998.

The chief engineer of the Division of Water Resources is authorized to enforce the Water Appropriation Act and promulgate regulations that apply statewide. Regulations adopted by the chief engineer at the request of a groundwater management district that apply only to that groundwater management district are preempted to the extent that they are in conflict or not consistent with those which apply statewide pursuant to K.S.A. 82a-701 *et seq.* Cited herein: K.S.A. 82a-701; 82a-702; 82a-705; 82a-706a; 82a-708b; 82a-711; 82a-724; 82a-1024; 82a-1028. GE

Opinion No. 98-25

Cities and Municipalities—General Improvements and Assessment Law—Apportionment of Cost of Improvement;

Increasing City's Share of Cost Allocation. Representative Vince Cook, 52nd District, Topeka, April 20, 1998.

The case of *Mallon v. City of Emporia*, which prohibits a city governing body from increasing the cost allocation for an improvement district, does not preclude the governing body from increasing the city's share of the cost of an improvement for which special assessments are levied. Cited herein: K.S.A. 1997 Supp. 12-6a02; 12-6a04; 12-6a06; K.S.A. 12-6a07; 12-6a08; K.S.A. 1997 Supp. 12-6a09; K.S.A. 12-6a10, 12-6a14. MF

Opinion No. 98-26

State Departments; Public Officers and Employees—Public Officers and Employees; Open Public Meetings—Meeting Defined; "Calling Trees." Robert Claus, Montgomery County Attorney, Independence, April 20, 1998.

A series of meetings, each of which involves less than a majority of a quorum of a public body, but collectively totaling a majority of a quorum, at which there is a common topic of discussion of the business or affairs of that body constitutes a meeting for purposes of the Kansas Open Meetings Act. Cited herein: K.S.A. 75-4317; 75-4317a; 75-4318. SP

Carla J. Stovall
Attorney General

Doc. No. 022353

State of Kansas

Department of Wildlife and Parks

Public Notice

Pursuant to K.S.A. 32-960a and K.A.R. 115-15-4, the Department of Wildlife and Parks is providing public notice that it has designated the following species, currently listed according to the Kansas Nongame and Endangered Species Conservation Act, for recovery plan development: Neosho mucket mussel (*Lampsilis refinesqueana*), Rabbit's foot mussel (*Quadrula cylindrica cylindrica*), Western Fanshell mussel (*Cyprogenia aberti*), and Ouachita Kidneyshell mussel (*Ptychobranthus occidentalis*). These four species are expected to be grouped within one recovery plan, which may include portions of the following counties: Chase, Lyon, Coffey, Greenwood, Woodson, Allen, Elk, Wilson, Neosho, Chautauqua, Montgomery, Labette and Cherokee.

Development of a recovery plan is intended to lead to the removal of a species from threatened or endangered status. Landowners voluntarily choosing to participate in land management practices identified by a recovery plan may qualify for certain tax benefits. Public involvement in the development of a recovery plan is encouraged. For further information, contact Jerry Horak, KDWP Research and Survey Office, P.O. Box 1525, Emporia, 66801, (316) 342-0658.

Steven A. Williams
Secretary of Wildlife and Parks

Doc. No. 022349

State of Kansas

**Persian Gulf War Veterans
Health Initiative Board****Notice of Meeting**

The Persian Gulf War Veterans Health Initiative Board will meet at 1:30 p.m. Thursday, May 14, in the State Banking Department's conference room, third floor, Jayhawk Tower, 700 S.W. Jackson, Topeka. The public is invited to attend.

Don A. Myer
Executive Director

Doc. No. 022348

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. ConAgra Corn Processing Company has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of particulate matter less than 10 micrometers (PM-10), methyl bromide and phostoxin (phosphine) 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.

ConAgra Corn Processing Company, Atchison, owns and operates a corn processing facility located at 16755 274th Road, Atchison.

A copy of the proposed permit, permit application, all supporting 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 northeast district office, 800 W. 24th, Lawrence. To obtain or review the proposed permit and supporting documentation, contact Cheryl Evans, (785) 296-6438, at the KDHE central office, or Pat Simpson, (785) 842-4600, at the KDHE northeast district office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Cheryl Evans, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business June 1.

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 1 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 022339

State of Kansas

State Conservation Commission**Notice of Meeting**

The State Conservation Commission will meet at 9 a.m. Monday, May 11, at the State Conservation Commission office, Conference Room 500, 109 S.W. 9th, Topeka. A copy of the agenda may be obtained by contacting Lila Niehoff at (785) 296-3600. If special accommodations are needed, please contact the agency three days in advance of meeting date.

Tracy D. Streeter
Executive Director

Doc. No. 022341

State of Kansas

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

The Kansas Department of Health and Environment, as lead agency for Part C (formerly Part H) of the Individuals with Disabilities Education Act (IDEA), is seeking public comments on the Kansas application for federal fiscal year 1998 funds authorized by Title I of IDEA, Part C. The Part C grant for FFY 98 will allow Kansas to continue to develop and implement a statewide comprehensive, coordinated, multidisciplinary system of services for infants and toddlers with disabilities and their families.

Comments will be received at a public meeting utilizing interactive television from 1 to 3 p.m. Friday, May 22, at the following locations:

- Kansas State Board of Education
ITV Room/Board Room
120 S.E. 10th Ave., Topeka
- Northwest Kansas Area
Health Education Center
217 E. 32nd, Hays
- South Central Kansas Education
Service Center, Conference Room
13939 Diagonal Road, Clearwater

Complete copies of the grant application are available for review in public libraries in the following cities: Colby (Pioneer Memorial), Concordia (Frank Carlson), Dodge City, Emporia, Garden City, Great Bend, Hays, Hiawatha, Hutchinson, Kansas City, Kansas (main library), Lawrence, Leavenworth, Manhattan, Parsons, Salina, Topeka and Wichita (central library).

Comments are welcome at the public meeting or in writing by June 22 to Jayne Garcia, Coordinator, Infant-Toddler Services, Kansas Department of Health and Environment, 10th Floor, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1290.

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 022358

State of Kansas

Kansas Judicial Council

Notice of Meetings

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

Date	Committee	Time	Location
May 1	Care & Treatment	9:30 a.m.	Room 259
May 7	Chapter 61	9:30 a.m.	Room 259
May 8	Judicial Council	9:00 a.m.	Room 259
May 15	Probate Law	9:30 a.m.	Room 259
May 22	Family Law	9:30 a.m.	Room 275-N
May 22	Civil Code	9:30 a.m.	Room 259
June 5	Care & Treatment	9:30 a.m.	Room 259
June 19	Probate Law	9:30 a.m.	Room 275-N
June 19	PIK-Criminal	9:30 a.m.	Room 259
June 25	Chaper 61	9:30 a.m.	Room 259

Hon. Tyler C. Lockett
Chair

Doc. No. 022352

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. Love Box Company, Inc. has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of oxides of nitrogen (NOx) 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.

Love Box Company, Inc. owns and operates a corrugated box manufacturing facility located at 700 E. 37th St. North, Wichita.

A copy of the proposed permit, permit application, all supporting 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 Allen, (785) 296-1693, at the KDHE central office, or Randy Owen, (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 Allen, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business June 1.

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 1 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell
Secretary of Health and Environment

Doc. No. 022356

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Anadarko Gathering Company has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to install two natural gas compressor engines. Emissions of nitrogen oxides, carbon monoxide and volatile organic compounds were evaluated during the permit review process.

Anadarko Gathering Company, Houston, Texas, owns and operates the stationary source located at Section 24, Township 32S, Range 38W, Stevens County, Kansas, at which the engines are to be installed.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during review of the permit application is available for public inspection during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE southwest district office, 302 W. McArtor Road, Dodge City. To obtain or review the proposed permit and supporting documentation, contact Shawn Howell, (785) 296-1993, at the KDHE central office, or Wayne Neese, (316) 225-0596, at the KDHE southwest district office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Shawn Howell, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business June 1.

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 1 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell
Secretary of Health and Environment

Doc. No. 022357

State of Kansas

Department on Aging

Notice of Intent to Publish Proposed
Nursing Facility Rates

The Secretary of Social and Rehabilitation Services and the Secretary of Aging for the State of Kansas are hereby providing public notice that they intend to publish the fiscal year 1999 proposed Medicaid per diem rates for providers of nursing facility services, the methodology underlying the establishment of those proposed rates, and the justifications for those proposed rates in the May 14, 1998, edition of the Kansas Register, the official state paper. Copies of the proposed rates, the methodology, and the rate justifications will be available to the public May 1 and may be obtained by making a written request for the same to the Secretary of Aging, Attention: Cindy Terry, New England Building, 2nd Floor, 503 S. Kansas Ave., Topeka, 66603-3404.

The state will charge a fee for the requested copies and mailing pursuant to K.S.A. 45-219. The state invites nursing facility service providers, Medicaid beneficiaries and their representatives, and other concerned Kansas residents to review the proposed rates, the underlying methodology and the rate justifications, and submit any comments on them, in writing, to the address above before the close of business June 1.

Thelma Hunter Gordon
Secretary of Aging

Doc. No. 022363

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Gruver Redi-Mix has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to operate a portable concrete batching plant. Emissions of particulate matter (PM) and particulate matter less than 10 micrometers (PM-10) were evaluated during the permit review process.

Gruver Redi-Mix, Gruver, Texas, intends to operate a portable concrete batching plant.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during review of the permit application is available for public inspection during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE southwest district office, 302 W. McArtor Road, Dodge City. To obtain or review the proposed permit and supporting documentation, contact Cheryl Evans, (785) 296-6438, at the KDHE central office, or Wayne Neese, (316) 225-0596, at the KDHE southwest district office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Cheryl Evans, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620.

In order to be considered in formulating a final permit decision, written comments must be received by the close of business June 1.

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 1 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 022354

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. Palmer Manufacturing and Tank, Inc. has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of 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.

Palmer Manufacturing and Tank, Inc. owns and operates a fiberglass tank production facility located at 2814 W. Jones Ave., Garden City.

A copy of the proposed permit, permit application, all supporting 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 southwest district office, 302 W. McArtor Road, Dodge City. To obtain or review the proposed permit and supporting documentation, contact Donald J. Law, (785) 291-3271, at the KDHE central office, or Wayne Neese, (316) 225-0596, at the KDHE southwest district office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Donald J. Law, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business June 1.

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 1 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 022355

State of Kansas

State Corporation Commission

Notice of Motor Carrier Hearings

The following motor carriers have filed various applications and are scheduled for hearing at 9:30 a.m. May 19 before the commission at its offices, 1500 S.W. Arrowhead Road, Topeka, as indicated below. All applications listed herein are for statewide authority, unless otherwise stated. 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, (785) 271-3225 or 271-3151. The presiding officer for these matters is Paula Lentz, Assistant General Counsel, (785) 271-3279. 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."

Application for Certificate of Convenience and Necessity:

All American Tours, Inc., dba Casino Connection, 1015 E. 17th Ave., Hays, KS 67601; MC ID No. 154921; Passengers in charter party operations.

Application for Certificate of Public Service:

Double S Cattle Co., Inc., 8073 Road 12 South, Alamosa, CO 81101; MC ID No. 156164; General, commodities (except household goods and hazardous materials).

Leonard Fiscus, dba Stafford Lumber Co., 224 S. Main, Stafford, KS 67578-1432; MC ID No. 154445; William Barker, Attorney; General commodities (except household goods and hazardous materials).

William Ray Garrison, dba Bills Rural Service, Route 1, Box 37 A, P.O. Box 403, Ness City, KS 67560-0403; MC ID No. 156165; General commodities (except household goods and hazardous materials).

James E. Gilmore, dba "Gilmore" 24 Hour Towing, West 19th 920; Baxter Springs, KS 66713; MC ID No. 156166; Wrecked, disabled, repossessed and replacement vehicles.

Joe Gobl, dba Gobl Trucking Company, 622 N. 69 Highway, Arma, KS 66712; MC ID No. 155828; General commodities (except household goods).

Gyp Hills Roustabout, LLC, East Highway 160, Medicine Lodge, KS 67104; MC ID No. 156169; General commodities (except household goods and hazardous materials).

Jeremy Koehn, dba Jeremy Koehn Trucking, 710 N. Ash, Cimarron, KS 67835; MC ID No. 155311; General commodities (except household goods).

Jimmie L. Martin, dba J & L Service, Route 1, South Old 69 Highway, Pleasanton, KS 66075; MC ID No. 156167; Wrecked, disabled, repossessed and replacement vehicles.

Darrell Saddler, dba Oz Trucking, P.O. Box 24, Gem, KS 67734; MC ID NO. 156168; General commodities (except household goods and hazardous materials).

Triplett, Inc., 639 N. Ohio, Salina, KS 67401; MC ID No. 100915; General commodities (except household goods).

Application for Name Change of Certificate of Public Service:

August Windholz, Jr., dba Augie's Auto Repair, 506 Vine St., Hays, KS 67601, MC ID No. 105561, to: August Windholz, Jr., dba Augie's Repair & Towing, 506 Vine St., Hays, KS 67601; William Barker, Attorney; Wrecked, disabled, repossessed and replacement vehicles.

Don Carlile
Administrator
Transportation Division

Doc. No. 022360

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, May 14, in the conference room, Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, on the proposal for the Kansas Development Finance Authority to issue approximately \$21,000,000 principal amount of Health Facilities Revenue Bonds for Catholic Health Initiatives (the borrower). The bonds will be issued, pursuant to K.S.A. 74-8901 *et seq.*, to provide for the payment of or to reimburse Catholic Health Initiatives for expenditures related to the construction, renovation or equipping of various facilities at St. Catherine's Hospital, Garden City, Kansas, including but not limited to the Cancer Treatment Center, expansion of parking facilities and imaging department renovations, and to provide for the payment of or to reimburse Catholic Health Initiatives for expenditures related to the renovation and capital equipment expenditures at Central Kansas Medical Center, Great Bend, Kansas (jointly, the project), and to pay certain costs of issuance with respect to the bonds. The project is being financed for Catholic Health Initiatives. The project sites are St. Catherine's Hospital, 410 E. Walnut, 410 E. Spruce, 1133 Kansas, North 8th, 603½ N. 8th, North 6th, 502 N. 5th and 603 N. 5th, Garden City, Finney County, Kansas; and Central Kansas Medical Center, 3515 Broadway St., Great Bend, Barton County, Kansas.

The bonds, when issued, will be a limited obligation of the Kansas Development Finance Authority and will not constitute a general obligation or indebtedness of the State of Kansas or any political subdivision thereof, including the Authority, nor will the bonds constitute an indebtedness for which the faith and credit and taxing powers of the State of Kansas are pledged. The bonds will be payable solely and only from amounts received from the borrower, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bonds when they shall become due.

All individuals who appear at the hearing will be given an opportunity to express their views for or against the proposal to issue any specific bonds for the purpose of financing the project, and all written comments previously filed with the Authority at its offices at Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603, will be considered. Additional information regarding the project described above may be obtained by contacting the Authority.

Wm. F. Caton
President

Doc. No. 022365

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-98-64/68

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Applicant: Richard Cott, Keeott Farms, Inc. 1047 20th Road, Clay Center, KS 67432.

Kansas Permit No. A-LRCY-H004 Federal Permit No. KS-0094471 This is an expansion of an existing facility for a total 3,900 head (1,200 animal units) of swine.

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

Compliance Schedule: If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than 1.0 acre inch per acre per year.

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. A plan shall be submitted to the department within 60 days following permit issuance. The approved plan will become part of this permit.

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Applicant: J. Thomas Hardacre, Route 1, Box 98, Athol, KS 66932.

Kansas Permit No. A-SOSM-B015 This is an existing facility for 850 head (850 animal units) of cattle.

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

Compliance Schedule: Existing controls meet KDHE requirements.

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Applicant: Paul Moran, Route 1, Box 12, Alexander, KS 67531.

Kansas Permit No. A-UARH-B002 This is an existing facility for 950 head (950 animal units) of cattle.

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

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

Compliance Schedule: Existing controls meet KDHE requirements.

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Applicant: Nelson Poultry Farms, c/o Greg Nelson, 8530 E. Hwy. 24, Manhattan, KS 66502.

Kansas Permit No. A-KSPT-P004 Federal Permit No. KS-0094498 This is a new facility for 600,000 head (0 animal units) of poultry.

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: Existing controls meet KDHE requirements.

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Applicant: North Wheatridge L.L.C., Jerry Cox, Route 1, Box 33, Long Island, KS 67467.

Kansas Permit No. A-URPL-H006 Federal Permit No. KS-0094307 This is a new facility for 7,200 head (2,160 animal units) of swine. This draft permit was previously placed on public notice KS-AG-98-63. It is being re-noticed due to an error in the permit number.

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 waste management plan for the facility developed by Agricultural Engineering Associates and approved by the department shall be adhered to as a condition of this permit. The plan covers, but is not limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes.
2) Written verification that the center pivot system has been installed or is available for dewatering activities on the adjacent irrigated cropland is to be received to this department within twelve months of the issuance of this permit. Any other disposal equipment available should be included within the letter.
3) All other conditions listed in the approval letter are to be addressed in written form from the engineering firm or the owner/operator of the facilities prior to the utilization of the pollution control system.

Public Notice No. KS-98-043/045

Table with 3 columns: Name and Address of Applicant, Waterway, Type of Discharge. Applicant: City of Lincolnville, City Hall, P.O. Box 95, Lincolnville, KS 66858.

Kansas Permit No. M-NE43-0001 Federal Permit No. KS0090581

Legal: NE 1/4, S14, T18S, R4E, Marion County Facility Description: The proposed action is to reissue an existing permit for operation of an existing three-cell wastewater treatment lagoon system. The permit requirements 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.

Compliance Schedule: Existing controls meet KDHE requirements.

Table with 3 columns: Name and Address of Applicant, Waterway, Type of Discharge. Applicant: Sundowner West Meadows Improvement District, P.O. Box 2388, Salina, KS 67402.

Kansas Permit No. M-SA20-0001 Federal Permit No. KS0094161

Legal: SW¼, S28, T13S, R4W, Saline County

Facility Description: The proposed action is to issue a new permit for operation of a new three-cell wastewater treatment lagoon system. The proposed permit contains a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified operator. The requirements of the permit 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
Pittsburg Travel Plaza c/o David McLane 10867 N.E. Hwy. 69 Pittsburg, KS 66762	Spring River via Cow Creek via unnamed tributary	Treated domestic wastewater
Kansas Permit No. C-NE57-0004 Federal Permit No. KS0094391		

Legal: NW¼, S20, T31S, R25E, Cherokee County
Facility Description: The proposed action is to issue a new permit changing the status of this facility from nonoverflowing to discharging. The facility consists of a three-cell wastewater treatment lagoon system treating primarily domestic wastewater. The requirements of the permit 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.

Public Notice No. KS-ND-98-015/017

Name and Address of Applicant	Legal Location	Type of Discharge
City of Barnes City Hall Barnes, KS 66933	NW¼, S16, T4S, R5E, Washington County	Nonoverflowing
Kansas Permit No. M-BB02-NC01		

Facility Description: The proposed action is to reissue an existing permit for operation of an existing three-cell wastewater treatment lagoon system. The proposed permit contains a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified operator.

Name and Address of Applicant	Legal Location	Type of Discharge
Wright Improvement District P.O. Box 45 Wright, KS 67882	SW¼, S18, T26S, R23W, Ford County	Nonoverflowing
Kansas Permit No. M-UA43-NO01		

Facility Description: The proposed action is to reissue an existing permit for operation of an existing three-cell wastewater treatment lagoon system. The proposed permit contains a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified operator.

Name and Address of Applicant	Legal Location	Type of Discharge
IBP, Inc. c/o Wm. Tolle P.O. Box 515 Dakota City, NE 68731	NW¼, S22, T24S, R34W, Finney County	Nonoverflowing with irrigation
Kansas Permit No. I-UA18-NP03		

Facility Description: The proposed action is to reissue a modified permit for a nonoverflowing wastewater treatment facility with irrigation. The modifications consist of potential reductions in the number of parameters monitored and the frequency of monitoring after the first 12 months of monitoring are completed. Reduced monitoring will be considered if the levels of the monitored parameter(s) remain constant and additional data are not required to assure proper operation of the waste treatment and disposal systems. Pursuant to Kansas law, comments on the proposed permit are restricted to the modifications. The requirements of the permit are consistent with those of similar permits and Kansas law.

Public Notice No. KS-EG-98-013/017

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, draft permits have been prepared for the use of the wells described below within the State of Kansas.

Name and Address of Applicant	Well Location
Vulcan Materials Co. c/o Lonnie Roberts P.O. Box 12283 Wichita, KS 67277-2283	SE¼, NE¼, NE¼, S25, T29S, R3W, Sedgwick County, 4148' fsl and 227' fel from SE corner of Section
Well Identification #J56 KS Permit No. KS-03-173-145	
Well Identification #J57 KS Permit No. KS-03-173-146	SW¼, NW¼, NW¼, S30, T29S, R2W, Sedgwick County, 4279' fsl and 5367' fel from SE corner of Section
Well Identification #J58 KS Permit No. KS-03-173-147	NW¼, SW¼, NW¼, S30, T29S, R2W, Sedgwick County, 3940' fsl and 5372' fel from SE corner of Section
Well Identification #J59 KS Permit No. KS-03-173-148	SE¼, NE¼, NE¼, S25, T29S, R3W, Sedgwick County, 3969' fsl and 396' fel from SE corner of Section
Well Identification #J60 KS Permit No. KS-03-173-149	SE¼, NE¼, NE¼, S25, T29S, R3W, Sedgwick County, 4318' fsl and 397' fel from SE corner of Section

Description: The facility is a salt production plant. The fluid to be injected is fresh water only.

Written comments on the draft permits must be submitted to the attention of Dorothy Geisler 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-98-64/68, KS-98-043/045, KS-ND-98-015/017, KS-EG-98-013/017) 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 of Health
and Environment

Doc. No. 022359

State of Kansas

Department of Revenue

Revenue Ruling 12-1998-04

Issue: When do construction in progress expenditures qualify for the investment tax credit through the High Performance Incentive Program?

Relevant Statutes: K.S.A. 79-32,154(e)

The purpose of this revenue ruling is to clarify when construction in progress expenditures may be included in the investment tax credit calculation through the High Performance Incentive Program.

The investment tax credit through the High Performance Incentive Program begins its calculation with qualified business facility investment. K.S.A. 79-32,154(e) defines qualified business facility investment as "the value of the real and tangible personal property, except inventory or property held for sale to customers in the ordinary course of the taxpayer's business, which constitutes the qualified business facility, or which is used by the taxpayer in the operation of the qualified business facility . . ." (emphasis added)

Construction in progress consists of assets and improvements not yet placed in service. Therefore, they cannot be used in the operation of the taxpayer's facility. The use of the property does not occur until after the construction is completed.

The department will allow expenditures for construction in progress in the calculation of the investment tax credit for the High Performance Incentive Program when the investment is first available for use or first capable of being used by the taxpayer.

Capital investment can be included in the calculation for an HPIP investment tax credit only during the HPIP certification (recertification) period. Therefore, a business making a large capital investment must try to establish its certification period to coincide with the timeframe during which eligible expenditures are made.

In a multi-phase project spanning more than one 12-month period, where a facility is brought on-line section by section, the department does not allow expenditures into the calculation of the investment tax credit for each separate section of a facility as that portion of the facility is brought on-line or becomes usable by the taxpayer. Thus, Kansas does not require that the entire facility be operational or capable of use. If a portion of the facility is operational and usable, those expenditures for that portion of the facility should no longer be considered as construction in progress and may be used in the calculation of the credit.

In summary, expenditures for construction in progress are used in the calculation of the investment tax credit when the investment is first available for use or first capable of being used by the taxpayer. Therefore, if there are expenditures which are considered as construction in progress, these expenditures are claimed for the investment tax credit when the facility or portion of the facility is fully operational.

John D. LaFaver
Secretary of Revenue

Doc. No. 022361

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. A complete listing of Kansas state agencies, boards and commissions are included in the Kansas Directory, published by the Secretary of State. The following appointments, which are effective immediately unless otherwise specified, were recently filed with the Secretary of State:

**Sherman County Commissioner,
District 1**

Charles Frankenfeld, 510 Walnut Ave., Goodland, 67735. Term expires when a successor is elected and qualifies according to law. Succeeds Cynthia K. Strnad, resigned.

