

KANSAS REGISTER

State of Kansas

BILL GRAVES
Secretary of State

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IN THIS ISSUE . . .

	Page
State Board of Indigents' Defense Services	
Table of Reasonable and Necessary Living Expenses	652
Kansas Council on Employment and Training	
Notice of Meeting	652
Kansas Judicial Council	
Notice of Meetings	652
Secretary of State	
Usury Rate for May	653
State Board of Agriculture	
Notice of Hearing on Proposed Administrative Regulations	653
Wichita State University	
Notice to Bidders	653
Attorney General	
Opinions No. 90-50 and 90-51	653
Kansas Public Disclosure Commission	
Advisory Opinion No. 90-1	654
Department of Transportation	
Notice of Public Auction	654
Notice of Hearing on Proposed Administrative Regulations	654
Kansas State University	
Notice to Bidders	654
Notice to Bidders for State Purchases	655
State Conservation Commission	
Notice to Contractors	656
Department of Health and Environment	
Notice Concerning Kansas Water Pollution Control Permits	656
Independent Living Advisory Council	
Notice of Meeting	657
Social and Rehabilitation Services	
Notice of Amended Economic Impact Statement	657
Notice of Hearing on Proposed Administrative Regulations	657
University of Kansas	
Notice to Bidders	660
Kansas Arts Commission	
Notice of Meeting	660
Legislative Bills Introduced April 25	661
Board of Emergency Medical Services	
Notice of Hearing on Proposed Administrative Regulations	662
State Corporation Commission	
Notice of Motor Carrier Hearings	662
Notice of Bond Sale	
U.S.D. 487, Dickinson County	664
U.S.D. 509, Sumner County	665
Index to Administrative Regulations	666
New State Laws	
Senate Bill 585, concerning the issuance of bonds in certain public wholesale water supply districts	671
House Bill 2991, relating to banks and banking and the organization thereof	672
Senate Bill 596, concerning the establishment and operation of a community correctional conservation camp in Labette County	672
Senate Bill 558, making and concerning appropriations	672
Senate Bill 542, concerning scholarships	678
Senate Bill 429, concerning parimutuel racing	680

State of Kansas

Board of Indigents' Defense Services

Table of Reasonable and Necessary Living Expenses

Pursuant to provisions of K.A.R. 105-4-2(c), the State Board of Indigents' Defense Services herewith publishes its table of reasonable and necessary living expenses to be used by the court in conjunction with other information to determine eligibility of persons for felony defense services (K.S.A. 22-4501 et seq.).

Size of Family Unit	Living Expenses Guideline
1	\$ 7,850
2	10,525
3	13,200
4	15,875
5	18,550
6	21,225
7	23,900
8	26,575

Add \$2,675 for each additional family member.

This table will be published in the *Kansas Register* each time the federal poverty income guidelines are revised, subject to consideration and approval by the board.

Ronald E. Miles
Director

Doc. No. 009169

State of Kansas

Department of Human Resources
Kansas Council on Employment and Training

Notice of Meeting

The Kansas Council on Employment and Training will meet at 8 a.m. Friday, May 11, at the Hutchinson Holiday Inn & Holidome, 1400 N. Lorraine, Hutchinson. The meeting is open to the public.

Ray Siehndel
Secretary of Human Resources

Doc. No. 009186

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 W. 10th, Topeka.

Date	Committee	Time	Location
May 17	Care & Treatment	9:30 a.m.	Room 259
May 18	Criminal Law	9:30 a.m.	Room 259
May 25	Civil Code	9:30 a.m.	Room 259
June 8	Judicial Council	9:00 a.m.	Room 259
June 15	Criminal Law	9:30 a.m.	Room 259
June 22	Civil Code	9:30 a.m.	Room 259
June 29	Family Law	9:30 a.m.	Room 259

Justice Richard W. Holmes
Chairman

Doc. No. 009182

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State of Kansas

Secretary of State

Usury Rate for May

Pursuant to the provisions of K.S.A. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate executed during the period of May 1, 1990, through May 31, 1990, is 12.25 percent.

Bill Graves
Secretary of State

Doc. No. 009189

State of Kansas

Wichita State University

Notice to Bidders

Sealed bids for the following will be received by the Wichita State University, Office of Purchasing, 1845 N. Fairmount, Campus Box 12, Morrison Hall, Room 021, Wichita 67208-1595, until 2 p.m. C.S.T. on the date indicated and then will be publicly opened. Interested bidders may call (316) 689-3080 for additional information.

Monday, May 14, 1990

#010429-B

Miscellaneous audio/visual equipment

Gary D. Link
Director of Purchasing

Doc. No. 009190

State of Kansas

Board of Agriculture

Notice of Hearing
on Proposed
Administrative Regulations

A public hearing will be conducted at 9:30 a.m. Wednesday, June 6, in Conference Room A of the Kansas State Board of Agriculture, 109 S.W. 9th, Topeka, at which time all interested persons will have an opportunity to be heard regarding the adoption of proposed permanent rules and regulations of the Kansas State Board of Agriculture. The proposed permanent rules and regulations will become effective 45 days after their publication in the *Kansas Register* unless a specified date is contained in the regulation.

All interested persons may attend the hearing and will be given an opportunity to express comments either orally or in writing, or both. In addition, the period of at least 30 days notice constitutes a public comment period for the purpose of receiving public comments on the proposed rules and regulations.

Written comments and requests for copies of the regulations and the complete economic impact statement should be sent to Kenneth M. Wilke, Chief Counsel, Kansas State Board of Agriculture, 109 S.W. 9th, Topeka 66612, at or before the time of the hearing. For persons interested in presenting personal testimony at the hearing, prior notice to this office would be helpful in arranging the agenda. In order to give all parties an opportunity to present their views it may be necessary to request each participant to limit any oral presentations to five minutes.

A summary of the proposed regulations is as follows:

4-8-34. Updates the "Official Leafy Spurge Control Program" adopted by reference to the January 9, 1990, edition.

4-8-40. Updates the "Official Sericea Lespedeza Control Program" adopted by reference to the January 9, 1990, edition.

Regarding the proposed amendments to K.A.R. 4-8-34 and K.A.R. 4-8-40, there will be minimal, if any, fiscal or economic impact on this agency or other governmental agencies, individuals, private businesses, or the general public.

Sam Brownback
Secretary of Agriculture

Doc. No. 009184

State of Kansas

Attorney General

Opinion No. 90-50

Public Health—Examination and Registration of Pharmacists—Pharmacists Required to be in Charge of Pharmacy; Brand Exchange. Senator Roy M. Ehrlich, 35th District, Hoisington, April 23, 1990.

Drugs which were generally recognized as safe prior to the enactment of the federal food, drug and cosmetic act of 1938 were not considered new drugs within the meaning of the act, and were therefore given approval through the grandfather provisions of the act. As long as those grandfathered drugs do not become new drugs, there will be a lack of sufficient data and an absence of an opportunity to determine bioequivalence between other drugs and the grandfathered drug. In light of this lack of information, the grandfathered drugs are not subject to brand exchange as are drugs for which bioequivalence has been determined. Cited herein: K.S.A. 1989 Supp. 65-1626; 65-1637; 21 U.S.C.S § 355 (Cum. Supp. 1989); 21 U.S.C.S § 358 (1984); 34 Stat. 768 (1906), 37 Stat. 416 (1912), 52 Stat. 1040 (1938); Pub. L. 87-781 (1962), Pub. L. 98-417 (1984). MWS

Opinion No. 90-51

Taxation—Property Valuation, Equalizing Assessments, Appraisers and Assessment of Property—Notification of Taxpayer of Change in Classification or Appraised Valuation of Property; Tax Year 1990; Senate Bill No. 332. Senator B. D. Kanan, 5th District, Kansas City, April 24, 1990.

Pursuant to 1990 Senate Bill No. 332, county appraisers may increase the appraised valuation of real property in tax year 1990 only if a specific review, including a physical inspection, has been made of the property. Such an inspection is not required to increase the valuation of land devoted to an agricultural use. Cited herein: K.S.A. 79-1460; 1990 Senate Bill No. 332. JLM

Robert T. Stephan
Attorney General

Doc. No. 009183

State of Kansas

Kansas Public Disclosure Commission

Advisory Opinion No. 90-1

Written January 24, 1990, to all interested persons:

It has come to our attention that university personnel may receive moneys, services or gratuities from endowment associations, athletic corporations, other university related entities and private enterprises. On occasion, these sources have gone unreported on Statements of Substantial Interests on the mistaken belief that the remuneration was from the state.

Other than from a state warrant, whenever an amount is received which constitutes a "substantial interest," the donor must be listed on the reporting form in the appropriate category.

Lowell K. Abeldt
Chairman

Doc. No. 009170

State of Kansas

Department of Transportation

Notice of Public Auction

The Kansas Department of Transportation will conduct a public auction at 10:30 a.m. Friday, May 18, at Route 4, Leavenworth (approximately 1.5 miles north of Leavenworth on the east side of Highway 73). The department has purchased a single-wide mobile home (approximately 10' x 47', white and tan with brown trim, two bedrooms, living room, kitchen, three-piece bath, central air, skirting and concrete steps) in the acquisition of land for highway purposes and will sell the mobile home to be removed from the highway right of way.

The successful bidder must remove the structure on or before June 18. A \$500 performance bond must be posted on the day of sale with K.D.O.T. as a guarantee of removal. Any item not removed from the right of way by the specified date shall revert to and become the property of K.D.O.T. The purchaser shall have no right, title, interest or claim to or lien upon remaining items or part thereof nor any claim against K.D.O.T. for the sale price paid after said date. The purchaser shall not permit use or occupancy of said structure pending removal from highway right of way.

Personnel will be available at 10 a.m. the date of sale for inspection of property. The seller reserves the right to reject any and all bids. Terms of the sale are certified or cashier's check. The buyer will receive a bill of sale. The seller is not responsible for accidents.

Further information can be obtained by contacting Beverly Lee or Pamela Wolf, Bureau of Right of Way, Kansas Department of Transportation, (913) 296-3501.

Horace B. Edwards
Secretary of Transportation

Doc. No. 009197

State of Kansas

Kansas State University

Notice to Bidders

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

Monday, May 14, 1990

#00145

Waveform digitizer

#00146

Tandem flowing afterglow selected ion flow tube

William H. Sesler
Director of Purchasing

Doc. No. 009180

State of Kansas

Department of Transportation

Notice of Hearing
on Proposed
Administrative Regulations

A public hearing will be conducted at 2 p.m. and at 2:30 p.m. Tuesday, May 22, in the Kansas Department of Transportation conference room, seventh floor, Docking State Office Building, 915 Harrison, Topeka, to consider amendments to K.A.R. 36-26-1 and K.A.R. 36-15-23.

K.A.R. 36-26-1. The amendment provides additional vehicles that are required to stop at railroad crossings, procedures for crossing, and exceptions to the crossing requirements. The amendment brings the regulation into compliance with K.S.A. 8-1553 and will be effective without an increase in current staffing or operating expenditure levels. The amendment will not create additional financial costs to any member of the public or to other agencies.

K.A.R. 36-15-23. The amendment provides for the types of acceptable eye protection devices to be worn by motorcyclists. The amendment brings the regulation into enforceable compliance with K.S.A. 8-1598 and will be effective without an increase in current staffing or operating expenditure levels. The amendment will not create additional financial costs to any member of the public or to other agencies.

Copies of the amended regulations and the economic impact statement are available in K.D.O.T.'s Office of Chief Counsel, Theresa Pasek, Docking State Office Building, 7th Floor, Topeka 66612.

All interested parties will be given a reasonable opportunity to present their views orally at the hearing concerning the regulations.

Horace B. Edwards
Secretary of Transportation

Doc. No. 009143

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. C.D.T. on the date indicated and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

Monday, May 14, 1990

83613

Emporia State University—Microfilm reader-printer
83614

Department of Revenue—Conversion coated aluminum, Wichita

83664

University of Kansas—Mainframe laser printer
83692

Kansas State Penitentiary—A/C Equipment

Tuesday, May 15, 1990

A-6190

Rainbow Mental Health Facility—Repair, reseal and restripe parking lots and drives

A-6225

Youth Center at Atchison—H.V.A.C. modifications, Commissary Building

28030

Ellsworth Correctional Facility—Dishwashing supplies
28240

Kansas State Fair—Electrical maintenance service
83622

University of Kansas Medical Center—Plain paper copier

Wednesday, May 16, 1990

A-6387

University of Kansas—Proposed Douthart reroof
27767

University of Kansas Medical Center—Fetal monitor rental

83633

Kansas Bureau of Investigation—Sexual assault kits
83634

Department of Administration, Division of Printing—Scanner

83635

Department of Transportation—Aircraft repair and inspection

83640

Kansas State University—Meteorological equipment

83648

Kansas State University—Grain

Thursday, May 17, 1990

A-6224

Youth Center at Atchison—Campus sidewalk replacement

27069

University of Kansas Medical Center—Blood bank sets

27160

Statewide—Basic clothing

28237

Kansas State Historical Society—Licensed security guard services

Friday, May 18, 1990

27551

Kansas State Fair—Electrical supplies
83665

Kansas State University—Fluorescence cell sorter
83678

University of Kansas—Aircraft modification
83679

Kansas State University—Test and measuring equipment

83685

Department of Wildlife and Parks—Boat/trailers/motors

Tuesday, May 22, 1990

27387

Statewide—Syringes, needles and blood collection

Wednesday, May 23, 1990

A-6378

Department of Wildlife and Parks—Cheyenne Bottoms Wildlife Area capital improvements programs, phase II construction project, Barton County

Thursday, May 31, 1990

A-6206

Larned State Hospital—Reroofing of Jung Building

Request for Proposals

Wednesday, May 16, 1990

28236

Advertising/publishing hunting/fishing for the Department of Wildlife and Parks

Friday, May 25, 1990

28238

Alcohol and drug abuse treatment for the Department of Social and Rehabilitation Services

28239

Alcohol and drug evaluation for the Department of Corrections

Nicholas B. Roach
Director of Purchases

Doc. No. 009185

**State of Kansas
State Conservation Commission**

Notice to Contractors

Sealed bids for the construction of a 117,000 cubic yard detention dam, Site 4-14A in Hodgeman County, will be received by the Pawnee Watershed Joint District No. 81 at the district office, Route 2, Box 135, Jetmore 67854, until 8 p.m. on May 21 and then opened. A copy of the invitation for bids and the plans and specifications can be obtained from the district office, West Highway 156, (316) 357-6420.

Kenneth F. Kern
Executive Director

Doc. No. 009171

**State of Kansas
Department of Health
and Environment**

**Notice Concerning Kansas
Water Pollution Control Permits**

In accordance with state regulations 28-16-57 through 28-16-63 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for discharges to the waters of the United States and the state of Kansas for the applicants described below. The tentative determinations for permit content are based on preliminary limitations of the state of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

Name and Address of Applicant	Waterway	Type of Discharge
Hallmark Cards, Inc. 101 McDonald Drive Lawrence, KS 64141 Douglas County, Kansas	Kansas River via unnamed tributary	Non-contact cooling water and stormwater

Kansas Permit No. I-KS31-P003 Fed. Permit No. KS-0002976
Description of Facility: This facility manufactures greeting cards, jigsaw puzzles, and decorative ribbon. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Waterway	Type of Discharge
Associated Wholesale Grocers, Inc. 5000 Kansas Ave. Kansas City, 66106 Wyandotte County, Kansas	Kansas River via storm sewer	Hydrocarbon contaminated groundwater clean-up

Kansas Permit No. I-KS27-P023 Fed. Permit No. KS-0085880
Description of Facility: This facility is engaged in a groundwater clean-up project. The recovered groundwater is aerated prior to discharge. This is a new permit. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Waterway	Type of Discharge
Coleman Company, Inc. Coleman North Plant P.O. Box 19014 Wichita, KS 67204-9014 Sedgwick County, Kansas	Lower Arkansas River via storm sewer, Lower Arkansas River Basin	Process Wastewater

Kansas Permit No. I-AR94-P021 Fed. Permit No. KS-0000850
Description of Facility: This process waste stream is directed through settling basins before combining with once through non-contact cooling water. The combined waste stream discharges to a storm sewer. Air stripping towers are used to treat contaminated groundwater prior to discharge at the north plant and at the A & E building. The groundwater is used for noncontact cooling water at the A & E Building prior to discharge to the airstripper. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Waterway	Type of Discharge
Board of Public Utilities Power Plant #1 P.O. Box 1008 McPherson, KS 67460 McPherson County, Kansas	Arkansas River via Sun Creek via Bull Creek, Little Arkansas River Basin	Process and cooling water

Kansas Permit No. I-LA11-P003 Fed. Permit No. KS-0079740
Description of Facility: This facility is a standby electrical generating station used for peaking and emergency power. This is an existing facility and the previous limits have been modified. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Waterway	Type of Discharge
Board of Public Utilities Power Plant #2 P.O. Box 1008 McPherson, KS 67460 McPherson County, Kansas	Arkansas River via Sun Creek via Bull Creek, Little Arkansas River Basin	Process and cooling water

Kansas Permit No. I-LA11-P004 Fed. Permit No. KS-0079758
Description of Facility: This facility is a standby electrical generating station used for peaking and emergency power. This is an existing facility and the previous limits have been modified. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments received prior to June 1 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-90-23/27) and the name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determinations. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61.

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Division of Environment offices from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Stanley C. Grant
Secretary of Health
and Environment

Doc. No. 009181

State of Kansas

Social and Rehabilitation Services**Independent Living
Advisory Council****Notice of Meeting**

The Independent Living Advisory Council will meet at 9:30 a.m. Monday, May 7, in the Forum Room, Memorial Union, Washburn University, 21st and Washburn, Topeka.

Gabriel R. Faimon
Chairperson

Doc. No. 009195

State of Kansas

Social and Rehabilitation Services**Notice of Amended Economic Impact Statement**

The correct economic impact statement for Kansas Administrative Regulation 30-5-87, which will be considered for adoption by the Secretary of Social and Rehabilitation Services at 8 a.m. Tuesday, May 29, in the SRS board room, sixth floor, Docking State Office Building, 915 Harrison, Topeka, is as follows:

Economic Impact: Estimated increase expenditures of \$8,505,895 (\$3,997,771 state general funds).

The notice concerning the public hearing was published in the April 26 *Kansas Register*.

Winston Barton
Secretary of Social and
Rehabilitation Services

Doc. No. 009187

State of Kansas

Social and Rehabilitation Services**Notice of Hearing
on Proposed
Administrative Regulations**

A public hearing will be conducted at 8 a.m. Monday, June 4, in the SRS board room, sixth floor, Docking State Office Building, 915 Harrison, Topeka, to consider the adoption of proposed changes in existing rules and regulations and adoption of new regulations on a permanent basis.

This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Secretary of Social and Rehabilitation Services, Room 603-N, Docking State Office Building, 915 Harrison, Topeka 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

These regulations are proposed for adoption and are scheduled to become effective August 1. A summary of proposed regulations and their economic impact follows.

The phrase "Federal Mandate" following an item indicates that the change is required by federal policy. Optional changes in regulations related to federal programs are subject to approval by the U.S. Department of Health and Human Services.

Article 2.—GENERAL

30-2-16. Permanency planning goals for title IV-E of the federal social security act. This regulation is being amended to change the date of the federal fiscal year permanency planning goals. (Federal Mandate.)

Economic Impact: This regulation precludes the federal government from withholding money which the agency would otherwise receive under titles IV-B and IV-E of the federal social security act.

Article 5.—PROVIDER PARTICIPATION, SCOPE OF SERVICES, AND REIMBURSEMENTS FOR THE MEDICAID (MEDICAL ASSISTANCE) PROGRAM

30-5-58. Definitions. This regulation is being amended to add the following new definitions:

"Maternity center" means a facility licensed as a maternity hospital which provides delivery services for normal uncomplicated pregnancies.

"Residence for the payment of hospice services" means a hospice recipient's home or the nursing facility in which a hospice recipient is residing.

"Technology dependent child" means a Kan Be Healthy program participant who would require institutionalization without the provision of home care services because of dependency upon prolonged intravenous drugs, nourishment through parenteral nutrition, or mechanical ventilators.

"Timely filing" means the receipt by the Kansas department of social and rehabilitation services or its fiscal agent of a claim for payment from a provider for services provided to a medicaid program recipient which is no later than six months after the date the claimed services were provided.

Economic Impact: None.

30-5-59. Provider participation requirements. This regulation is being amended to update the federal cross-referenced citations.

Economic Impact: None.

30-5-60. Provider termination. This regulation is being amended to make technical changes and to add copies of the cross-referenced citations.

Economic Impact: None.

30-5-65. Filing limitations for medical claims. This regulation is being amended to make technical changes. Economic Impact: None.

30-5-68. Fees for consultants to the medicaid/medikan program. This regulation is being amended to change the title and to replace the \$55 maximum hourly rate with a mutually negotiable contracted amount.

Economic Impact: None.

30-5-71. Co-payment requirements. This regulation is being amended to eliminate co-payment from chiropractic and dental services, to change co-payment for audiological services from "per office visit" to "per date of service."

(continued)

and to add co-payment obligation to community mental health center services (per psychotherapy individual visit) and home health services (per date of service excluding the rental of durable medical equipment).

Economic Impact: Estimated cost savings of \$464,683 (\$189,488 state general funds).

30-5-81. Scope of hospital services. This regulation is being amended to:

a. Add that medicaid enrollment information must be updated annually;

b. add that outpatient hospital assessment (screening) to assess the need for emergency services is non-covered;

c. add that liver transplants are limited to those performed at the Kansas University Medical Center;

d. add that utilization review shall also determine whether a discharge is premature, a transfer is necessary, and if procedure and diagnosis coding on a claim are correct;

e. add that a recipient cannot be billed for days later determined to be medically unnecessary;

f. add that a recipient may be billed if he or she refuses to leave the hospital after the physician writes a discharge order;

g. add that substance abuse treatment is limited to three per lifetime of the recipient regardless of the type of provider; and

h. update attached federal cross-referenced material.

Economic Impact: None.

30-5-81b. The basis of reimbursement for hospital services. This regulation is being amended to:

a. Add the requirement that cost reports must be filed with SRS no later than 30 days after the due date of the medicare cost report to the medicare fiscal intermediary;

b. add that special hospitals will be reimbursed on a cost/charge basis for outpatient services provided to program recipients;

c. delete the material relating to disproportionate share payment adjustments which is no longer pertinent; and

d. update attached federal cross-referenced material.

Economic Impact: None.

30-5-86. Scope of services by community mental health centers. This regulation is being amended by reducing the number of hours allowed for psychological testing from six to four. Kan Be Healthy participants may still be allowed six hours.

Economic Impact: Estimated cost savings of \$10,440 (\$4,137 state general funds).

30-5-87. Scope of the Kan Be Healthy program. This regulation is being rewritten so as to meet changed federal requirements for Early and Periodic Screening, Diagnosis and Treatment (EPSDT) recipients (federal mandate). The new text is set forth below:

30-5-87. Scope of the Kan Be Healthy program. Kan Be Healthy screenings shall be available at intervals designated by the Kansas department of social and rehabilitation services and at other medically necessary intervals for all program recipients under 21 years of age. (a) The Kan Be Healthy medical screening shall include, but shall not be limited to, the following procedures:

- (1) Comprehensive health and developmental history;
- (2) comprehensive, unclothed physical examination;
- (3) appropriate laboratory tests;

(4) appropriate immunizations according to age and health history;

(5) health education including anticipatory guidance; and

(6) scheduling or referral for diagnosis and treatment necessary to correct defects and chronic conditions discovered during screening.

(b) The Kan Be Healthy dental screening shall include, but shall not be limited to, the following procedures:

(1) Comprehensive oral examination; and

(2) scheduling or referral for diagnosis and treatment necessary to correct defects and chronic conditions discovered during screening.

(c) The Kan Be Healthy vision screening shall include, but shall not be limited to, the following procedures:

(1) A vision screening; and

(2) scheduling or referral for diagnosis and treatment necessary to correct defects and chronic conditions discovered during screening.

(d) The Kan Be Healthy hearing screening shall include, but shall not be limited to, the following procedures:

(1) Appropriate hearing testing; and

(2) scheduling or referral for diagnosis and treatment necessary to correct defects and chronic conditions discovered during screening.

(e) Diagnosis and treatment to correct defects and chronic conditions discovered during screening shall include, but shall not be limited to, the following services:

(1) Eyeglasses;

(2) relief of pain and infections, restoration of teeth and maintenance of dental health;

(3) hearing aids; and

(4) other necessary health care, diagnostic services, treatment and other measures to correct or ameliorate defects and physical and mental illnesses and conditions discovered by the screening services.

Economic Impact: Estimated increased expenditures of \$8,505,895 (\$3,997,771 state general funds).

30-5-88. Scope of physician services. This regulation is being amended to:

a. Limit liver transplants to the Kansas University Medical Center; and

b. remove the limitations in SRS regulations on physician extenders so that they may provide whatever services are allowed by their state licensure or registration (federal mandate).

Economic Impact: The change regarding liver transplants has no economic impact. The change regarding physician extenders will result in an estimated cost savings of \$94,926 (\$41,331 state general funds).

30-5-90. Scope of substance abuse services. This regulation is being revoked as its content is already contained in other Article 5 regulations (30-5-81, 30-5-81b, 30-5-86, 30-5-88, 30-5-116).

Economic Impact: None.

30-5-92. Scope of pharmacy services. This regulation is being amended to add that the agency may allow coverage for specified drugs, supplies or devices without a doctor's prescription.

Economic Impact: None.

30-5-100. Scope of dental services. This regulation is being amended to delete the medical screening require-

ment for Kan Be Healthy recipients under the age of three so that they may receive dental services.

Economic Impact: None.

30-5-104. Scope of psychological services. This regulation is being amended by reducing the number of hours allowed for psychological testing from six to four. Kan Be Healthy participants may still be allowed six hours.

Economic Impact: Estimated cost savings of \$1,823 (\$983 state general funds).

30-5-110. Scope of partial hospitalization programs. This regulation is being amended to exempt state institutions from any limitations on partial hospitalization services provided to program recipients.

Economic Impact: None.

30-5-113. Scope of advanced registered nurse practitioner and registered nurse anesthetist services. This regulation is being amended to remove the limitations in SRS regulations on advanced registered nurse practitioners so that they may provide whatever services are allowed by their state registration (federal mandate).

Economic Impact: See the economic impact statement for K.A.R. 30-5-88.

30-5-113a. Reimbursement for advanced registered nurse practitioner services. This regulation is being amended to:

a. Update the title to correspond to the title for K.A.R. 30-5-113; and

b. change the reimbursement methodology to either 75 percent of that allowed for physicians when the services may be provided by a physician (excepting anesthesia services and Kan Be Healthy screenings), or fee for service.

Economic Impact: None.

30-5-115. Scope of hospice services. This regulation is being amended to remove the dual eligibility (Medicare and Medicaid) requirement for hospice services provided by adult care facilities, and to make a technical change (federal mandate).

Economic Impact: Estimated increased expenditures of \$4,149 (\$1,906 state general funds).

30-5-116. Scope of rehabilitation services. This regulation is being amended to:

a. Add that inpatient substance abuse treatment shall be limited to three treatment admissions per lifetime of a recipient, regardless of the type of provider;

b. add psychological services, audiological services and Kan Be Healthy screenings to services covered when provided by local education agencies; and

c. make technical changes.

Economic Impact: None.

30-5-117. Scope of maternity center services. The secretary is proposing to adopt a new regulation, the text of which is set forth below:

30-5-117. Scope of maternity center services. Maternity center services shall be covered when provided by a maternity center licensed by the Kansas department of health and environment or its equivalent when provided by a maternity center located out of state. Labor and delivery shall be covered.

Economic Impact: See the economic impact statement for K.A.R. 30-5-117a.

30-5-117a. Reimbursement for maternity center serv-

ices. The secretary is proposing to adopt a new regulation, the text of which is set forth below:

30-5-117a. Reimbursement for maternity center services. Reasonable fees as related to customary charges shall be paid for maternity center services, except no fee shall be paid in excess of the range maximum. The range of charges shall provide the base for computations.

Economic Impact: Estimated cost savings of \$7,230 (\$3,541 state general funds).

Article 7.—COMPLAINTS, APPEALS AND FAIR HEARINGS

30-5-79. Motions. The secretary is proposing to adopt a new regulation, the text of which is set forth below:

30-5-79. Motions. (a) Motions, unless made during a hearing, shall:

(1) Be in writing; and

(2) state with particularity their bases.

(b) The opposing party shall have 15 days from the date of mailing or personal delivery within which to file a response. The hearing officer may waive the deadline for good cause.

(c) The hearing officer on his or her own motion or at the request of either party may conduct a hearing on the motion. A party requesting a hearing shall include the request in the motion or response.

Economic Impact: None.

Article 22.—LICENSING OF PSYCHIATRIC HOSPITALS AND COMMUNITY MENTAL HEALTH CENTERS; FUNDING OF COMMUNITY MENTAL HEALTH CENTERS AND FACILITIES FOR THE MENTALLY RETARDED AND FACILITIES FOR HANDICAPPED PERSONS

30-22-33. Special purpose grants to community mental retardation centers. The secretary is proposing to adopt a new regulation, the text of which is set forth below:

30-22-33. Special purpose grants to community mental retardation centers. (a) The secretary of social and rehabilitation services or the secretary's designee may award special purpose grants to community mental retardation centers. These grants are for the purpose of expanding the availability of non-institutional services for persons with mental retardation/developmental disabilities. These grants are distinct from the state financing provided under provisions of K.A.R. 30-22-32.

(b) Grants subject to appropriations. The total funds disbursed by the secretary in accordance with these regulations shall not exceed the amount appropriated.

(c) General eligibility for grants. Only community mental retardation centers having been established pursuant to K.S.A. 19-4001 to 19-4015 inclusive, or agencies with affiliation agreements with these centers that have been approved by the secretary or the secretary's designee, and that have been licensed in accordance with the provisions of K.S.A. 75-3307b shall be eligible to receive special purpose grant funding. The secretary or the secretary's designee may also use these funds to purchase services from providers that have not been established pursuant to K.S.A. 19-4001 to 19-4015 but have been licensed in accordance with the provisions of K.S.A. 65-501 instead of K.S.A. 75-3307b if these services allow the

(continued)

diversion or discharge of persons 18 years or less from state mental retardation hospitals.

(d) Application for funds. Eligible centers shall apply to the secretary or the secretary's designee to receive special purpose grant funding. Applications must be submitted in a manner prescribed by the secretary or the secretary's designee and must be submitted by the date and time specified by the secretary or the secretary's designee.

(e) Calculation of assistance. The secretary or the secretary's designee may award funds to eligible centers on the basis of a written commitment by the center to provide eligible programs, as defined in K.A.R. 30-22-32, to eligible clients, as defined in K.A.R. 30-22-32. The secretary or the secretary's designee may purchase service from eligible providers in accordance with the provisions of the mental health and retardation services commissioner's letter on supported family living.

(1) Funds may be awarded to centers on the basis of the number of eligible program units, as defined in K.A.R. 30-22-32, that are proposed to be provided by the center during the fiscal year for which the grant is awarded. For newly awarded grants, program units must be in addition to the number of total units provided during the preceding fiscal year. For continuation grants initially awarded in previous years, the number of program units may equal the number of units funded by the grant in the previous fiscal year. This unit number is in turn multiplied by the program unit per diem rates established by the secretary or the secretary's designee. For new grants, the secretary or the secretary's designee may award funds, in addition to those awarded for provision of program units, to allow purchase of necessary materials, supplies and equipment.

(2) If the appropriation is insufficient to fund the cumulative number of program units proposed to be provided by all eligible centers, the secretary or the secretary's designee may allocate the available funds to the eligible centers on the basis of the percentage of the state's population included within the center's catchment area and the percentage of the total program units not funded by the special purpose grants or medicaid that are provided by the respective center.

(3) If the center fails to provide the number of program units on which the grant award was based, the secretary or the secretary's designee may seek recovery of a prorated amount of special purpose grant funding supplied to the center.

(f) Grant agreement. The secretary or the secretary's designee may execute a contractual agreement to formalize the award of the special purpose grant. The secretary or the secretary's designee may use the grant agreement to impose additional requirements on the center that are not contained in regulation.

Economic Impact: None.

Copies of the regulations and their economic impact statements may be obtained from the Office of Policy, Room 606-N, Docking State Office Building, Topeka 66612, (913) 296-3969 (KANS-A-N 561-3969).

Winston Barton
Secretary of Social and
Rehabilitation Services

Doc. No. 009174

State of Kansas

University of Kansas

Notice to Bidders

Sealed bids for the item listed below will be received by the University of Kansas Purchasing Office, Lawrence, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 864-3416 for additional information.

Monday, May 14, 1990

RFQ 90 1137

Traveling wave tube amplifier, 34.5 to 35.5 GHz

Gene Puckett, L.C.P.M.
Director of Purchasing

Doc. No. 009172

State of Kansas

Kansas Arts Commission

Notice of Meeting

The Kansas Arts Commission will conduct a quarterly business meeting from 9 a.m. to 3 p.m. Friday, May 11, in the Naftzger Lounge of the Wichita Art Museum, 619 Stackman Drive, Wichita.

The primary business item for the commissioners will be to review and act upon the recommendations of the advisory panels for the funding of grants from the Major Grants and Arts in Education programs during fiscal year 1991 (July 1, 1990-June 30, 1991).

Also on the agenda is action upon the fiscal year 1991 budget and final apportionments plan, and panel recommendations for the Kansas Touring Program and KAC grants to fund the Traveling Visual Arts Program, the Folk Arts Apprenticeship Program, the KANSAS 10 visual arts competition, and the Mid-America Arts Alliance.

Funding for KAC programs is provided through appropriations by the Kansas Legislature and grants from the National Endowment for the Arts, a federal agency. The commissioners are scheduled to act upon applications to request federal funding for some KAC programs.

The KAC staff will provide updates on current programs and plans for fiscal year 1991 programs. Proposed guidelines for the fiscal year 1991 Rural Arts and Capital Aid/Design Arts programs will be presented for adoption by the commission.

Meetings of the Kansas Arts Commission, a state agency, are open to public observation. For more information, contact the Kansas Arts Commission, Jayhawk Tower, 700 Jackson, Suite 1004, Topeka 66603-3714, (913) 296-3335.

Dorothy L. Igen
Executive Director

Doc. No. 009175

State of Kansas

Legislature

Legislative Bills Introduced

The following numbers and titles of bills and resolutions have been recently introduced in the 1990 Kansas Legislature.

Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, Topeka 66612, (913) 296-4096.

Bills introduced April 25:

House Bills

HB 3114, by Committee on Taxation: An Act relating to taxation; providing means to increase revenue producing state tax sources for distribution to unified school districts to reduce their reliance on revenue produced from the levy of property taxes; amending K.S.A. 79-2959, 79-2964, 79-32,110, 79-34,147, 79-3603, 79-3606 and 79-3703 and repealing the existing sections.

HB 3115, by Committee on Taxation: An act authorizing imposition of countywide retailers' sales taxes to finance courthouses, jails and law enforcement center facilities in certain counties; amending K.S.A. 1989 Supp. 12-187, as amended by section 3 of 1990 House Bill No. 2947, and repealing the existing section.

HB 3116, by Committee on Taxation: An act relating to motor vehicles; providing for a harvest permit; concerning the registration of farm custom harvesting vehicles; amending section 1 of this act and repealing the existing section; also reviving and amending K.S.A. 1989 Supp. 8-143b, as repealed by section 6 of 1990 Senate Bill No. 573, and 8-143h, as repealed by section 6 of 1990 Senate Bill No. 573, and repealing the revived sections; also repealing section 1 of 1990 Senate Bill No. 573, section 2 of 1990 Senate Bill No. 573, section 3 of 1990 Senate Bill No. 573, and K.S.A. 1989 Supp. 8-143b, as amended by section 4 of 1990 Senate Bill No. 573, and 8-143h, as amended by section 5 of 1990 Senate Bill No. 573.

HB 3117, by Committee on Taxation: An act relating to wildlife and parks; concerning limitations on the use of public lands and waters.

HB 3118, by Committee on Taxation: An act concerning schedule IV controlled substances; amending K.S.A. 1989 Supp. 65-4111 and repealing the existing section.

HB 3119, by Committee on Taxation: An act concerning laboratory testing; relating to approval and regulation of laboratories; conflict reconciliation; amending K.S.A. 1989 Supp. 65-1,108, as amended by section 1 of 1990 Senate Bill No. 725 and repealing the existing section; also repealing K.S.A. 1989 Supp. 65-1,108, as amended by section 2 of 1990 Senate Bill No. 552.