**Kansas-Colorado Arkansas River
Compact Commission**

David L. Pope, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 901 S. Kansas Ave., 2nd Floor, Topeka, 66612. Term expires June 7, 2001. Reappointed.

State Building Advisory Commission

Mark F. Arbuthnot, 1601 Wildcat Drive, Abilene, 67410. Term expires December 31, 2001. Reappointed.

Duane W. Peaslee, 930 E. 28th, Lawrence, 66046. Term expires December 31, 2000. Reappointed.

Kansas Historical Records Advisory Board

Sally Akers, 16 Hilltop St., Elkhart, 67950. Term expires June 30, 2000. Succeeds Linda Schreppel.

Marilyn Chapman, Sedgwick County Election Commissioner, 510 N. Main, Wichita, 67203. Term expires June 30, 2000. Reappointed.

Carol G. Green, Clerk of the Appellate Courts, Kansas Judicial Center, 301 S.W. 10th Ave., Topeka, 66612. Term expires June 30, 2001. Reappointed.

David Haury, 3132 S.W. Bell Ave., Topeka, 66614. Term expires June 30, 2000. Reappointed.

Donald C. Heiman, 900 S.W. Jackson, Room 751-S, Topeka, 66612. Term expires June 30, 2000. Succeeds Michael Piper.

Pat Michaelis, State Archivist, Kansas History Center, 6425 S.W. 6th, Topeka, 66615. Term expires June 30, 2001.

Ramon Powers, State Coordinator, Kansas History Center, 6425 S.W. 6th, Topeka, 66615. Term expires July 3, 2001. Reappointed.

Martin M. Teasley, 1603 Hickok, Abilene, 67410. Term expires June 30, 2001. Reappointed.

Sheryl K. Williams, 1101 W. 27th St., Lawrence, 66046. Term expires June 30, 2001. Reappointed.

**State Board of Indigents/
Defense Services**

Brenda K. Wright, 301 Epperson, Scott City, 67871. Term expires January 15, 2001. Reappointed.

Kansas, Inc.

Alan R. Hoffman, 1173 280th Ave., Hays, 67601. Term expires January 15, 2002. Succeeds John Farmer.

Deryl K. Schuster, 27931 W. 87th St. South, Viola, 67149. Term expires January 15, 2002. Reappointed.

Kansas Technology Enterprise Corporation

Thomas W. Sarowski, 12448 Linden St., Shawnee Mission, 66209. Term expires January 15, 2002. Succeeds Howard Mossberg.

Tracy B. Taylor, 8837 Linden Drive, Shawnee Mission, 66207. Term expires January 15, 2002. Reappointed.

Ron Thornburgh
Secretary of State

Doc. No. 022334

(Published in the Kansas Register April 30, 1998.)

City of Overland Park, Kansas

Notice to Bidders

Sealed bids for Metcalf Avenue (151st Street to 159th Street), KDOT Project No. 46 N-0098-01, will be received by the City of Overland Park, Kansas, at the office of the city clerk, 8500 Santa Fe Drive, Overland Park, until 2 p.m. Tuesday, May 26, 1998. At that time all sealed bids will be transferred to the City Council Chamber, City Hall, 8500 Santa Fe Drive, Overland Park, where they will be publicly opened and read aloud. Any bid received after the designated closing time will be returned unopened.

All bids shall be submitted in sealed envelopes addressed to the city clerk of Overland Park, Kansas, and marked "Bid for: Metcalf Avenue (151st Street to 159th Street), KDOT Project No. 46 N-0098-01." Copies of plans, specifications, bid documents and other contract documents are on file at the office of HNTB Corporation, 7007 College Blvd., Suite 150, Overland Park, KS 66211. Contractors desiring the contract documents for use in preparing bids may obtain a set of such documents from HNTB Corporation upon a nonrefundable payment of \$200.

Contractors should read and be fully familiar with all contract documents before submitting a bid. In submitting a bid, the bidder warrants that it has read the contract documents and is fully familiar therewith and that it has visited the site of the work to fully inform itself as to all existing conditions and limitations and shall include in its bid a sum to cover the cost of all items of the work.

Should a bidder find "defects" as defined in paragraph GC-2 of the general conditions, it shall follow the procedures outlined in paragraph GC-3 to bring same to the attention of city. Changes necessitated thereby shall be in the form of addenda issued by the consulting engineer.

All bidders shall verify that they have considered all written addenda. Neither the city nor the consulting engineer shall be responsible for oral instructions.

Any written addenda issued during the time of bidding shall be covered and included in the bid. There will be

no clarifications or exceptions allowed on a bid. Bids are for a total bid package and total contract price.

Bids shall be made upon the form provided in ink or typewritten. Numbers shall be stated both in writing and in figures; the signature shall be long hand; and the complete form shall be without alteration and erasure. On alternate items for which a bid is not submitted, a written indication of "no bid" on the bid form is required.

No oral, telegraphic, facsimile or telephonic bids or alterations will be considered.

The following items must be included in the sealed envelope with the bid:

- a. Bid
- b. 5% bid security—bid bond, cashier's check or certified check (see below)
- c. Signed documents (KDOT certifications)
 - Certifications regarding noncollusion and history of debarment
 - Certification—federal funds—lobbying
 - Required contract provision certification - contractual services with current legislator or legislator's firm

Each bidder shall file with its bid a bid bond, a cashier's check or a certified check drawn on any acceptable bank, made payable to the City of Overland Park, Kansas, in an amount of not less than 5 percent of the total bid, which shall be retained by the City of Overland Park until a contract for the project has been executed. Bid bonds will be returned to the unsuccessful bidders, with the exception of the second qualifying bidder, at such time as their bids are rejected. The bid deposit of the successful bidder and the second qualifying bidder will be returned when satisfactory bonds in an amount equal to 100 percent of the contract amount, required insurance certificates and other required documents shall have been furnished and the contract documents have been executed.

In the event the successful bidder is unable to execute the contract, for whatever reason, the city may exercise its legal prerogatives, including, but not limited to, enforcement of its rights as to the bid security.

The city reserves the right to accept or reject any and all bids and to waive any technicalities or irregularities therein. Bids may be modified or withdrawn by written request of the bidder received in the office of the city clerk prior to the time and date for bid opening; provided, however, that no bidder may withdraw its bid for a period of 30 days from the date set for the opening thereof. All bidders agree that rejection shall create no liability on the part of the city because of such rejection, and the filing of any bid in response to this invitation shall constitute an agreement of the bidder to these conditions.

A pre-bid conference will be conducted at 10 a.m. Monday, May 18, in Conference Room 1, Overland Park City Hall.

City of Overland Park, Kansas
By Daniel G. Miller
Special Projects Engineer

Doc. No. 022344

State of Kansas

Office of Judicial Administration

Supreme Court Docket

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

Tuesday, May 26, 1998

9:00 a.m.

Case No.	Case Name	Attorneys	County
76,870	In the Matter of the Appeal of Alsop Sand Company, Inc. From a Notice of Assessment of Sales and Compensating Taxes.	John Michael Hale Derrick L. Roberson	Tax Appeal
		Petition for Review	
77,288	B. Nathalie Steinle, Appellant, v. Richard G. Knowles, <i>et al.</i> , Appellees.	Christopher A. McElgunn Kenneth G. Gale Tim Connell	Sedgwick
		Petition for Review	
76,766	Kimberly Whipp, Appellee, v. Christian Whipp, Appellant.	Jess W. Arbuckle Trish Rose	Reno
		Petition for Review	
77,951	State of Kansas, Appellee, v. Sharon K. Carr, Appellant.	Carla J. Stovall, Attorney General Debra S. Peterson, Assistant District Attorney Cheryl A. Pilate	Sedgwick

1:30 p.m.

79,085	First Financial Insurance Company, Appellant, v. Verdell and Earlene Bugg, <i>et al.</i> , Appellees.	Larry G. Karns James L. Wisler Kala Spigarellil	Shawnee
76,394	Garvey Elevators, Inc., Appellee, v. Kansas Human Rights Commission and Eli A. Jackson, Appellants.	John W. Jordan Glenn S. Grayson	Sedgwick
		Petition for Review	
79,731	Kathy Thurmond, Appellant, v. Elliott Thurmond, Appellee.	Amy L. Durkin Elliott S. Thurmond, Pro Se	Shawnee
79,449 79,450	Amy J. Rupp, <i>et al.</i> , Appellants, v. Tom Grubb, Appellee.	Lee A. Fisher Tom Grubb, Pro Se	Ellis

Wednesday, May 27, 1998

9:00 a.m.

Case No.	Case Name	Attorneys	County
78,883	Wesley J. Bittel, <i>et al.</i> , Appellants, v. Farm Credit Services of Central Kansas, Appellee.	Patrick Wiesner J. Randall Clinkscates	Ellis
78,715	Christy R. Kelly, Appellant, v. Patrick R. Kelly, Appellee.	Rebecca M. Randles William J. Paprota Thad E. Nugent	Johnson
76,921	State of Kansas, Appellee, v. Marvin L. Canaan, Appellant.	Carla J. Stovall, Attorney General Paul J. Morrison, District Attorney Steven R. McConnell	Johnson

79,841	State of Kansas, Appellee, v. Thomas L. Peterson, Appellant.	Carla J. Stovall, Attorney General Paul J. Morrison, District Attorney Sharon L. Stolte	Johnson
1:30 p.m.			
79,546	Alice F. Long, Appellant, v. Steven L. Turk, Appellee.	Jerry R. Palmer Thomas E. Wright	Shawnee
77,912	Bruce R. Hawkinson, Appellee, v. Robert E. Bennett and Linda K. Bennett, Appellants.	Gordon E. Wells, Jr. Stephen J. Dennis Gordon M. Rock, Jr.	Johnson
78,892	Neil Aldoroty, M.D., Appellee, v. HCA Health Services of Kansas, Inc., Appellant.	Derek S. Casey John H. Gibson	Sedgwick
80,883	In the Matter of Michael L. Lewis, Respondent.	Frank D. Diehl, Deputy Disciplinary Administrator Thomas Odell Rost Michael L. Lewis, Pro Se	Original

Thursday, May 28, 1998

Case No.	Case Name	Attorneys	County
79,810	City of Wichita, Appellant, v. Otto Meyer and R.E.M. Properties, <i>et al.</i> , Appellees.	Robert W. Coykendall Robert W. Kaplan	Sedgwick
78,687	Jerry C. King, Appellee, v. John L. White, <i>et al.</i> , Appellants.	Todd N. Thompson Mark A. Rohrbaugh Richard M. Beheler Gregory P. Forney	Leavenworth
79,647	Kathy Kaul, <i>et al.</i> , Appellants, v. State of Kansas, Department of Revenue, <i>et al.</i> , Appellees.	Pantaleon Florez, Jr. John Michael Hale	Jackson
75,570	State of Kansas, Appellee, v. Matthew Turk, Appellant.	Carla J. Stovall, Attorney General John M. Hamilton, District Attorney Petition for Review William R. Stewart	Shawnee
1:30 p.m.			
77,686 79,263	Michael P. Mitchell, Appellee, v. Liberty Mutual Insurance Company and Shelter Mutual Insurance Company, Appellants.	Robert G. Herndon Paul Hasty, Jr.	Riley
77,111	Board of County Commissioners of Ness County, Appellant, v. Bankoff Oil Company, Appellee.	Larry D. Tittel, County Attorney Petition for Review Jack Glaves	Ness

(continued)

Friday, May 29, 1998

9:00 a.m.

Case No.	Case Name	Attorneys	County
76,192	Alberta Brumley, <i>et al.</i> , Appellants, v. David Wayne Lee and Safeco Insurance Company, Appellees.	Scott C. Nehrbass Paul Hasty, Jr.	Johnson
		Motion for Rehearing	
80,391	In the Matter of Kerry J. Granger, Respondent.	Marty M. Snyder, Deputy Disciplinary Administrator William L. Mitchell Kerry J. Granger, Pro Se	Original
80,599	In the Matter of S.A. (Tim) Scimeca, Respondent.	Marty M. Snyder, Deputy Disciplinary Administrator S.A. (Tim) Scimeca, Pro Se	Original
80,672	In the Matter of Ronald D. Barta, Respondent.	Marty M. Snyder, Deputy Disciplinary Administrator Jack Focht Ronald D. Barta, Pro Se	Original

Carol G. Green
Clerk of the Appellate Courts

Doc. No. 022346

State of Kansas

Department of Revenue
Division of Vehicles

Notice of Relocation of Existing
New Motor Vehicle Dealer

Notice has been received from the General Motors Corporation, Chevrolet Division, that Morse Chevrolet Inc., Kansas dealer license number 62, will be relocated from its current dealership location of 9201 Metcalf, Overland Park, Kansas, to its new location at the northwest corner of Highway 169 and 135th Street in Overland Park, Kansas, effective on or after August 1, 2000.

Any new motor vehicle dealer may protest the proposed relocation of Morse Chevrolet Inc. if that new motor vehicle dealer has a franchise agreement for the same line-make vehicle as that which is to be sold or offered for sale by Morse Chevrolet Inc. at the proposed new location, provided that the new motor vehicle dealer is physically located such that its relevant market area, as defined in K.S.A. 1997 Supp. 8-2430 subsection (e), includes the location where Morse Chevrolet Inc. is proposed to be located.

Any petition or complaint must be filed with Betty McBride, Director of the Division of Vehicles, Room 162 S, Docking State Office Building, 915 S.W. Harrison, Topeka, 66626, within 30 days of this published notice.

John LaFaver
Secretary of Revenue

Doc. No. 022368

State of Kansas

Kansas Water Office

Notice of Hearings on the
1998 Kansas Water Plan

The Kansas Water Office will be conducting three formal public hearings June 2-4 to discuss proposed working drafts of three policy subsections being considered for inclusion in the Kansas Water Plan. These proposals address issues relating to water-based recreation, water resource education, and public information. Input received from the public hearings will be used to develop drafts for review by the Kansas Water Authority at its meeting July 9-10. Hearing locations are as follows:

Date	Time	Location
June 2	1:30 p.m.	Old Supreme Court Room 3rd Floor, State Capitol 300 S.W. 10th Ave., Topeka
June 3	1:30 p.m.	Room 3080, Wichita State Office Building 230 E. William, Wichita
June 4	1:30 p.m.	City Commission Chambers, City Hall 16th and Main, Hays

If accommodations are needed for persons with disabilities, please notify the Kansas Water Office at least two days prior to the hearing.

For additional information, contact John Gottschamer, Public Information Coordinator, toll free at 1-888-KAN-WATER or e-mail at jgottsch@fog.kwo.state.ks.us.

Al LeDoux
Director

Doc. No. 022369

State of Kansas

Kansas Insurance Department

Notice of Change in Pharmacy Network

Pursuant to K.S.A. 40-2,153, the Commissioner of Insurance is publishing notice that a change has occurred in a pharmacy network in the State of Kansas. Benchmark Insurance Companies Pharmacy Network has notified the department of the addition of PCS Health System, Scottsdale, Arizona, effective March 1, 1998. Questions should be directed to Rebecca Sanders at the Kansas Insurance Department, (785) 296-3071.

Kathleen Sebelius
Commissioner of Insurance

Doc. No. 022337

State of Kansas

Kansas Commission on Governmental Standards and Conduct

Opinion No. 1998-10

Written April 16, 1998, to Camille Nohe, Assistant Attorney General, Topeka.

This opinion is in response to your letter of March 3, 1998, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state level conflict of interest laws (K.S.A. 46-215 *et seq.*). We note at the outset that the commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule and regulation apply to your inquiry is not covered by this opinion.

Factual Statement

We understand you request this opinion in your capacity as the Assistant Attorney General assigned to the Kansas Board of Veterinary Examiners (board). You advise us that the current veterinary premise inspector is the brother-in-law of the board's executive director. The board has decided to eliminate the salaried veterinary premise inspector position, and instead enter into an hourly employment contract with a person to conduct premise inspections.

You further advise us that the board is aware that under the state nepotism statute, K.S.A. 46-246a, state officers and employees are prohibited from doing certain activities involving household or family members. In addition, the board is aware of KCGSC Opinion No. 92-20 in which this commission opined that "family member" includes a "sibling related by marriage as denoted by the suffix of in-law."

The board is concerned about the legality of hiring the executive director's brother-in-law for the hourly position. While the 1992 Kansas Legislature deleted the words "supervise or manage" from subsection (a) of the statute, subsection (b) states that a state officer or employee may not "participate in an action relating to the employment" of a household or family member. The board seeks clarification of that particular phrase.

Questions

Under the state nepotism statute, K.S.A. 46-246a, you ask us a series of questions involving the ability of the executive director to interact with his brother-in-law, if that individual was hired as the premise inspector.

1. Could the executive director assign particular premises to be inspected?
2. Could they confer about the status or results of premise inspections?
3. Could the executive director advise or recommend that further action be taken in relation to an inspection?
4. Could the executive director conduct work performance evaluations of the inspector?
5. Could the executive director recommend an increase or decrease in the inspector's hourly rate?
6. Could the executive director recommend a continuation or termination of the inspector's employment contract?
7. Could the executive director be involved in other activities that are pertinent to veterinary premise inspections?

Opinion

K.S.A. 46-246a subsections (a) and (b) state the following:

(a) From and after the effective date of this act, no state officer or employee shall advocate or cause the employment, appointment, promotion, transfer or advancement to any office or position of the state, of a member of such officer's or employee's household or a family member.

(b) No state officer or employee shall participate in an action relating to the employment or discipline of a member of the officer's or employee's household or a family member.

The commission believes that since the words "supervise or manage" were stricken, the phrase "participate in an action relating to the employment" cannot prohibit such activity. In addition, the phrase must be read in conjunction with the words "or discipline." Therefore, the phrase prohibits a state officer or employee from participating in activities that extend beyond "supervise or manage" and actually affect the "employment" or "discipline" of a household/family member such as negotiating the terms of an employment contract, performance evaluations and disciplinary hearings.

Turning to your questions, we believe that questions 1, 2 and 3 fall under "supervise or manage" and are therefore permissible under the current wording of the statute. Questions 4, 5 and 6 concern the actual "employment" of the inspector, and the executive director could not participate in such actions. Question 7 is not specific enough for the commission to answer.

In closing, we note that nothing prohibits the board from hiring the executive director's brother-in-law as a premises inspector. However, the executive director and the inspector could not participate in any of the activities prohibited in K.S.A. 46-246a.

Diane Gaede
Chairwoman

Doc. No. 022331

State of Kansas

Kansas Insurance Department

Notice of Change in Pharmacy Network

Pursuant to K.S.A. 40-2,153, the Commissioner of Insurance is publishing notice that a change has occurred in a pharmacy network in the State of Kansas. Prudential HealthCare Pharmacy Network has notified the department of the deletion of Osco Drug, #2157, Topeka, Kansas, effective May 2, 1998. Questions should be directed to Rebecca Sanders at the Kansas Insurance Department, (785) 296-3071.

Kathleen Sebelius
Kansas Insurance Commissioner

Doc. No. 022338

State of Kansas

Department of Health
and EnvironmentPermanent Administrative
RegulationsArticle 19.—AMBIENT AIR QUALITY STANDARDS
AND AIR POLLUTION CONTROL

28-19-70. Leaks from gasoline delivery vessels and vapor collection systems. (a) No person shall load or permit the loading of gasoline from any bulk gasoline terminal (BGT) loading rack into any gasoline delivery vessel (GDV) unless the BGT loading rack is equipped with a vapor collection system that is connected to a vapor processing system and unless this person complies with the requirements of this regulation.

(b) The loading of gasoline from a BGT into a GDV shall be carried out in compliance with the following requirements.

(1) The level of combustible organic vapors shall be less than 100 percent of the lower explosive limit, measured as propane, at one inch around the perimeter of any leak source on the GDV or the connected BGT vapor collection system during the gasoline loading operation. Compliance shall be determined in accordance with 40 CFR Part 60, appendix A, reference method 21, revised as of July 1, 1986, or an alternate method demonstrated to the satisfaction of the department to be equivalent to that reference method.

(2) There shall not be any visible liquid leaks from the GDV or the BGT vapor collection and processing system during the gasoline loading operation.

(3) The vapor collection and vapor processing system provided at the BGT shall be designed and operated to prevent gauge pressure in the GDV from exceeding 18 inches of water and to prevent vacuum gauge pressure in the GDV from exceeding six inches of water during the gasoline loading operation.

(4) The GDV being loaded shall be in compliance with the requirements of subsection (c) of this regulation.

(c)(1) The owner or operator of each GDV that is operated within the area of applicability, as defined in subsection (f) of this regulation, shall demonstrate that a

pressure change in the GDV of not more than three inches of water in five minutes will occur when the GDV is subjected to these conditions:

(A) pressurized to a gauge pressure of 18 inches of water; and

(B) evacuated to a gauge pressure of six inches of water. This demonstration shall be made using the testing procedures prescribed in 40 CFR Part 60, appendix A, method 27, revised as of July 1, 1986.

(2) The owner or operator of each GDV operated within the area of applicability, as defined in subsection (f) of this regulation, shall certify that the GDV satisfies the requirements of paragraph (c)(1) of this regulation in the following manner.

(A) The owner or operator shall demonstrate compliance with the parameters in paragraph (c)(1) by the successful completion of an annual test of each GDV.

(B) The period for annual testing shall be from January 1 to May 31, inclusive, of each year.

(C) The owner or operator shall submit the result or results of GDV testing to the department, on forms approved by the department, before July 31 of the same year in which the test is completed and in which compliance is to be demonstrated.

(D) Failure to test a GDV operated within the area of applicability, as defined in subsection (f) of this regulation, before June 1 of each year, shall be a violation of this regulation.

(E) Failure to submit the results of testing for a GDV operated within the area of applicability on the department-approved forms before July 31 of the certification year shall be a violation of this regulation.

(3) Each owner or operator of a GDV subject to this regulation shall place a copy or copies of the annual successful test results in the respective GDV, which test results name the company or person performing the testing.

(4) Within 15 days after a GDV fails the required testing, the owner or operator shall either repair and then certify that the GDV passed the required testing, or discontinue use as a GDV in areas identified as not meeting the national ambient air quality standard for ozone in the manner prescribed by the provisions of Section 107(d) of the federal clean air act, 42 U.S.C. §7407(d), as promulgated at 40 CFR Part 81, revised as of July 1, 1986, and amended at 51 Fed. Reg. 25,200, July 11, 1986, until it has been tested successfully.

(5) Each owner or operator of a GDV shall notify the director within 15 days of the date any liquid or vapor leaks occur at the GDV during gasoline loading and transfer operations, and shall identify the corrective measures taken to repair the GDV.

(6) Each owner or operator of a GDV shall notify the department of the first time and place after certification that the GDV transfers gasoline at a gasoline dispensing facility subject to K.A.R. 28-19-72, to provide the department with the opportunity to inspect the GDV after certification in accordance with paragraphs (1) through (4) of this subsection.

(d) Gasoline shall not be loaded into or from any GDV that has not been certified as complying with subsection (c).

(e) The provisions of this regulation shall apply only to gasoline loading operations conducted at BGTs subject to the provisions of K.A.R. 28-19-64, and to gasoline transfer operations at gasoline dispensing facilities subject to the provisions of K.A.R. 28-19-72.

(f) Each owner or operator of a GDV operating in areas that have been identified as not meeting the national ambient air quality standard for ozone in the manner as prescribed by the provisions of section 107(d) of the federal clean air act, 42 U.S.C. §7407(d), as promulgated at 40 CFR Part 81, revised as of July 1, 1986, and amended at 51 Fed. Reg. 25,200, July 11, 1986 shall meet these requirements:

(1) comply with applicable requirements of this regulation within 60 days after the GDV becomes subject to the provisions of this regulation for GDVs in service before the effective date of this regulation; and

(2) comply with applicable requirements of this regulation as of the date of entering service for GDVs entering service after the effective date of this regulation. (Authorized by K.S.A. 1996 Supp. 65-3005, K.S.A. 65-3010; implementing K.S.A. 1996 Supp. 65-3005, K.S.A. 65-3010; effective May 1, 1982; amended, T-88-55, Dec. 16, 1987; amended May 1, 1988; amended May 15, 1998.)