Senate Bills

SB 792, by Committee on Ways and Means: An act defining land devoted to open space for property taxation purposes.

SB 793, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal years ending June 30, 1990, and June 30, 1991; authorizing certain transfers and fees, imposing certain restrictions and limitations and directing or authorizing certain receipts, disbursements, capital improvements and acts incidental to the foregoing.

SB 794, An act relating to taxation; providing means to increase revenue producing state tax sources for distribution to unified school districts to reduce their reliance on revenue produced from the levy of property taxes; amending K.S.A. 79-2959, 79-2964, 79-32,110, 79-34,147, 79-3603, 79-3606, 79-3635 and 79-3703 and repealing the existing sections.

SB 795, An act concerning property taxation; concerning the valuation of property for purpose of taxation for the year 1990; concerning 1990 change of value notices of real property; amending K.S.A. 79-1460, as amended by section 5 of 1990 Senate Bill No. 332, and repealing the existing section.

SB 796, An act amending the uniform commercial driver's license act; amending K.S.A. 1989 Supp. 8-2,132 and repealing the existing section.

SB 797, An act relating to budgets of local taxing subdivisions; concerning deadline dates for 1990 budgets.

House Resolutions

HR 6110, by Representative Lucas: A resolution congratulating and commending Wilma Williams on her resignation as Doniphan County Clerk after 25 years of service.

HR 6111, by Representatives Turnquist and Lynch: A resolution congratulating and commending William Harrington on a distinguished military career and an eventful and productive life.

HR 6112, by Representative Rezac: A resolution congratulating and commending Wells Creek Immanuel United Church of Christ on its 110th anniversary.

HR 6113, by Representative Shallenburger: A resolution congratulating and commending the Baxter Springs Little League All Star baseball team for winning the 1989 state title.

HR 6114, by Representative Crumbaker: A resolution congratulating and commending the Colby High School girls' tennis team and Coach David Stueve for being the 1989-90 Class 4A State Tennis runner-up in Kansas.

HR 6115, by Representative Crumbaker: A resolution congratulating and commending the Colby High School girls' basketball team and Coach Jerry Brown for being runner-up in the 1990 Class 4A State Basketball Championship in Kansas.

HR 6116, by Representative Crumbaker: A resolution congratulating and commending Colby High School for winning the sportsmanship trophy in the 1990 Girls' Class 4A State Basketball Championship.

HR 6117, by Representatives Lynch and Turnquist: A resolution congratulating and commending Robert C. Caldwell for winning a 1990 Black Leadership Award.

HR 6118, by Representative Gatlin: A resolution congratulating and commending Herndon High School on winning the Odyssey of the Mind State Competition.

HR 6119, by Representative Turnbaugh: A resolution congratulating and commending Junction Elementary School on winning the Odyssey of the Mind State Competition.

HR 6120, by Representative Shumway: A resolution congratulating and commending the elected officials of Franklin County, Kansas, and designating May 1, 1990, as Elected Officials' Appreciation Day.

HR 6121, by Representative Shallenburger: A resolution congratulating and commending Floyd R. Steele, Jr. for 40 years service with the Baxter Springs Volunteer Fire Department.

HR 6122, by Representative Shallenburger: A resolution congratulating and commending Stan C. Beeman for 40 years service with the Baxter Springs Volunteer Fire Department.

HR 6123, by Representative Graeber: A resolution designating July 28, 1990, as Buffalo Soldiers Day in Kansas.

HR 6124, by Representative Samuelson: A resolution congratulating the City of Whitewater on its centennial anniversary.

HR 6125, by Representative Sughrue: A resolution congratulating and commending Lydia Haag, one of nine teachers to be inducted into the Kansas Teachers' Hall of Fame in Dodge City on June 9, 1990.

HR 6126, by Representative Roper: A resolution honoring David Joseph (Papa Joe) Saia on his retirement as a Crawford County Commissioner after 50 years of service.

HR 6127, by Representative Roenbaugh: A resolution congratulating and commending John B. "Jack" Arnold for his services as Superintendent of Fort Larned National Historic Site.

HR 6128, by Representative Russell: A resolution congratulating and commending the Coffeyville Community College Debate Squad for winning 1990 regional and national honors in debate.

HR 6129, by Representative Russell: A resolution congratulating and commending Pete Sanford for winning the 1990 National Junior College Debate Championship.

Senate Concurrent Resolutions

SCR 1649, by Senator Yost: A proposition to amend section 1 of article 11 of the constitution of the state of Kansas, relating to taxation.

Senate Resolutions

SR 1862, by Senator Feleciano: A resolution honoring David Joseph (Papa Joe) Saia on his retirement as a Crawford County Commissioner after 50 years of service.

SR 1863, by Senators Moran and Ehrlich: A resolution in memory of J. Rex Duwe.
Doc. No. 009188

**State of Kansas
Board of Emergency Medical Services**

**Notice of Hearing
on Proposed
Administrative Regulations**

A public hearing will be conducted at 10 a.m. Thursday, June 7, in Room 11 of the State Defense Building, 2800 Topeka Blvd., Topeka, to consider the adoption of proposed permanent rules and regulations of the Board of Emergency Medical Services.

All interested parties may submit written comments prior to the hearing to the chairman of the Board of Emergency Medical Services, 109 S.W. 6th, Topeka 66603-3805. All interested parties will be given a reasonable opportunity at the hearing to present their views orally in regard to the adoption of the proposed regulations. In order to give all parties an opportunity to express their views, it may be necessary to request each participant to limit oral presentation to five minutes.

Following the hearing, all written and oral comments submitted by interested parties will be considered by the Board of Emergency Medical Services as the basis for making changes to the proposed regulations.

A summary of the regulations follows. Copies of the regulations and the economic impact statement may be obtained by writing the Board of Emergency Medical Services at the address above.

With the exception of 109-13-1, all the regulations are existing permanent regulations that are being amended. Each regulation will be discussed separately.

109-2-5. The amendments clarify existing requirements for ambulance service operators. There is no economic impact.

109-2-7. The amendments create additional staffing requirements for Type II ambulances and simplify staffing requirements for Type V ambulances. On and after January 1, 1991, the second person on a Type II ambulance would be required to be certified by the American Heart Association or the American Red Cross in a specific level of cardio-pulmonary resuscitation and by the American Red Cross in basic first aid. On and after January 1, 1992, the second person on a Type II ambulance would be required to be certified as a first responder.

There would be no economic impact for the cardio-pulmonary resuscitation and first aid training requirements. This amendment clarifies existing requirements. The economic impact of requiring first responder certification would depend on the number of persons who needed to be certified. The cost of the training and certification would be between \$100 and \$300 for each person trained and certified.

109-2-8. The amendment requires that each Type I and Type II licensed vehicle shall have the name of the ambulance service printed on each side of the vehicle. The economic impact is estimated between \$10 and \$50 for each vehicle.

109-2-11. The amendment requires that each Type V licensed ground vehicle shall have the name of the ambulance service printed on each side of the vehicle. The

economic impact is estimated between \$10 and \$50 for each vehicle.

109-8-1. The amendments clarify current language and limit the number of times a certification examination may be taken to three times. There is no economic impact.

109-9-1. The amendment sets a limit on the time for applicants who have completed a specific training program to make application of certification as an instructor-coordinator. There is no economic impact.

109-10-1. This amendment corrects a technical error in the regulation. There is no economic impact.

109-11-1. This amendment permits training officers who have completed a special training program to teach first responder courses. The economic impact cannot be measured, but it could reduce the cost of first responder training because the instructors would need less training and fewer qualifications.

109-11-8. This amendment permits a passing grade on a course of instruction to substitute for the instructor's written approval. There is no economic impact.

109-12-1. This amendment establishes a new curriculum for automated defibrillator training and establishes new requirements for maintaining approval as an instructor of those training programs. The economic impact cannot be measured, but it is negligible.

109-13-1. This regulation establishes criteria for the board to use in approving county funding of new ambulance services. The economic impact would be limited to the cost of the required hearing for the board, approximately \$300 to \$500.

Bob McDaneld
Administrator

Doc. No. 009173

**State of Kansas
State Corporation Commission
Notice of Motor Carrier Hearings**

Applications set for hearing are to be heard at 9:30 a.m. on the date indicated before the State Corporation Commission, Docking State Office Building, fourth floor, Topeka, unless otherwise noticed.

This list does not include cases previously assigned hearing dates for which parties of record have received notice.

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 4th Floor, Docking State Office Building, Topeka 66612, (913) 296-3808 or 296-3364.

Your attention is invited to Kansas Administrative Regulations (K.A.R.) 82-1-228, "Rules of Practice and Procedure Before the Commission."

Applications set for May 15, 1990

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

Evers Transportation, Inc.)	Docket No. 171,072 M
1008 W. Main)	
Lyons, KS 67554)	MC ID No. 137185

Applicant's Attorney: Clyde Christey, Southwest Plaza Bldg., Suite 202, 3601 W. 29th, Topeka, KS 66614

Grain, dry feed, dry feed ingredients, dry fertilizer, seeds and salt, and food and related products,

Between all points and places in the state of Kansas.

Building and construction materials, iron and steel articles, machinery and fencing materials,

Between points and places in Cheyenne, Sherman, Wallace, Greeley, Hamilton, Stanton, Morton, Rawlins, Thomas, Logan, Wichita, Scott, Kearny, Finney, Grant, Haskell, Stevens, Seward, Decatur, Sheridan, Gove, Lane, Gray, Meade, Norton, Graham, Trego, Ness, Hodgeman, Ford, Clark, Phillips, Rooks, Ellis, Rush, Pawnee, Edwards, Kiowa, Comanche, Smith, Osborne, Russell, Barton, Stafford, Pratt, Barber, Jewell, Mitchell, Lincoln, Ellsworth, Rice, Reno, Kingman, Harper, Republic, Cloud, Ottawa, Saline, McPherson, Harvey, Sedgwick, Sumner, Washington, Marshall, Clay, Riley, Geary, Dickinson, Morris, Marion, Butler and Cowley counties, Kansas.

Also,

Between points and places in the above-described territory, on the one hand, and points and places in the state of Kansas, on the other hand.

Application for Certificate of Convenience and Necessity:

Dan Hadley) Docket No. 171,073 M
403 S. Douglas)
Sedan, KS 67361) MC ID No. 122243

Applicant's Attorney: None

Dry feed and dry feed ingredients, dry fertilizer and dry fertilizer ingredients (except hazardous materials), grain, livestock,

Between all points and places in the state of Kansas.

Application for Amendment to Contract Carrier Permit:

High Plains Trucking of) Docket No. 170,574 M
Kansas, Inc.)
619 S. 151st St. West)
Goddard, KS 67052) MC ID No. 137426

Applicant's Attorney: Rodney Busey, 812 Century Plaza Bldg., Wichita, KS 67202-3208

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

Between points and places in the state of Kansas. Under contract with High Plains Corporation, Colwich, Kansas.

Application for Certificate of Convenience and Necessity:

Highway Carrier Corporation) Docket No. 132,313 M
5320 N.E. 54th Ave.)
Altoona, IA 50009) MC ID No. 107035

Applicant's Attorney: Alex Lewandowski, 4420 Madison Ave., Kansas City, MO 64111

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

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Randy Kelley, dba) Docket No. 171,074 M
Randy Kelley Trucking)
Route 1, Box 138)
Hartford, KS 66854) MC ID No. 119840

Applicant's Attorney: None

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

Between all points and places in the state of Kansas.

Application for Extension of Certificate of Convenience and Necessity:

Nick's Truck Service, Inc.) Docket No. 164,384 M
132 S. 2nd)
WaKeeney, KS 67672) MC ID No. 133519

Applicant's Attorney: Clyde Christey, Southwest Plaza Bldg., Suite 202, 3601 W. 29th, Topeka, KS 66614

Grain, feed, feed ingredients, fertilizer (except anhydrous ammonia), seed, salt, hay, construction and building materials, fencing materials and machinery,

Between points and places in Cheyenne, Sherman, Wallace, Greeley, Hamilton, Stanton, Morton, Rawlins, Thomas, Logan, Wichita, Scott, Kearny, Finney, Grant, Haskell, Stevens, Seward, Decatur, Sheridan, Gove, Lane, Gray, Meade, Norton, Graham, Trego, Ness, Hodgeman, Ford, Clark, Phillips, Rooks, Ellis, Rush, Pawnee, Edwards, Kiowa, Comanche, Smith, Osborne, Russell, Barton, Stafford, Pratt, Barber, Jewell, Mitchell, Lincoln, Ellsworth, Rice, Reno, Kingman, Harper, Republic, Cloud, Ottawa, Saline, McPherson, Harvey, Sedgwick, Sumner, Washington, Clay, Dickinson, Marion, Butler, Cowley, Marshall, Riley, Geary and Morris counties, Kansas.

Also,

Between points and places in the above-described counties, on the one hand, and points and places in the state of Kansas, on the other hand.

Restricted to transport no hazardous materials except for ammonium nitrate dry fertilizer as defined in 49 C.F.R. §172.101.

Application for Abandonment of Certificate of Convenience and Necessity:

Suffield, Inc., dba) Docket No. 152,474 M
Seneca Square Standard)
3118 S. Seneca)
Wichita, KS 67217) MC ID No. 125938

Applicant's Attorney: None

(continued)

Application for Extension of Certificate of Convenience and Necessity:

Albert Zerr, dba) Docket No. 140,598 M
Circle Z Trucking)
Route 3, Box 94)
Quinter, KS 67752) MC ID No. 117804

Applicant's Attorney: None

Hay, grain, livestock,

Between all points and places in the state of Kansas.

Applications set for May 22, 1990

Application for Certificate of Convenience and Necessity:

Apartment Movers, Inc.) Docket No. 171,078 M
1301 W. Douglas)
Wichita, KS 67213) MC ID No. 137187

Applicant's Attorney: Brad Murphree, 400 N. Woodlawn, Suite 1, Wichita, KS 67208.

Household goods,

Between all points and places in the state of Kansas.

Application for Abandonment of Certificate of Convenience and Necessity:

Oil Producers, Inc. of Kansas) Docket No. 151,497 M
2400 N. Woodlawn)
Wichita, KS 67208) MC ID No. 112389

Applicant's Attorney: None

Application for Certificate of Convenience and Necessity:

Thomas C. Peace, dba) Docket No. 171,077 M
Tom Peace Trucking)
29203 E. Litchford Road)
Grain Valley, MO 64029) MC ID No. 134357

Applicant's Attorney: Clyde Christey, Southwest Plaza Bldg., Suite 202, 3601 W. 29th, Topeka, KS 66614

Dry bulk commodities,

Between all points and places in the state of Kansas.

Alfonzo A. Maxwell
Administrator
Transportation Division

(Published in the Kansas Register, May 3, 1990.)

**Summary Notice of Bond Sale
Unified School District 487**

\$350,000

**General Obligation School Bonds
Series 1990**

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

Sealed Bids

Subject to the notice of bond sale and preliminary official statement dated April 30, 1990, sealed bids will be received by the clerk of Unified School District 487 on behalf of the governing body at 19 N. Broadway, Herington, until 7:30 p.m. C.D.T. on Monday, May 14, 1990, for the purchase of \$350,000 principal amount of General Obligation School Bonds, Series 1990. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated June 1, 1990, and will become due serially on October 1 in the years as follows:

Year	Principal Amount
1992	\$ 60,000
1993	65,000
1994	70,000
1995	75,000
1996	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 April 1 and October 1 in each year, beginning on April 1, 1991.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$7,000 (2 percent of the principal amount of the bonds).

Delivery

The school district 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 at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The school district's assessed valuation for the year 1989 is \$11,651,009. The total general obligation indebtedness of the school district as of the date of the bonds, including the bonds being sold, is \$420,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, Overland Park, Kansas, bond counsel, whose approving legal opinion as to the validity of the

bonds will be furnished and paid for by the school district, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the clerk, 19 N. Broadway, Herington, KS 67449, (913) 258-2263; or from the financial advisor, George K. Baum & Company, Twelve Wyandotte Plaza, 120 W. 12th, Kansas City, MO 64105, (816) 474-1100; or from Gilmore & Bell, bond counsel, Financial Plaza II, Suite 150, 6800 College Blvd., Overland Park, KS 66211-1533, (913) 661-0001.

Dated April 24, 1990.

Unified School District 487
By Phylis Harvey, Clerk
19 N. Broadway
Herington, KS 67449
(913) 258-2263

Doc. No. 009178

(Published in the Kansas Register, May 3, 1990.)

**Summary Notice of Bond Sale
Unified School District 509
Sumner County, Kansas (South Haven)
\$390,000
General Obligation Bonds
Series 1990**

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

Sealed Bids

Subject to the notice of bond sale dated April 9, 1990, and preliminary official statement dated May 2, 1990, sealed bids will be received by the clerk of Unified School District 509, Sumner County, Kansas (South Haven), on behalf of the governing body at the Board of Education, 229 Kickapoo, South Haven, KS 67140, until 7:30 p.m. C.D.T. on May 14, 1990, for the purchase of \$390,000 principal amount of General Obligation Bonds, Series 1990. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated June 1, 1990, and will become due serially on October 1 in the years as follows:

Year	Principal Amount
1991	\$ 35,000
1992	35,000
1993	40,000
1994	40,000
1995	40,000
1996	40,000
1997	40,000
1998	40,000
1999	40,000
2000	40,000

The bonds will bear interest from the date thereof at

rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning on April 1, 1991.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$7,800 (2 percent of the principal amount of the bonds).

Delivery

The district 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 29, 1990, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1989 is \$8,090,557. The total general obligation indebtedness of the district as of the date of the bonds, including the bonds being sold, is \$390,000.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the clerk, Sue Harris, 229 Kickapoo, South Haven, KS 67140, (316) 892-5215; or from the financial advisor, Kirchner Group, a division of George K. Baum & Company, Wichita, Kansas, Attention: Charles M. Bouly, (316) 264-9351.

Dated April 9, 1990.

Unified School District 509
Sumner County, Kansas

Doc. No. 009177

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the Kansas Register issue in which more information can be found. This cumulative index supplements the index found in the 1989 Index Supplement to the Kansas Administrative Regulations.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 1-2-1 to 1-62-1.

AGENCY 4: BOARD OF AGRICULTURE

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 4-1-17 to 4-33-1.

AGENCY 5: BOARD OF AGRICULTURE— DIVISION OF WATER RESOURCES

Table with 3 columns: Reg. No., Action, Register. Lists regulations 5-23-3, 5-23-4, 5-23-9.

AGENCY 7: SECRETARY OF STATE

Table with 3 columns: Reg. No., Action, Register. Lists regulations 7-34-1, 7-34-1, 7-35-1, 7-35-2.

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Table with 3 columns: Reg. No., Action, Register. Lists regulations 9-2-1, 9-7-7, 9-13-4, 9-17-1 through 9-17-4.

Table with 3 columns: Reg. No., Action, Register. Lists regulations 9-17-4 through 9-18-1.

AGENCY 11: STATE CONSERVATION COMMISSION

Table with 3 columns: Reg. No., Action, Register. Lists regulations 11-7-1 through 11-7-10.

AGENCY 14: DEPARTMENT OF REVENUE— DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Table with 3 columns: Reg. No., Action, Register. Lists regulations 14-17-6.

AGENCY 16: ATTORNEY GENERAL

Table with 3 columns: Reg. No., Action, Register. Lists regulations 16-7-1 through 16-7-9.

AGENCY 17: STATE BANKING DEPARTMENT

Table with 3 columns: Reg. No., Action, Register. Lists regulations 17-19-1 through 17-19-4.

AGENCY 22: STATE FIRE MARSHAL

Table with 3 columns: Reg. No., Action, Register. Lists regulations 22-1-1 through 22-13-35.

AGENCY 23: DEPARTMENT OF WILDLIFE AND PARKS

Table with 3 columns: Reg. No., Action, Register. Lists regulations 23-1-10 through 23-3-11.

Table with 3 columns: Reg. No., Action, Register. Lists regulations 23-3-12 through 23-18-4.

AGENCY 25: GRAIN INSPECTION DEPARTMENT

Table with 3 columns: Reg. No., Action, Register. Lists regulation 25-4-1.

AGENCY 26: DEPARTMENT ON AGING

Table with 3 columns: Reg. No., Action, Register. Lists regulations 26-8-1 through 26-9-4.

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Table with 3 columns: Reg. No., Action, Register. Lists regulations 28-4-113 through 28-19-21.

28-19-56	Amended	V. 8, p. 1298
28-31-1		
through		
28-31-6	Amended	V. 8, p. 1806-1812
28-31-8	Amended	V. 8, p. 1813
28-31-8a	Amended	V. 8, p. 1814
28-31-8b	New	V. 8, p. 1814
28-31-9	Amended	V. 8, p. 1814
28-31-14	Amended	V. 8, p. 1814
28-33-11	New	V. 8, p. 1211
28-33-12	New	V. 8, p. 1212
28-39-77	Amended	V. 8, p. 200
28-39-87	Amended	V. 8, p. 871
28-39-200	Revoked	V. 8, p. 201
28-39-202		
through		
28-39-218	Revoked	V. 8, p. 201
28-39-225	Amended	V. 8, p. 201
28-39-226	Amended	V. 8, p. 203
28-51-108	Amended	V. 9, p. 123

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-4-35	Amended	V. 8, p. 714
30-4-41	Amended	V. 8, p. 714
30-4-50	Amended	V. 8, p. 1180
30-4-54	Amended	V. 8, p. 1180
30-4-56	Revoked	V. 8, p. 714
30-4-57	Amended	V. 8, p. 1180
30-4-58	Amended	V. 8, p. 1180
30-4-62	Amended	V. 8, p. 1180
30-4-63	Amended	V. 8, p. 1661
30-4-63	Amended	V. 9, p. 541
30-4-64	Amended	V. 8, p. 1661
30-4-64	Amended	V. 9, p. 542
30-4-70	Amended	V. 8, p. 714
30-4-73	Amended	V. 9, p. 193
30-4-74	Amended	V. 8, p. 715
30-4-75	Amended	V. 8, p. 715
30-4-85a	Amended	V. 9, p. 194
30-4-90	Amended	V. 8, p. 1182
30-4-96	Amended	V. 8, p. 194
30-4-100	Amended	V. 8, p. 715
30-4-101	Amended	V. 9, p. 450
30-4-102	Amended	V. 9, p. 450
30-4-110	Amended	V. 8, p. 1182
30-4-111	Amended	V. 8, p. 1662
30-4-112	Amended	V. 8, p. 1662
30-4-113	Amended	V. 8, p. 1182
30-4-120	Amended	V. 8, p. 1182
30-4-120	Amended	V. 9, p. 543
30-4-130	Amended	V. 8, p. 1662
30-4-140	Amended	V. 8, p. 715
30-5-58	Amended	V. 8, p. 1662
30-5-58	Amended	V. 9, p. 451
30-5-59	Amended	V. 8, p. 1662
30-5-59	Amended	V. 9, p. 455
30-5-60	Amended	V. 9, p. 456
30-5-62	Amended	V. 9, p. 457
30-5-65	Amended	V. 9, p. 457
30-5-67	Amended	V. 9, p. 457
30-5-68	Amended	V. 9, p. 457
30-5-70	Amended	V. 9, p. 457
30-5-71	Amended	V. 9, p. 458
30-5-73	Amended	V. 9, p. 459
30-5-76	New	V. 8, p. 717
30-5-81	Amended	V. 8, p. 1205
30-5-81	Amended	V. 8, p. 1470
30-5-81a	Amended	V. 9, p. 459
30-5-81b	Amended	V. 8, p. 718
30-5-81d	Revoked	V. 8, p. 718
30-5-81q	Revoked	V. 8, p. 718
30-5-81r	Revoked	V. 8, p. 718
30-5-81s	Revoked	V. 8, p. 718
30-5-81t	Amended	V. 8, p. 718
30-5-81u	New	V. 8, p. 718
30-5-81v	New	V. 8, p. 718
30-5-82	Amended	V. 9, p. 459
30-5-84	Revoked	V. 8, p. 1662
30-5-84a	Revoked	V. 8, p. 1662
30-5-88	Amended	V. 8, p. 1206
30-5-88	Amended	V. 8, p. 1471
30-5-89	Amended	V. 9, p. 118
30-5-94	Amended	V. 9, p. 460
30-5-95	Amended	V. 8, p. 719

30-5-100	Amended	V. 8, p. 1182
30-5-101	Amended	V. 9, p. 119
30-5-103	Amended	V. 9, p. 119
30-5-108	Amended	V. 8, p. 719
30-5-110	Amended	V. 8, p. 719
30-5-111	Amended	V. 9, p. 460
30-5-112	Amended	V. 9, p. 461
30-5-113	Amended	V. 9, p. 461
30-5-114	Amended	V. 9, p. 461
30-5-115	Amended	V. 9, p. 461
30-5-115a	New	V. 8, p. 719
30-5-116	Amended	V. 9, p. 461
30-5-116a	New	V. 8, p. 720
30-5-150	New	V. 9, p. 461
30-5-151	New	V. 9, p. 462
30-5-152	New	V. 9, p. 462

30-5-154		
through		
30-5-172	New	V. 9, p. 462-464
30-6-35	Amended	V. 8, p. 720
30-6-41	Amended	V. 9, p. 195
30-6-53	Amended	V. 8, p. 720
30-6-55	Amended	V. 8, p. 1662
30-6-56	Amended	V. 8, p. 720
30-6-57	Revoked	V. 8, p. 1182
30-6-58	Revoked	V. 8, p. 1182
30-6-63	Amended	V. 8, p. 1182
30-6-65	Amended	V. 9, p. 544
30-6-73	Amended	V. 8, p. 1182
30-6-73	Amended	V. 8, p. 1754
30-6-74	Amended	V. 9, p. 195
30-6-77	Amended	V. 8, p. 721
30-6-77	Amended	V. 9, p. 545
30-6-79	Amended	V. 9, p. 195
30-6-86	Amended	V. 8, p. 721
30-6-103	Amended	V. 9, p. 546
30-6-106	Amended	V. 9, p. 195
30-6-109	Amended	V. 8, p. 721
30-6-110	Amended	V. 8, p. 1663
30-6-111	Amended	V. 9, p. 197
30-6-112	Amended	V. 8, p. 1663
30-6-113	Amended	V. 8, p. 1183
30-7-26		
through		
30-7-63	Revoked	V. 8, p. 721
30-7-64		
through		
30-7-78	New	V. 8, p. 721-724
30-7-68	Amended	V. 8, p. 1663
30-9-13	New	V. 8, p. 1663
30-9-18		
through		
30-9-22	New	V. 8, p. 1663, 1664
30-10-1b	Amended	V. 8, p. 1664
30-10-2	Amended	V. 8, p. 1664
30-10-3	Amended	V. 8, p. 1664
30-10-4	Amended	V. 8, p. 1664
30-10-11	Amended	V. 8, p. 1664
30-10-15a	Amended	V. 8, p. 1664
30-10-15b	Amended	V. 8, p. 1664
30-10-17	Amended	V. 8, p. 1665
30-10-18	Amended	V. 8, p. 1665
30-10-19	Amended	V. 8, p. 1665
30-10-21	Amended	V. 8, p. 1665
30-10-21	Amended	V. 9, p. 546
30-10-25	Amended	V. 8, p. 1665
30-10-28	Amended	V. 8, p. 1665
30-10-29	Amended	V. 8, p. 1665
30-10-30	New	V. 8, p. 1665
30-22-31	Amended	V. 8, p. 1665
30-22-32	Amended	V. 8, p. 1666
30-46-10	Amended	V. 8, p. 1666
30-46-17	Amended	V. 8, p. 1666
30-51-1		
through		
30-51-5	Revoked	V. 9, p. 198

AGENCY 33: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
33-1-4		
through		
33-1-17	Revoked	V. 8, p. 1525
33-1-19	Revoked	V. 8, p. 1525
33-1-21	Revoked	V. 9, p. 167
33-2-4	Revoked	V. 8, p. 1733

33-3-2	Revoked	V. 9, p. 386
33-3-3	Revoked	V. 8, p. 1733
33-3-4	Revoked	V. 9, p. 386
33-4-5	Revoked	V. 8, p. 1525
33-4-7		
through		
33-4-10	Revoked	V. 8, p. 1525

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-16-1	Amended	V. 8, p. 1162

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-28	Amended	V. 8, p. 452
40-1-34	Amended	V. 8, p. 798
40-1-37	New	V. 8, p. 798
40-2-12	Amended	V. 8, p. 452
40-3-5	Amended	V. 8, p. 454
40-3-35	Amended	V. 9, p. 303
40-3-42	New	V. 8, p. 1323
40-3-43	New	V. 8, p. 1139
40-3-43	New	V. 8, p. 1184
40-3-44	New	V. 8, p. 454
40-3-45	New	V. 8, p. 1006
40-4-35	Amended	V. 8, p. 515
40-4-35	Amended	V. 8, p. 558
40-4-35a	Amended	V. 9, p. 30
40-4-35a	Amended	V. 9, p. 303
40-4-38	New	V. 8, p. 455
40-4-39	New	V. 9, p. 303
40-5-108	Amended	V. 8, p. 800
40-7-7	Amended	V. 8, p. 455
40-7-11	Amended	V. 9, p. 304
40-7-13	Amended	V. 8, p. 455
40-7-20	Revoked	V. 8, p. 455
40-7-20a	New	V. 8, p. 455
40-7-21	Amended	V. 8, p. 457
40-7-21	Amended	V. 8, p. 516
40-7-22		
through		
40-7-25	New	V. 9, p. 304
40-14-1	Amended	V. 9, p. 304
40-14-4	Amended	V. 9, p. 304

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-7-114	New	V. 9, p. 577
44-8-115	New	V. 9, p. 577
44-8-116	New	V. 9, p. 577
44-9-103	Amended	V. 9, p. 123
44-9-104	Amended	V. 9, p. 123
44-11-111	Amended	V. 9, p. 80
44-11-112	Amended	V. 9, p. 80
44-11-113	Amended	V. 9, p. 80
44-11-114	Amended	V. 9, p. 80
44-11-116	Revoked	V. 9, p. 81
44-11-121	Amended	V. 9, p. 81
44-11-122	Amended	V. 9, p. 81
44-11-123	Amended	V. 9, p. 81
44-11-126	Revoked	V. 9, p. 81
44-11-128	Revoked	V. 9, p. 81
44-11-129		
through		
44-11-135	New	V. 9, p. 81, 82

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

Reg. No.	Action	Register
51-24-4	Amended	V. 8, p. 1493
51-24-5	Amended	V. 8, p. 1493

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-11-104a	Amended	V. 9, p. 406

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-3	Amended	V. 9, p. 170
63-1-4	Amended	V. 9, p. 170
63-1-6	Amended	V. 8, p. 712
63-1-12	Amended	V. 8, p. 713

(continued)

63-2-14	Amended	V. 8, p. 713
63-6-3	Amended	V. 8, p. 713
63-6-6	Amended	V. 8, p. 714
63-6-7	Revoked	V. 8, p. 714
63-6-8	Revoked	V. 8, p. 714

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-10-9	Amended	V. 9, p. 257

AGENCY 67: BOARD OF HEARING AID EXAMINERS

Reg. No.	Action	Register
67-5-3	Amended	V. 9, p. 625
67-5-4	Amended	V. 9, p. 625

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-1b	Amended	V. 9, p. 383
68-1-2	Amended	V. 8, p. 252
68-2-12a	Amended	V. 9, p. 383
68-5-11	Revoked	V. 8, p. 252
68-7-11	Amended	V. 8, p. 252
68-7-12	Amended	V. 8, p. 253
68-9-1	Amended	V. 9, p. 384
68-20-1	Amended	V. 8, p. 254
68-20-16	Amended	V. 8, p. 255
68-20-20	Amended	V. 9, p. 384

AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS

Reg. No.	Action	Register
70-5-1	Amended	V. 8, p. 750

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-2-1	through	
71-2-7	Amended	V. 8, p. 161, 162
71-2-9	Amended	V. 8, p. 162
71-2-11	Amended	V. 8, p. 163
71-2-12	Amended	V. 8, p. 163
71-2-13	Revoked	V. 8, p. 163
71-4-1	Amended	V. 8, p. 163

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-5-202	Amended	V. 8, p. 493
74-5-203	Amended	V. 8, p. 493
74-6-2	Amended	V. 8, p. 1069
74-12-1	Amended	V. 8, p. 1590
74-13-1	New	V. 9, p. 232
74-13-2	New	V. 9, p. 232

AGENCY 75: CONSUMER CREDIT COMMISSIONER

Reg. No.	Action	Register
75-6-26	Amended	V. 9, p. 625

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-3-2	Amended	V. 8, p. 1704
81-3-2	Amended	V. 9, p. 83
81-5-6	Amended	V. 8, p. 1704
81-5-6	Amended	V. 9, p. 83

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-3-100	Amended	V. 9, p. 329
82-3-101	Amended	V. 9, p. 329
82-3-103	Amended	V. 9, p. 332
82-3-103a	Amended	V. 9, p. 332
82-3-105	Amended	V. 8, p. 425
82-3-106	Amended	V. 9, p. 333
82-3-107	Amended	V. 9, p. 334
82-3-108	Amended	V. 9, p. 334
81-3-109	Amended	V. 9, p. 335
82-3-110	Amended	V. 9, p. 336
82-3-111	Amended	V. 9, p. 336
82-3-113	Amended	V. 9, p. 336
82-3-114	Amended	V. 8, p. 427
82-3-117	Amended	V. 9, p. 336
82-3-120	Amended	V. 9, p. 337
82-3-122	Amended	V. 9, p. 337
82-3-123	Amended	V. 9, p. 337
82-3-123a	Amended	V. 9, p. 337

82-3-124	Amended	V. 9, p. 338
82-3-126	Amended	V. 9, p. 338
82-3-128	Amended	V. 9, p. 339
82-3-129	Amended	V. 9, p. 339
82-3-130	Amended	V. 9, p. 339
82-3-131	Amended	V. 9, p. 339
82-3-133	Amended	V. 9, p. 339
82-3-134	Revoked	V. 9, p. 339
82-3-135	Amended	V. 9, p. 339
82-3-135a	New	V. 9, p. 340
82-3-135b	New	V. 9, p. 340
82-3-138	Amended	V. 9, p. 341
82-3-139	Revoked	V. 9, p. 340
82-3-140	Amended	V. 9, p. 341
82-3-141	Amended	V. 9, p. 341
82-3-142	Revoked	V. 9, p. 342
82-3-143	Revoked	V. 9, p. 342
82-3-201	Amended	V. 9, p. 342
82-3-203	Amended	V. 9, p. 342
82-3-205	Revoked	V. 9, p. 342
82-3-206	Amended	V. 9, p. 342
82-3-208	Amended	V. 9, p. 342
82-3-209	Amended	V. 9, p. 343
82-3-300	Amended	V. 9, p. 343
82-3-300a	New	V. 9, p. 344
82-3-303	Amended	V. 9, p. 344
82-3-304	Amended	V. 9, p. 346
82-3-305	Amended	V. 8, p. 431
82-3-306	Amended	V. 9, p. 346
82-3-307	Amended	V. 9, p. 346
82-3-311	Amended	V. 9, p. 346
82-3-312	Amended	V. 9, p. 347
82-3-400	Amended	V. 9, p. 347
82-3-401	Amended	V. 9, p. 348
82-3-402	Amended	V. 8, p. 434
82-3-403	Amended	V. 9, p. 349
82-3-404	Amended	V. 9, p. 349
82-3-405	Amended	V. 9, p. 350
82-3-406	Amended	V. 9, p. 351
82-3-407	Amended	V. 9, p. 351
82-3-408	Amended	V. 9, p. 351
82-3-409	Amended	V. 8, p. 435
82-3-410	Amended	V. 9, p. 352
82-3-600a	New	V. 9, p. 352
82-3-603	Amended	V. 9, p. 352
82-3-604	New	V. 9, p. 352
82-3-606	New	V. 9, p. 352
82-4-1	Amended	V. 9, p. 381
82-4-3	Amended	V. 9, p. 381
82-4-8a	Amended	V. 9, p. 382
82-4-20	Amended	V. 9, p. 382
82-4-38	Amended	V. 9, p. 383
82-11-1	through	
82-11-9	New	V. 8, p. 377-383
82-11-3	Amended	V. 9, p. 298
82-11-4	Amended	V. 9, p. 298
82-11-10	New	V. 9, p. 302

AGENCY 85: ABSTRACTERS' BOARD OF EXAMINERS

Reg. No.	Action	Register
85-4-1	Amended	V. 8, p. 1448
85-6-1	Amended	V. 8, p. 1448
85-7-1	Amended	V. 8, p. 1448