28-19-564. Class II operating permits; permits-by-rule; sources with actual emissions less than 50 percent of major source thresholds. (a) Any stationary source, or group of stationary sources, that would be classified as a major source based on its potential-to-emit may operate pursuant to this regulation in lieu of obtaining an individual class I or class II operating permit, if the source is operated in compliance with subsections (d), (e), (f) of this regulation, and with either subsection (b) or (c) of this regulation.

(b) Any stationary source or group of stationary sources that has actual emissions not exceeding 25 percent of the major source threshold, as defined in K.A.R. 28-19-200, may operate pursuant to this subsection of this regulation, if the source complies with the conditions of paragraphs (1) through (5) of this subsection.

(1) The stationary source is not otherwise required to obtain a class I operating permit.

(2) The owner or operator of the stationary source notifies the department, in writing, that it elects to operate the source under this regulation.

(3) The actual emissions of each regulated pollutant, for every consecutive 12-month period during which the stationary source is operated under this regulation, do not exceed 25 percent of the major source threshold.

(4) The owner or operator of the stationary source maintains records on-site that are adequate to demonstrate compliance with the 25 percent actual emissions limitation.

(5) The owner or operator updates the records required by paragraph (b)(4) of this regulation at least monthly and maintains the records on-site for not less than two years from the date of record.

(c) Any stationary source or group of stationary sources with actual emissions not exceeding 50 percent of the major source threshold, as defined in K.A.R. 28-19-200 may operate pursuant to this subsection of this reg-

ulation if the source complies with the conditions of paragraphs (1) through (6) of this subsection.

(1) The stationary source is not otherwise required to obtain a class I operating permit.

(2) The owner or operator of the stationary source has submitted to the department an application to operate under the terms of this regulation, with the appropriate fee, as defined in K.A.R. 28-19-516.

(3) The owner or operator of the stationary source has received notice from the department that the application submitted for the source has been approved.

(4) The actual emissions from the stationary source, for every consecutive 12-month period during which the stationary source is operated under this regulation, do not exceed 50 percent of the major source threshold.

(5) The stationary source maintains records on-site that are adequate to demonstrate compliance with the 50 percent actual emissions limitation.

(6) The owner or operator updates the records required by paragraph (c)(5) of this regulation at least monthly and maintains the records on-site for not less than two years.

(d)(1) If at any time a stationary source operating pursuant to this regulation exceeds the emissions level of either paragraph (b)(3) or (c)(4) of this regulation, whichever is applicable to the source based on its election to operate pursuant to this regulation, the owner or operator shall notify the department in writing.

(2) The owner or operator shall mail or deliver the notice to the department on the first working day after the discovery of the failure to comply.

(3) Within 60 days of the discovery of a failure to comply with an applicable requirement of this regulation, the owner or operator shall submit to the department a compliance plan and schedule identifying those actions being taken by the owner or operator to assure future compliance with applicable requirements.

(4) Submittal of and compliance with the compliance plan and schedule shall not shield the owner or operator from enforcement action by the department.

(5) The owner or operator shall also file an application for the appropriate class I or class II operating permit within 180 days of discovery of the exceedance of the limits of either paragraph (b)(2) or (c)(4) of this regulation, whichever is applicable to the source based on its election to operate pursuant to this regulation, unless otherwise exempt.

(e) Compliance with this regulation shall not shield the owner or operator from enforcement action for exceeding any applicable restrictions, or for any other violations of the Kansas air quality act or the Kansas air quality regulations.

(f) Each stationary source operated pursuant to this regulation shall continue to be subject to all other applicable requirements of the Kansas air quality act and the Kansas air quality regulations. (Authorized by K.S.A. 1996 Supp. 65-3005; implementing K.S.A. 1996 Supp. 65-3008; effective May 15, 1998.)

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 022340

State of Kansas

Racing and Gaming Commission

Permanent Administrative Regulations

Article 4.—OCCUPATION AND CONCESSIONAIRE LICENSES

112-4-23. Conduct. No person shall perform any of the following: (a) engage in any conduct that by its nature is unsportsmanlike or detrimental to the best interests of racing;

(b) willfully ignore, refuse to comply, or interfere with verbal or written orders of a racing official or commission employee or representative in the performance of official duties; or

(c) threaten or use abusive or profane language when addressing a racing official, licensee, or commission employee or representative. (Authorized by and implementing K.S.A. 1997 Supp. 74-8804 and 74-8816; effective, T-112-8-13-92, Aug. 13, 1992; effective, T-112-12-10-92, Dec. 10, 1992; effective Feb. 15, 1993; amended May 15, 1998.)

Article 16.—SIMPLIFIED HEARING PROCEDURES

112-16-11. Orders. (a) Within a reasonable time after the hearing, the hearing body shall enter a written order.

(b) An order shall include a brief statement of the findings of the hearing body and any penalty prescribed. The findings shall be based exclusively upon the evidence of record and on matters officially noticed in the hearing.

(c) For stewards' and racing judges' hearings, the order shall also include a statement that the order is subject to appeal to the commission and the available procedures and time limits for seeking an appeal. The order shall further include a statement that any suspension imposed by the order may be stayed, pending appeal.

(d) For stewards' and racing judges' hearings, the hearing body may impose any penalty authorized by law and may refer the matter to the commission with findings and recommendations for imposition of greater penalties.

(e) An order shall be effective when rendered.

(f) The presiding officer shall cause copies of the order to be served upon each party to the proceedings. (Authorized by K.S.A. 1997 Supp. 74-8804; implementing K.S.A. 1997 Supp. 74-8816; effective, T-112-7-1-91, July 1, 1991; effective Oct. 21, 1991; amended May 15, 1998.)

Myron P. Scafe
Executive Director

Doc. No. 022335

State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 1997 Supp. 12-1675(b)(c)(d), and K.S.A. 75-4201(l) and 75-4209(a)(1)(B).

Effective 4-27-98 through 5-3-98

Term	Rate
1-89 days	5.40%
3 months	5.09%
6 months	5.44%
9 months	5.52%
12 months	5.53%
18 months	5.60%
24 months	5.58%

William E. Lewis
Chairman

Doc. No. 022330

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 (785) 296-2377 for additional information:

Monday, May 11, 1998

33070

Kansas State University—Satellite transponder time
33075

Larned State Hospital and Larned Correctional
Mental Health Facility—Natural gas services
7517

University of Kansas Medical Center—Automatic
computer-controlled benchtop gamma counter system
7532

Department of Transportation—Spectrum analyzer,
Hutchinson

Tuesday, May 12, 1998

33029

University of Kansas—OCR scanner
33059

All agencies of the State of Kansas—Northern
Telecom CPE equipment
7512

University of Kansas—China
7531

Kansas Lottery—Plastic organizers
7533

Wichita State University—Furnish and install
document imaging system
7536

Kansas Department of Wildlife and Parks—Hunting
permits

Wednesday, May 13, 1998

33074

Hutchinson Correctional Facility—Refuse collection services

33078

Kansas Department of Wildlife and Parks—Binoculars and spotting scopes, various

7504

Kansas Department of Wildlife and Parks—Agricultural native grass seed drill, Toronto

7505

Kansas Department of Wildlife and Parks—Outboard boat motors, various locations

7506

Kansas Department of Social and Rehabilitation Services—Off-road utility vehicle, Clyde

7507

Kansas Department of Social and Rehabilitation Services—LP forklift

7508

University of Kansas—Furnish and install carpet and cove base

7510

Department of Transportation—Steel posts, Chanute

7527

Department of Transportation—Steel sign and delineator posts, Chanute

7528

Department of Transportation—Corrugated metal arch pipe, Osage City

7529

Department of Transportation—Corrugated polyethylene pipe, Topeka

Thursday, May 14, 1998

7518

Department of Transportation—Truck mounted post driver

7519

Fort Hays State University—Agricultural tractor

7523

Adjutant General's Department—Camera data on sewer and floor drain lines, Wichita

7525

Department of Transportation—Furnish and install overhead door and operators, Garden City

Friday, May 15, 1998

7522

Kansas State University—Padmount transformer

7524

University of Kansas—Remove and reinstall boiler tubes

7526

Department of Transportation—Wood signposts, Garden City

7530

University of Kansas—Doors, frames and hardware

7534

Kansas State University—Research plot combine, Hays

Tuesday, May 19, 1998

A-8296

Larned State Hospital—Security system upgrade, Dillon Building

Wednesday, May 20, 1998

A-8254 Rev.

Kansas Department of Wildlife and Parks—Covered boat slips, Prairie Dog State Park, Norton

A-8345

Department of Transportation—Reroof sub-area shop, Washington

A-8481

University of Kansas—Classlab improvements, Art and Design Building

7520

Department of Corrections—Kitchen equipment

Thursday, May 21, 1998

A-8300

Parsons State Hospital—Swimming pool repairs, Recreation Building

A-8346

Department of Transportation—Reroof sub-area shop, McPherson

A-8362

Department of Transportation—Reroof area office/shop, Winfield

A-8363

Department of Transportation—Reroof area office/shop, Anthony

A-8425(A)

Kansas School for the Deaf—Electrical service upgrade, Roberts Building

33068

Department of Transportation—Audit services

7535

Department of Social and Rehabilitation Services—Vending machines

Tuesday, June 23, 1998

33076

Kansas State University—Maintenance equipment insurance

Request for Proposals

Monday, June 1, 1998

33064

Department of Corrections—Wichita parole office space lease

Wednesday, June 10, 1998

33066

Department of Social and Rehabilitation Services—Health benefits enrollment and outreach

John T. Houlihan
Director of Purchases

Doc. No. 022364

State of Kansas

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of Construction and Maintenance, KDOT, Topeka, or at the Ramada Inn Downtown, Topeka, until 2 p.m. May 20, 1998, and then publicly opened:

District One—Northeast

Douglas—10-23 U-1691-01—K-10 (23rd Street) and Naismith Drive in Lawrence, traffic signals. (Federal Funds)

Douglas—40-23 U-1692-01—U.S. 40/U.S. 59 (6th Street) and Vermont Street in Lawrence, traffic signals. (Federal Funds)

Jackson—43 C-3029-01—County road, 6 miles (9.7 kilometers) west of Hoyt, 0.15 mile, (0.241 kilometer), grading and bridge. (Federal Funds)

Nemaha—9-63 K-7151-01—K-9, Illinois Creek Bridge, 3.9 miles (6.2 kilometers) east of K-187, bridge repair. (State Funds)

Shawnee—89 K-5930-01—U.S. 75a, Topeka Avenue Bridge 116 over the Kansas River, bridge repair. (State Funds)

Riley—77-81 K-7186-01—U.S. 77, Bridge 015 (Fancy Creek) 2.1 miles (3.4 kilometers) north of K-16, bridge overlay. (State Funds)

District Two—Northcentral

McPherson—61-59 K-5386-01—K-61, from the junction of K-153 northeast to U.S. 81b, 2 miles (3.2 kilometers), grading, bridge and surfacing. (Federal Funds)

McPherson—81b-059 K-5386-02—U.S. 81b, junction of I-135 west to the junction of K-61, 2.6 miles (4.2 kilometers), grading, bridge and surfacing. (Federal Funds)

Morris—57-64 K-5879-01—K-57, from the north city limits of Council Grove south to the east junction of U.S. 56, 0.43 mile (0.7 kilometer), pavement reconstruction. (State Funds)

Saline—85 U-1693-01—Intersections of Broadway and South, Ninth and Claflin, Ninth and Walnut, Ninth and Republic, and Broadway and Cloud in Salina, traffic signals. (Federal Funds)

District Three—Northwest

Norton—383-69 K-5652-01—K-383, Bridge 029, Wildcat Creek and Bridge 032, south fork Prairie drainage, bridge replacement. (Federal Funds)

Sherman—70-91 K-6465-01—I-70, from the junction of K-27, east 10 miles (16.1 kilometers), overlay. (State Funds)

Sherman—70-91 K-7183-01—I-70, from the K-253 junction east to the Sherman-Thomas county line, 7.9 miles (12.7 kilometers), slurry seal. (State Funds)

District Four—Southeast

Crawford—69a-19 K-5884-01—U.S. 69a, from the south city limits of Arma north to Washington Street, 0.3 mile (0.5 kilometer), pavement reconstruction. (State Funds)

Miami—169-61 K-6632-01—U.S. 169, Bridge 055, Pottawatomie Creek, bridge overlay. (State Funds)

Montgomery—75-63 K-5492-01—Pennsylvania and Chestnut Streets in Independence, 0.13 mile (0.20 kilometer), intersection improvement. (State Funds)

Montgomery—160-63 K-6627-01—U.S. 160, Bridge 020, Verdigris River, bridge overlay. (State Funds)

Montgomery—75-63 K-6628-01—U.S. 75, Bridge 008 over the Union Pacific Railroad and 20th Street in Independence, bridge overlay. (State Funds)

District Five—Southcentral

Pratt—76 C-3438-01—Countywide pavement marking. (Federal Funds)

Reno-Kingman—106 K-1802-07—Various locations in Cheney State Park, surfacing. (State Funds)

Sedgwick—87 N-0100-1—North 13th Street and Waco in Wichita, intersection improvement. (State Funds)

Sumner—96 U-1554-01—Fourth Street over Beaver Creek in Wellington, 0.03 mile (0.06 kilometer), grading, bridge and surfacing. (Federal Funds)

District Six—Southwest

Clark—94-13 K-6938-01—K-94, Clark State Lake north to the Clark-Ford county line, 6.9 miles (11.1 kilometers), sealing. (State Funds)

Districtwide—106 K-5929-98—Various locations in District Six, 127.4 miles (205.1 kilometers), signing. (State Funds)

Ford—94-29 K-6937-01—K-94, from the Clark-Ford county line north to the junction of U.S. 54, 3.9 miles (6.3 kilometers), sealing. (State Funds)

Finney—50-28 K-6935-01—U.S. 50, from the east junction of U.S. 83, east 2.7 miles (4.3 kilometers), crack repair. (State Funds)

Gray—23-35 K-6934-01—K-23, from the Meade-Gray county line north to the junction of U.S. 56, 10.5 miles (17.0 kilometers), sealing. (State Funds)

Kearny—50-47 K-6936-01—U.S. 50, from the east city limits of Lakin east to the Kearny-Finney county line, 9.5 miles (15.2 kilometers), crack repair. (State Funds)

Lane—4-51 K-6450-01—K-4, from the west edge to the east edge of Healy, 0.43 mile (0.7 kilometer), grading and surfacing. (State Funds)

Meade—23-60 K-6933-01—K-23, from the north city limits of Meade north to the Meade-Gray county line, 12.6 miles (20.3 kilometers), sealing. (State Funds)

Seward—54-88 M-1884-01—U.S. 54, safety rest area southwest of Kismet, safety rest area improvement. (State 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 corpora-

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

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

E. Dean Carlson
Secretary of Transportation

Doc. No. 022316

(Published in the Kansas Register April 30, 1998.)

**Summary Notice of Bond Sale
\$7,190,000**

**Unified School District No. 415
Brown County, Kansas (Hiawatha)
General Obligation School Building Bonds, Series 1998
(General obligation bonds payable from
unlimited ad valorem taxes)**

Sealed Bids

Subject to the notice of bond sale dated April 29, 1998, sealed bids will be received by the clerk of Unified School District No. 415, Brown County, Kansas (Hiawatha) (the issuer), on behalf of the governing body at the office of the Board of Education, 706 S. 1st St., Hiawatha, KS 66434, until noon May 13, 1998, for the purchase of \$7,190,000 principal amount of General Obligation School Building Bonds, Series 1998. 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, 1998, and will become due on September 1 in the years as follows:

Year	Principal Amount
2000	\$130,000
2001	195,000
2002	210,000
2003	230,000
2004	250,000
2005	270,000
2006	290,000
2007	310,000
2008	335,000
2009	360,000
2010	385,000
2011	415,000
2012	445,000

2013	475,000
2014	505,000
2015	540,000
2016	575,000
2017	615,000
2018	655,000

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, 1999.

Optional Book-Entry-Only System

The successful bidder may elect to have the bonds registered under a book-entry-only system administered through DTC.

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 or a qualified financial surety bond in the amount of \$143,800 (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 June 3, 1998, at DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States 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 1997 is \$42,546,485. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$7,450,000.

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 when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (785) 742-2181, or from the financial advisor, Ranson & Associates, Inc., 250 N. Rock Road, Wichita, KS 67206, Attention: Stephen E. Shogren, (316) 681-3123.

Dated April 29, 1998.

Unified School District No. 415
Brown County, Kansas
(Hiawatha)

Doc. No. 022350

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 98-00 by adding the following projects:

Project C-3584-01, Preliminary engineering for county-wide bridge inspection in Pratt County

The STIP amendment requires a 30-day public comment period. To receive more information on any of these projects 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, (785) 296-7916, fax (785) 296-0723.

This information is available in alternative accessible formats. To obtain an alternative format, contact the KDOT Office of Public Information, (785) 296-3585 (Voice/TTY).

The comment period regarding the STIP amendment will conclude May 29.

E. Dean Carlson
Secretary of Transportation

Doc. No. 022336

(Published in the Kansas Register April 30, 1998.)

Summary Notice of Bond Sale

\$550,000

City of Oskaloosa, Kansas

General Obligation Bonds, Series 1998

(General obligation bonds payable from unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated April 21, 1998, sealed bids will be received by the clerk of the City of Oskaloosa, Kansas (the issuer), on behalf of the governing body at City Hall, 605 Delaware, P.O. Box 446, Oskaloosa, KS 66066, until 4:30 p.m. May 7, 1998, for the purchase of \$550,000 principal amount of General Obligation Bonds, Series 1998. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated May 15, 1998, and will become due on April 1 in the years as follows:

Year	Principal Amount
2000	\$20,000
2001	20,000
2002	20,000
2003	25,000
2004	25,000
2005	25,000
2006	25,000

2007	50,000
2008	50,000
2009	50,000
2010	55,000
2011	60,000
2012	60,000
2013	65,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning April 1, 1999.

Optional Book-Entry-Only System

The successful bidder may elect to have the bonds registered under a book-entry-only system administered through DTC.

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 or a qualified financial surety bond in the amount of \$11,000 (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 May 28, 1998, at DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States 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 1998 is \$5,088,021. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$905,618.07.

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 when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the City Clerk, City Hall, 605 Delaware, P.O. Box 446, Oskaloosa, KS 66066, (785) 863-2651, fax (785) 863-2363; or from the financial advisor, Chapman Securities, Inc., 12 Corporate Woods, 10975 Benson, Suite 570, Overland Park, KS 66210, Attention: David E. Warren, (785) 663-1420, 1-800-314-7978, fax (785) 663-1025.

Dated April 21, 1998.

City of Oskaloosa, Kansas

Doc. No. 022351

(Published in the Kansas Register April 30, 1998.)

**Summary Notice of Bond Sale
\$945,000**

**Unified School District No. 397
Marion County, Kansas (Centre)
General Obligation School Building Bonds, Series 1998
(General obligation bonds payable from
unlimited ad valorem taxes)**

Sealed Bids

Subject to the notice of bond sale dated April 29, 1998, sealed bids will be received by the clerk of Unified School District No. 397, Marion County, Kansas (Centre) (the issuer), on behalf of the governing body at the office of the Board of Education, P.O. Box 38, Lost Springs, KS 66859, until 7:30 p.m. May 11, 1998, for the purchase of \$945,000 principal amount of General Obligation School Building Bonds, Series 1998. 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, 1998, and will become due on September 1 in the years as follows:

Year	Principal Amount
2000	\$20,000
2001	30,000
2002	30,000
2003	35,000
2004	35,000
2005	40,000
2006	40,000
2007	45,000
2008	45,000
2009	50,000
2010	50,000
2011	55,000
2012	55,000
2013	60,000
2014	65,000
2015	65,000
2016	70,000
2017	75,000
2018	80,000

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, 1999.

Optional Book-Entry-Only System

The successful bidder may elect to have the bonds registered under a book-entry-only system administered through DTC.

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 or a qualified financial surety bond in the amount of \$18,900 (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 4, 1998, at DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States 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 1997 is \$14,972,125. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$945,000.

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 when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (785) 983-4304, or from the financial advisor, Ranson & Associates, Inc., 250 N. Rock Road, Wichita, KS 67206, Attention: Stephen E. Shogren, (316) 681-3123.

Dated April 29, 1998.

Unified School District No. 397
Marion County, Kansas
(Centre)

Doc. No. 022362

(Published in the Kansas Register April 30, 1998.)

**Summary Notice of Bond Sale
Unified School District No. 229
Johnson/Miami Counties, Kansas
\$25,000,000**

**General Obligation School Bonds
Series 1998-A**

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

Sealed Bids

Subject to the notice of bond sale and preliminary official statement dated April 13, 1998, sealed bids will be received by the clerk of Unified School District No. 229, Johnson/Miami Counties, Kansas (the issuer), on behalf of the governing body at the district office, 15020 Metcalf, P.O. Box 23901, Overland Park, KS 66283, until 1 p.m. Monday, May 11, 1998, for the purchase of \$25,000,000 principal amount of General Obligation Bonds, Series 1998-A. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

(continued)

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will 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 15, 1998, and will become due on October 1 in the years as follows:

Year	Amount
2000	\$1,850,000
2001	1,970,000
2002	2,075,000
2003	2,155,000
2004	2,250,000
2005	765,000
2006	800,000
2007	835,000
2008	875,000
2009	915,000
2010	955,000
2011	1,000,000
2012	1,050,000
2013	1,100,000
2014	1,155,000
2015	1,215,000
2016	1,280,000
2017	1,345,000
2018	1,410,000

The bonds will be subject to mandatory and optional redemption prior to maturity as provided in the notice of bond sale and preliminary official statement.

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning April 1, 1999.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check or a financial surety bond in the amount of \$500,000 (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 within 45 days after the date of sale.

Assessed Valuation and Indebtedness

The total assessed valuation of taxable tangible property in the district for the year 1997 is \$1,097,919,938. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$224,332,051.08.

Approval of Bonds

The bonds 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 will be furnished and paid for by the issuer and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (913) 681-4000, or from the financial advisor, George K. Baum & Company, Kansas City, Missouri, (816) 474-1100.

Dated April 13, 1998.

Unified School District No. 229
Johnson/Miami Counties, Kansas
By Diane Mitchell, Clerk
Board of Education

Doc. No. 022366

(Published in the Kansas Register April 30, 1998.)

NOTICE OF REDEMPTION
CITY OF EDWARDSVILLE, KANSAS
Industrial Revenue Bonds, Series 1976A
(Boise Cascade Corporation Project)
CUSIP 281865BF1

NOTICE IS HEREBY GIVEN to owners and holders of the following Industrial Revenue Bonds, Series 1976 (Boise Cascade Corporation Project) maturing June 1, 2001 that the City has called \$100,000 principal amount of said Bonds for mandatory sinking fund redemption and payment on June 1, 1998, prior to their maturity at a price of par plus accrued interest to the Redemption Date of June 1, 1998. Notice is further given that said Bonds shall cease to accrue interest from after the Redemption Date.

The following Bearer Bond numbers have been selected for redemption:

Bearer Bonds (\$5000 each Bond)

19 20 29 30 62 63 64 65 140 156 157 158 185 186 187 199

The following Registered Bond numbers have been selected for redemption:

Bond Number	Principal Amount	Called Amount
R38	\$15,000	\$5,000
R52	15,000	5,000
R146	5,000	5,000
R170	5,000	5,000

Payment for the above listed Bonds will be on June 1, 1998 against presentation of the Bond Certificate [with all unmaturing interest coupons pertaining thereto with respect to the Bearer Bonds] at the office of American National Bank and Trust Company of Chicago at one of the following addresses:

Registered Bonds By Mail:

American National Bank
and Trust Company of Chicago
Registered Securities Processing Unit
Suite 0124
One First National Plaza
Chicago, Illinois 60670-0124

Bearer Bonds By Mail:

American National Bank
and Trust Company of Chicago
Bearer Securities Processing Unit
Suite 0125
One First National Plaza
Chicago, Illinois 60670-0125

By Hand Delivery:

American National Bank
and Trust Company of Chicago
Securities Processing Counter
One North State Street, 9th Floor
Chicago, Illinois 60602

American National Bank
and Trust Company of Chicago
Corporate Trust
14 Wall Street, 8th Floor
New York, New York 10005

For same day payment on or after the redemption date, Bonds presented by hand must be received by the Securities Processing Unit before 11:00 a.m. Chicago time in order to receive same day payment after 3:30 p.m.