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-10	Amended	V. 8, p. 1752
86-1-13	Amended	V. 8, p. 1753

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-20-1	through	
88-20-11	New	V. 9, p. 165-167
88-21-1	through	
88-21-10	New	V. 8, p. 1834, 1835

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-27b	Amended	V. 8, p. 94
91-1-32	Amended	V. 8, p. 94
91-1-32a	Revoked	V. 8, p. 94
91-1-33	Amended	V. 8, p. 94

91-1-38	Revoked	V. 8, p. 95
91-1-58	Amended	V. 8, p. 95
91-1-60	Amended	V. 8, p. 95
91-1-79	Amended	V. 8, p. 95
91-1-85	Amended	V. 8, p. 95
91-1-92	Amended	V. 8, p. 96
91-1-107a	Amended	V. 8, p. 96
91-1-128a	Amended	V. 8, p. 98
91-1-129a	Amended	V. 8, p. 98
91-1-131	Amended	V. 8, p. 99
91-1-132a	Amended	V. 8, p. 100
91-1-149	New	V. 8, p. 101
91-1-150	New	V. 8, p. 101
91-12-22	Amended	V. 8, p. 1755
91-12-23	Amended	V. 8, p. 1758
91-12-25	Amended	V. 8, p. 1759
91-12-32	Amended	V. 8, p. 1760
91-12-34	Amended	V. 8, p. 1760
91-12-38	Amended	V. 8, p. 1760
91-12-40	Amended	V. 8, p. 1761
91-12-41	Amended	V. 8, p. 1762
91-12-42	Amended	V. 8, p. 1763
91-12-44	Amended	V. 8, p. 1763
91-12-51	through	
91-12-63	Amended	V. 8, p. 1764-1770
91-12-65	Amended	V. 8, p. 1771
91-12-70	Amended	V. 8, p. 1771
91-12-73	New	V. 8, p. 1771
91-16-30	New	V. 8, p. 423
91-19-1	Amended	V. 8, p. 101
91-19-2	Amended	V. 8, p. 101
91-19-6	Amended	V. 8, p. 102
91-31-1	Amended	V. 8, p. 102
91-31-2	Amended	V. 8, p. 102
91-31-3	Amended	V. 8, p. 1361
91-31-4a	New	V. 8, p. 1362
91-31-7	Amended	V. 8, p. 103
91-31-11	Revoked	V. 8, p. 1362
91-31-12a	Amended	V. 8, p. 104
91-31-12h	Amended	V. 8, p. 1362
91-31-13	Amended	V. 8, p. 104
91-31-14	New	V. 8, p. 105
91-31-14a	Amended	V. 8, p. 105
91-33-1	Amended	V. 8, p. 105
91-33-3	Amended	V. 8, p. 1363
91-33-5	Amended	V. 8, p. 106
91-33-8	Amended	V. 8, p. 1364
91-33-9	Revoked	V. 8, p. 1364
91-34-1	Amended	V. 8, p. 106
91-34-2	Amended	V. 8, p. 106
91-34-3	Amended	V. 8, p. 107
91-34-6	Revoked	V. 8, p. 1364
91-34-7	Amended	V. 8, p. 1364
91-34-13	Amended	V. 8, p. 1365

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-9-6	Revoked	V. 8, p. 751
92-9-6a	New	V. 8, p. 751
92-51-42	New	V. 9, p. 35
92-52-10	Revoked	V. 9, p. 35
92-52-12	New	V. 9, p. 35
92-56-1	through	
92-56-5	New	V. 8, p. 1324, 1325

AGENCY 98: KANSAS WATER OFFICE

Reg. No.	Action	Register
98-6-1	through	
98-6-4	New	V. 8, p. 1121, 1122

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

Reg. No.	Action	Register
99-25-1	Amended	V. 8, p. 1005
99-25-3	Amended	V. 8, p. 1005
99-31-1	Amended	V. 8, p. 132

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-1	Amended	V. 8, p. 654
100-11-1	Amended	V. 8, p. 1069
100-38-1	Amended	V. 8, p. 1558
100-38-1	Amended	V. 8, p. 1806
100-49-4	Amended	V. 9, p. 108

100-49-4	Amended	V. 9, p. 257
100-54-4	Amended	V. 8, p. 1558
100-54-4	Amended	V. 8, p. 1806
100-55-4	Amended	V. 8, p. 1558
100-55-4	Amended	V. 8, p. 1806
100-60-1	Amended	V. 8, p. 1558
100-60-1	Amended	V. 8, p. 1806
100-60-15	New	V. 8, p. 1558
100-60-15	Amended	V. 8, p. 1806

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-7	Amended	V. 8, p. 906
102-1-13	Amended	V. 9, p. 624
102-1-15	Amended	V. 8, p. 906
102-2-1a	Amended	V. 8, p. 204
102-2-3	Amended	V. 8, p. 1470
102-2-3	Amended	V. 8, p. 1591
102-3-1	New	V. 8, p. 1526
102-3-1	New	V. 8, p. 1591
102-3-3	through	
102-3-13	New	V. 8, p. 1526-1531
102-3-3	through	
102-3-13	New	V. 8, p. 1591-1596
102-4-1	New	V. 8, p. 204
102-4-1	New	V. 8, p. 335
102-4-3	through	
102-4-11	New	V. 8, p. 205-209
102-4-3	through	
102-4-11	New	V. 8, p. 335-339

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-3-2	Amended	V. 8, p. 1366
105-5-6	Amended	V. 8, p. 1366
105-5-7	Amended	V. 8, p. 1367
105-5-8	Amended	V. 8, p. 1367
105-7-5	Amended	V. 8, p. 1367
105-8-4	Amended	V. 8, p. 1367
105-10-1	Amended	V. 8, p. 1070
105-10-1	Amended	V. 8, p. 1367

AGENCY 109: EMERGENCY MEDICAL SERVICES BOARD

Reg. No.	Action	Register
109-1-1	Amended	V. 8, p. 873
109-2-1	Amended	V. 8, p. 874
109-2-2	Amended	V. 8, p. 874
109-2-4	Amended	V. 8, p. 874
109-2-5	through	
109-2-9	Amended	V. 8, p. 874-877
109-2-10	Revoked	V. 8, p. 877
109-2-11	Amended	V. 8, p. 877
109-2-12	Amended	V. 8, p. 878
109-3-1	New	V. 8, p. 879
109-4-1	Amended	V. 8, p. 879
109-4-2	Amended	V. 8, p. 880
109-4-3	Amended	V. 8, p. 880
109-5-1	Amended	V. 8, p. 881
109-5-2	Amended	V. 8, p. 881
109-5-3	Amended	V. 8, p. 881
109-6-1	Amended	V. 8, p. 1731
109-7-1	New	V. 8, p. 1731
109-8-1	New	V. 8, p. 882
109-9-1	New	V. 8, p. 882
109-9-2	New	V. 8, p. 882
109-9-4	New	V. 8, p. 882
109-10-1	New	V. 8, p. 883
109-11-1	through	
109-11-8	New	V. 8, p. 883-885
109-12-1	New	V. 8, p. 885
109-12-2	New	V. 8, p. 886

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-3-1	through	
110-3-11	New	V. 8, p. 28-30

AGENCY 111: THE KANSAS LOTTERY

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-2-2a	New	V. 8, p. 199
111-1-5	Amended	V. 8, p. 586
111-2-1	Amended	V. 7, p. 1995
111-2-5	Revoked	V. 8, p. 1085
111-2-6	New	V. 8, p. 134
111-2-7	Amended	V. 8, p. 586
111-2-8	through	
111-2-12	Revoked	V. 8, p. 1666
111-2-13	New	V. 8, p. 1666
111-2-14	New	V. 9, p. 30
111-3-1	Amended	V. 9, p. 199
111-3-3	Revoked	V. 7, p. 1062
111-3-4	Revoked	V. 7, p. 1062
111-3-7	Revoked	V. 7, p. 1714
111-3-9	Amended	V. 8, p. 1085
111-3-10	through	
111-3-31	New	V. 7, p. 201-206
111-3-10	Revoked	V. 7, p. 1062
111-3-11	Amended	V. 8, p. 299
111-3-12	Amended	V. 9, p. 503
111-3-13	Amended	V. 7, p. 1062
111-3-14	Amended	V. 9, p. 199
111-3-14a	Revoked	V. 9, p. 30
111-3-16	Amended	V. 7, p. 1309
111-3-17	Revoked	V. 7, p. 1714
111-3-19	through	
111-3-22	Amended	V. 9, p. 30
111-3-20	Amended	V. 8, p. 1085
111-3-21	Amended	V. 7, p. 1606
111-3-22	Amended	V. 8, p. 1085
111-3-22a	Revoked	V. 9, p. 31
111-3-24	Revoked	V. 9, p. 31
111-3-25	New	V. 7, p. 1310
111-3-27	New	V. 7, p. 1310
111-3-30	Revoked	V. 7, p. 1310
111-3-31	Amended	V. 8, p. 209
111-3-32	New	V. 7, p. 931
111-3-33	New	V. 7, p. 1434
111-4-1	Amended	V. 8, p. 134
111-4-2	Amended	V. 7, p. 1063
111-4-4	Amended	V. 7, p. 1063
111-4-6	Amended	V. 7, p. 1434
111-4-7	Amended	V. 7, p. 1945
111-4-8	Amended	V. 7, p. 1064
111-4-12	Amended	V. 7, p. 1190
111-4-16	Revoked	V. 8, p. 209
111-4-19	Revoked	V. 7, p. 206
111-4-22	through	
111-4-40	Revoked	V. 7, p. 206, 207
111-4-41	Revoked	V. 7, p. 1435
111-4-42	Revoked	V. 7, p. 1435
111-4-43	Revoked	V. 7, p. 207
111-4-44	Revoked	V. 7, p. 1435
111-4-46	through	
111-4-64	Revoked	V. 7, p. 207
111-4-66	through	
111-4-77	New	V. 7, p. 207-209
111-4-66	through	
111-4-71	Revoked	V. 9, p. 31
111-4-71a	Revoked	V. 9, p. 31
111-4-71b	Revoked	V. 9, p. 31
111-4-72	Revoked	V. 9, p. 31
111-4-73	Revoked	V. 9, p. 31
111-4-73a	Revoked	V. 8, p. 134
111-4-74	Revoked	V. 9, p. 31
111-4-75	Revoked	V. 9, p. 31
111-4-76	Revoked	V. 9, p. 31
111-4-77	Revoked	V. 9, p. 31
111-4-77a	Revoked	V. 9, p. 32
111-4-77b	Revoked	V. 9, p. 32
111-4-78	through	
111-4-82	Revoked	V. 8, p. 13
111-4-82a	Revoked	V. 8, p. 13
111-4-83	through	
111-4-87	Revoked	V. 8, p. 13

111-4-88	through	
111-4-91	Revoked	V. 8, p. 210
111-4-92	through	
111-4-95	Revoked	V. 8, p. 299
111-4-96	through	
111-4-114	New	V. 7, p. 1606-1610
111-4-96	through	
111-4-99	Revoked	V. 8, p. 1667
111-4-99a	Revoked	V. 8, p. 1667
111-4-99b	Revoked	V. 8, p. 1667
111-4-100	Amended	V. 8, p. 1396
111-4-101	Amended	V. 8, p. 1328
111-4-102	Amended	V. 8, p. 1396
111-4-104	Amended	V. 8, p. 1396
111-4-105	Amended	V. 8, p. 1396
111-4-107	Amended	V. 8, p. 1397
111-4-115	through	
111-4-118	Revoked	V. 8, p. 1667
111-4-118a	Revoked	V. 8, p. 1667
111-4-119	through	
111-4-125	Revoked	V. 8, p. 1667
111-4-126	through	
111-4-129	Revoked	V. 8, p. 1667, 1668
111-4-130	through	
111-4-137	Revoked	V. 9, p. 32
111-4-138	through	
111-4-152	Revoked	V. 8, p. 1668
111-4-153	through	
111-4-160	New	V. 8, p. 970, 971
111-4-160	Amended	V. 8, p. 1329
111-4-161	through	
111-4-176	Revoked	V. 8, p. 1668, 1669
111-4-177	through	
111-4-180	New	V. 8, p. 1086, 1087
111-4-181	through	
111-4-184	New	V. 8, p. 1329
111-4-185	through	
111-4-196	New	V. 8, p. 1518-1520
111-4-196	through	
111-4-203	New	V. 9, p. 32-34
111-4-201	Amended	V. 9, p. 232
111-4-205	New	V. 9, p. 504
111-4-206	New	V. 9, p. 504
111-4-207	New	V. 9, p. 504
111-4-208	New	V. 9, p. 504
111-5-1	through	
111-5-23	New	V. 7, p. 209-213
111-5-1	through	
111-5-8	Revoked	V. 9, p. 34
111-5-9	through	
111-5-15	Amended	V. 8, p. 210, 211
111-5-11	Amended	V. 9, p. 505
111-5-17	Amended	V. 8, p. 211
111-5-19	Amended	V. 8, p. 212
111-5-20	Revoked	V. 8, p. 212
111-5-21	Revoked	V. 9, p. 34
111-5-22	Revoked	V. 9, p. 34
111-5-23	Revoked	V. 9, p. 34
111-6-1	through	
111-6-15	New	V. 7, p. 213-217
111-6-1	Amended	V. 8, p. 212
111-6-3	Amended	V. 9, p. 200
111-6-6	Amended	V. 9, p. 200
111-6-12	Amended	V. 8, p. 212
111-6-13	Amended	V. 8, p. 299
111-6-16	Revoked	V. 8, p. 212

(continued)

111-6-17	New	V. 7, p. 1191
111-7-1		
through		
111-7-10	New	V. 7, p. 1192, 1193
111-7-1	Amended	V. 8, p. 212
111-7-3	Amended	V. 9, p. 505
111-7-4	Amended	V. 7, p. 1610
111-7-5	Amended	V. 7, p. 1610
111-7-11	New	V. 7, p. 1224
111-7-12		
through		
111-7-32	New	V. 7, p. 1194-1196
111-7-12		
through		
111-7-27	Revoked	V. 7, p. 1436, 1437
111-7-28		
through		
111-7-32	Revoked	V. 9, p. 34
111-7-32a	Revoked	V. 8, p. 1330
111-7-32b	Revoked	V. 8, p. 1330
111-7-33		
through		
111-7-43	New	V. 7, p. 1197, 1198
111-7-33	Revoked	V. 7, p. 1437
111-7-33a	New	V. 8, p. 300
111-7-34a	Revoked	V. 8, p. 1330
111-7-37a	Revoked	V. 8, p. 1330
111-7-34		
through		
111-7-42	Revoked	V. 9, p. 34, 35
111-7-43	Revoked	V. 8, p. 212
111-8-1	New	V. 7, p. 1633
111-8-2	New	V. 7, p. 1633
111-8-3	Amended	V. 9, p. 505
111-8-4	New	V. 7, p. 1714
111-8-4a	New	V. 7, p. 1995
111-8-5		
through		
111-8-13	New	V. 7, p. 1634
111-9-1		
through		
111-9-12	New	V. 7, p. 1714-1716
111-9-13		
through		
111-9-18	New	V. 8, p. 300, 301
111-10-1		
through		
111-10-9	New	V. 8, p. 136-138
111-10-7	Amended	V. 8, p. 301

AGENCY 112: KANSAS RACING COMMISSION

Reg. No.	Action	Register
112-3-16	Amended	V. 9, p. 153
112-3-19	Amended	V. 9, p. 153
112-4-1		
through		
112-4-14	New	V. 8, p. 255-257
112-4-1	Amended	V. 8, p. 1244
112-4-1	Amended	V. 8, p. 1288
112-4-3	Amended	V. 8, p. 1245
112-4-3	Amended	V. 8, p. 1288
112-4-4	Amended	V. 8, p. 1245
112-4-4	Amended	V. 8, p. 1288
112-4-5	Amended	V. 8, p. 1246
112-4-5	Amended	V. 8, p. 1288
112-4-8	Amended	V. 8, p. 1246
112-4-8	Amended	V. 8, p. 1288
112-4-10	Amended	V. 8, p. 1246
112-4-10	Amended	V. 8, p. 1288
112-4-11	Amended	V. 8, p. 1246
112-4-11	Amended	V. 8, p. 1289
112-4-14a	New	V. 8, p. 1214
112-4-14a	New	V. 8, p. 1289
112-4-15	New	V. 8, p. 724
112-4-16	New	V. 8, p. 258
112-4-17	New	V. 8, p. 258
112-4-18	New	V. 8, p. 258
112-4-19	Amended	V. 8, p. 1214
112-4-19	Amended	V. 8, p. 1289
112-4-20	Amended	V. 8, p. 1246
112-4-20	Amended	V. 8, p. 1289
112-4-22	Amended	V. 8, p. 1246

112-4-22	Amended	V. 8, p. 1289
112-5-1		
through		
112-5-9	New	V. 8, p. 258-260
112-5-1	Amended	V. 9, p. 153
112-5-2	Amended	V. 9, p. 154
112-5-3	Amended	V. 9, p. 154
112-5-8	Amended	V. 9, p. 155
112-5-9	Amended	V. 9, p. 155
112-6-1		
through		
112-6-8	New	V. 8, p. 261-263
112-6-6	Amended	V. 9, p. 155
112-7-2		
through		
112-7-22	New	V. 8, p. 593, 594
112-7-2		
through		
112-7-22	New	V. 8, p. 641-648
112-8-2		
through		
112-8-12	New	V. 8, p. 263-267
112-8-3	New	V. 8, p. 596
112-8-3	New	V. 8, p. 725
112-8-9	New	V. 8, p. 596
112-8-9	New	V. 8, p. 725
112-9-2		
through		
112-9-38	New	V. 8, p. 726-737
112-9-5	Amended	V. 9, p. 155
112-9-7	Amended	V. 9, p. 156
112-9-8	Amended	V. 9, p. 156
112-9-11	Amended	V. 9, p. 156
112-9-13	Amended	V. 9, p. 156
112-9-18	Amended	V. 9, p. 157
112-9-21	Amended	V. 9, p. 157
112-9-22	Amended	V. 9, p. 158
112-9-23	Amended	V. 9, p. 159
112-9-29	Amended	V. 9, p. 159
112-9-34	Amended	V. 9, p. 159
112-9-37	Amended	V. 9, p. 159
112-9-39		
through		
112-9-41	New	V. 8, p. 1214-1216
112-9-39		
through		
112-9-41	New	V. 8, p. 1289
112-10-2		
through		
112-10-12	New	V. 8, p. 598
112-10-2		
through		
112-10-12	New	V. 8, p. 737-740
112-10-4	Amended	V. 9, p. 160
112-10-32		
through		
112-10-37	New	V. 8, p. 1246-1248
112-10-32		
through		
112-10-37	Amended	V. 8, p. 1289
112-11-1		
through		
112-11-19	New	V. 8, p. 594, 595
112-11-1		
through		
112-11-19	New	V. 8, p. 648-653
112-11-2	Amended	V. 9, p. 160
112-11-3	Amended	V. 9, p. 161
112-11-6	Amended	V. 9, p. 161
112-11-7	Amended	V. 9, p. 161
112-11-9	Amended	V. 9, p. 161
112-11-10	Amended	V. 9, p. 161
112-11-12	Amended	V. 9, p. 162
112-11-14	Amended	V. 9, p. 162
112-11-15	Amended	V. 9, p. 162
112-11-20	Amended	V. 9, p. 162
112-11-21	New	V. 8, p. 595
112-11-21	New	V. 8, p. 653
112-12-2		
through		
112-12-13	New	V. 8, p. 1007
112-12-2		
through		
112-12-13	New	V. 8, p. 1123-1126