To avoid a 31% withholding tax required by federal law, holders must submit a properly completed IRS Form W-9.

If you have any questions or comments, please call our Investor Relations Unit. Chicago and Suburbs 312/407-4660. All Other 800/524-9472.

AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO,
as Paying Agent

Doc. No. 022333

(Published in the Kansas Register April 30, 1998.)

**NOTICE OF PARTIAL REDEMPTION
CRAWFORD COUNTY, KANSAS
Single Family Mortgage Revenue Bonds
Series 1980A
Dated February 1, 1980**

NOTICE IS HEREBY GIVEN, pursuant to the terms of the Indenture dated as of February 1, 1980, between Crawford County, Kansas, as Issuer, and U.S. Bank Trust National Association, formerly known as First Trust National Association, as Trustee, that \$315,000 of the bonds listed below have been selected for Partial Redemption on June 1, 1998 (the Redemption Date) at a price of 100% of the principal amount (the Redemption Price) together with interest accrued to the Redemption Date.

***CUSIP Number: 224851AT2, 8.40%, Due: December 1, 1998**

Total Amount Called: \$20,000

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

954 981 998 999

***CUSIP Number: 224851AU9, 8.50%, Due: December 1, 1999**

Total Amount Called: \$20,000

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

1047 1108 1122 1130

***CUSIP Number: 224851AW5, 9.00%, Due: December 1, 2010**

Total Amount Called: \$275,000

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

1695	1747	1749	1765	1798	1810	1849	1876	1899	1923	1924
1970	1981	1986	2004	2053	2126	2136	2145	2179	2201	2291
2332	2339	2368	2369	2373	2405	2445	2467	2536	2550	2595
2631	2653	2661	2724	2806	2824	2837	2860	2885	2907	2939
2953	2961	2967	2977	2985	2989	3011	3049	3089	3117	3161

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)

U. S. Bank Trust
National Association
Corporate Trust Services
P. O. Box 64111
St. Paul, MN 55164-0111

If By Mail: (Bearer Bonds)

U. S. Bank Trust
National Association
Corporate Trust Services
P. O. Box 64452
St. Paul, MN 55164-0452

If by Hand or Overnight Mail:

U. S. Bank Trust National Association
180 East Fifth Street
4th Floor - Bond Drop Window
St. Paul, MN 55101

(612) 973-5800

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 their correctness indicated in the Redemption Notice. They are included solely for convenience of the Holders.*

By U. S. Bank Trust National Association

formerly known as FIRST TRUST NATIONAL ASSOCIATION

Date: April 30, 1998

as Trustee

Doc. No. 022332

State of Kansas

Secretary of State

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

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

Ron Thornburgh
Secretary of State

(Published in the Kansas Register April 30, 1998.)

HOUSE BILL No. 2759

AN ACT concerning city elections; relating to qualified electors.

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

Section 1. (a) When used in this section:

(1) "City" means any city which has adopted an ordinance which provides for the enforcement of a building code outside the corporate limits of such city as authorized by K.S.A. 12-751, and amendments thereto.

(2) "Ordinance" means an ordinance adopted by a city which provides for the enforcement of a building code outside the corporate limits of a city as authorized by K.S.A. 12-751, and amendments thereto.

(3) "Qualified elector" means any registered voter required to comply with an ordinance, who resides within the unincorporated area lying within three miles of the corporate limits of a city.

(b) Within 30 days of the adoption of an ordinance, the city clerk shall certify to the county election officer a legal description and a map of the area outside the corporate limits of the city governed by the provisions of such ordinance and the street addresses of all real estate located therein.

(c) Within 90 days after the effective date of this act or within 90 days after a city has adopted an ordinance, a petition signed by at least 20% of the qualified electors protesting the enforcement of such ordinance outside the corporate limits of the city may be submitted to the county election officer. If a sufficient petition is filed, the county election officer shall notify the board of county commissioners of the county in which such city is located. Unless the governing body of the city modifies the ordinance to remove the provision from the ordinance relating to the enforcement of such building code outside the corporate limits of the city, the board of county commissioners shall submit the proposition of modifying the ordinance to remove the provisions from the ordinance relating to enforcement of such building code outside the corporate limits of the city. Such resolution shall be submitted to the qualified electors at the next regular primary or general county election. Such election shall be called and held in the manner provided by the general bond law. The county election officer shall certify the results of such election to the governing body of the city. If a majority of the qualified electors voting on the question vote in favor thereof, the governing body of the city shall modify such ordinance to remove the provisions from the ordinance relating to the enforcement of such building code outside the corporate limits of the city. Such ordinance shall be adopted within 30 days following the canvass of such election. Such ordinance shall be adopted in the manner provided by K.S.A. 12-3001, and amendments thereto.

(d) If an election is held pursuant to subsection (c) and a majority of the qualified electors vote in favor of removing the building code, the governing body of the city shall not adopt any such ordinance for at least four years following the date of the election held pursuant to subsection (c).

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

(Published in the Kansas Register April 30, 1998.)

House Substitute for Substitute for SENATE BILL No. 424

AN ACT relating to Kansas insurance coverage for children; duties of the secretary of social and rehabilitation services; funds; joint committee on children's issues and duties thereof.

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

Section 1. (a) The secretary of social and rehabilitation services shall develop and submit a plan consistent with federal guidelines established under section 4901 of public law 105-33 (42 U.S.C. 1397aa *et seq.*; title XXI).

(b) The plan developed under subsection (a) shall be a capitated managed care plan covering Kansas children from zero to 19 years which:

(1) Contains benefit levels at least equal to those for the early and periodic screening, diagnosis and treatment program;

(2) provides for presumptive eligibility for children where applicable;

(3) provides continuous eligibility for 12 months once a formal determination is made that a child is eligible subject to subsection (e);

(4) has performance based contracting with measurable outcomes indicating age appropriate utilization of plan services to include, but not limited to, such measurable services as immunizations, vision, hearing and dental exams, emergency room utilization, annual physical exams and asthma; and

(5) will provide targeted low-income children, as defined under section 4901 of public law 105-33 (42 U.S.C. 1397aa, *et seq.*), coverage subject to appropriations.

(c) The secretary is authorized to contract with entities authorized to transact health insurance business in this state to implement the health insurance coverage plan pursuant to subsection (a) providing for several plan options to enrollees which are coordinated with federal and state child health care programs, except that when contracting to provide managed mental health care services the secretary shall assure that contracted entities demonstrate the ability to provide a full array of mental health services in accordance with the early and periodic screening, diagnosis and treatment plan. The secretary shall not develop a request for proposal process which excludes community mental health centers from the opportunity to bid for managed mental health care services.

(d) When developing and implementing the plan in subsection (a), the secretary to the extent authorized by law:

(1) Shall include provisions that encourage contracting insurers to utilize and coordinate with existing community health care institutions and providers;

(2) may work with public health care providers and other community resources to provide educational programs promoting healthy lifestyles and appropriate use of the plan's health services;

(3) shall plan for outreach and maximum enrollment of eligible children through cooperation with local health departments, schools, child care facilities and other community institutions and providers;

(4) shall provide for a simplified enrollment plan;

(5) shall provide cost sharing as allowed by law;

(6) shall not count the caring program for children, the Kansas health insurance association plan or any charity health care plan as insurance under subsection (e)(1); and

(7) may provide for payment of health insurance premiums, including contributions to a medical savings account if applicable, if it is determined cost effective, taking into account the number of children to be served and the benefits to be provided.

(e) A child shall not be eligible for coverage and shall lose coverage under the plan developed under subsection (a) of section 1, and amendments thereto, if:

(1) During the prior six months, the child was covered with a comprehensive health insurance policy by an insurance company, health maintenance organization or nonprofit hospital and medical insurance corporation authorized to do business in this state and such insurance is still available to the child; or

(2) such family has not paid the enrollee's applicable share of any premium due.

If the family pays all of the delinquent premiums owed during the year, such child will again be eligible for coverage for the remaining months of the continuous eligibility period.

(f) The plan developed under section 4901 of public law 105-33 (42 U.S.C. 1397aa *et seq.*, and amendments thereto) is not an entitlement program. The availability of the plan benefits shall be subject to funds appropriated. The secretary shall not utilize waiting lists, but shall monitor costs of the program and make necessary adjustments to stay within the program's appropriations.

Sec. 2. The secretary of social and rehabilitation services shall adopt rules and regulations as necessary to implement and administer the provisions of this act.

Sec. 3. (a) (1) None of the funds appropriated to implement this act shall be expended for any abortion.

(2) None of the funds appropriated to implement this act shall be expended for health benefits coverage that includes coverage of abortion.

(3) The term "health benefits coverage" means the package of services covered by entities in subsection (c) of section 1 and amendments thereto authorized to transact health insurance business in this state pursuant to a contract or other arrangement entered into under sections of this act.

(b) The limitations established in subsection (a) shall not apply to an abortion:

(1) If the pregnancy is the result of an act of rape, aggravated indecent liberties with a child or incest; or

(2) if necessary to save the life of the pregnant woman.

Sec. 4. The secretary in contracting for capitated managed health care for children shall include in the pool of persons to be covered those eligible children covered by the Kansas medicaid program as law allows.

Sec. 5. The secretary shall enter into contracts as deemed appropriate to carry out the provisions of this act. Administrative services under this program shall be contracted with private entities. Nothing in this act precludes the secretary from entering into a contract with the agency medicaid management information system fiscal agent.

Sec. 6. The secretary shall advise and consult with the health care data governing board on issues relating to children's health status.

Sec. 7. For the purpose of financially empowering parents to choose a health plan for a child, the secretary should review and report both verbally and in writing to the joint committee on children's issues prior to each legislative session with recommendations regarding the following items:

(a) Direct transfer of the annual premium for a plan chosen by an eligible low-income family to the insurer;

(b) The use of a refundable tax credit for an eligible low-income family to apply toward the purchase of a child's health care coverage: Such refundable tax credit would cover most or all of the cost of the insurance with the parents paying any difference. Additionally, an eligible low-income family would receive full benefit of the credit, regardless of how small their income tax obligation was; and

(c) The status of the Kansas insurance coverage for children's program including all performance measures relating to the Kansas insurance coverage for children's program.

Sec. 8. (a) There is hereby created the joint committee on children's issues which shall be within the legislative branch of state government and which shall be composed of 10 members. Five members shall be members of the house of representatives and five members shall be members of the senate. Three of the members who are representatives shall be appointed by the speaker of the house of representatives, three members who are senators shall be appointed by the president of the senate, two members who are representatives shall be appointed by the minority leader of the house of representatives and two members who are senators shall be appointed by the minority leader of the senate. At least one member of the committee from the house of representatives shall be a member of the committee on insurance, one member shall be a member of the committee on health and human services and one member shall be a member of the committee on appropriations. At least one member of the committee from the senate shall be a member of the committee on financial institutions and insurance, one member shall be a member of the committee on public health and welfare and one member shall be a member of the committee on ways and means.

(b) All members of the joint committee on children's issues shall serve for terms of two years ending on the first day of the regular session of the legislature commencing in the first odd-numbered year after the year of appointment, except that the first members shall be appointed on the effective date of this act and shall serve for terms ending on the first day of the regular session of the legislature commencing in 1999. If a vacancy occurs in the office of any member of the joint committee on children's issues, a successor shall be appointed in the same manner as the original appointment for the remainder of the term. The chairperson shall be appointed for a term of one year which ends on the first day of the next occurring regular session of the legislature. The speaker of the house of representatives shall appoint the first chairperson on the effective

tive date of this act and shall appoint the chairperson for the term commencing on the first day of the regular session of the legislature commencing in 1999 for a one-year term to end on the first day of the regular session of the legislature commencing in the year 2000. The president of the senate shall appoint the next chairperson on the first day of the regular session of the legislature commencing in the year 2000 for a one-year term which ends on the first day of the next occurring regular session of the legislature. Thereafter the appointment of the chairperson shall continue to alternate between the speaker of the house of representatives and the president of the senate with each subsequent chairperson being appointed for a one-year term ending on the first day of the regular session of the legislature in the next occurring regular session of the legislature after the year of appointment. If a vacancy occurs in the office of the chairperson, a member of the joint committee who is a member of the same house of the legislature as the member who vacated the office shall be appointed by the speaker of the house or president of the senate, depending on the house membership of the vacating member, to fill such vacancy.

(c) A quorum of the joint committee on children's issues shall be six. All actions of the joint committee shall be taken by a majority of all of the members of the joint committee.

(d) The joint committee on children's issues shall have the authority to meet at any time and at any place within the state on the call of the chairperson.

(e) The provisions of the acts contained in article 12 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, applicable to special committees shall apply to the joint committee on children's issues to the extent that the same do not conflict with the specific provisions of this act applicable to the joint committee.

(f) Members of the committee shall receive compensation, travel expenses and subsistence expenses as provided in K.S.A. 75-3212 and amendments thereto when attending meetings of the committee.

(g) The joint committee on children's issues shall have the services of the legislative research department, the office of revisor of statutes and other central legislative staff service agencies.

(h) The joint committee on children's issues shall oversee the implementation and operation of the children's health insurance plans created under the provisions of this act, including the assessment of the performance based contracting's measurable outcomes as set forth in subsection (b)(4) of section 1 and amendments thereto and other children's issues as the committee deems necessary.

Sec. 9. (a) There is hereby established in the state treasury the children's health care programs fund in the department of the secretary of social and rehabilitation services.

(b) Of the moneys received by the state pursuant to the tobacco litigation settlement agreement entered into or any judgment rendered, regarding the litigation against tobacco industry companies and related entities, 50% of such moneys shall be credited to the children's health care programs fund.

(c) All moneys credited to the children's health care programs fund shall be used for the purposes of providing additional funding for children's health care, services for children and tobacco use prevention and cessation programs.

(d) All expenditures from the children's health care programs fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of social and rehabilitation services or the secretary's designee.

Sec. 10. (a) There is hereby established in the state treasury the Kansas insurance coverage for children fund.

(b) The secretary is authorized to apply for and receive grants, gifts and donations from nonfederal sources for the purposes set out under this act.

(c) The secretary shall remit all moneys received under subsection (b) to the state treasurer who shall deposit such moneys in the Kansas insurance coverage for children fund.

(d) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the Kansas insurance coverage for children fund interest earnings based on: (1) The average daily balance of moneys in such fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(e) All expenditures from the Kansas insurance coverage for children fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or the secretary's designee for the purposes of this act.

Sec. 11. On July 1, 1998, the director of accounts and reports shall transfer \$12,000,000 from the state general fund to the Kansas insurance coverage for children fund.

Sec. 12. If any provision or clause of this act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

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 April 30, 1998.)

SENATE BILL No. 418

AN ACT relating to the taxation of motor vehicle fuels; concerning the filing of certain reports; providing for a motor fuel tax credit; amending K.S.A. 79-3464c and repealing the existing section.

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

Section 1. K.S.A. 79-3464c is hereby amended to read as follows: 79-3464c. On and after January 1, 1996, the director may require a licensed distributor receiving 250,000 gallons of motor fuel or more in a calendar month to file by electronic or magnetic media, in a standard format, such information as prescribed by the director. On and after January 1, 1997, the director may require a licensed distributor receiving 100,000 gallons of motor fuel or more in a calendar month to file by electronic or magnetic media, in a standard format, such information as specified by the director. On and after July 1, 1997, (a) The director may require a licensed distributor receiving 50,000 gallons of motor fuel or more in a calendar month to file by electronic or magnetic media, in a standard format, such information as specified by the director. A licensed distributor, that can show just cause, may request a waiver from these requirements.

(b) Any distributor filing information prescribed by the director in accordance with subsection (a), who continues to file in accordance with subsection (a), shall be entitled to a onetime tax credit against the motor fuel tax imposed by article 34 of chapter 79 of the Kansas Statutes Annotated. Distributors filing in accordance with subsection (a):

(1) On or before July 1, 1999, shall be entitled to an amount equal to \$8,000;

(2) after July 1, 1999, but on or before July 1, 2000, shall be entitled to an amount equal to \$6,400; and

(3) after July 1, 2000, but on or before June 30, 2001, shall be entitled to an amount equal to \$4,000.

(c) Any distributor electing to cease filing in accordance with subsection (a) within 10 years of the taxable year in which the taxpayer claimed the credit pursuant to subsection (b), shall be liable to reimburse the state for the amount of any such credit claimed.

(d) The secretary of revenue shall adopt rules and regulations establishing the criteria and procedures for claiming the tax credit under subsection (b).

Sec. 2. K.S.A. 79-3464c is hereby repealed.

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

(Published in the Kansas Register April 30, 1998.)

HOUSE BILL No. 2419

AN ACT concerning oil and gas; relating to certain violations of laws relating to oil and gas and penalties therefor; requiring certain procedures prior to imposition of penalties; providing a credit from income taxes for expenses incurred in plugging certain oil and gas wells; relating to certain refunds of Kansas *ad valorem* tax reimbursements attributable to gas royalty interest owners; amending K.S.A. 55-708, 55-904, 55-1004 and 55-1005 and repealing the existing sections.

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

Section 1. On and after July 1, 1998, K.S.A. 55-708 is hereby amended to read as follows: 55-708. In addition to any penalty that may be imposed by the state corporation commission, any person, firm or corporation, or any officer, agent or employee thereof, violating the provisions of this act, or any valid order, or rules or regulations of the commission, shall be guilty of a misdemeanor; and, upon conviction thereof, shall be punished by a fine in any sum not exceeding \$500 \$5,000, or by imprisonment in the county jail not exceeding six months 30 days, or by both fine and imprisonment.

Sec. 2. On and after July 1, 1998, K.S.A. 55-904 is hereby amended to read as follows: 55-904. (a) It shall be unlawful for any person, firm, corporation, partnership or other association of persons:

(1) To knowingly and willfully dispose of or cause the disposal of salt water produced in conjunction with the production of oil or natural gas except in the manner and locations prescribed by K.S.A. 55-901 and 55-1003, and amendments thereto, and rules and regulations adopted pursuant to such sections, or as permitted by the commission;

(2) to dispose of any substance not exempt under 40 C.F.R. 261.4(b)(5), as revised July 1, 1997, in a class II disposal or injection well;

(3) to knowingly contract for the transportation of such salt water with a person, firm, corporation, partnership or other association of persons who is not licensed under the provisions of K.S.A. 66-1,114, and amendments thereto; or

(4) to own or operate any motor vehicle which, while being used for the transportation of such salt water, contains an operable "trip-lever" or similar device which is installed in such manner as to allow access to any person while riding in the passenger compartment of such vehicle.

(b) As used in this section "salt water" means water containing more than 5,000 milligrams per liter chlorides and produced in conjunction with the production of oil or natural gas.

(c) This section shall not be construed to prohibit the spreading of salt water on road beds under construction or maintenance if such spreading of salt water is performed in compliance with rules and regulations adopted by the secretary of the department of health and environment. The secretary shall be responsible for enforcing, by appropriate proceedings, such rules and regulations and shall immediately notify the appropriate county or district attorney of any actual or suspected violation of this section.

(d) Any person, firm, corporation, partnership or other association of persons who violates any provision of subsection (a) shall be guilty of:

(1) A class A nonperson misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$5,000 severity level 9, nonperson felony; and

(2) a severity level 10 8, nonperson felony on a second or subsequent violation of paragraph (1) of subsection (a).

Sec. 3. On and after July 1, 1998, K.S.A. 55-1004 is hereby amended to read as follows: 55-1004. It shall be unlawful for any person having possession, control or the use of any oil-field waste disposal well wherein salt water, mineralized brine, oil or refuse produced from any oil well is disposed of below the surface of the earth to inject such salt water, mineralized brine, oil or refuse from any oil well therein at a pressure in excess of the maximum pressure established by the state corporation commission and contained in the permit issued thereby except when noncompliance with this section is due to one or more causes beyond the control of such person and, once such person knows or should have known of such noncompliance, such person takes immediate and reasonable steps to gain prompt and full compliance with the applicable statutes and rules and regulations. The state corporation commission shall maintain a permanent record of the maximum pressure established by it on each such oil-field waste disposal well.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not exceeding \$1,000, or by imprisonment not exceeding six months, or by both such fine and imprisonment, and severity level 9,

nonperson felony. Each day any such violation continues shall be deemed a separate offense.

Sec. 4. On and after July 1, 1998, K.S.A. 55-1005 is hereby amended to read as follows: 55-1005. It shall be unlawful to use wells for the disposal of salt brines or other oil field wastes which do not meet the requirements for minimum depth established by the rules and regulations of the corporation commission. The state corporation commission shall inspect such wells to ascertain whether they meet such requirements for minimum depth. Any person, firm, partnership, association or corporation knowingly and willfully violating the provisions of this act section, shall be deemed guilty of a misdemeanor and upon conviction, shall be punished by a fine of not less than \$50 nor more than \$500 severity level 9, nonperson felony. Each day of violation shall be considered to constitute a separate offense.

New Sec. 5. On and after July 1, 1998, no fine or other penalty, except cease and desist orders for which subsequent hearing is required, shall be imposed by the state corporation commission pursuant to statutes or rules and regulations relating to regulation of oil and gas production, sale or conservation except after notice and an opportunity for hearing in accordance with the Kansas administrative procedure act.

New Sec. 6. (a) As used in this section, "abandoned oil or gas well" means an abandoned well, as defined by K.S.A. 1997 Supp. 55-191 and amendments thereto:

(1) The drilling of which was commenced before January 1, 1970; and

(2) which is located on land owned by the taxpayer claiming the tax credit allowed by this section.

(b) For any taxable year commencing after December 31, 1997, and before January 1, 2001, a credit shall be allowed against the tax imposed by the Kansas income tax act on the Kansas taxable income of a taxpayer for expenditures made for the purpose of plugging any abandoned oil or gas well in accordance with rules and regulations of the state corporation commission applicable thereto, in an amount equal to 50% of such expenditures made in the taxable year.

(c) If the amount of the tax credit allowed by this section exceeds the taxpayer's income tax liability for such taxable year, the amount thereof which exceeds such tax liability may be carried over for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability.

(d) The total amount of credits allowed taxpayers pursuant to this section, including the amount of credits carried over under subsection (c), shall not exceed \$250,000 for any one fiscal year.

(e) The secretary of revenue shall adopt such rules and regulations as necessary to carry out the purposes of this section.

New Sec. 7. (a) As used in this act, royalty interest owners include overriding royalty interest owners and royalty interests include overriding royalty interests.

(b) On and after the effective date of this act, no first seller of natural gas shall maintain any action against royalty interest owners to obtain refunds of reimbursements for *ad valorem* taxes attributable to royalty interests, ordered by the federal energy regulatory commission.

(c) It is hereby declared that under Kansas law:

(1) The period of limitation of time for commencing civil actions to recover such refunds attributable to reimbursements of *ad valorem* taxes on royalty interests during the years 1983 through 1988 has expired and such refunds claimed to be owed by royalty interest owners are uncollectible;

(2) first sellers of natural gas are prohibited from utilizing billing adjustments or other set-offs as a means of recovering from royalty owners any such claimed refunds; and

(3) first sellers of natural gas took every opportunity to protect their rights involving Kansas *ad valorem* tax reimbursements attributable to royalty interest owners.

(d) Upon entry of a final order by a court having jurisdiction, or a final order of a governmental authority having jurisdiction, that requires first sellers to make refunds of reimbursements for *ad valorem* taxes on royalty interests during the years 1983 through 1988 notwithstanding this section or if this section is determined to be unconstitutional, in whole or in part, nothing in this section shall be construed to have affected the rights and remedies available to any party under the laws of the state of Kansas, including those applicable in any action that a first seller of natural gas may bring against a royalty interest owner to obtain such a refund.

Sec. 8. On and after July 1, 1998, K.S.A. 55-708, 55-904, 55-1004 and 55-1005 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 April 30, 1998.)

HOUSE BILL No. 2591

AN ACT concerning workers compensation; relating to the coverage of self-employed contractors; death benefits; amending K.S.A. 44-570 and K.S.A. 1997 Supp. 44-503, 44-505, 44-508, 44-510b and 44-532 and repealing the existing sections.

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

Section 1. K.S.A. 1997 Supp. 44-503 is hereby amended to read as follows: 44-503. (a) Where any person (in this section referred to as principal) undertakes to execute any work which is a part of the principal's trade or business or which the principal has contracted to perform and contracts with any other person (in this section referred to as the contractor) for the execution by or under the contractor of the whole or any part of the work undertaken by the principal, the principal shall be liable to pay to any worker employed in the execution of the work any compensation under the workers compensation act which the principal would have been liable to pay if that worker had been immediately employed by the principal; and where compensation is claimed from or proceedings are taken against the principal, then in the application of the workers compensation act, references to the principal shall be substituted for references to the employer, except that the amount of compensation shall be calculated with reference to the earnings of the worker under the employer by whom the worker is immediately employed. *For the purposes of this subsection, a worker shall not include an individual who is a self-employed subcontractor.*

(b) Where the principal is liable to pay compensation under this section, the principal shall be entitled to indemnity from any person who would have been liable to pay compensation to the worker independently of this section, and shall have a cause of action under the workers compensation act for indemnification.

(c) Nothing in this section shall be construed as preventing a worker from recovering compensation under the workers compensation act from the contractor instead of the principal.

(d) This section shall not apply to any case where the accident occurred elsewhere than on, in or about the premises on which the principal has undertaken to execute work or which are otherwise under the principal's control or management, or on, in or about the execution of such work under the principal's control or management.

(e) A principal contractor, when sued by a worker of a subcontractor, shall have the right to implead the subcontractor.

(f) The principal contractor who pays compensation to a worker of a subcontractor shall have the right to recover over against the subcontractor in the action under the workers compensation act if the subcontractor has been impleaded.

(g) Notwithstanding any other provision of this section, in any case where the contractor (1) is an employer who employs employees in an employment to which the act is applicable, or has filed a written statement of election with the director to accept the provisions of the workers compensation act pursuant to subsection (b) of K.S.A. 44-505, and amendments thereto, to the extent of such election, and (2) has secured the payment of compensation as required by K.S.A. 44-532, and amendments thereto, for all persons for whom the contractor is required to or elects to secure such compensation, as evidenced by a current certificate of workers compensation insurance, by a certification from the director that the contractor is currently qualified as a self-insurer under that statute, or by a certification from the commissioner of insurance that the contractor is maintaining a membership in a qualified group-funded workers compensation pool, then, the principal shall not be liable for any compensation under this or any other section of the workers compensation act for any person for which the contractor has secured the payment of compensation which the principal would otherwise be liable for under this section and such person shall have no right to file a claim against or otherwise proceed against the principal for compensation under this or any other section of the workers compensation act. In the event that the payment of compensation is not secured or is otherwise unavailable or in effect, then the principal shall be liable for the payment of compensation. No insurance company shall charge a principal a premium for workers

compensation insurance for any liability for which the contractor has secured the payment of compensation.

(h) (1) For purposes of this section, any individual who is an owner-operator and the exclusive driver of a motor vehicle that is leased or contracted to a licensed motor carrier shall not be considered to be a contractor within the meaning of this section or an employee of the licensed motor carrier within the meaning of subsection (b) of K.S.A. 44-508, and amendments thereto, and the licensed motor carrier shall not be considered to be a principal within the meaning of this section or an employer of the owner-operator within the meaning of subsection (a) of K.S.A. 44-508, and amendments thereto, if the owner-operator is covered by an occupational accident insurance policy and is not treated under the terms of the lease agreement or contract with the licensed motor carrier as an employee for purposes of the federal insurance contribution act, 26 U.S.C. § 3101 et seq., the federal social security act, 42 U.S.C. § 301 et seq., the federal unemployment tax act, 26 U.S.C. § 3301 et seq., and the federal statutes prescribing income tax withholding at the source, 26 U.S.C. § 3401 et seq.

(2) As used in this subsection:

(A) "Motor vehicle" means any automobile, truck trailer, semitrailer, tractor, motor bus or any other self-propelled or motor-driven vehicle used upon any of the public highways of Kansas for the purpose of transporting persons or property;

(B) "licensed motor carrier" means any person, firm, corporation or other business entity that holds a certificate of convenience and necessity, a contract carrier permit, or an interstate license as a common, contract or exempt carrier from the state corporation commission or is required to register motor carrier equipment pursuant to 49 U.S.C. § 11506; and

(C) "owner-operator" means an individual who is the owner of a single motor vehicle that is driven exclusively by the owner under a lease agreement or contract with a licensed motor carrier.

Sec. 2. K.S.A. 1997 Supp. 44-505 is hereby amended to read as follows: 44-505. (a) Subject to the provisions of K.S.A. 44-506 and amendments thereto, the workers compensation act shall apply to all employments wherein employers employ employees within this state except that such act shall not apply to:

(1) Agricultural pursuits and employments incident thereto, other than those employments in which the employer is the state, or any department, agency or authority of the state;

(2) any employment, other than those employments in which the employer is the state, or any department, agency or authority of the state, wherein the employer had a total gross annual payroll for the preceding calendar year of not more than \$20,000 for all employees and wherein the employer reasonably estimates that such employer will not have a total gross annual payroll for the current calendar year of more than \$20,000 for all employees, except that no wages paid to an employee who is a member of the employer's family by marriage or consanguinity shall be included as part of the total gross annual payroll of such employer for purposes of this subsection; ~~except where the employer is a self-employed subcontractor under circumstances wherein K.S.A. 44-503, and amendments thereto, would otherwise apply;~~

(3) any employment, other than those employments in which the employer is the state, or any department, agency or authority of the state, wherein the employer has not had a payroll for a calendar year and wherein the employer reasonably estimates that such employer will not have a total gross annual payroll for the current calendar year of more than \$20,000 for all employees, except that no wages paid to an employee who is a member of the employer's family by marriage or consanguinity shall be included as a part of the total gross annual payroll of such employer for purposes of this subsection;

(4) the employment of any firefighters who are members of a firemen's relief association for whom a valid statement of election to except such members from the provisions of the workers compensation act has been filed with the director by the governing body of such firemen's relief association as provided in K.S.A. 44-505d and amendments thereto; or

(5) services performed by a qualified real estate agent as an independent contractor. For the purposes of this act a qualified real estate agent shall be deemed to be an independent contractor if such qualified real estate agent is licensed by the Kansas real estate commission as a salesperson under the real estate brokers' and salespersons' license act and for whom: (A) Substantially all of the remuneration, whether or not paid in cash, for the services performed by such individual as a real estate salesperson is directly related to sales or other output, including the per-

(continued)

formance of services, rather than to the number of hours worked; and (B) the services performed by the individual are performed pursuant to a written contract between such individual and the person for whom the services are performed and such contract provides that the individual will not be treated as an employee with respect to such services for state tax purposes.

(b) Each employer who employs employees in employments which are excepted from the provisions of the workers compensation act as provided in subsection (a) of this section, shall be entitled to come within the provisions of such act by: (1) Becoming a member in and by maintaining a membership in a qualified group-funded workers' compensation pool, as provided by K.S.A. 44-581 to 44-591, inclusive, and amendments thereto; or (2) filing with the director a written statement of election to accept thereunder. Such written statement of election shall be effective from the date of filing until such time as the employer files a written statement withdrawing such election with the director. All written statements of election or of withdrawal of election filed pursuant to this subsection shall be in such form as may be required by the director by rules and regulations.

(c) This act shall not apply in any case where the accident occurred prior to the effective date of this act. All rights which accrued by reason of any such accident shall be governed by the laws in effect at that time.

Sec. 3. K.S.A. 1997 Supp. 44-508 is hereby amended to read as follows: 44-508. As used in the workers compensation act:

(a) "Employer" includes: (1) Any person or body of persons, corporate or unincorporate, and the legal representative of a deceased employer or the receiver or trustee of a person, corporation, association or partnership; (2) the state or any department, agency or authority of the state, any city, county, school district or other political subdivision or municipality or public corporation and any instrumentality thereof; and (3) for the purposes of community service work, the entity for which the community service work is being performed and the governmental agency which assigned the community service work, if any, if either such entity or such governmental agency has filed a written statement of election with the director to accept the provisions under the workers compensation act for persons performing community service work and in such case such entity and such governmental agency shall be deemed to be the joint employer of the person performing the community service work and both shall have the rights, liabilities and immunities provided under the workers compensation act for an employer with regard to the community service work, except that the liability for providing benefits shall be imposed only on the party which filed such election with the director, or on both if both parties have filed such election with the director; for purposes of community service work, "governmental agency" shall not include any court or any officer or employee thereof and any case where there is deemed to be a "joint employer" shall not be construed to be a case of dual or multiple employment.

(b) "Workman" or "employee" or "worker" means any person who has entered into the employment of or works under any contract of service or apprenticeship with an employer. Such terms shall include but not be limited to: Executive officers of corporations; professional athletes; persons serving on a volunteer basis as duly authorized law enforcement officers, ambulance attendants, mobile intensive care technicians, firefighters, but only to the extent and during such periods as they are so serving in such capacities; persons employed by educational, religious and charitable organizations, but only to the extent and during the periods that they are paid wages by such organizations; persons in the service of the state, or any department, agency or authority of the state, any city, school district, or other political subdivision or municipality or public corporation and any instrumentality thereof, under any contract of service, express or implied, and every official or officer thereof, whether elected or appointed, while performing official duties; persons in the service of the state as volunteer members of the Kansas department of civil air patrol, but only to the extent and during such periods as they are officially engaged in the performance of functions specified in K.S.A. 48-3302 and amendments thereto; volunteers in any employment, if the employer has filed an election to extend coverage to such volunteers; minors, whether such minors are legally or illegally employed; and persons performing community service work, but only to the extent and during such periods as they are performing community service work and if an election has been filed an election to extend coverage to such persons. Any reference to an employee who has been injured shall, where the employee is dead, include a reference to the employee's dependents, to the employee's legal representatives, or, if the employee is a minor or an

incapacitated person, to the employee's guardian or conservator. Unless there is a valid election in effect which has been filed as provided in K.S.A. 44-542a and amendments thereto, such terms shall not include individual employees, limited or general partners or self-employed persons; except a self-employed subcontractor performing work for a contractor.

(c) (1) "Dependents" means such members of the employee's family as were wholly or in part dependent upon the employee at the time of the accident.

(2) "Members of a family" means only surviving legal spouse and children; or if no surviving legal spouse or children, then parents or grandparents; or if no parents or grandparents, then grandchildren; or if no grandchildren, then brothers and sisters. In the meaning of this section, parents include stepparents, children include stepchildren, grandchildren include stepgrandchildren, brothers and sisters include stepbrothers and stepsisters, and children and parents include that relation by legal adoption. In the meaning of this section, a surviving spouse shall not be regarded as a dependent of a deceased employee or as a member of the family; if the surviving spouse shall have for more than six months willfully or voluntarily deserted or abandoned the employee prior to the date of the employee's death.

(3) "Wholly dependent child or children" means:

(A) A birth child or adopted child of the employee except such a child whose relationship to the employee has been severed by adoption;

(B) a stepchild of the employee who lives in the employee's household;

(C) any other child who is actually dependent in whole or in part on the employee and who is related to the employee by marriage or consanguinity; or

(D) any child as defined in subsections (3)(A), (3)(B) or (3)(C) who is less than 23 years of age and who is not physically or mentally capable of earning wages in any type of substantial and gainful employment or who is a full-time student attending an accredited institution of higher education or vocational education.

(d) "Accident" means an undesigned, sudden and unexpected event or events, usually of an afflictive or unfortunate nature and often, but not necessarily, accompanied by a manifestation of force. The elements of an accident, as stated herein, are not to be construed in a strict and literal sense, but in a manner designed to effectuate the purpose of the workers compensation act that the employer bear the expense of accidental injury to a worker caused by the employment.

(e) "Personal injury" and "injury" mean any lesion or change in the physical structure of the body, causing damage or harm thereto, so that it gives way under the stress of the worker's usual labor. It is not essential that such lesion or change be of such character as to present external or visible signs of its existence. An injury shall not be deemed to have been directly caused by the employment where it is shown that the employee suffers disability as a result of the natural aging process or by the normal activities of day-to-day living.

(f) The words "arising out of and in the course of employment" as used in the workers compensation act shall not be construed to include injuries to the employee occurring while the employee is on the way to assume the duties of employment or after leaving such duties, the proximate cause of which injury is not the employer's negligence. An employee shall not be construed as being on the way to assume the duties of employment or having left such duties at a time when the worker is on the premises of the employer or on the only available route to or from work which is a route involving a special risk or hazard and which is a route not used by the public except in dealings with the employer. An employee shall not be construed as being on the way to assume the duties of employment, if the employee is a provider of emergency services responding to an emergency.

The words, "arising out of and in the course of employment" as used in the workers compensation act shall not be construed to include injuries to employees while engaged in recreational or social events under circumstances where the employee was under no duty to attend and where the injury did not result from the performance of tasks related to the employee's normal job duties or as specifically instructed to be performed by the employer.

(g) "Burden of proof" means the burden of a party to persuade the trier of facts by a preponderance of the credible evidence that such party's position on an issue is more probably true than not true on the basis of the whole record.

(h) "Director" means the director of workers compensation as provided for in K.S.A. 75-5708 and amendments thereto.

(i) "Health care provider" means any person licensed, by the proper

licensing authority of this state, another state or the District of Columbia, to practice medicine and surgery, osteopathy, chiropractic, dentistry, optometry, podiatry or psychology.

(j) "Secretary" means the secretary of human resources.

(k) "Construction design professional" means any person who is an architect, professional engineer, landscape architect or land surveyor who has been issued a license by the state board of technical professions to practice such technical profession in Kansas or any corporation organized to render professional services through the practice of one or more of such technical professions in Kansas under the professional corporation law of Kansas or any corporation issued a certificate of authorization under K.S.A. 74-7036 and amendments thereto to practice one or more of such technical professions in Kansas.

(l) "Community service work" means: (1) Public or community service performed as a result of a contract of diversion or of assignment to a community corrections program or conservation camp or suspension of sentence or as a condition of probation or in lieu of a fine imposed by court order; or (2) public or community service or other work performed as a requirement for receipt of any kind of public assistance in accordance with any program administered by the secretary of social and rehabilitation services.

(m) "Utilization review" means the initial evaluation of appropriateness in terms of both the level and the quality of health care and health services provided a patient, based on accepted standards of the health care profession involved. Such evaluation is accomplished by means of a system which identifies the utilization of health care services above the usual range of utilization for such services, which is based on accepted standards of the health care profession involved, and which refers instances of possible inappropriate utilization to the director for referral to a peer review committee.

(n) "Peer review" means an evaluation by a peer review committee of the appropriateness, quality and cost of health care and health services provided a patient, which is based on accepted standards of the health care profession involved and which is conducted in conjunction with utilization review.

(o) "Peer review committee" means a committee composed of health care providers licensed to practice the same health care profession as the health care provider who rendered the health care services being reviewed.

(p) "Group-funded self-insurance plan" includes each group-funded workers compensation pool, which is authorized to operate in this state under K.S.A. 44-581 through 44-592 and amendments thereto, each municipal group-funded pool under the Kansas municipal group-funded pool act which is covering liabilities under the workers compensation act, and any other similar group-funded or pooled plan or arrangement that provides coverage for employer liabilities under the workers compensation act and is authorized by law.

(q) On and after the effective date of this act, "workers compensation board" or "board" means the workers compensation board established under K.S.A. 1997 Supp. 44-555c and amendments thereto.

Sec. 4. K.S.A. 1997 Supp. 44-510b is hereby amended to read as follows: 44-510b. Where death results from injury, compensation shall be paid as provided in K.S.A. 44-510 and amendments thereto, and as follows:

(a) If an employee leaves any dependents wholly dependent upon the employee's earnings at the time of the accident, all compensation benefits under this section shall be paid to such dependent persons. Such dependents shall be paid weekly compensation, except as otherwise provided in this section, in a total sum to all such dependents, equal to 66 $\frac{2}{3}$ % of the average gross weekly wage of the employee at the time of the accident, computed as provided in K.S.A. 44-511 and amendments thereto, but in no event shall such weekly benefits exceed, nor be less than, the maximum and minimum weekly benefits provided in K.S.A. 44-510c and amendments thereto, subject to the following:

(1) If the employee leaves a surviving legal spouse or a wholly dependent child or children, or both, who are eligible for benefits under this section, then all death benefits shall be paid to such surviving spouse or children, or both, and no benefits shall be paid to any other wholly or partially dependent persons.

(2) A surviving legal spouse shall be paid compensation benefits for life or until remarriage, except as otherwise provided in this section.

(3) Any wholly dependent child of the employee shall be paid compensation, except as otherwise provided in this section, until such dependent child becomes 18 years of age, except that any such dependent

child who is not physically or mentally capable of earning wages in any type of substantial and gainful employment, or who is enrolled as a full-time student in an accredited institution of higher education or vocational education shall be paid compensation until such dependent child becomes 23 years of age.

(4) If the employee leaves no legal spouse or dependent children eligible for benefits under this section but leaves other dependents wholly dependent upon the employee's earnings, such other dependents shall receive weekly compensation benefits as provided in this subsection until death, remarriage or so long as such other dependents do not receive more than 50% of their support from any other earnings or income or from any other source, except that the maximum benefits payable to all such other dependents, regardless of the number of such other dependents, shall not exceed a maximum amount of \$18,500.

(b) Upon the remarriage of a surviving legal spouse receiving compensation under this section, the benefits being paid to such spouse shall terminate, except that upon such remarriage 100 weeks of benefits at the highest rate paid to such spouse under this section shall be paid to such spouse in one lump sum, except that such lump-sum payment shall be subject to the maximum amount of compensation payable under this section as prescribed by subsection (h) (i).

(c) Where the employee leaves a surviving legal spouse and dependent children who were wholly dependent upon the employee's earnings and are eligible for benefits under this section $\frac{1}{2}$ of the maximum weekly benefits payable shall be apportioned to such spouse and $\frac{1}{2}$ to such dependent children.

(d) If an employee does not leave any dependents who were wholly dependent upon the employee's earnings at the time of the accident but leaves dependents, other than a spouse or children, in part dependent on the employee's earnings, such percentage of a sum equal to three times the employee's average yearly earnings but not exceeding \$18,500 but not less than \$2,500, as such employee's average annual contributions which the employee made to the support of such dependents during the two years preceding the date of the accident, bears to the employee's average yearly earnings during the contemporaneous two-year period, shall be paid in compensation to such dependents, in weekly payments as provided in subsection (a), not to exceed \$18,500 to all such dependents.

(e) *If an employee does not leave any dependents, either wholly or partially dependent upon the employee, a lump-sum payment of \$25,000 shall be made to the legal heirs of such employee in accordance with Kansas law. However under no circumstances shall such payment escheat to the state. Notwithstanding the provisions of this subsection, no such payment shall be required if the employer has procured a life insurance policy, with beneficiaries designated by the employee, providing coverage in an amount not less than \$18,500.*

(e) (f) The administrative law judge, except as otherwise provided in this section, shall have the power and authority to apportion and reapportion the compensation allowed under this section, either to wholly dependent persons or partially dependent persons, in accordance with the degree of dependency as of the date of the accident, except that the weekly payment of compensation to any and all dependents shall not exceed the maximum weekly benefits provided in subsection (a).

(f) (g) In all cases of death compensable under this section, the employer shall pay the reasonable expense of burial not exceeding \$4,300 \$5,000.

(g) (h) The marriage or death of any dependent shall terminate all compensation, under this section, to such dependent, but shall not increase or decrease the compensation allowed to any other dependents except that, upon the marriage or death of the surviving legal spouse or a dependent child, the compensation payable to such spouse or child shall be reapportioned to those, among the surviving legal spouse and dependent children, who remain eligible to receive compensation under this section.

(h) (i) Notwithstanding any other provision in this section to the contrary, the maximum amount of compensation benefits payable under this section to any and all dependents by the employer shall not exceed a total amount of \$200,000 and when such total amount has been paid the liability of the employer for any further compensation under this section to dependents, other than minor children of the employee, shall cease except that the payment of compensation under this section to any minor child of the employee shall continue for the period of the child's minority at the weekly rate in effect when the employer's liability is otherwise terminated under this subsection and shall not be subject to termination under this subsection until such child becomes 18 years of age.

(continued)

(j) A surviving spouse shall submit an annual statement to the employer and to the director, in such form and containing such information relating to eligibility for compensation under this section as may be required by rules and regulations of the director. If such spouse fails to submit such an annual statement, the employer may notify the director of such failure and the director shall notify such spouse of such failure by certified mail with return receipt. If such spouse fails to submit the annual statement or fails to reasonably provide the required information within 30 days after receipt of the notice from the director, all compensation benefits paid under this section to such spouse shall be suspended until such statement is submitted in proper form to the employer and the director.

Sec. 5. K.S.A. 1997 Supp. 44-532 is hereby amended to read as follows: 44-532. (a) Where the payment of compensation of the employee or the employee's dependents is insured by a policy or policies, at the expense of the employer, or the employer is a member of a qualified group-funded workers compensation pool, the insurer or the qualified group-funded workers compensation pool shall be subrogated to the rights and duties under the workers compensation act of the employer so far as appropriate, including the immunities provided by K.S.A. 44-501 and amendments thereto.

(b) Every employer shall secure the payment of compensation to the employer's employees by insuring in one of the following ways: (1) By insuring and keeping insured the payment of such compensation with an insurance carrier authorized to transact the business of workers compensation insurance in the state of Kansas; (2) by showing to the director that the employer carries such employer's own risk and is what is known as a self-insurer and by furnishing proof to the director of the employer's financial ability to pay such compensation for the employer's self; (3) by maintaining a membership in a qualified group-funded workers compensation pool. The cost of carrying such insurance or risk shall be paid by the employer and not the employee.

(c) The knowing and intentional failure of an employer to secure the payment of workers compensation to the employer's employees as required in subsection (b) of this section is a class A misdemeanor.

(d) In addition, whenever the director has reason to believe that any employer has engaged or is engaging in the knowing and intentional failure to secure the payment of workers compensation to the employer's employees as required in subsection (b) of this section, the director shall issue and serve upon such employer a statement of the charges with respect thereto and shall conduct a hearing in accordance with the Kansas administrative procedure act, wherein the employer may be liable to the state for a civil penalty in an amount equal to twice the annual premium the employer would have paid had such employer been insured or \$25,000, whichever amount is greater.

(e) *The director shall not assess such a fine against a self-employed subcontractor for failure of the subcontractor to secure compensation for the subcontractor personally, however, the director shall enforce the provisions of this section for failure of the subcontractor to secure compensation for any other employee of the subcontractor as otherwise provided by law.*

(f) Any civil penalty imposed or final action taken under this section shall be subject to review in accordance with the act for judicial review of agency actions in the district court of Shawnee county.

(g) All moneys received under this section for costs assessed or monetary penalties imposed shall be deposited in the state treasury and credited to the workers compensation fund.

(h) (1) Every insurance carrier writing workers' compensation insurance for any employment covered under the workers compensation act shall file, with the director or the director's designee, written notice of the issuance, nonrenewal or cancellation of a policy or contract of insurance, or any endorsement, providing workers compensation coverage, within 10 days after such issuance, nonrenewal or cancellation. Every such insurance carrier shall file, with the director, written notice of all such policies, contracts and endorsements in force on the effective date of this act.

(2) Every employer covered by the workers compensation act who is a qualified self-insurer shall give written notice to the director or the director's designee, if such employer changes from a self-insurer status to insuring through an insurance carrier or by maintaining a membership in a qualified group-funded workers compensation pool, such notice to be given within 10 days after the effective date of such change. Every self-insurer shall file with the director annually a report verifying the

employer's continuing ability to pay compensation to the employer's employees.

(3) Every employer covered by the workers compensation act who is a member of a qualified group-funded workers compensation pool shall give written notice to the director or the director's designee, if such employer changes from a group-funded workers compensation pool to insuring through an insurance carrier or becoming a self-insurer, such notice to be given within 10 days after the effective date of such change.

(4) The mailing of any written notice or report required by this subsection (d) in a stamped envelope within the prescribed time shall comply with the requirements of this subsection.

(5) The director shall provide by regulation for the forms of written notices and reports required by this subsection (d).

(i) As used in this section, "qualified group-funded workers compensation pool" means any qualified group-funded workers compensation pool under K.S.A. 44-581 through 44-591 and amendments thereto or any group-funded pool under the Kansas municipal group-funded pool act which includes workers compensation and employers' liability under the workers compensation act.