112-12-2	Amended	V. 9, p. 164
112-12-4	Amended	V. 9, p. 164
112-13-2	New	V. 8, p. 596
112-13-2	New	V. 8, p. 267
112-13-3	New	V. 8, p. 598
112-13-3	New	V. 8, p. 740
112-14-2		
through		
112-14-10	New	V. 8, p. 1162-1164
112-14-2		
through		
112-14-10	New	V. 8, p. 1184, 1185

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-1-1	New	V. 8, p. 1629
115-2-1	New	V. 8, p. 1520
115-2-2	New	V. 8, p. 1733
115-2-3	New	V. 8, p. 1733
115-3-1	New	V. 8, p. 1160
115-3-1	New	V. 8, p. 1185
115-3-2	Amended	V. 8, p. 1733
115-3-2	Amended	V. 9, p. 35
115-4-1	New	V. 8, p. 1733
115-4-3	New	V. 9, p. 386
115-4-5	New	V. 9, p. 387
115-4-6	New	V. 9, p. 388
115-4-7	New	V. 9, p. 390
115-4-8	New	V. 8, p. 1356
115-4-8	New	V. 8, p. 1477
115-4-10	New	V. 8, p. 1357
115-4-10	New	V. 8, p. 1477
115-5-1	New	V. 9, p. 167
115-5-2	New	V. 9, p. 168
115-6-1	New	V. 9, p. 168
115-7-1	New	V. 8, p. 1630
115-7-2	New	V. 8, p. 1630
115-7-4	New	V. 8, p. 1631
115-7-5	New	V. 8, p. 1631
115-8-1	New	V. 8, p. 1521
115-8-2	New	V. 9, p. 391
115-8-3	New	V. 8, p. 1161
115-8-4		
through		
115-8-16	New	V. 8, p. 1521-1523
115-8-9	New	V. 9, p. 169
115-8-21	New	V. 9, p. 169
115-8-18	New	V. 8, p. 1523
115-8-20	New	V. 8, p. 1523
115-9-1		
through		
115-9-4	New	V. 8, p. 1631
115-9-5	New	V. 8, p. 1524
115-9-6	New	V. 8, p. 1161
115-9-6	New	V. 8, p. 1185
115-10-1		
through		
115-10-8	New	V. 9, p. 391, 392
115-11-1	New	V. 8, p. 1524
115-11-2	New	V. 8, p. 1524
115-12-1	New	V. 8, p. 1734
115-15-1	New	V. 8, p. 1357
115-15-2	New	V. 8, p. 1357
115-15-3	New	V. 8, p. 1358
115-18-1		
through		
115-18-5	New	V. 8, p. 1359, 1360
115-18-7	New	V. 8, p. 1361
115-30-1	New	V. 8, p. 1361

AGENCY 116: STATE FAIR BOARD

Reg. No.	Action	Register
116-1-1	New	V. 8, p. 1191
116-1-1	New	V. 8, p. 1326
116-1-2	New	V. 8, p. 1191
116-1-2	New	V. 8, p. 1326
116-2-1	New	V. 8, p. 1191
116-2-1	New	V. 8, p. 1326

State of Kansas

Office of Secretary of State

I, Bill Graves, 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.

Bill Graves
Secretary of State

(Published in the *Kansas Register*, May 3, 1990.)

SENATE BILL No. 585

AN ACT relating to water; concerning the issuance of bonds in certain public wholesale water supply districts; authorizing the establishment of structure maintenance funds in watershed districts; amending K.S.A. 19-3557 and K.S.A. 1989 Supp. 24-1219 and repealing the existing sections.

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

Section 1. K.S.A. 1989 Supp. 24-1219 is hereby amended to read as follows: 24-1219. (a) The district board may issue no-fund warrants to pay for initial organizational, engineering, legal and administrative expenses of the district except that the amount so issued shall not exceed the product of two mills times the assessed valuation of the taxable tangible property within the district. Such warrants shall be issued, bear interest and be retired in accordance with the provisions of K.S.A. 79-2940, and amendments thereto, except that the approval of the state board of tax appeals shall not be required. Whenever warrants have been issued under this section, the board shall make a tax levy at the first tax levying period, after such warrants are issued, sufficient to pay such warrants and interest.

(b) Following incorporation of the district by the secretary of state, the board shall have authority to levy annually a tax of not to exceed two mills to create a general fund for the payment of engineering, legal, clerical, land and interests in land, installation maintenance, operation and other administrative expenses and such tax may be against all of the taxable, tangible property of the district. Whenever the board desires to increase the mill levy for such purposes above two mills, it may adopt a resolution declaring it necessary to increase such annual levy in an amount which together with the current levy shall not exceed a total of four mills. Any such resolution shall state the total amount of the tax to be levied and shall be published once each week for two consecutive weeks in a newspaper of general circulation in the district. Whereupon such annual levy in an amount not to exceed the amount stated in the resolution may be made for the ensuing budget year and each successive budget year unless a petition requesting an election upon the proposition to increase the tax levy in excess of the current tax levy, signed by not less than 5% of the qualified electors in the district is filed with the county election officer within 60 days following the date of the last publication of the resolution. In the event a valid petition is filed, no such increased levy shall be made without such proposition having been submitted to and having been approved by a majority of the qualified electors voting at an election called and held thereon. All such elections shall be called and held in the manner prescribed for the calling and holding of elections upon the question of the issuance of bonds under the general bond law.

(c) There is hereby authorized to be established in the watershed districts of the state a fund which shall be called the structure maintenance fund. The fund shall consist of moneys deposited therein from funds received according to provisions of the watershed district law. The amount of funds that may be deposited annually shall be a maximum of .35% of the construction cost of the structure. Moneys in the structure maintenance fund may be used for the purpose of engineering, reconstruction and other required maintenance and other expenses relating to the maintenance of a structure. The watershed board of directors is hereby authorized to invest any portion of the structure maintenance fund, which is not currently needed, in investments authorized by K.S.A. 12-1675 and amendments

thereto. All interest received on any such investment shall be credited to the structure maintenance fund.

(d) The district board shall have authority to levy a tax, after improvement bonds have been issued in accordance with K.S.A. 24-1214, 24-1215 and 24-1220, and amendments thereto, sufficient to pay such bonds and interest.

Sec. 2. K.S.A. 19-3557 is hereby amended to read as follows: 19-3557. (a) The provisions of this section shall apply to public wholesale water supply districts No. 4, No. 11 and No. 12.

(b) The governing body of any public wholesale water supply district No. 4 created pursuant to K.S.A. 19-3545 *et seq.*, and amendments thereto, to which this section applies may issue general obligation bonds of the district to finance the cost of acquisition, construction, reconstruction, alteration, repair, improvement, extension or enlargement of the district. All general obligation bonds of the district shall be authorized, issued, registered and sold in the manner provided by the general bond law and shall bear interest at a rate not to exceed the maximum rate prescribed by K.S.A. 10-1009, and amendments thereto. The authorized and outstanding bonded indebtedness of the district shall not exceed 20% of the assessed value of all taxable tangible property located within the district, as certified to the county clerk on the preceding August 25.

No bonds may be issued under this subsection until the question of issuing such bonds has been submitted to and approved by a majority of the qualified electors of the district voting at an election called thereon. Such election shall be called and held in the manner provided by the general bond law. If a majority of the voters voting on the question vote in favor thereof, the bonds may be issued.

(b)(c) The governing body of any public wholesale water supply district No. 4 to which this section applies may issue, from time to time, general obligation bonds, in the manner prescribed by K.S.A. 10-427, *et seq.*, and amendments thereto, to refund any previous issue or part thereof of its outstanding revenue bonds, including the principal amount thereof and all accrued outstanding interest thereon, if such revenue bonds are callable in accordance with their terms or the holders thereof are willing to surrender them to the district. Such general obligation bonds shall not be issued until a resolution adopted by the governing body of the district stating the purpose for which such bonds are to be issued, the total amount of the bonds proposed to be issued, and the total cost to the district of the refunding project, is published once each week for two consecutive weeks in the official newspaper of such district. After publication, such bonds may be issued unless a petition requesting an election on the proposition, signed by electors equal in number to not less than 5% of the electors of the district who voted for the office of secretary of state at the last preceding general election of such office, is filed with the clerk of such district within 20 days following the last publication of such resolution. If such a petition is filed, the governing body of the district shall submit the proposition to the voters at an election called for such purpose and held within 90 days after the last publication of the resolution and no bonds shall be issued under this subsection unless such proposition shall receive the approval of a majority of the votes cast thereon. Such election shall be called and held in the manner provided by the general bond law.

(e)(d) The governing body of any public wholesale water supply district No. 4 to which this section applies shall have the power to levy a tax against all taxable, tangible property in the district for the purpose of paying any bonds, and the interest thereon, issued pursuant to this section. Any bonds issued pursuant to this section shall not be included in computing the total bonded indebtedness of any city or county located within such water supply district.

Sec. 3. K.S.A. 19-3557 and K.S.A. 1989 Supp. 24-1219 are hereby repealed.

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

(Published in the Kansas Register, May 3, 1990.)

(Published in the Kansas Register, May 3, 1990.)

HOUSE BILL No. 2991

SENATE BILL No. 596

AN ACT relating to banks and banking and the organization thereof; concerning bank holding companies and limitations thereon; amending K.S.A. 1989 Supp. 9-520 and 9-1801 and repealing the existing sections; also repealing K.S.A. 1989 Supp. 9-521.

AN ACT concerning the establishment and operation of a community correctional conservation camp in Labette county; authorizing a capital improvement project therefor and approving such project for financing by the Kansas development finance authority.

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

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

Section 1. K.S.A. 1989 Supp. 9-1801 is hereby amended to read as follows: 9-1801. (a) No bank or trust company hereafter shall be organized or incorporated under the laws of this state, nor shall any such institution transact either a banking business or a trust company business in this state, until the application for its incorporation and application for authority to do business has been submitted to and approved by the board. The board shall approve or disapprove the organization and establishment of any such institution in the city or town in which the same is sought to be located. The form for making any such application shall be prescribed by the board and any application made to the board shall contain such information as it shall require. The board shall not approve any such application until it first investigates and examines such application and the applicants.

Section 1. The secretary of corrections and the board of commissioners of Labette county are hereby authorized to enter into agreements to establish and operate a community correctional conservation camp in Labette county. The county of Labette is hereby authorized to construct, equip and operate such community correctional conservation camp pursuant to such agreements. The capital improvement project to construct and equip a community correctional conservation camp is hereby approved for the department of corrections and Labette county for the purposes of subsection (b) of K.S.A. 1989 Supp. 74-8905 and amendments thereto and the issuance of bonds for such project by the Kansas development finance authority in accordance with that statute. The provisions of subsection (a) of K.S.A. 1989 Supp. 74-8905 and amendments thereto shall not prohibit the issuance of bonds for such purpose and any such issuance of bonds is exempt from the provisions of subsection (a) of K.S.A. 1989 Supp. 74-8905 and amendments thereto.

(b) If upon the dissolution or insolvency of any bank or trust company, national bank association, savings and loan association, savings bank or credit union under the laws of the state of Kansas, it is the opinion of the commissioner that by reason of the loss of services in the community, an emergency exists which may result in serious inconvenience or losses to the depositors or the public interest in the community, the commissioner may accept and approve an application for incorporation and application for authority to do business from applicants for the organization and establishment of a successor bank or trust company, subject to confirmation and subsequent approval by the board. Upon approval of an application for the organization and establishment of any such successor bank or trust company, the commissioner shall no later than the next regular meeting of the board submit such application to the board for its confirmation and approval.

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

(Published in the Kansas Register, May 3, 1990.)

SENATE BILL No. 558

AN ACT making and concerning appropriations for the fiscal year ending June 30, 1990, for the legislative coordinating council, governor's department, attorney general, secretary of state, state board of indigents' defense services, judicial branch, department of revenue, Kansas lottery, Kansas racing commission, department of commerce, Kansas technology enterprise corporation, Fort Hays state university, Kansas state university, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, university of Kansas, university of Kansas medical center, Wichita state university, Kansas college of technology, department of education, Kansas state school for the visually handicapped, Kansas state school for the deaf, state historical society, state board of agriculture, Kansas animal health department, Kansas state grain inspection department, state fair board, Kansas wheat commission, state conservation commission, department of wildlife and parks, judicial council, Kansas, Inc. and Kansas water office; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing; amending sections 38 and 70 of chapter 32 of the 1989 Session Laws of Kansas and repealing the existing sections.

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

Section 1. For the fiscal year ending June 30, 1990, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

Sec. 2.

LEGISLATIVE COORDINATING COUNCIL

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

Legislative coordinating council—operations \$2,948

Sec. 3.

GOVERNOR'S DEPARTMENT

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

Administration \$30,000

Sec. 4.

ATTORNEY GENERAL

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

Additional operating expenditures for investigation and litigation regarding interstate water rights \$399,711

(b) On the effective date of this act, of the \$1,983,539 appropriated for the above agency for the fiscal year ending June 30, 1990, by section 8(a) of chapter 29 of the 1989 Session Laws of Kansas from the state general fund in the salaries and wages account, the sum of \$5,555 is hereby lapsed.

(c) On the effective date of this act, the director of accounts and reports shall transfer all moneys in the board of polygraphists fee

Sec. 2. K.S.A. 1989 Supp. 9-520 is hereby amended to read as follows: 9-520. (a) Excluding shares held under the circumstances set out in paragraph (2) of subsection (a) of K.S.A. 1985 1989 Supp. 9-519, and amendments thereto, no bank holding company or any subsidiary thereof shall directly or indirectly acquire ownership or control of, or power to vote, any of the voting shares of any bank domiciled in this state if, after such acquisition, all banks domiciled in this state, in which the bank holding company or any subsidiary thereof has ownership or control of, or power to vote, any voting shares, would have, in the aggregate, more than 12% of the total deposits of all banks in this state plus the total deposits, savings deposits, shares and other accounts in savings and loan associations, federal savings banks and building and loan associations in this state as determined by the state bank commissioner on the basis of the most recent reports to supervisory authorities which are available at the time of the acquisition.

(b) This section shall not prohibit a bank holding company or any subsidiary thereof from acquiring ownership or control of, or power to vote, any of the voting shares of any bank domiciled in this state if the state bank commissioner, in the case of a bank organized under the laws of this state, or the comptroller of the currency, in the case of a national banking association, determines that an emergency exists and that the acquisition is appropriate in order to protect the public interest against the failure or probable failure of the bank.

Sec. 3. K.S.A. 1989 Supp. 9-520, 9-521 and 9-1801 are hereby repealed.

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

fund to the state general fund and all liabilities of the board of polygraphists fee fund are hereby transferred to and imposed upon the state general fund.

(d) On the effective date of this act, the director of accounts and reports shall transfer \$35,000 from the state general fund to the attorney general's antitrust special revenue fund. Subsequent to such date and after receipt and crediting of antitrust litigation proceeds to the attorney general's antitrust special revenue fund and at such time as moneys are available, the director of accounts and reports shall transfer \$35,000 from the attorney general's antitrust special revenue fund to the state general fund.

Sec. 5.

SECRETARY OF STATE

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

Other operating expenditures \$34,191

(b) Any positions established for the Kansas state census shall be in addition to the position limitation established for the secretary of state by section 12 of chapter 29 of the 1989 Session Laws of Kansas.

Sec. 6.

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

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

Assigned counsel and other professional payments \$604,312

(b) On the effective date of this act, of the \$509,126 appropriated for the above agency for the fiscal year ending June 30, 1990, by section 3(a) of chapter 28 of the 1989 Session Laws of Kansas from the state general fund in the other operating expenditures account, the sum of \$91,230 is hereby lapsed.

(c) On the effective date of this act, of the \$2,297,983 appropriated for the above agency for the fiscal year ending June 30, 1990, by section 3(a) of chapter 28 of the 1989 Session Laws of Kansas from the state general fund in the salaries and wages account, the sum of \$50,629 is hereby lapsed.

Sec. 7.

JUDICIAL BRANCH

(a) The expenditure limitation established by section 46(b) of chapter 32 of the 1989 Session Laws of Kansas on the bar admission fee fund is hereby decreased from \$62,273 to \$60,312.

(b) On the effective date of this act, of the \$4,731,693 appropriated for the above agency for the fiscal year ending June 30, 1990, by section 46(a) of chapter 32 of the 1989 Session Laws of Kansas from the state general fund in the appellate operations—salaries and wages account, the sum of \$3,640 is hereby lapsed.

Sec. 8.

DEPARTMENT OF REVENUE

(a) The expenditure limitation established by section 3(b) of chapter 14 of the 1989 Session Laws of Kansas on the vehicle dealers and manufacturers fee fund is hereby decreased from \$110,495 to \$108,688.

(b) The expenditure limitation established by section 3(b) of chapter 14 of the 1989 Session Laws of Kansas on the setoff services revenue fund is hereby increased from \$41,496 to \$41,880.

(c) On May 1, 1990, the director of accounts and reports shall transfer \$706 from the accounting services recovery fund of the department of administration to the setoff services revenue fund of the department of revenue for reimbursing costs of recovering amounts owed state agencies under K.S.A. 75-6201 *et seq.*, and amendments thereto.

(d) The expenditure limitation established by section 2(e) of chapter 32 of the 1989 Session Laws of Kansas on the division of vehicles operating fund is hereby decreased from \$24,167,065 to \$23,712,192.