(j) A private firm shall not be eligible to apply to become a self-insurer unless it has been in continuous operation for at least five years or is purchasing an existing self-insured Kansas firm, plant or facility and the operation of the purchased firm, plant or facility: (1) Has been in continuous operation in Kansas for at least 10 years; (2) has generated an after-tax profit of at least \$1,000,000 annually for the preceding three consecutive years; and (3) has a ratio of debt to equity of not greater than 3.5 to 1. As used in this subsection, "debt" means the sum of long-term borrowing maturing in excess of one year plus the current portion of long-term borrowing plus short-term financial institution borrowing plus commercial paper borrowing, and "equity" means the sum of the book value of stock plus paid-in capital plus retained earnings. The method for calculating the amount of security required of self-insureds shall be reviewed by an actuary every five years, beginning in fiscal year 1997. The costs for these actuarial studies shall be paid from the workers compensation fee fund.

(k) A corporation or other entity whose current identity is attributable to a merger or other transformation whereby the whole or a substantial part of a previous entity's assets and income have been transferred to it, and its liabilities have not increased beyond the financial review requirements of the director, which qualified under its previous identity as a self-insurer under other provisions of this statute, and amendments thereto, may apply for renewal as a self-insurer under its new name. The director may grant the application for renewal if satisfied that the new entity meets all necessary financial criteria for renewal that would have been applied to the previous self-insured entity. An application under these provisions shall be limited to an entity seeking renewal based upon the prior self-insured status of another entity or entities.

Sec. 6. K.S.A. 44-570 is hereby amended to read as follows: 44-570. (a) *Every* In the event that subsection (e) of K.S.A. 44-510b is inapplicable, every employer in the state of Kansas operating a trade or business under the provisions of the ~~workmen's~~ workers compensation act shall pay within 30 days after the award is made the sum of \$18,500 to the commissioner of insurance in every case where death results from the accident and where there are no dependents who are entitled to compensation under the ~~workmen's~~ workers compensation act.

(b) The commissioner of insurance shall remit all moneys received under this section to the state treasurer. Upon receipt of any such remittance the state treasurer shall deposit the entire amount thereof in the state treasury to the credit of the workers' compensation fund.

(c) Upon rendering an award under this section, the director shall transmit immediately a certified copy thereof to the commissioner of insurance. In case payment is, or has been made, under the provisions of this section and dependency later is shown, or if payment is made by mistake or inadvertence, or under such circumstances that justice requires a refund thereof, the commissioner of insurance is hereby authorized to refund such payment to the employer, or if insured, to the employer's insurance carrier.

Sec. 7. K.S.A. 44-570 and K.S.A. 1997 Supp. 44-503, 44-505; 44-508, 44-510b and 44-532 are hereby repealed.

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

(Published in the Kansas Register April 30, 1998.)

HOUSE BILL No. 2877

AN ACT concerning interests in certain real property; authorizing the state board of regents to sell and convey certain real estate located in Scott county, Kansas; authorizing the state board of regents to sell and convey certain real property located in Douglas county, Kansas; authorizing the secretary of social and rehabilitation services to sell and convey certain real property and to enter into certain leases; concerning certain real property in the county of Decatur, Kansas; relating to certain real property in Salina, Kansas; amending K.S.A. 74-3322 and repealing the existing section.

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

New Section 1. (a) The state board of regents is hereby authorized and empowered, for and on behalf of Kansas state university of agriculture and applied science, to sell and convey all of the rights, title and interest in the following described real estate, and any improvements thereon, located in Scott county, Kansas: The northeast quarter (NE/4) of Section Thirty-four, Township Nineteen south, Range Thirty-three West of the 6th p.m. in Scott County, Kansas.

(b) Conveyance of such rights, title and interest in such real estate, and any improvements thereon, shall be executed in the name of the state board of regents by its chairperson and executive officer. The deed for such conveyance may be by warranty deed or by quitclaim deed as determined to be in the best interests of the state by the state board of regents in consultation with the attorney general. Any proceeds from sale of such real estate, and any improvements thereon, shall be transferred and credited to an account in the name of Kansas state university of agriculture and applied science under an investment agency agreement with the Kansas state university foundation pursuant to K.S.A. 76-156a, and amendments thereto.

(c) No sale and conveyance of real estate and improvements thereon as authorized by this section shall be made by the state board of regents until the deeds and conveyances have been reviewed and approved by the attorney general and, if a warranty deed is to be the instrument of conveyance, a title review has been performed or title insurance has been obtained and the title opinion or the certificate of title insurance, as the case may be, has been approved by the attorney general.

New Sec. 2. (a) The state board of regents is hereby authorized and empowered, for and on behalf of the university of Kansas, to sell and convey all of the rights, title and interest in the following described real estate, and any improvements thereon, located in Douglas county, Kansas: All of lots 15, 17, 19, New Hampshire Street, City of Lawrence, Kansas, and a portion of Lot 13 New Hampshire Street more particularly described in a quitclaim deed dated July 27, 1965, between the United States of America, grantor, and the state board of regents, state of Kansas, for its use and for the use of the university of Kansas, grantee.

(b) Conveyance of such rights, title and interest in such real estate, and any improvements thereon, shall be executed in the name of the state board of regents by its chairperson and executive officer. The deed for such conveyance may be by warranty deed or by quitclaim deed as determined to be in the best interests of the state by the state board of regents in consultation with the attorney general. Any proceeds from sale of such real estate, and any improvements thereon, shall be deposited in the state treasury to the credit of an appropriate account of the restricted fees fund of the university of Kansas.

(c) No sale and conveyance of real estate and improvements thereon as authorized by this section shall be made by the state board of regents until the deeds and conveyances have been reviewed and approved by the attorney general and, if a warranty deed is to be the instrument of conveyance, a title review has been performed or title insurance has been obtained and the title opinion or the certificate of title insurance, as the case may be, has been approved by the attorney general.

New Sec. 3. (a) The secretary of social and rehabilitation services is hereby authorized to sell and convey on behalf of the state of Kansas in the manner provided by this act the following described real estate: The southwest Quarter of Section 24; Township 22, Range 13 in Stafford County, Kansas. The above described property being that which was willed to the state of Kansas by Otto Hitz following the life estate created for Delmar Lee Hitz.

(b) When the real estate described in subsection (a) is sold, the proceeds thereof, after deduction of the expenses of such sale and the cost of the survey and the appraisal of the real estate, shall be deposited in the state treasury to the credit of the Winfield properties special revenue fund.

New Sec. 4. (a) The secretary of social and rehabilitation services is hereby authorized to sell and convey on behalf of the state of Kansas in the manner provided by this act the following described real estate: A part of Section 3, Township 15, Range 3; however, the city has approved a preliminary plat in which the subject property will be legally described as, "Lots 15, 16, 17, and 18, in Block 12, Schilling Subdivision No. 5, City of Salina, Saline County, Kansas."

(b) When the real estate described in subsection (a) is sold, the proceeds thereof, after deduction of the expenses of such sale and the cost of the survey and the appraisal of the real estate, shall be deposited in the state treasury to the credit of the social welfare fund.

New Sec. 5. (a) Before any property shall be sold under the provisions of this act, the real estate described in sections 3 and 4 shall be appraised by three disinterested appraisers who shall be appointed as provided in K.S.A. 75-3043a, and amendments thereto. Such appraisals shall be in writing and filed with the secretary of social and rehabilitation services, and the cost of the appraisals may be paid from the proceeds of the sales. Upon the filing of such appraisals, the secretary of social and rehabilitation services shall advertise for public auction or sealed bids on the real estate described in sections 3 and 4 for not less than three consecutive weeks by publication in the Kansas register. Subject to the approval of the governor, such sales shall be made to the highest responsible bidder whose bid is submitted within 30 days after the last publication of such notice. The secretary of social and rehabilitation services or the governor may reject any and all bids, and in case all bids are rejected, bids may be called for again as in the first instance. Each bid shall be accompanied by a certified check in the amount of 5% of such bid which sum shall be forfeited in case of default by any bidder whose bid is accepted.

(b) Upon acceptance of any such bid, a deed conveying such real estate shall be executed and duly acknowledged by the secretary before an officer authorized by law to take acknowledgments. Such deed shall contain a recital of all proceedings in compliance with this act, and such recital shall be prima facie evidence that the proceedings were had in the manner and form recited. Such deed shall be approved as to form by the attorney general.

New Sec. 6. Notwithstanding any of the provisions contained in subsection (d) of K.S.A. 1997 Supp. 39-708c, and amendments thereto, the secretary of social and rehabilitation services may lease office or business space for a period exceeding 10 years if the proposed lease has been presented to the joint committee on state building construction for advice and consultation.

Sec. 7. K.S.A. 74-3322 is hereby amended to read as follows: 74-3322. (a) The state forestry, fish and game commission is hereby empowered and directed to convey by quitclaim deed, without consideration, to the city of Oberlin, Kansas, all of the following described real estate located in Decatur county, Kansas, to wit:

All that part of the E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 31 and all that part of the W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 32, Twp. 2, South, Range 28, West 6th P.M. lying North of the C.B.&Q. Railroad Right-of-Way. Containing 112 acres more or less.

The SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 32, Twp. 2 South, Range 28 West 6th P.M. Also a tract of land out of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 31, Twp. 2 South, Range 28 West 6th P.M. more particularly described as follows: Beginning at the southeast corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec. 31, thence north parallel with the East line of Sec. 31, 405 feet, thence in a southwesterly direction 114° 13' a distance of 1003 feet to intersect the south line of said NE $\frac{1}{4}$, this point being 396 feet east of the southwest corner of the NE $\frac{1}{4}$, thence east along the south line of the NE $\frac{1}{4}$ 924 feet to place of beginning.

The E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 31, Twp. 2 South, Range 28 West 6th P.M. except a tract of land described as follows: Beginning at a point 1072.5 feet west of the Northeast corner of the NE $\frac{1}{4}$ thence south parallel with the East line of the NE $\frac{1}{4}$ 1485 feet, thence West at right angles 247.5 feet, thence north parallel with the east line of said NE $\frac{1}{4}$ 1485 feet, thence East at right angles and along the north line of said NE $\frac{1}{4}$ 247.5 feet to place of beginning; total acreage conveyed 116.1 acres more or less.

A tract of land out of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31, Twp. 2 South, Range 28 West 6th P.M. more particularly described as follows: Commencing at the Northeast corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31, Twp. 2 South, Range 28, West 6th P.M., thence west along the north line of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ 56 rods; thence south at right angles 70 rods, thence east at right angles 56 rods, thence north along the East line of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ 70 rods to the place of beginning, containing about 24 $\frac{1}{2}$ acres more or less.

A tract of land out of the NW $\frac{1}{4}$ -SE $\frac{1}{4}$ Sec. 31, Twp. 2 South, Range

(continued)

28 West 6th P.M. more particularly described as follows: Beginning at the Northwest corner of the SE $\frac{1}{4}$ of said Sec. 31, thence East along said half section line 24 rods, thence south at right angles 70 rods, thence West at right angles and parallel with the North line of said SE $\frac{1}{4}$ 24 rods, thence North along the half section line 70 rods to place of beginning. Containing 10.5 acres more or less.

NW $\frac{1}{4}$ NW $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 32, Twp. 2, Range 28, West of the 6th P.M.

A tract of land described as follows: Beginning at the Southwest corner of the SW $\frac{1}{4}$ of Sec. 29, Twp. 2 South, Range 28 West 6th P.M. thence North along and upon the West line of said SW $\frac{1}{4}$ 95 feet, thence East at right angles and parallel with the South line of said SW $\frac{1}{4}$ 575 feet, thence in a northeasterly direction at an angle of 27° 15' left 490 feet, thence North at an angle of 29° 15' left 639 feet, thence East at an angle of 46° 30' right 1288 feet to the East line of said SW $\frac{1}{4}$, thence South along and upon the East line of said SW $\frac{1}{4}$ 855 feet to the Southeast corner of the SW $\frac{1}{4}$; thence West along and upon the South line of said SW $\frac{1}{4}$ 2640 feet to place of beginning.

A tract of land out of the SE $\frac{1}{4}$ Sec. 29, Twp. 2 South, Range 28, West 6th P.M. more particularly described as follows: Beginning at the Southwest corner of the SE $\frac{1}{4}$ of Sec. 29, in Twp. 2, Range 28, West 6th P.M. thence North along the half section line 855 feet, thence East at right angle and parallel with South line of said Section 1019 feet, thence South at right angle and parallel with East line of said Section 855 feet, thence West along the South line of said section 1019 feet to place of beginning, containing 20 acres more or less.

A tract of land out of the NE $\frac{1}{4}$ of Sec. 32, Twp. 2, Range 28 West of the 6th P.M. described as follows: Beginning at a point 1224.7 feet north of the southeast corner of the W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ of said Sec. 32, thence northeasterly at an angle of 59° 23' right, 170.6 feet, thence north at an angle of 61° 54' left, 123.3 feet, thence northwesterly at an angle of 25° 48' left, 298.5 feet, to the east line of the W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ of said Sec. 32, thence south 473.9 feet, along said line to point of beginning. Containing .98 acre more or less.

(b) All oil, gas and other minerals are reserved in the state of Kansas forestry, fish and game commission, and further that the entire area shall remain open for public recreation including hunting as established by regulation by the forestry, fish and game commission and that no entrance fee or service fee shall be charged for the use of the area at any time except that the governing body of said city may charge reasonable fees for the use of any golf course established within said area. All moneys raised from such fees shall be placed in a special fund and used only for the purpose of paying all or any part of the cost of supervising, maintaining or improving said golf course. The instruments of conveyance of such real estate authorized by this act shall be executed in the name of the state forestry, fish and game commission by its chairman and secretary.

(c) As soon as is practicable after the effective date of this act, the secretary of wildlife and parks shall convey by quit claim deed, without consideration, any title or interest of the department of wildlife and parks in the property described in subsection (a).

New Sec. 8. Notwithstanding any provision to the contrary in K.S.A. 72-4314b, and amendments thereto, the occupational center of central Kansas, inc., is hereby released from any obligation to deed or convey to the state of Kansas any part of the property acquired by quitclaim deed dated October 4, 1969, and recorded in the office of the register of deeds, Saline county, Kansas, Deed Book 284, pages 346-348, between the state of Kansas, grantor, and the occupational center of central Kansas, inc., grantee, described as follows: The east 668.5 feet of block 8 of Schilling Subdivision to the City of Salina, Saline County, Kansas, more particularly described as follows: Beginning at a point 255.29 feet west and 48.11 feet north of the southeast corner of section 34, township 14 south, range 3 west of the 6th principal meridian in Saline County, Kansas; thence north on a line parallel to the centerline of Centennial Road, a distance of 642 feet; thence west, on a line perpendicular to the centerline of Centennial Road, a distance of 668.5 feet; thence south, on a line parallel to the centerline of Centennial Road, a distance of 642 feet; thence east, on a line parallel to the north line of said tract, a distance of 668.5 feet to the point of beginning; the same containing approximately 9.852 acres of land and the buildings and improvements thereon.

The occupational center of central Kansas, inc., is hereby authorized to amend its articles of incorporation to remove any provision that the property described in this section shall be deeded to the state of Kansas in the event that such corporation should dissolve or discontinue the

activities for which it was originally incorporated. A copy of the articles of incorporation of the occupational center of central Kansas, inc., showing such amendment may be recorded in the office of the register of deeds of Saline county, Kansas. The occupational center of central Kansas, inc., is further hereby authorized to resell, lease, mortgage or otherwise dispose of such property, and any improvements thereon, or any part thereof at such time and in such manner as the occupational center of central Kansas, inc., may determine.

Sec. 9. K.S.A. 74-3322 is hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 30, 1998.)

SENATE BILL No. 416

AN ACT concerning economic development; expanding the availability of certain investment incentives; amending K.S.A. 79-32,153, 79-32,154, 79-32,160a, 79-32,195 and 79-32,196 and K.S.A. 1997 Supp. 40-2813, 74-50,114 and 74-50,132 and repealing the existing sections.

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

Section 1. K.S.A. 1997 Supp. 40-2813 is hereby amended to read as follows: 40-2813. For all taxable years commencing after December 31, 1993 1997, any taxpayer who makes expenditures for the purpose of making all or any portion of an existing building or facility accessible to persons with a disability, which building or facility is on real property located in this state and used in a trade or business or held for the production of income, shall be entitled to claim a tax credit in an amount equal to 50% of such expenditures or, the amount of \$10,000, whichever is less, against the tax liability imposed against such taxpayer pursuant to article 28 of chapter 40 of the Kansas Statutes Annotated premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto. Such tax credit shall be deducted from the taxpayer's tax liability for the taxable year following the year in which the expenditures are made by the taxpayer. If the amount of such tax credit exceeds the taxpayer's tax liability for such taxable year, the amount thereof which exceeds such tax liability may be carried over for deduction from the taxpayer's tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability, except that no such tax credit shall be carried over for deduction after the fourth taxable year succeeding the taxable year in which the expenditures are made. Terms used in this section shall have the same meanings as ascribed thereto in K.S.A. 79-32,175, and amendments thereto.

Sec. 2. K.S.A. 1997 Supp. 74-50,114 is hereby amended to read as follows: 74-50,114. As used in K.S.A. 74-50,113 through 74-50,117 and amendments thereto:

(a) "Ancillary support" means a facility which is operated by a business and whose function is to provide services in support of the business, but is not directly engaged in the business' primary function.

(b) "Business" means any manufacturing business or nonmanufacturing business.

(c) "Business headquarters" means a facility where principal officers of the business are housed and from which direction, management or administrative support for transactions is provided for a business or division of a business or regional division of a business.

(d) "Full-time employee" means a person who is required to file a Kansas income tax return and who is employed by a business or retail business to perform duties in connection with the operation of the business or retail business on:

- (1) A regular, full-time basis;
- (2) a part-time basis, provided such person is customarily performing such duties at least 20 hours per week throughout the taxable year; or
- (3) a seasonal basis, provided such person performs such duties for substantially all of the season customary for the position in which such person is employed. The number of full-time employees during any taxable year shall be determined by dividing by 12 the sum of the number of full-time employees on the last business day of each month of such taxable year. If the business or retail business is in operation for less than the entire taxable year, the number of full-time employees shall be determined by dividing the sum of the number of full-time employees on the last business day of each full calendar month during the portion of such taxable year during which the business was in operation by the number of full calendar months during such period.

(e) "Manufacturing business" means all commercial enterprises identified under the manufacturing standard industrial classification codes, major groups 20 through 39.

(f) "Metropolitan county" means the county of Douglas, Johnson, Leavenworth, Sedgewick, Shawnee or Wyandotte.

(g) "Nonmanufacturing business" means any commercial enterprise other than a manufacturing business or a retail business. Nonmanufacturing business shall also include the business headquarters of an enterprise, ancillary support of an enterprise, and an enterprise designated under standard industrial classification codes 5961, 7948-0201 or 7372 regardless of the firm's classification as a retail business if that facility for which the sales tax exemption certificate is issued facilitates the creation of at least 20 new full-time positions. In addition, with respect to enterprises in standard industrial classification code 7948-0201, such enterprises must operate an auto racetrack in the state involving capital improvements costing not less than \$100,000,000.

For taxable years commencing after December 31, 1997, any ancillary support business which would otherwise be eligible for a sales tax exemption or an income, premium or privilege tax credit pursuant to this subsection shall incorporate in its tax filing for the exemption or credit a statement from the secretary of commerce and housing which includes a finding by the secretary that the job expansion incident to the exemption or credit claimed would not have occurred in the absence of the credit or exemption.

(h) "Nonmetropolitan region" means a region established under K.S.A. 74-50,116 and amendments thereto and is comprised of any county or counties which are not metropolitan counties.

(i) "Retail business" means: (1) Any commercial enterprise primarily engaged in the sale at retail of goods or services taxable under the Kansas retailers' sales tax act; (2) any service provider set forth in K.S.A. 17-2707, and amendments thereto; (3) any bank, savings and loan or other lending institution; (4) any commercial enterprise whose primary business activity includes the sale of insurance; and (5) any commercial enterprise deriving its revenues directly from noncommercial customers in exchange for personal services such as, but not limited to, barber shops, beauty shops, photographic studios and funeral services.

(j) "Secretary" means the secretary of the Kansas department of commerce and housing.

(k) "Standard industrial classification code" means a standard industrial classification code published in the Standard Industrial Classification manual, 1987, as prepared by the statistical policy division of the office of management and budget of the office of the president of the United States of America.

Sec. 3. K.S.A. 1997 Supp. 74-50,132 is hereby amended to read as follows: 74-50,132. For taxable years commencing after December 31, 1997, a qualified firm shall be entitled to a credit toward its corporate income tax liability against the tax imposed by the Kansas income tax act, the premium tax or privilege fee imposed pursuant to K.S.A. 40-252, and amendments thereto or the privilege tax as measured by net income of financial institutions imposed pursuant to chapter 79, article 11 of the Kansas Statutes Annotated in an amount equal to the portion of the qualified business facility cash investment in the training and education of the firm's employees that exceeds 2% of the firm's total payroll costs. The maximum amount of the credit that may be claimed by a single corporate taxpayer in any single tax year under this section shall not exceed \$50,000. Tax credits earned by a qualified business under this section must be claimed in their entirety in the tax year eligible.

Sec. 4. K.S.A. 79-32,153 is hereby amended to read as follows: 79-32,153. (a) For taxable years commencing after December 31, 1997, any taxpayer who shall invest in a qualified business facility, as defined in subsection (b) of K.S.A. 79-32,154, and amendments thereto, shall be allowed a credit for such investment, in an amount determined under subsection (b) against the tax imposed by the Kansas income tax act, the privilege tax on net income of insurance companies imposed under chapter 40, article 28 of the Kansas Statutes Annotated, the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto or the privilege tax as measured by net income of financial institutions imposed pursuant to chapter 79, article 11 of the Kansas Statutes Annotated for the taxable year during which commencement of commercial operations, as defined in subsection (f) of K.S.A. 79-32,154, and amendments thereto, occurs at such qualified business facility, and for each of the nine succeeding taxable years. No credit shall be allowed under this section unless the number of qualified business facility em-

ployees, as determined under subsection (d) of K.S.A. 79-32,154, and amendments thereto, engaged or maintained in employment at the qualified business facility as a direct result of the investment by the taxpayer for the taxable year for which the credit is claimed equals or exceeds two. Where an employee performs services for the taxpayer outside the qualified business facility, the employee shall be considered engaged or maintained in employment at the qualified business facility if (1) the employee's service performed outside the qualified business facility is incidental to the employee's service inside the qualified business facility, or (2) the base of operations or, the place from which the service is directed or controlled, is at the qualified business facility.

(b) The credit allowed by subsection (a) for any taxpayer who invests in a qualified business facility shall be a portion of the income tax, but not in excess of 50% of such tax, otherwise imposed on or measured by the taxpayer's qualified business facility income, as defined in subsection (g) of K.S.A. 79-32,154, and amendments thereto, for the taxable year for which such credit is allowed. Such portion shall be an amount equal to the sum of the following:

(1) One hundred dollars for each qualified business facility employee determined under K.S.A. 79-32,154, and amendments thereto; plus

(2) one hundred dollars for each \$100,000, or major fraction thereof (which shall be deemed to be 51% or more), in qualified business facility investment as determined under K.S.A. 79-32,154, and amendments thereto.

(c) No credit shall be allowed under this section for investment in a public utility, as such term is defined in K.S.A. 66-104, and amendments thereto.

Sec. 5. K.S.A. 79-32,154 is hereby amended to read as follows: 79-32,154. As used in this act, the following words and phrases shall have the meanings respectively ascribed to them herein:

(a) "Facility" shall mean any factory, mill, plant, refinery, warehouse, feedlot, building or complex of buildings located within the state, including the land on which such facility is located and all machinery, equipment and other real and tangible personal property located at or within such facility used in connection with the operation of such facility. The word "building" shall include only structures within which individuals are customarily employed or which are customarily used to house machinery, equipment or other property.

(b) "Qualified business facility" shall mean a facility which satisfies the requirements of paragraphs (1) and (2) of this subsection.

(1) Such facility is employed by the taxpayer in the operation of a revenue producing enterprise, as defined in subsection (c). Such facility shall not be considered a qualified business facility in the hands of the taxpayer if the taxpayer's only activity with respect to such facility is to lease it to another person or persons. If the taxpayer employs only a portion of such facility in the operation of a revenue producing enterprise, and leases another portion of such facility to another person or persons or does not otherwise use such other portions in the operation of a revenue producing enterprise, the portion employed by the taxpayer in the operation of a revenue producing enterprise shall be considered a qualified business facility, if the requirements of paragraph (2) of this subsection are satisfied.