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

Other operating expenditures \$123,845

(f) On the effective date of this act, or as soon thereafter as possible, the director of accounts and reports shall transfer \$350,000 from the division of vehicles operating fund of the department of revenue to the county reappraisal fund of the department of revenue for the purpose of reimbursing a portion of the costs for counties to upgrade their computers used for VIPS and CAMA.

Sec. 9.

KANSAS LOTTERY

(a) The expenditure limitation established by section 4(a) of chap-

ter 14 of the 1989 Session Laws of Kansas on the lottery operating fund is hereby decreased from \$10,238,459 to \$8,277,971.

(b) The expenditure limitation established by section 4(a) of chapter 14 of the 1989 Session Laws of Kansas on the salaries and wages account of the lottery operating fund is hereby decreased from \$3,239,858 to \$3,219,355.

(c) The expenditure limitation established by section 4(a) of chapter 14 of the 1989 Session Laws of Kansas on the other operating expenditures account of the lottery operating fund is hereby decreased from \$6,998,601 to \$5,058,616.

Sec. 10.

KANSAS RACING COMMISSION

(a) The expenditure limitation established by section 5(b) of chapter 14 of the 1989 Session Laws of Kansas on the state racing fund is hereby increased from \$1,530,939 to \$1,574,988.

(b) The position limitation established by section 9 of chapter 14 of the 1989 Session Laws of Kansas for the Kansas racing commission is hereby increased from 20.0 to 28.0.

(c) On the effective date of this act, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer \$350,000 from the state racing fund to the lottery and racing investigations fee fund of the attorney general—Kansas bureau of investigation for the purpose of financing a portion of the cost of operation and general expense of the Kansas bureau of investigation gaming unit.

(d) The expenditure limitation established by section 5(b) of chapter 14 of the 1989 Session Laws of Kansas on the Kansas greyhound breeding development fund is hereby decreased from No limit to \$35,000.

(e) No moneys shall be expended from the Kansas horse breeding development fund until the Kansas racing commission certifies to the director of accounts and reports that rules and regulations have been adopted for awarding competitive grants from the Kansas horse breeding development fund.

Sec. 11.

DEPARTMENT OF COMMERCE

(a) Notwithstanding the provisions of section 6(b) of chapter 14 of the 1989 Session Laws of Kansas to the contrary, expenditures may be made from the HUD rental rehabilitation program—federal fund for state operations: *Provided*, That expenditures from the fund for state operations shall not exceed \$52,370.

(b) The expenditure limitation established by section 6(b) of chapter 14 of the 1989 Session Laws of Kansas on the community development block grant administrative match—federal fund is hereby decreased from \$413,455 to \$369,681.

(c) The expenditure limitation established by section 27(d) of chapter 32 of the 1989 Session Laws of Kansas on the state economic development initiatives fund is hereby decreased from \$5,737,230 to \$4,544,335.

(d) The expenditure limitation established by section 27(e) of chapter 32 of the 1989 Session Laws of Kansas on the Kansas economic development endowment account of the state economic development initiatives fund is hereby decreased from \$5,737,230 to \$4,544,335.

(e) The expenditure limitation established by section 6(b) of chapter 14 of the 1989 Session Laws of Kansas on the Kansas partnership program subaccount of the Kansas economic development endowment account of the state economic development initiatives fund is hereby decreased from \$3,437,088 to \$2,328,560.

(f) The expenditure limitation established by section 6(b) of chapter 14 of the 1989 Session Laws of Kansas on the state operations subaccount of the Kansas partnership program subaccount of the Kansas economic development endowment account of the state economic development initiatives fund is hereby decreased from \$19,385 to \$14,560.

(g) The expenditure limitation established by section 27(f) of chapter 32 of the 1989 Session Laws of Kansas on the state operations subaccount of the Kansas economic development endowment account of the state economic development initiatives fund is hereby decreased from \$461,642 to \$377,275.

(h) There is appropriated for the above agency from the following special revenue fund all moneys now or hereafter lawfully credited

(continued)

to and available in such fund, except that expenditures other than refunds authorized by law shall not exceed the following:

Greyhound tourism fund \$0

Sec. 12.

KANSAS TECHNOLOGY ENTERPRISE CORPORATION

(a) On May 15, 1990, or as soon after such date as moneys are available, the director of accounts and reports shall transfer \$174,431 from the Kansas economic development research and development account of the state economic development initiatives fund of the department of commerce to the economic development research and development fund of the Kansas technology enterprise corporation.

(b) On June 15, 1990, or as soon after such date as moneys are available, the director of accounts and reports shall transfer \$104,303 from the Kansas economic development research and development account of the state economic development initiatives fund of the department of commerce to the economic development research and development fund of the Kansas technology enterprise corporation.

(c) The director of accounts and reports shall not make the following transfers: (1) The transfer of \$502,431 directed to be made on May 15, 1990, by section 8(c) of chapter 14 of the 1989 Session Laws of Kansas from the Kansas economic development research and development account of the state economic development initiatives fund of the department of commerce to the economic development research and development fund of the Kansas technology enterprise corporation; and (2) the transfer of \$502,431 directed to be made on June 15, 1990, by section 8(c) of chapter 14 of the 1989 Session Laws of Kansas from the Kansas economic development research and development account of the state economic development initiatives fund of the department of commerce to the economic development research and development fund of the Kansas technology enterprise corporation.

Sec. 13.

FORT HAYS STATE UNIVERSITY

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

Other operating expenditures for utilities \$33,431

(b) The expenditure limitation established by section 33(b) of chapter 32 of the 1989 Session Laws of Kansas on the general fees fund is hereby increased from \$4,369,470 to \$4,553,501.

Sec. 14.

KANSAS STATE UNIVERSITY

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

Operating expenditures for utilities \$634,462

(b) The expenditure limitation established by section 34(i) of chapter 32 of the 1989 Session Laws of Kansas on the general fees fund is hereby increased from \$23,891,332 to \$25,395,835.

Sec. 15.

KANSAS STATE UNIVERSITY VETERINARY MEDICAL CENTER

(a) The expenditure limitation established by section 35(b) of chapter 32 of the 1989 Session Laws of Kansas on the general fees fund is hereby increased from \$3,081,094 to \$3,133,198.

(b) The expenditure limitation established by section 4(b) of chapter 20 of the 1989 Session Laws of Kansas on the hospital and diagnostic laboratory revenue fund is hereby increased from \$1,308,000 to \$1,538,000.

Sec. 16.

EMPORIA STATE UNIVERSITY

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

Operating expenditures for utilities or other operating expenditures (including official hospitality) \$13,716

(b) The expenditure limitation established by section 36(b) of chapter 32 of the 1989 Session Laws of Kansas on the general fees fund is hereby increased from \$5,063,285 to \$5,199,042.

Sec. 17.

PITTSBURG STATE UNIVERSITY

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

Operating expenditures for utilities \$20,161

(b) The expenditure limitation established by section 6(b) of chapter 20 of the 1989 Session Laws of Kansas on the general fees fund is hereby increased from \$6,122,666 to \$6,676,192.

Sec. 18.

UNIVERSITY OF KANSAS

(a) The expenditure limitation established by section 7(b) of chapter 20 of the 1989 Session Laws of Kansas on the general fees fund is hereby increased from \$41,215,340 to \$43,617,500.

(b) The expenditure limitation established by section 7(b) of chapter 20 of the 1989 Session Laws of Kansas on the parking facilities revenue fund is hereby increased from \$911,404 to \$933,094.

Sec. 19. On the effective date of this act, section 38 of chapter 32 of the 1989 Session Laws of Kansas, is hereby amended to read as follows: Sec. 38.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1990, the following:

Operating expenditures (including official hospitality) \$44,632,433 \$56,603,979

Provided, That expenditures may be made from this account to provide a pay rate differential for nursing personnel, respiratory therapists, radiology technologists, medical technicians and medical technologists employed by the university of Kansas medical center who are employed during work periods after 3:00 p.m. and before 7:00 a.m.: Provided, however, That no differential rate shall be paid for those hours between 3:00 p.m. and 7:00 a.m. which are worked as a portion of a normal eight-hour day shift: And provided further, That such pay rate differential shall be a pay increase for each employee employed during the work period after 3:00 p.m. and before 7:00 a.m. of an amount equal to an increase of 10% in such employee's rate of pay under the pay plan in effect under K.S.A. 75-2938 and amendments thereto or under any amendments to such pay plan: And provided further, That expenditures may be made from this account for the purchase of malpractice insurance for undergraduate students in training at the university of Kansas school of medicine, nursing and allied health: And provided further, That such malpractice insurance shall be approved by the commissioner of insurance of the state of Kansas: And provided further, That expenditures may be made from this account for utilities expenses associated with the animal care research support facility except that such expenditures shall not exceed \$133,445.

Operating expenditures for utilities 4,646,427

Provided, That expenditures may be made from this account for the acquisition of natural gas or electricity, or both, by negotiating costs per unit and such expenditures shall not be subject to the competitive bid requirements of K.S.A. 75-3739 and amendments thereto: Provided, however, That no such expenditures for acquisition of natural gas or electricity, or both, by negotiating costs per unit may be made from this account except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto: Provided further, That expenditures may be made from this account for construction of a natural gas pipeline for use in connection with natural gas acquired by negotiating costs per unit: Provided, however, That no expenditures may be made from this account for construction of a natural gas pipeline except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto.

Stipends, fringe benefits, contractual support and medical malpractice insurance premium expenditures for state-supported residents 11,971,546

Any unencumbered balance in excess of \$100 as of June 30, 1989, in each of the following accounts is hereby reappropriated for fiscal year 1990: Major repairs, special maintenance, remodeling and energy conservation for institutions of higher education.

Total \$61,250,406

(b) There is appropriated for the above agency from the following special revenue funds for the fiscal year ending June 30, 1990, all moneys now or hereafter lawfully credited to and available in such funds, except that expenditures shall not exceed the following:

General fees fund \$5,887,800 \$6,116,282

Provided, That, subject to approval of the state board of regents, the chancellor of the university of Kansas is hereby authorized to fix, charge and collect rental, use, occupancy and other charges sufficient to pay the reasonable operation and maintenance expenses of facilities used as student housing in the student center building: Provided further, That all moneys received for such charges shall be credited to this fund: And provided further, That all expenses associated with operating and maintaining such facilities for use as student housing shall be paid from this fund.

Hospital revenue fund 95,045,263 97,072,418

Provided, That all receipts for patient care services shall be credited to this fund: Provided further, That the director of accounts and reports shall transfer monthly an amount specified by the chancellor of the university of Kansas, or the chancellor's designee, from the hospital revenue fund to the attorney collection fees account of the

restricted fees fund and to the following restricted fees fund accounts authorized herein for expenditures made on behalf of patients: Blood and blood products; implantable medical devices; specialized laboratory tests; renal dialysis; intravenous solutions; operating supplies for kidney stone lithotripter; organ procurement; pharmaceutical supplies; contractual patient air transportation services: *And provided further*, That such transfers shall be in addition to the expenditure limitation on this fund.

Restricted fees fund No limit

Provided, That restricted fees shall be limited to the following accounts: Reimbursable items for patients and others; salaries reimbursed by the Kansas university endowment association; postgraduate fees; pathology fees; gift receipts; sponsored research; departmental commercial receipts; attorney collection fees: *Provided further*, That the following additional accounts are authorized for expenditures made on behalf of patients: Blood and blood products; implantable medical devices; specialized laboratory tests; renal dialysis; pharmaceutical supplies; contractual patient air transportation services; intravenous solutions; operating supplies for kidney stone lithotripter; organ procurement; operating supplies for gallstone lithotripter: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, may amend or change this list of restricted fees: *And provided further*, That all restricted fees shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Sponsored research overhead fund 2,065,000 3,165,000
 Parking fees fund 378,707
 Service clearing fund No limit

Provided, That the service clearing fund shall be used for the following service activities: Print shop; computer services; purchasing storeroom; university motor pool; clothing (uniforms); physical plant storeroom; photo supplies; telecommunications services; facilities operations discretionary repairs; animal care; paging equipment; biomedical engineering; audiovisual services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 1988 Supp. 76-755 and amendments thereto.

College work-study fund No limit
 Student union fees fund No limit
 Scholarship funds fund No limit
 Advances fund—department of social and rehabilitation services No limit
 Federal aid for buildings fund No limit
 Bond construction funds fund No limit
 Health professions student loan fund—medical students No limit
 Health professions student loan fund—nursing students No limit
 Revolving student loans fund No limit
 Student loans fund No limit
 Suspense fund No limit
 Basic science facility—federal fund No limit
 Educational opportunity grant fund No limit
 Basic educational opportunity grant fund No limit
 Clinical facility bond and interest sinking fund No limit
 Clinical facility bond reserve fund No limit
 National direct student loan fund No limit
 Clinical facility extraordinary repair fund No limit
 Clinical facility discretionary fund No limit
 Parking facility revenue fund No limit
 Parking facility bond and interest sinking fund No limit
 Parking facility refunding interest and sinking fund No limit
 Parking facility refunding repair and construction fund No limit
 Hospital refunding principal and interest and sinking fund No limit
 Hospital refunding bond reserve fund No limit
 Parking facility K DFA project fund No limit
 Parking facility K DFA principal and interest fund No limit
 Parking facility K DFA bond reserve fund No limit
 Parking facility K DFA cost of issuance fund No limit
 Parking facility K DFA surplus fund No limit
 Parking facility K DFA rebate fund No limit
 Medical library private gifts fund No limit
 Medical library revenue fund No limit
 Medical library bond and interest sinking fund No limit
 Medical scholarship repayment fund 2,910,818 3,631,010

Provided, That in addition to the purposes for which expenditures may be made from the medical scholarship repayment fund established by subsection (f) of K.S.A. 76-376 and amendments thereto for the above agency moneys may be expended for operating expenditures, except that such expenditures shall not exceed \$1,435,000.

University of Kansas hospital fund No limit

Provided, That expenditures from this fund are subject to the restrictions of K.S.A. 76-827 and amendments thereto: *Provided further*, That no moneys shall be credited to this fund except by appropriation act of the legislature transferring moneys from the hospital revenue fund to this fund: *And provided further*, That,

except as otherwise authorized by appropriation act, expenditures from this fund are hereby authorized to be made only for the following equipment purchases and capital improvement projects and are subject to the expenditure limitations prescribed therefor:

Renovate hospital—phase I—planning \$238,000
 Lease-purchase gallstone lithotripter 280,000
 Lease-purchase nuclear magnetic resonance imaging system 468,960
 Lease-purchase cardiac catheterization equipment 109,554
 Lease-purchase computed tomography scanner upgrade 150,532
 Hospital equipment and related renovations 500,000

And provided further, That expenditures from this fund are hereby authorized to be made from the following accounts: Neonatal intensive care unit modification; heating, ventilating and air conditioning repairs to Bell memorial hospital; renovate inpatient pediatric unit: *Provided, however*, That expenditures from each such account shall not exceed the amount of the unencumbered balance in such account on June 30, 1989.

Animal research facility project fund No limit
 Animal research facility debt service fund No limit
 University of Kansas medical center private practice foundation reserve fund No limit

(c) There is appropriated for the above agency from the Kansas educational building fund for the fiscal year ending June 30, 1990, the following:

Construct research building—planning \$760,000

(d) On July 1, 1989, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the chancellor of the university of Kansas of not to exceed \$45,000 from the general fees fund to the national direct student loan fund.

(e) Total expenditures during the fiscal year ending June 30, 1990, from general use funds for salaries of unclassified staff of clinical departments, excluding residents, interns, fellows and nonclinical faculty positions funded wholly from restricted fees, shall not exceed 38% of the total compensation for such employees. During the fiscal year ending June 30, 1990, the proportion of general use fund salary support for any individual clinical department shall not exceed 50%, except that this 50% limitation shall not apply to the departments of family practice, pediatrics, psychiatry and rehabilitation medicine. The provisions of this subsection (e) shall not apply to unclassified staff of clinical departments at the university of Kansas school of medicine at Wichita.

(f) On July 1, 1989, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the chancellor of the university of Kansas of not to exceed \$1,103,929 \$1,693,929 from the hospital revenue fund to the university of Kansas hospital fund.

(g) On August 1, 1989, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the chancellor of the university of Kansas from the hospital revenue fund to the clinical facility bond and interest sinking fund.

(h) During the fiscal year ending June 30, 1990, medical students enrolled at the university of Kansas medical center are hereby self-insured by the state of Kansas while in clinical training at the university of Kansas medical center or at other health care institutions. Such individuals shall be considered employees for purposes of the Kansas tort claims act and shall be provided defense and indemnification for claims arising out of their clinical training at the university of Kansas medical center or at other health care institutions in accordance with the provisions of the Kansas tort claims act.

(i) *The position limitation established by section 39 of chapter 32 of the 1989 Session Laws of Kansas for the university of Kansas medical center is hereby increased from 4,670.5 to 4,740.5.*

Sec. 20.

WICHITA STATE UNIVERSITY

(a) The expenditure limitation established by section 40(c) of chapter 32 of the 1989 Session Laws of Kansas on the general fees fund is hereby increased from \$15,184,811 to \$15,761,115.

Sec. 21.

KANSAS COLLEGE OF TECHNOLOGY

(a) The expenditure limitation established by section 11(b) of chapter 20 of the 1989 Session Laws of Kansas on the general fees fund is hereby increased from \$388,345 to \$434,345.

(continued)

(b) The position limitation established by section 14(c) of chapter 20 of the 1989 Session Laws of Kansas for the Kansas college of technology is hereby increased from 96.3 to 111.3.

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

Operating expenditures for utilities..... \$24,183

Sec. 22.

DEPARTMENT OF EDUCATION

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

Community college credit hour state aid..... \$1,476,503
Community college out-district state aid entitlement..... 357,025
State school transportation aid..... 68,162
Special education services aid..... 2,989,022
Total..... \$4,890,712

(b) The expenditure limitation established by section 3(b) of chapter 23 of the 1989 Session Laws of Kansas on the proprietary school fee fund is hereby increased from \$56,918 to \$58,280.

(c) The expenditure limitation established by section 3(b) of chapter 23 of the 1989 Session Laws of Kansas on the state operations account of the education of handicapped children fund—federal is hereby increased from \$946,804 to \$976,804.

(d) The expenditure limitation established by section 3(b) of chapter 23 of the 1989 Session Laws of Kansas on the state operations account of the job training partnership act fund—federal is hereby increased from \$67,118 to \$68,948.