(2) If such facility was acquired by the taxpayer from another person or persons, such facility was not employed, immediately prior to the transfer of title to such facility to the taxpayer, or to the commencement of the term of the lease of such facility to the taxpayer, by any other person or persons in the operation of a revenue producing enterprise and the taxpayer continues the operation of the same or substantially identical revenue producing enterprise, as defined in subsection (i), at such facility.

(c) "Revenue producing enterprise" shall mean:

- (1) The assembly, fabrication, manufacture or processing of any agricultural, mineral or manufactured product;
- (2) the storage, warehousing, distribution or sale of any products of agriculture, aquaculture, mining or manufacturing;
- (3) the feeding of livestock at a feedlot;
- (4) the operation of laboratories or other facilities for scientific, agricultural, aquacultural, animal husbandry or industrial research, development or testing;
- (5) the performance of services of any type;
- (6) the feeding of aquatic plants and animals at an aquaculture operation;

(continued)

- (7) the administrative management of any of the foregoing activities; or
 (8) any combination of any of the foregoing activities.

"Revenue producing enterprise" shall not mean a swine production facility as defined in K.S.A. 17-5903, and amendments thereto.

(d) "Qualified business facility employee" shall mean a person employed by the taxpayer in the operation of a qualified business facility during the taxable year for which the credit allowed by K.S.A. 79-32,153, and amendments thereto, is claimed:

(1) A person shall be deemed to be so engaged if such person performs duties in connection with the operation of the qualified business facility on: (A) A regular, full-time basis; (B) a part-time basis, provided such person is customarily performing such duties at least 20 hours per week throughout the taxable year; or (C) a seasonal basis, provided such person performs such duties for substantially all of the season customary for the position in which such person is employed. The number of qualified business facility employees during any taxable year shall be determined by dividing by 12 the sum of the number of qualified business facility employees on the last business day of each month of such taxable year. If the qualified business facility is in operation for less than the entire taxable year, the number of qualified business facility employees shall be determined by dividing the sum of the number of qualified business facility employees on the last business day of each full calendar month during the portion of such taxable year during which the qualified business facility was in operation by the number of full calendar months during such period. Notwithstanding the provisions of this subsection, for the purpose of computing the credit allowed by K.S.A. 79-32,153, and amendments thereto, in the case of an investment in a qualified business facility, which facility existed and was operated by the taxpayer or related taxpayer prior to such investment, the number of qualified business facility employees employed in the operation of such facility shall be reduced by the average number, computed as provided in this subsection, of individuals employed in the operation of the facility during the taxable year preceding the taxable year in which the qualified business facility investment was made at the facility.

(2) For taxable years commencing after December 31, 1997, in the case of a taxpayer claiming a credit against the privilege tax on net income of insurance companies imposed under chapter 40, article 28 of Kansas Statutes Annotated, premium tax and privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto or the privilege tax as measured by net income of financial institutions imposed pursuant to chapter 79 article 11 of the Kansas Statutes Annotated, "qualified business employee" shall not mean any person who is employed in the operation of a qualified business facility in the state due to the merger, acquisition or other reconfiguration of the taxpayer unless such employee's position represents a net gain of total positions created by the taxpayer and the employee's position was not in existence at the time of the merger acquisition or other reconfiguration of the taxpayer.

(e) "Qualified business facility investment" shall mean the value of the real and tangible personal property, except inventory or property held for sale to customers in the ordinary course of the taxpayer's business, which constitutes the qualified business facility, or which is used by the taxpayer in the operation of the qualified business facility, during the taxable year for which the credit allowed by K.S.A. 79-32,153, and amendments thereto, is claimed. The value of such property during such taxable year shall be: (1) Its original cost if owned by the taxpayer; or (2) eight times the net annual rental rate, if leased by the taxpayer. The net annual rental rate shall be the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The qualified business facility investment shall be determined by dividing by 12 the sum of the total value of such property on the last business day of each calendar month of the taxable year. If the qualified business facility is in operation for less than an entire taxable year, the qualified business facility investment shall be determined by dividing the sum of the total value of such property on the last business day of each full calendar month during the portion of such taxable year during which the qualified business facility was in operation by the number of full calendar months during such period. Notwithstanding the provisions of this subsection, for the purpose of computing the credit allowed by K.S.A. 79-32,153, and amendments thereto, in the case of an investment in a qualified business facility, which facility existed and was operated by the taxpayer or related taxpayer prior to such investment the amount of the taxpayer's qualified business facility investment in such facility shall be reduced by the average amount, computed as provided in this subsection, of the investment of the taxpayer or

a related taxpayer in the facility for the taxable year preceding the taxable year in which the qualified business facility investment was made at the facility.

(f) "Commencement of commercial operations" shall be deemed to occur during the first taxable year for which the qualified business facility is first available for use by the taxpayer, or first capable of being used by the taxpayer, in the revenue producing enterprise in which the taxpayer intends to use the qualified business facility.

(g) "Qualified business facility income" shall mean the Kansas taxable income derived by the taxpayer from the operation of the qualified business facility. If a taxpayer has income derived from the operation of a qualified business facility as well as from other activities conducted within this state, the Kansas taxable income derived by the taxpayer from the operation of the qualified business facility shall be determined by multiplying the taxpayer's Kansas taxable income by a fraction, the numerator of which is the property factor, as defined in paragraph (1), plus the payroll factor, as defined in paragraph (2), and the denominator of which is two. In the case of financial institutions, the property and payroll factors shall be computed utilizing the specific provisions of the apportionment method applicable to financial institutions, if enacted, and the qualified business facility income shall be based upon net income.

(1) The property factor is a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal property owned, or rented and used in connection with the operation of the qualified business facility during the tax period, and the denominator of which is the average value of all the taxpayer's real and tangible personal property owned or rented and used in this state during the tax period. The average value of all such property shall be determined as provided in K.S.A. 79-3281 and 79-3282, and amendments thereto.

(2) The payroll factor is a fraction, the numerator of which is the total amount paid during the tax period by the taxpayer for compensation to persons qualifying as qualified business facility employees, as determined under subsection (d), at the qualified business facility, and the denominator of which is the total amount paid in this state during the tax period by the taxpayer for compensation. The compensation paid in this state shall be determined as provided in K.S.A. 79-3283, and amendments thereto.

The formula set forth in this subsection (g) shall not be used for any purpose other than determining the qualified business facility income attributable to a qualified business facility.

(h) "Related taxpayer" shall mean (1) a corporation, partnership, trust or association controlled by the taxpayer; (2) an individual, corporation, partnership, trust or association in control of the taxpayer; or (3) a corporation, partnership, trust or association controlled by an individual, corporation, partnership, trust or association in control of the taxpayer. For the purposes of this act, "control of a corporation" shall mean ownership, directly or indirectly, of stock possessing at least 80% of the total combined voting power of all classes of stock entitled to vote and at least 80% of all other classes of stock of the corporation; "control of a partnership or association" shall mean ownership of at least 80% of the capital or profits interest in such partnership or association; and "control of a trust" shall mean ownership, directly or indirectly, of at least 80% of the beneficial interest in the principal or income of such trust.

(i) "Same or substantially identical revenue producing enterprise" shall mean a revenue producing enterprise in which the products produced or sold, services performed or activities conducted are the same in character and use, are produced, sold, performed or conducted in the same manner and to or for the same type of customers as the products, services or activities produced, sold, performed or conducted in another revenue producing enterprise.

Sec. 6. K.S.A. 79-32,160a is hereby amended to read as follows: 79-32,160a. (a) For taxable years commencing after December 31, 1997, any taxpayer who shall invest in a qualified business facility, as defined in subsection (b) of K.S.A. 79-32,154, and amendments thereto, and also meets the definition of a business in subsection (b) of K.S.A. 74-50,114 and amendments thereto, shall be allowed a credit for such investment, in an amount determined under subsection (b) or (c), as the case requires, against the tax imposed by the Kansas income tax act or where the qualified business facility is the principal place from which the trade or business of the taxpayer is directed or managed and the facility has facilitated the creation of at least 20 new full-time positions; against the privilege tax on net income of insurance companies imposed under chapter 40, article 28 of the Kansas Statutes Annotated premium tax or privilege fees

imposed pursuant to K.S.A. 40-252, and amendments thereto or as measured by the net income of financial institutions imposed pursuant to chapter 40 79, article 11 of the Kansas Statutes Annotated, for the taxable year during which commencement of commercial operations, as defined in subsection (f) of K.S.A. 79-32,154, and amendments thereto, occurs at such qualified business facility. In the case of a taxpayer who meets the definition of a manufacturing business in subsection (d) of K.S.A. 74-50,114 and amendments thereto, no credit shall be allowed under this section unless the number of qualified business facility employees, as determined under subsection (d) of K.S.A. 79-32,154, and amendments thereto, engaged or maintained in employment at the qualified business facility as a direct result of the investment by the taxpayer for the taxable year for which the credit is claimed equals or exceeds two. In the case of a taxpayer who meets the definition of a nonmanufacturing business in subsection (f) of K.S.A. 74-50,114 and amendments thereto, no credit shall be allowed under this section unless the number of qualified business facility employees, as determined under subsection (d) of K.S.A. 79-32,154, and amendments thereto, engaged or maintained in employment at the qualified business facility as a direct result of the investment by the taxpayer for the taxable year for which the credit is claimed equals or exceeds five. Where an employee performs services for the taxpayer outside the qualified business facility, the employee shall be considered engaged or maintained in employment at the qualified business facility if (1) the employee's service performed outside the qualified business facility is incidental to the employee's service inside the qualified business facility, or (2) the base of operations or, the place from which the service is directed or controlled, is at the qualified business facility.

(b) The credit allowed by subsection (a) for any taxpayer who invests in a qualified business facility which is located in a designated nonmetropolitan region established under K.S.A. 74-50,116 and amendments thereto, on or after the effective date of this act, shall be a portion of the income tax imposed by the Kansas income tax act on the taxpayer's Kansas taxable income, the *privilege tax on net income of insurance companies imposed under chapter 40, article 28 of the Kansas Statutes Annotated premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto* or the privilege tax as measured by the net income of financial institutions imposed pursuant to chapter 40 79, article 11 of the Kansas Statutes Annotated, for the taxable year for which such credit is allowed, but in the case where the qualified business facility investment was made prior to January 1, 1996, not in excess of 50% of such tax. Such portion shall be an amount equal to the sum of the following:

(1) Two thousand five hundred dollars for each qualified business facility employee determined under K.S.A. 79-32,154, and amendments thereto; plus

(2) one thousand dollars for each \$100,000, or major fraction thereof, which shall be deemed to be 51% or more, in qualified business facility investment, as determined under K.S.A. 79-32,154, and amendments thereto.

(c) The credit allowed by subsection (a) for any taxpayer who invests in a qualified business facility, which is not located in a nonmetropolitan region established under K.S.A. 74-50,116 and amendments thereto and which also meets the definition of business in subsection (b) of K.S.A. 74-50,114 and amendments thereto, on or after the effective date of this act, shall be a portion of the income tax imposed by the Kansas income tax act on the taxpayer's Kansas taxable income, the *privilege tax on net income of insurance companies imposed under chapter 40, article 28 of the Kansas Statutes Annotated premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto* or the privilege tax as measured by the net income of financial institutions imposed pursuant to chapter 40 79, article 11 of the Kansas Statutes Annotated, for the taxable year for which such credit is allowed, but in the case where the qualified business facility investment was made prior to January 1, 1996, not in excess of 50% of such tax. Such portion shall be an amount equal to the sum of the following:

(1) One thousand five hundred dollars for each qualified business facility employee as determined under K.S.A. 79-32,154, and amendments thereto; and

(2) one thousand dollars for each \$100,000, or major fraction thereof, which shall be deemed to be 51% or more, in qualified business facility investment as determined under K.S.A. 79-32,154, and amendments thereto.

(d) The credit allowed by subsection (a) for each qualified business facility employee and for qualified business facility investment shall be a one-time credit. If the amount of the credit allowed under subsection (a)

exceeds the tax imposed by the Kansas income tax act on the taxpayer's Kansas taxable income, the *privilege tax on net income of insurance companies imposed under chapter 40, article 28 of the Kansas Statutes Annotated premium tax and privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto* or the privilege tax as measured by the net income of financial institutions imposed pursuant to chapter 40 79, article 11 of the Kansas Statutes Annotated for the taxable year, or in the case where the qualified business facility investment was made prior to January 1, 1996, 50% of such tax imposed upon the amount which exceeds such tax liability or such portion thereof may be carried over for credit in the same manner in the succeeding taxable years until the total amount of such credit is used. Except that, before the credit is allowed, a taxpayer, who meets the definition of a manufacturing business in subsection (d) of K.S.A. 74-50,114 and amendments thereto, shall recertify annually that the net increase of a minimum of two qualified business facility employees has continued to be maintained and a taxpayer, who meets the definition of a nonmanufacturing business in subsection (f) of K.S.A. 74-50,114 and amendments thereto, shall recertify annually that the net increase of a minimum of five qualified business employees has continued to be maintained.

(e) Notwithstanding the foregoing provisions of this section, any taxpayer qualified and certified under the provisions of K.S.A. 1997 Supp. 74-50,131, and amendments thereto, and that has received written approval from the secretary of commerce and housing for participation and has participated, during the tax year for which the exemption is claimed, in the Kansas industrial training, Kansas industrial retraining or the state of Kansas investments in lifelong learning program or is eligible for the tax credit established in K.S.A. 1997 Supp. 74-50,132, and amendments thereto, shall be entitled to a credit in an amount equal to 10% of that portion of the qualified business facility investment which exceeds \$50,000 in lieu of the credit provided in subsection (b)(2) or (c)(2) without regard to the number of qualified business facility employees engaged or maintained in employment at the qualified business facility. The credit allowed by this subsection shall be a one-time credit. If the amount thereof exceeds the tax imposed by the Kansas income tax act on the taxpayer's Kansas taxable income or the *premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto or the privilege tax as measured by net income of financial institutions imposed pursuant to chapter 79, article 11 of the Kansas Statutes Annotated* for the taxable year, the amount thereof which exceeds such tax liability may be carried forward for credit in the succeeding taxable year or years until the total amount of the tax credit is used, except that no such tax credit shall be carried forward for deduction after the 10th taxable year succeeding the taxable year in which such credit initially was claimed and no carry forward shall be allowed for deduction in any succeeding taxable year unless the taxpayer continued to be qualified and was recertified for such succeeding taxable year pursuant to K.S.A. 1997 Supp. 74-50,131, and amendments thereto.

(f) This section and K.S.A. 79-32,160b and amendments thereto shall be part of and supplemental to the job expansion and investment credit act of 1976 and acts amendatory thereof and supplemental thereto.

Sec. 7. K.S.A. 79-32,195 is hereby amended to read as follows: 79-32,195. As used in this act, the following words and phrases shall have the meanings ascribed to them herein: (a) "Business firm" means any business entity authorized to do business in the state of Kansas which is subject to the state income tax imposed by the provisions of the Kansas income tax act, any national banking association, state bank, trust company or savings and loan association paying an annual tax on its net income pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, or any insurance company paying an annual tax on its net income pursuant to article 28 of chapter 40 of the Kansas Statutes Annotated *the premium tax and privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto*;

(b) "community services" means:

(1) The conduct of activities which meet a demonstrated community need and which are designed to achieve the objectives set forth in the blueprint for investment in Kansas children and their families of the 1991 special committee on children's initiatives and which have been approved by local planning councils established in accordance with such blueprint *improved educational and social services for Kansas children and their families, and which are coordinated with communities*;

(2) crime prevention; and

(3) health care services.

(continued)

(c) "crime prevention" means any nongovernmental activity which aids in the prevention of crime in an impoverished area.

(d) "community service organization" means any organization performing community services in Kansas and which:

(1) Has obtained a ruling from the internal revenue service of the United States department of the treasury that such organization is exempt from income taxation under the provisions of section 501(c)(3) of the federal internal revenue code; or

(2) is incorporated in the state of Kansas or another state as a non-stock, nonprofit corporation; or

(3) has been designated as a community development corporation by the United States government under the provisions of title VII of the economic opportunity act of 1964; or

(4) is chartered by the United States congress.

(e) "health care services" shall include, but not be limited to, the following: Services provided by local health departments, city, county or district hospitals, city or county nursing homes, or other residential institutions, preventive health care services offered by a community service organization including immunizations, prenatal care, the postponement of entry into nursing homes by home health care services, and community based services for persons with a disability, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, services provided by rural health clinics, integration of health care services, home health services and services provided by rural health networks.

(f) "rural community" means any city having a population of fewer than 15,000 located in a county that is not part of a standard metropolitan statistical area as defined by the United States department of commerce or its successor agency. However, any such city located in a county defined as a standard metropolitan statistical area shall be deemed a rural community if a substantial number of persons in such county derive their income from agriculture and, in any county where there is only one city within the county which has a population of more than 15,000 and which

classifies as a standard metropolitan statistical area, all other cities in that county having a population of less than 15,000 shall be deemed a rural community.

Sec. 8. K.S.A. 79-32,196 is hereby amended to read as follows: 79-32,196. For taxable years commencing after December 31, 1997, any business firm which contributes to a community service organization or governmental entity which engages in the activities of providing community services, shall be allowed a credit, as provided in K.S.A. 79-32,197, against the tax imposed by the Kansas income tax act, the tax on net income of national banking associations, state banks, trust companies or savings and loan associations imposed under article 11 of chapter 79 of the Kansas Statutes Annotated, or the tax on net income of insurance companies imposed under article 28 of chapter 40 of the Kansas Statutes Annotated premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, if the proposal of the provider of community services is approved pursuant to K.S.A. 79-32,198. Any business firm which makes such a contribution after the effective date of this act and prior to July 1, 1998, shall be allowed a credit in accordance with this act, as if the contribution had been made in calendar year 1997, for the firm's tax liability for taxable years commencing after December 31, 1996. Notwithstanding any other provisions of this section, no business firm shall claim more than one credit for the same contribution.

New Sec. 9. For purposes of calculating any tax due under K.S.A. 40-253, and amendments thereto, from a taxpayer not organized under the laws of this state, the credits allowed pursuant to K.S.A. 40-2813, 74-50,132, 79-32,153, 79-32,160 and 79-32,196, and amendments thereto, shall be treated as tax paid under K.S.A. 40-252, and amendments thereto.

Sec. 10. K.S.A. 79-32,153, 79-32,154, 79-32,160a, 79-32,195 and 79-32,196 and K.S.A. 1997 Supp. 40-2813, 74-50,114 and 74-50,132 are hereby repealed.

Sec. 11. 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 to the 1997 Volumes of the Kansas Administrative Regulations.

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Table with 3 columns: Reg. No., Action, Register. Lists regulations 1-2-8 through 1-9-26 with their respective actions and register references.

Table with 3 columns: Reg. No., Action, Register. Lists regulations 1-9-27 through 1-63-2 with their respective actions and register references.

AGENCY 4: DEPARTMENT OF AGRICULTURE

Table with 3 columns: Reg. No., Action, Register. Lists regulations 4-7-213 through 4-17-1c with their respective actions and register references.

AGENCY 7: SECRETARY OF STATE

Table with 3 columns: Reg. No., Action, Register. Lists regulations 7-19-1 through 7-19-7 with their respective actions and register references.

AGENCY 9: ANIMAL HEALTH DEPARTMENT

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AGENCY 10: KANSAS BUREAU OF INVESTIGATION

Table with 3 columns: Reg. No., Action, Register. Lists regulations 10-20-2 through 10-20-4 with their respective actions and register references.

AGENCY 16: ATTORNEY GENERAL

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AGENCY 17: STATE BANKING DEPARTMENT

Table with 3 columns: Reg. No., Action, Register. Lists regulation 17-22-1 with its action and register reference.

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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
b28-52-2	New	V. 17, p. 168
28-52-3	New	V. 17, p. 168
28-52-4	New	V. 17, p. 168
28-68-3	Amended	V. 17, p. 547
28-70-1	New	V. 17, p. 168
28-70-2	New	V. 17, p. 168
28-70-3	New	V. 17, p. 169

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-2-17	New	V. 16, p. 1174, 1553
30-4-34	Amended	V. 16, p. 251
30-4-35	Amended	V. 16, p. 1001
30-4-35w	Revoked	V. 16, p. 251
30-4-39	Amended	V. 16, p. 1513
30-4-40	Amended	V. 16, p. 1513
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. 1513
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. 688
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. 1513
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. 1514
30-4-90w	Revoked	V. 16, p. 259
30-4-95	Amended	V. 16, p. 259
30-4-96	Amended	V. 16, p. 1517
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. 1517
30-4-106w	Revoked	V. 16, p. 262

30-4-107	Amended	V. 16, p. 1518
30-4-108	Amended	V. 16, p. 262
30-4-109	Amended	V. 16, p. 1518
30-4-109w	Revoked	V. 16, p. 263
30-4-110	Amended	V. 16, p. 1001
30-4-110w	Revoked	V. 16, p. 264
30-4-111	Amended	V. 16, p. 1002
30-4-111w	Revoked	V. 16, p. 265
30-4-112	Amended	V. 16, p. 1518
30-4-112w	Revoked	V. 16, p. 265
30-4-113	Amended	V. 16, p. 1519
30-4-113w	Revoked	V. 16, p. 266
30-4-120	Amended	V. 16, p. 266
30-4-120w	Revoked	V. 16, p. 266
30-4-122a	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. 16, p. 1003
30-5-64	Amended	V. 16, p. 1008
30-5-80	Revoked	V. 16, p. 1010
30-5-94	Amended	V. 16, p. 1520
30-5-101	Amended	V. 16, p. 1010
30-5-107	Amended	V. 16, p. 1520
30-5-109	Amended	V. 16, p. 1010
30-5-113a	Amended	V. 16, p. 1010
30-5-300	Amended	V. 17, p. 300
30-5-307	Amended	V. 16, p. 1016
30-5-309	New	V. 16, p. 1016
30-5-310	New	V. 17, p. 302
30-6-34	Amended	V. 16, p. 268
30-6-35	Amended	V. 16, p. 1017
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. 1521
30-6-52w	Revoked	V. 16, p. 269
30-6-53w	Revoked	V. 16, p. 269
30-6-54	Amended	V. 16, p. 688
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
30-6-59	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
30-6-77	Amended	V. 16, p. 1521
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
30-6-82	Amended	V. 16, p. 1522
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
30-6-103w	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. 1522
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. 1524
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
30-6-112	Amended	V. 16, p. 1526
30-6-112w	Revoked	V. 16, p. 278
30-6-113	Amended	V. 16, p. 1527
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
30-26-1	Revoked	V. 16, p. 899
30-26-1a	New	V. 16, p. 899

(continued)

30-26-2	Revoked	V. 16, p. 899
30-26-4	Revoked	V. 16, p. 899
30-26-7	Revoked	V. 16, p. 899
30-46-10	Amended	V. 16, p. 1553

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-1-1	Revoked	V. 16, p. 1250
36-1-1a	Revoked	V. 16, p. 1251
36-1-2	Revoked	V. 16, p. 1251
36-1-3	Revoked	V. 16, p. 1251
36-1-8	Revoked	V. 16, p. 1251
36-1-9	Revoked	V. 16, p. 1251
36-1-10	Revoked	V. 16, p. 1251
36-1-26	Revoked	V. 16, p. 1251
36-1-27	Revoked	V. 16, p. 1251
36-1-35 through 36-1-38	New	V. 16, p. 1251-1255
36-35-1	Revoked	V. 16, p. 1256
36-39-1	Amended	V. 16, p. 1078
36-39-2	Amended	V. 16, p. 1078
36-39-3	Amended	V. 16, p. 1078
36-39-6	Amended	V. 16, p. 1080

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-19	Amended	V. 16, p. 685
40-2-21	Revoked	V. 16, p. 972
40-2-24	New	V. 16, p. 482
40-2-25	New	V. 16, p. 1988
40-2-26	New	V. 16, p. 1988
40-3-5	Amended	V. 16, p. 686
40-3-26	Amended	V. 16, p. 686
40-3-27	Amended	V. 16, p. 686
40-3-49	Amended	V. 16, p. 686
40-4-41c	Amended	V. 16, p. 686
40-7-20a	Amended	V. 16, p. 483
40-7-21	Amended	V. 16, p. 484
40-8-7	Amended	V. 16, p. 687
40-10-2	Amended	V. 16, p. 1626
40-10-10	Amended	V. 16, p. 1626

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-12-601	Amended	V. 17, p. 424.

AGENCY 45: KANSAS PAROLE BOARD

Reg. No.	Action	Register
45-9-2	Amended	V. 17, p. 143

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
49-49-1	Amended	V. 16, p. 1120

AGENCY 50: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF EMPLOYMENT

Reg. No.	Action	Register
50-2-25a through 50-2-25e	New	V. 16, p. 1047

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

Reg. No.	Action	Register
51-9-7	Amended	V. 16, p. 1329

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
60-3-106a	Amended	V. 17, p. 357
60-3-107	Amended	V. 17, p. 357
60-3-112	New	V. 17, p. 357
60-4-101	Amended	V. 17, p. 358
60-7-109	New	V. 17, p. 358
60-7-110	New	V. 17, p. 358
60-8-101	Amended	V. 17, p. 358
60-9-105	Amended	V. 17, p. 358
60-9-106	Amended	V. 17, p. 359
60-9-107	Amended	V. 17, p. 360
60-11-119	Amended	V. 17, p. 361
60-11-120	New	V. 17, p. 361
60-11-121	New	V. 17, p. 361

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-3-10	Amended	V. 16, p. 1250

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
65-10-1	Amended	V. 16, p. 1176

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-1	Amended	V. 17, p. 102
66-10-1	Amended	V. 17, p. 102

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-1f	Amended	V. 16, p. 1176
68-1-2a	New	V. 16, p. 1176
68-2-5	Amended	V. 16, p. 1177
68-2-9	Amended	V. 16, p. 1177
68-7-12	Amended	V. 17, p. 170
68-20-15a	Amended	V. 16, p. 1177

AGENCY 69: BOARD OF COSMETOLOGY

Reg. No.	Action	Register
69-15-1 through 69-15-30	New	V. 16, p. 1281-1288

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
70-9-1	New	V. 16, p. 1289
70-10-1	New	V. 16, p. 175

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-1-3	Amended	V. 16, p. 1742
71-1-16	Revoked	V. 16, p. 1742
71-1-17	Revoked	V. 16, p. 1742
71-1-19	New	V. 16, p. 1742
71-3-3	Revoked	V. 16, p. 1742
71-5-3	Amended	V. 16, p. 1742
71-5-4	Amended	V. 16, p. 1742

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-1-5	Revoked	V. 16, p. 1119
74-1-6	New	V. 16, p. 1119
74-2-1	Amended	V. 16, p. 1119
74-12-1	Amended	V. 16, p. 1120

AGENCY 75: CONSUMER CREDIT COMMISSIONER

Reg. No.	Action	Register
75-6-26	Amended	V. 16, p. 1912

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-2-1	Amended	V. 16, p. 1938
81-3-2	Amended	V. 16, p. 1939
81-5-8	Amended	V. 16, p. 1939
81-5-9	Revoked	V. 16, p. 1939
81-5-13	New	V. 16, p. 1939
81-5-14	New	V. 16, p. 1940

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-3-103a	Amended	V. 16, p. 1332
82-3-120	Amended	V. 16, p. 1332
82-3-120a	New	V. 16, p. 1332
82-3-123	Amended	V. 16, p. 1333
82-3-129	Revoked	V. 16, p. 1333
82-3-130	Amended	V. 16, p. 1333
82-3-136	Amended	V. 16, p. 1333
82-3-141	Revoked	V. 16, p. 1333
82-3-304	Amended	V. 16, p. 1333
82-3-308	Revoked	V. 16, p. 1334
82-3-309	Revoked	V. 16, p. 1334
82-3-312	Amended	V. 16, p. 1334
82-3-313	Revoked	V. 16, p. 1334
82-3-500 through 82-3-504	Revoked	V. 16, p. 1334
82-3-800 through 82-3-804	New	V. 17, p. 362, 363

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-3	Amended	V. 16, p. 1669, 1704
86-1-5	Amended	V. 17, p. 246
86-1-11	Amended	V. 16, p. 1669, 1705
86-2-8	Amended	V. 16, p. 1670, 1706
86-3-25	Revoked	V. 16, p. 1670, 1706
86-3-26	New	V. 16, p. 1670, 1706
86-3-27	New	V. 16, p. 1672, 1707
86-3-28	New	V. 16, p. 1672, 1707

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-3-9	Amended	V. 17, p. 208

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-5-14	Amended	V. 17, p. 35
91-10-2	Amended	V. 16, p. 409

AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION

Reg. No.	Action	Register
93-6-1 through 93-6-6	New	V. 16, p. 1552, 1892

AGENCY 94: BOARD OF TAX APPEALS

Reg. No.	Action	Register
94-2-1 through 94-2-12	Amended	V. 16, p. 1242-1245
94-2-13 through 94-2-18	New	V. 16, p. 1245, 1246
94-3-1	Amended	V. 16, p. 1246
94-3-2	Amended	V. 16, p. 1246

AGENCY 99: DEPARTMENT OF AGRICULTURE—DIVISION OF WEIGHTS AND MEASURES

Reg. No.	Action	Register
99-25-1	Amended	V. 17, p. 209
99-25-2	Revoked	V. 17, p. 209
99-25-4 through 99-25-8	New	V. 17, p. 209, 210
99-27-1 through 99-27-5	New	V. 17, p. 210-212
99-30-5	Amended	V. 17, p. 212
99-30-6	Amended	V. 17, p. 212
99-31-5	Amended	V. 17, p. 212
99-31-6	Amended	V. 17, p. 213
99-40-7	New	V. 17, p. 213

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-6-2	Amended	V. 16, p. 737
100-11-1	Amended	V. 17, p. 509
100-15-1	Amended	V. 16, p. 1176
100-23-1	Amended	V. 17, p. 299
100-29-1 through 100-29-14	New	V. 16, p. 380-384
100-29-7	Amended	V. 17, p. 510
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
100-49-4	Amended	V. 17, p. 510
100-49-5	Amended	V. 16, p. 1176

100-54-4	Amended	V. 17, p. 510
100-54-7	Amended	V. 16, p. 142
100-55-4	Amended	V. 17, p. 510
100-55-10	Revoked	V. 17, p. 510
100-60-1	Amended	V. 17, p. 510
100-67-1	New	V. 16, p. 1174, 1549
100-69-5	Amended	V. 17, p. 510
100-69-10	New	V. 16, p. 2061

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-13	Amended	V. 16, p. 1672
102-2-2a	Amended	V. 16, p. 1672
102-2-4a	Amended	V. 16, p. 1673
102-2-4b	Amended	V. 16, p. 1674
102-2-5	Amended	V. 16, p. 1675
102-2-6	Amended	V. 16, p. 1675
102-2-8	Amended	V. 16, p. 1676
102-2-9	Amended	V. 16, p. 1678
102-2-10	Amended	V. 16, p. 1678
102-2-11	Amended	V. 16, p. 1678
102-2-12	Amended	V. 16, p. 1679
102-3-1	Revoked	V. 16, p. 1941
102-3-1a	New	V. 16, p. 1941
102-3-2	Amended	V. 16, p. 1680
102-3-3	Revoked	V. 16, p. 1942
102-3-3a	New	V. 16, p. 1942
102-3-4	Revoked	V. 16, p. 1943
102-3-4a	New	V. 16, p. 1943
102-3-5	Revoked	V. 16, p. 1944
102-3-5a	New	V. 16, p. 1944
102-3-6	Revoked	V. 16, p. 1944
102-3-6a	New	V. 16, p. 1944
102-3-7	Revoked	V. 17, p. 426
102-3-7a	New	V. 17, p. 426
102-3-8	Revoked	V. 16, p. 1945
102-3-8a	New	V. 16, p. 1945
102-3-9	Revoked	V. 16, p. 1945
102-3-9a	New	V. 16, p. 1945
102-3-10	Revoked	V. 16, p. 1946
102-3-10a	New	V. 16, p. 1946
102-3-11	Revoked	V. 16, p. 1947
102-3-11a	New	V. 16, p. 1947
102-3-12	Revoked	V. 16, p. 1948
103-3-12a	New	V. 16, p. 1948
102-3-13	Revoked	V. 16, p. 1950
102-4-1	Revoked	V. 16, p. 1950
102-4-1a	New	V. 16, p. 1950
102-4-2	Amended	V. 16, p. 1680
102-4-3	Revoked	V. 16, p. 1951
102-4-3a	New	V. 16, p. 1951
102-4-4	Revoked	V. 16, p. 1953
102-4-4a	New	V. 16, p. 1953
102-4-5	Revoked	V. 16, p. 1954
102-4-5a	New	V. 16, p. 1954
102-4-6	Revoked	V. 16, p. 1954
102-4-6a	New	V. 16, p. 1954
102-4-7a	New	V. 17, p. 318
102-4-8	Revoked	V. 16, p. 1955
102-4-8a	New	V. 16, p. 1955
102-4-9	Revoked	V. 16, p. 1955
102-4-9a	New	V. 16, p. 1955
102-4-10	Revoked	V. 16, p. 1956
102-4-10a	New	V. 16, p. 1956
102-4-11	Revoked	V. 16, p. 1958
102-4-11a	New	V. 16, p. 1958
102-4-12	New	V. 16, p. 1958
102-4-13	New	V. 16, p. 1960
102-5-1	Amended	V. 16, p. 1961
102-5-2	Amended	V. 16, p. 1680
102-5-3	Amended	V. 16, p. 1962
102-5-4	Revoked	V. 16, p. 1963
102-5-4a	New	V. 16, p. 1963
102-5-5	Amended	V. 16, p. 1964
102-5-6	Revoked	V. 16, p. 1964
102-5-6a	New	V. 16, p. 1964
102-5-7	Revoked	V. 17, p. 427
102-5-7a	New	V. 17, p. 427
102-5-8	Amended	V. 16, p. 1965
102-5-9	Amended	V. 16, p. 1965
102-5-10	Amended	V. 16, p. 1966
102-5-11	Amended	V. 16, p. 1967
102-5-12	Amended	V. 16, p. 1967

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-1	Amended	V. 16, p. 651
108-1-2	New	V. 17, p. 462

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-2-15	New	V. 16, p. 2063
109-6-2	Amended	V. 16, p. 1708
109-8-1	Amended	V. 16, p. 685

AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING

Reg. No.	Action	Register
110-4-1 through 110-4-4	Amended	V. 16, p. 1329-1331
110-4-5	New	V. 16, p. 1331

AGENCY 111: KANSAS LOTTERY

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-3	Amended	V. 17, p. 386
111-1-5	Amended	V. 15, p. 1304
111-2-1	Amended	V. 17, p. 387
111-2-2	Amended	V. 17, p. 387
111-2-2a through 111-2-2e	New	V. 14, p. 1633, 1634
111-2-4	Amended	V. 17, p. 429
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. 17, p. 429
111-2-31	New	V. 14, p. 170
111-2-32 through 111-2-42	Revoked	V. 16, p. 448, 449
111-2-43	Amended	V. 16, p. 1807
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
111-2-58	New	V. 16, p. 689
111-2-59	New	V. 16, p. 1043
111-2-60	New	V. 16, p. 1209
111-2-61	New	V. 16, p. 1473
111-2-62	New	V. 16, p. 1209
111-2-63	New	V. 16, p. 1808
111-2-64	New	V. 16, p. 1808
111-2-65	New	V. 16, p. 1883
111-2-66	Amended	V. 17, p. 467
111-2-67	Amended	V. 17, p. 387
111-2-68	New	V. 16, p. 2069
111-2-69	New	V. 16, p. 2070
111-2-70	New	V. 17, p. 388
111-2-71	New	V. 17, p. 389
111-2-72	New	V. 17, p. 430
111-2-73	New	V. 17, p. 467
111-3-1	Amended	V. 17, p. 389
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. 17, p. 390
111-3-14	Amended	V. 17, p. 391
111-3-16	Amended	V. 9, p. 1566

(continued)

111-3-19	Revoked	V. 13, p. 1827	111-4-328			111-4-513		
111-3-20	Amended	V. 11, p. 1148	through			through		
111-3-21	Amended	V. 11, p. 1148	111-4-335	Revoked	V. 12, p. 114	111-4-521	Revoked	V. 16, p. 453
111-3-22	Amended	V. 11, p. 1148	111-4-336			111-4-522		
111-3-23	Revoked	V. 10, p. 883	through			through		
111-3-25	Amended	V. 17, p. 392	111-4-340	Revoked	V. 16, p. 451	111-4-571	Revoked	V. 14, p. 975-977
111-3-26	Amended	V. 11, p. 1149	111-4-341	Revoked	V. 11, p. 1473	111-4-572		
111-3-27	Amended	V. 11, p. 1149	111-4-341a	Revoked	V. 12, p. 1372	through		
111-3-29	Revoked	V. 11, p. 1149	111-4-341b	Revoked	V. 16, p. 451	111-4-585	New	V. 13, p. 878-880
111-3-31	Amended	V. 8, p. 209	111-4-341c	Revoked	V. 16, p. 451	111-4-572	Amended	V. 16, p. 1044
111-3-32	Amended	V. 10, p. 883	111-4-342			111-4-574	Amended	V. 16, p. 1044
111-3-33	New	V. 7, p. 1434	through			111-4-575	Amended	V. 16, p. 1044
111-3-34	New	V. 13, p. 149	111-4-345	Revoked	V. 16, p. 451	111-4-576	Amended	V. 16, p. 1044
111-3-35	Amended	V. 17, p. 430	111-4-346			111-4-577	Amended	V. 16, p. 1044
111-3-36	New	V. 13, p. 877	through			111-4-579	Amended	V. 16, p. 1045
111-3-37	New	V. 13, p. 877	111-4-349	Revoked	V. 12, p. 114	111-4-581	Amended	V. 16, p. 1045
111-4-1			111-4-350			111-4-582	Amended	V. 16, p. 1045
through			through			111-4-583	Amended	V. 15, p. 883
111-4-5	Revoked	V. 12, p. 113	111-4-355	Revoked	V. 16, p. 452	111-4-584	Amended	V. 16, p. 1045
111-4-5a	Revoked	V. 12, p. 113	111-4-356			111-4-586		
111-4-6			through			through		
through			111-4-361	Revoked	V. 14, p. 7	111-4-606	Revoked	V. 14, p. 977, 978
111-4-15	Revoked	V. 12, p. 113	111-4-362			111-4-607		
111-4-66			through			through		
through			111-4-365	Revoked	V. 12, p. 114, 115	111-4-619	New	V. 13, p. 1436-1438
111-4-77	New	V. 7, p. 207-209	111-4-366			111-4-617		
111-4-96			through			through		
through			111-4-369	Revoked	V. 12, p. 1373	111-4-610	Amended	V. 16, p. 1504
111-4-114	New	V. 7, p. 1606-1610	111-4-370			111-4-611	Amended	V. 14, p. 1407
111-4-100	Amended	V. 14, p. 972	through			111-4-613	Amended	V. 14, p. 1408
111-4-101			111-4-379	Revoked	V. 14, p. 7, 8	111-4-616		
through			111-4-380			through		
111-4-106	Revoked	V. 16, p. 450	through			111-4-623	Revoked	V. 14, p. 978
111-4-106a	Revoked	V. 16, p. 450	111-4-383	Revoked	V. 12, p. 1664	111-4-624		
111-4-107			111-4-384			through		
through			through			111-4-702	Revoked	V. 16, p. 453-455
111-4-114	Revoked	V. 16, p. 450, 451	111-4-387	Revoked	V. 12, p. 1373	111-4-703		
111-4-153			through			through		
through			111-4-391	Revoked	V. 12, p. 1373	111-4-723	New	V. 14, p. 909-914
111-4-160	Revoked	V. 9, p. 1676, 1677	111-4-392			111-4-724		
111-4-177			through			through		
through			111-4-400	Revoked	V. 16, p. 252	111-4-736	New	V. 14, p. 978-981
111-4-212	Revoked	V. 9, p. 1677, 1678	111-4-401			111-4-737		
111-4-213			through			through		
through			111-4-404	Revoked	V. 12, p. 1373	111-4-749	New	V. 14, p. 1095-1098
111-4-220	Revoked	V. 10, p. 1213	111-4-405			111-4-750		
111-4-221			through			through		
through			111-4-413	Revoked	V. 16, p. 452	111-4-757	New	V. 14, p. 1408, 1409
111-4-224	Revoked	V. 10, p. 1585	111-4-414			111-4-758		
111-4-225			through			through		
through			111-4-428	Revoked	V. 14, p. 8	111-4-761	New	V. 14, p. 1502, 1503
111-4-228	Revoked	V. 10, p. 1585	111-4-429			111-4-762		
111-4-229			through			through		
through			111-4-432	Revoked	V. 12, p. 1373	111-4-778	New	V. 14, p. 1410-1414
111-4-236	Revoked	V. 10, p. 1585, 1586	111-4-433			111-4-769	Amended	V. 14, p. 1503
111-4-237			through			111-4-779		
through			111-4-436	Revoked	V. 12, p. 1374	through		
111-4-240	Revoked	V. 11, p. 413	111-4-437			111-4-791	New	V. 14, p. 1504-1507
111-4-241			through			111-4-792		
through			111-4-440	Revoked	V. 12, p. 1374	through		
111-4-244	Revoked	V. 12, p. 1371	111-4-441			111-4-803	New	V. 14, p. 1635-1638
111-4-245			through			111-4-804		
through			111-4-444	Revoked	V. 14, p. 8	111-4-816	New	V. 15, p. 116-119
111-4-248	Revoked	V. 12, p. 1371	111-4-445			111-4-817		
111-4-249			through			through		
through			111-4-448	Revoked	V. 12, p. 1374	111-4-824	New	V. 15, p. 289, 290
111-4-256	Revoked	V. 12, p. 113, 114	111-4-449			111-4-825		
111-4-257			through			through		
through			111-4-453	Revoked	V. 14, p. 8	111-4-838	New	V. 15, p. 449-452
111-4-286	Revoked	V. 11, p. 413, 414	111-4-454			111-4-839		
111-4-287			through			through		
through			111-4-465	Revoked	V. 12, p. 1664, 1665	111-4-854	New	V. 15, p. 624-627
111-4-290	Revoked	V. 12, p. 1371	111-4-466			111-4-855		
111-4-291			through			through		
through			111-4-469	Revoked	V. 12, p. 1665	111-4-859	New	V. 15, p. 884, 885
111-4-300	Revoked	V. 12, p. 114	111-4-470			111-4-855	Amended	V. 15, p. 1181
111-4-301			through			111-4-860		
through			111-4-477	Revoked	V. 16, p. 452, 453	through		
111-4-307	Revoked	V. 13, p. 1402	111-4-478			111-4-872	New	V. 15, p. 1056-1059
111-4-308			through			111-4-871	Amended	V. 15, p. 1181
through			111-4-492	Revoked	V. 14, p. 974, 975	111-4-873		
111-4-317	Revoked	V. 16, p. 451	111-4-493			through		
111-4-318			through			111-4-892	New	V. 15, p. 1181-1186
through			111-4-496	Revoked	V. 16, p. 453	111-4-881	Amended	V. 16, p. 1505
111-4-321	Revoked	V. 12, p. 114	111-4-497			111-4-893		
111-4-322			through			through		
through			111-4-512	Revoked	V. 14, p. 975	111-4-910	New	V. 15, p. 1441-1445
111-4-327	Revoked	V. 12, p. 1371						

112-12-7	Amended	V. 16, p. 1890
112-12-8	Amended	V. 16, p. 1890
112-12-9	Amended	V. 17, p. 213
112-12-10	Amended	V. 16, p. 1891
112-12-13	Amended	V. 16, p. 1891
112-12-14	Amended	V. 16, p. 1891
112-16-6	Amended	V. 16, p. 1469
112-16-14	Amended	V. 16, p. 380
112-18-3	Amended	V. 16, p. 1152
112-18-21	Amended	V. 17, p. 60

**AGENCY 115: DEPARTMENT OF
WILDLIFE AND PARKS**

Reg. No.	Action	Register
115-1-1	Amended	V. 16, p. 1469
115-2-1	Amended	V. 16, p. 248
115-2-3	Amended	V. 17, p. 462
115-2-6	New	V. 17, p. 462
115-3-2	Amended	V. 16, p. 1471
115-4-1	Amended	V. 17, p. 463
115-4-3	Amended	V. 16, p. 824
115-4-5	Amended	V. 16, p. 825
115-4-6	Amended	V. 16, p. 826
115-4-7	Amended	V. 17, p. 464
115-4-13	Amended	V. 16, p. 829
115-9-5	Amended	V. 16, p. 1472
115-9-8	New	V. 16, p. 1989

115-14-3	Amended	V. 16, p. 1175
115-14-9	Amended	V. 16, p. 1175
115-15-3	Amended	V. 16, p. 1989
115-15-4	New	V. 16, p. 1990
115-18-7	Amended	V. 16, p. 1991
115-18-13	Amended	V. 16, p. 1472
115-18-14	Amended	V. 16, p. 1991
115-18-15	New	V. 16, p. 1991
115-30-3	Amended	V. 16, p. 249
115-30-6	Amended	V. 16, p. 249

**AGENCY 117: REAL ESTATE
APPRAISAL BOARD**

Reg. No.	Action	Register
117-2-1	Amended	V. 16, p. 2063
117-2-2	Amended	V. 16, p. 302
117-3-1	Amended	V. 16, p. 2064
117-3-2	Amended	V. 16, p. 2064
117-4-1	Amended	V. 16, p. 2065
117-4-2	Amended	V. 16, p. 2066
117-5-1	Amended	V. 17, p. 465
117-5-2	New	V. 17, p. 465
117-5-3	New	V. 17, p. 465
117-6-1	Amended	V. 16, p. 2066
117-6-3	Amended	V. 16, p. 2067
117-8-1	Amended	V. 17, p. 366

**AGENCY 121: DEPARTMENT OF
CREDIT UNIONS**

Reg. No.	Action	Register
121-4-1 through 121-4-11	New	V. 16, p. 72-77
121-5-1	New	V. 16, p. 1048
121-5-2	New	V. 16, p. 1048
121-6-1	New	V. 16, p. 1773
121-6-2	New	V. 16, p. 1773

**AGENCY 122: POOLED MONEY
INVESTMENT BOARD**

Reg. No.	Action	Register
122-2-2	Amended	V. 17, p. 10

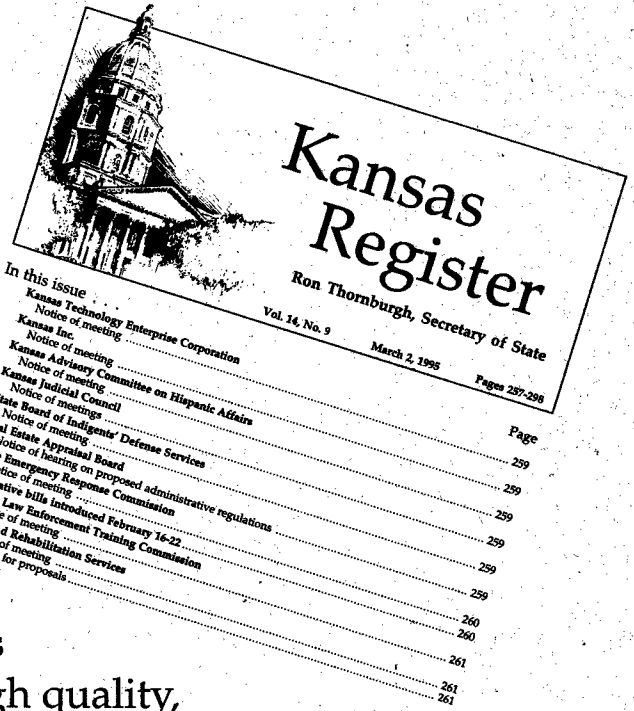
**AGENCY 123: JUVENILE JUSTICE
AUTHORITY**

Reg. No.	Action	Register
123-2-1	New	V. 17, p. 36

**AGENCY 124: CHILD DEATH
REVIEW BOARD**

Reg. No.	Action	Register
124-1-1 through 124-1-4	New	V. 16, p. 1819

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