(e) The expenditure limitation established by section 3(b) of chapter 23 of the 1989 Session Laws of Kansas on the state operations account of the vocational education amendments of 1968—federal fund is hereby increased from \$716,201 to \$728,840.

Sec. 23.

KANSAS STATE SCHOOL FOR THE VISUALLY HANDICAPPED

(a) The expenditure limitation established by section 4(b) of chapter 15 of the 1989 Session Laws of Kansas on the general fees fund is hereby increased from \$37,653 to \$68,128.

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

Other operating expenditures..... \$24,226

Sec. 24.

KANSAS STATE SCHOOL FOR THE DEAF

(a) The expenditure limitation established by section 5(b) of chapter 15 of the 1989 Session Laws of Kansas on the general fees fund is hereby increased from \$65,000 to \$105,500.

Sec. 25.

STATE HISTORICAL SOCIETY

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

Microfilm fees fund..... \$18,000

Provided, That expenditures may be made from this fund for operating expenses for providing microfilming services: *Provided further*, That the state historical society is hereby authorized to fix, charge and collect fees for the sale of such services: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing microfilming services: *And provided further*, That all fees received from such services shall be credited to this fund.

(b) The expenditure limitation established by section 6(b) of chapter 15 of the 1989 Session Laws of Kansas on the land survey fee fund is hereby increased from \$15,000 to \$17,000.

(c) The state historical society may make expenditures for fiscal year 1990 from the all-sports hall of fame fund and the all-sports hall of fame gift fund to relocate the Kansas all-sports hall of fame to a new location selected by the Kansas all-sports hall of fame board of trustees: *Provided, however*, That such new location shall be selected by the Kansas all-sports hall of fame board of trustees from proposals received by the Kansas all-sports hall of fame board of trustees after a public announcement and request for proposals from public and private groups, including municipalities, which shall be published in the Kansas register, and after consideration by the Kansas all-sports hall of fame board of trustees of all proposals received: *Provided further*, That such relocation is hereby approved for purposes of subsection (g) of K.S.A. 74-2906a and amendments thereto.

Sec. 26.

STATE BOARD OF AGRICULTURE

(a) The expenditure limitation established by section 2(b) of chapter 24 of the 1989 Session Laws of Kansas on the agricultural liming materials fee fund is hereby increased from \$12,621 to \$14,821.

(b) The expenditure limitation established by section 29(c) of chapter 32 of the 1989 Session Laws of Kansas on the pesticide use fee fund is hereby increased from \$341,135 to \$346,913.

(c) The expenditure limitation established by section 2(b) of chapter 24 of the 1989 Session Laws of Kansas on the meat and poultry inspection fund (federal) is hereby increased from \$1,108,580 to \$1,120,487.

(d) The expenditure limitation established by section 2(b) of chapter 24 of the 1989 Session Laws of Kansas on the pest detection and survey—federal fund is hereby increased from \$30,598 to \$32,107.

(e) The expenditure limitation established by section 2(b) of chapter 24 of the 1989 Session Laws of Kansas on the national floodplain insurance assistance program—federal fund is hereby increased from \$56,638 to \$65,400.

(f) The expenditure limitation established by section 2(b) of chapter 24 of the 1989 Session Laws of Kansas on the market division fees fund is hereby decreased from \$10,692 to \$10,543.

(g) The expenditure limitation established by section 2(b) of chapter 24 of the 1989 Session Laws of Kansas on the wheat quality survey fund is hereby decreased from \$26,404 to \$24,500.

(h) The expenditure limitation established by section 2(b) of chapter 24 of the 1989 Session Laws of Kansas on the entomology fee fund is hereby decreased from \$66,694 to \$66,537.

(i) The expenditure limitation established by section 2(b) of chapter 24 of the 1989 Session Laws of Kansas on the weights and measures fee fund is hereby decreased from \$25,947 to \$25,736.

(j) The expenditure limitation established by section 2(b) of chapter 24 of the 1989 Session Laws of Kansas on the water appropriation certification fund is hereby decreased from \$311,935 to \$311,695.

(k) The expenditure limitation established by section 29(d) of chapter 32 of the 1989 Session Laws of Kansas on the chemigation fee fund is hereby decreased from \$43,984 to \$43,880.

(l) The expenditure limitation established by section 2(b) of chapter 24 of the 1989 Session Laws of Kansas on the Kansas corn commission fund is hereby decreased from \$495,288 to \$451,842.

(m) The expenditure limitation established by section 2(b) of chapter 24 of the 1989 Session Laws of Kansas on the Kansas grain sorghum commission fund is hereby decreased from \$795,716 to \$549,476.

(n) The expenditure limitation established by section 2(b) of chapter 24 of the 1989 Session Laws of Kansas on the Kansas soybean commission fund is hereby decreased from \$512,136 to \$408,714.

(o) The expenditure limitation established by section 2(b) of chapter 24 of the 1989 Session Laws of Kansas on the agricultural chemical fee fund is hereby decreased from \$231,592 to \$220,997.

(p) The expenditure limitation established by section 2(b) of chapter 24 of the 1989 Session Laws of Kansas on the feeding stuffs fee fund is hereby decreased from \$411,891 to \$409,586.

(q) The expenditure limitation established by section 29(b) of chapter 32 of the 1989 Session Laws of Kansas on the fertilizer fee fund is hereby decreased from \$554,154 to \$528,508.

(r) The expenditure limitation established by section 2(b) of chapter 24 of the 1989 Session Laws of Kansas on the grade A milk fee fund is hereby decreased from \$217,147 to \$216,559.

(s) The expenditure limitation established by section 29(a) of chapter 32 of the 1989 Session Laws of Kansas on the seed examination fee fund is hereby decreased from \$126,114 to \$125,496.

(t) The expenditure limitation established by section 2(b) of chapter 24 of the 1989 Session Laws of Kansas on the egg fee fund is hereby decreased from \$157,730 to \$156,594.

(u) The expenditure limitation established by section 2(b) of chapter 24 of the 1989 Session Laws of Kansas on the certification of pesticide applicators program—federal fund is hereby decreased from \$35,218 to \$35,113.

(v) The expenditure limitation established by section 2(b) of chapter 24 of the 1989 Session Laws of Kansas on the federal pesticide enforcement fund is hereby decreased from \$168,834 to \$168,083.

(w) The expenditure limitation established by section 2(b) of chapter 24 of the 1989 Session Laws of Kansas on the medicated

feed mill inspection—federal fund is hereby decreased from \$16,834 to \$14,990.

(x) The expenditure limitation established by section 2(b) of chapter 24 of the 1989 Session Laws of Kansas on the pesticide use enforcement incentive program—federal fund is hereby decreased from \$76,355 to \$75,956.

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

Agricultural chemical management program fund—federal. \$34,500

Sec. 27.

KANSAS ANIMAL HEALTH DEPARTMENT

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

Administration program \$2,000
 Animal disease control program 27,187
 Total \$29,187

(b) The expenditure limitation established by section 3(b) of chapter 24 of the 1989 Session Laws of Kansas on the livestock market brand inspection fee fund is hereby increased from \$112,187 to \$129,274.

(c) The expenditure limitation established by section 3(b) of chapter 24 of the 1989 Session Laws of Kansas on the livestock brand fee fund is hereby decreased from \$225,287 to \$183,638.

(d) The expenditure limitation established by section 3(b) of chapter 24 of the 1989 Session Laws of Kansas on the animal disease control fund is hereby decreased from \$657,194 to \$548,046.

(e) The position limitation established by section 57 of chapter 32 of the 1989 Session Laws of Kansas for the Kansas animal health department is hereby decreased from 39.0 to 38.0.

Sec. 28.

KANSAS STATE GRAIN INSPECTION DEPARTMENT

(a) The expenditure limitation established by section 4(a) of chapter 24 of the 1989 Session Laws of Kansas on the grain inspection fee fund is hereby decreased from \$5,761,073 to \$5,373,599.

Sec. 29.

STATE FAIR BOARD

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

Economic development fund \$100,000

(b) On May 15, 1990, the director of accounts and reports shall transfer \$100,000 from the Kansas economic development endowment account of the state economic development initiatives fund of the department of commerce to the economic development fund of the state fair board.

(c) The expenditure limitation established by section 5(a) of chapter 24 of the 1989 Session Laws of Kansas on the state fair fee fund is hereby decreased from No limit to \$2,016,471: *Provided*, That any expenditures from this fund for payments to performers, entertainers and other special attractions at the state fair shall be in addition to any expenditure limitation imposed on this fund.

(d) The expenditure limitation established by section 5(a) of chapter 24 of the 1989 Session Laws of Kansas on the non-fair days activities fee fund is hereby decreased from No limit to \$202,152.

(e) Notwithstanding any provisions of K.S.A. 1989 Supp. 2-223, and amendments thereto, to the contrary: The certification by the state fair board to the director of accounts and reports required to be made on June 30, 1990, of an amount to be transferred to the state fair capital improvements fund under subsection (b) of K.S.A. 1989 Supp. 2-223, and amendments thereto, and the transfer of moneys to the state fair capital improvements fund by the director of accounts and reports upon such certification shall not be made.

Sec. 30.

KANSAS WHEAT COMMISSION

(a) The expenditure limitation established by section 2(b) of chapter 24 of the 1989 Session Laws of Kansas on the Kansas wheat commission fund is hereby decreased from \$1,871,369 to \$1,273,433.

Sec. 31. (a) On the effective date of this act, section 70 of chapter 32 of the 1989 Session Laws of Kansas is hereby amended to read as follows: Sec. 70.

STATE CONSERVATION COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund for the fiscal year ending June 30, 1990, all moneys now or hereafter lawfully credited to and available in such fund, except that expenditures other than refunds authorized by law shall not exceed the following:

Water plan special revenue fund \$2,010,000 \$2,093,986

Provided, That expenditures may be made from this fund for the following purposes, subject to the expenditure limitations prescribed therefor:

Non-point source pollution \$1,275,000 \$917,468
 Land treatment 1,000,000 719,583
 Targeted watershed 635,000 456,935

(b) On July 1, 1989, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer ~~\$2,010,000~~ make transfers which in the aggregate total \$2,093,986 from the state water plan fund of the Kansas water office to the water plan special revenue fund of the state conservation commission.

Sec. 32.

DEPARTMENT OF WILDLIFE AND PARKS

(a) The expenditure limitation established by section 28(b) of chapter 32 of the 1989 Session Laws of Kansas on the salaries and wages and other operating expenditures account of the wildlife fee fund is hereby decreased from \$13,006,244 to \$12,964,420.

(b) The expenditure limitation established by section 28(b) of chapter 32 of the 1989 Session Laws of Kansas on the state operations account of the parks fee fund is hereby increased from \$2,176,346 to \$2,202,245.

(c) The expenditure limitation established by section 28(b) of chapter 32 of the 1989 Session Laws of Kansas on the salaries and wages and other operating expenditures account of the boating fee fund is hereby increased from \$521,325 to \$523,541.

Sec. 33.

JUDICIAL COUNCIL

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

Salaries and wages \$2,481

Sec. 34.

KANSAS, INC.

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

Salaries and wages \$314

Sec. 35.

KANSAS WATER OFFICE

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

Salaries and wages \$16,620

(b) The expenditure limitation established by section 8(b) of chapter 24 of the 1989 Session Laws of Kansas on the conversion of materials and equipment fund is hereby increased from \$0 to No limit.

(c) The position limitation established by section 57 of chapter 32 of the 1989 Session Laws of Kansas for the Kansas water office is hereby increased from 22.0 to 23.0.

Sec. 36. *Appeals to exceed position limitations.* The limitations imposed by this act on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for fiscal year 1990 made in this act or in any appropriation act of the 1989 regular session of the legislature or in any other appropriation act of the 1990 regular session of the legislature may be exceeded upon approval of the state finance council.

Sec. 37. *Appeals to exceed limitations.* Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

Sec. 38. On the effective date of this act, sections 38 and 70 of chapter 32 of the 1989 Session Laws of Kansas are hereby repealed.

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

(Published in the *Kansas Register*, May 3, 1990.)

SENATE BILL No. 542

AN ACT concerning scholarships available to certain students admitted to or enrolled in the university of Kansas school of medicine; amending K.S.A. 76-374, 76-375 and 76-376 and repealing the existing sections.

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

Section 1. K.S.A. 76-374 is hereby amended to read as follows: 76-374. An agreement entered into by the university of Kansas school of medicine and an undergraduate student enrolled in or admitted to the university of Kansas school of medicine in a course of instruction leading to the degree of doctor of medicine for the awarding of a scholarship under K.S.A. 76-373 through 76-377a and amendments thereto shall require that the person receiving the scholarship:

(a) Complete the required course of instruction and receive the degree of doctor of medicine and, for persons first awarded scholarships after December 31, 1985, apply for, enter and complete an approved three-year primary care postgraduate residency training program;

(b) apply for and obtain a license to practice medicine and surgery in Kansas;

(c) if the scholarship is a type I scholarship, engage in the full-time practice of medicine and surgery for a period of 12 months within a service commitment area I; or, if the scholarship is a type II scholarship, engage in the full-time practice of medicine and surgery for a period of 12 months within a service commitment area II, except that for persons first awarded type I or type II scholarships after December 31, 1985, engage in the full-time practice of medicine and surgery for a period of 12 months in an incorporated city of this state as specified in subsection (d)(2);

(d) (1) for persons first awarded scholarships prior to January 1, 1986, commence such full-time practice of medicine and surgery within nine months after licensure or within nine months after completion of a residency program and licensure, whichever is later, in an appropriate service commitment area and continue such full-time practice in such service commitment area for a consecutive period of months equal to the total number of months required under the agreement;

(2) for persons first awarded scholarships after December 31, 1985, commence such full-time practice of medicine and surgery within nine months after licensure or within nine months after completion of a residency program and licensure, whichever is later, in any incorporated city of this state of less than 12,000 population based upon the most current legal census, excluding any such incorporated cities located in the following counties: Wyandotte, Johnson, Sedgwick and Shawnee;

(e) agree that the service commitment for each agreement entered into under this act is in addition to the service commitment contained in any other agreement which has been or may be entered into under this act for the purpose of obtaining scholarship aid;

(f) maintain records and make reports to the university of Kansas school of medicine to document the satisfaction of the obligation under such agreement to engage in the full-time practice of medicine and surgery within an appropriate service commitment area and to continue such full-time practice in such service commitment area for a consecutive period of months equal to the total number of months required under the agreement; and

(g) upon failure to satisfy an agreement to engage in the full-time practice of medicine and surgery within the appropriate service commitment area of the state for the required period of time under any such agreement, the person receiving a scholarship under this act shall repay amounts to the university of Kansas school of medicine as provided in K.S.A. 76-376 and amendments thereto.

As used in this section, "primary care" means general pediatrics, general internal medicine and family practice.

Sec. 2. K.S.A. 76-375 is hereby amended to read as follows: 76-375: (a) On or before December 31 in each year, the chancellor of the university of Kansas, or the designee of the chancellor, shall prepare a list of the areas of this state which the chancellor, or designee of the chancellor, determines to be critically medically underserved areas by specialty and the areas of this state which the chancellor, or designee of the chancellor, determines to be medically underserved areas by specialty. In preparing such a list the chancellor, or designee of the chancellor, shall consult with the medical

scholarship advisory committee. All state medical care facilities or institutions, all medical centers operated in the state of Kansas by the veterans administration of the United States, and all full-time faculty positions in approved Kansas primary care residency programs, including such programs at the university of Kansas school of medicine; and all medical clinics which are located in Kansas cities, other than Kansas City, and which are operated by professional corporations that are affiliated by contract with the university of Kansas medical center in family medicine or family practice are qualified for service in both service commitment area I and service commitment area II without being determined medically underserved areas; except that such medical clinics shall not qualify for such service by more than 12 persons at any one time. In preparing such a list, the portion of time of persons engaged in the practice of medicine and surgery at any institution under the jurisdiction and control of the secretary of social and rehabilitation services shall not be included in determining whether an area is critically medically underserved or medically underserved. Every such list shall note that all state medical care facilities or institutions qualify for such service commitments, in addition to listing those areas determined to be critically medically underserved or medically underserved. Critically medically underserved areas by specialty and medically underserved areas by specialty established prior to the effective date of this act by the secretary of health and environment shall continue in effect for the purposes of this act until changed by the chancellor of the university of Kansas, or the designee of the chancellor. The chancellor of the university of Kansas, or the designee of the chancellor, upon a finding of exceptional circumstances may modify areas or portions of areas determined to be critically medically underserved or medically underserved by specialty.

(b) (1) A service commitment area shall be designated as a service commitment area I or a service commitment area II. Service commitment area I shall be any area determined by the chancellor of the university of Kansas, or the designee of the chancellor, under subsection (a) to be, for purposes of all agreements entered into under K.S.A. 76-374 and amendments thereto, a medically underserved area or a critically medically underserved area. Service commitment area II shall be, for purposes of all agreements entered into under K.S.A. 76-374 and amendments thereto, the state of Kansas.

(2) The service commitment area I or II for persons first awarded scholarships after December 31, 1985, shall be an incorporated city of this state as specified in subsection (d)(2) of K.S.A. 76-374 and amendments thereto, all state medical care facilities or institutions, all medical centers operated in the state of Kansas by the veterans administration of the United States, and all full-time faculty positions in approved Kansas primary care residency programs including such programs at the university of Kansas school of medicine; and all medical clinics which are operated in Kansas cities, other than Kansas City, and which are operated by professional corporations that are affiliated by contract with the university of Kansas medical center except that such medical clinics shall not qualify for such service by more than 12 persons at any one time in family medicine or family practice.

(c) In selecting a service commitment area I or II, whichever is applicable, prior to the commencement of the full-time practice of medicine and surgery pursuant to all agreements entered into under K.S.A. 76-374 and amendments thereto requiring service for a period of time in a service commitment area I or II, whichever is applicable, the person so selecting shall select such area from among those areas appearing on the list of areas prepared by the chancellor of the university of Kansas, or the designee of the chancellor, under this section. The service commitment area selected shall have appeared on any such list not more than 36 months prior to the commencement of such full-time practice of medicine and surgery by the person selecting such service commitment area. Upon the selection of such service commitment area, the person so selecting shall inform the university of Kansas school of medicine of the area selected.

(d) A person serving in a service commitment area I or II, whichever is applicable, pursuant to any agreement under this act may serve all or part of any commitment in the service commitment area initially selected by such person. If such person moves from one service commitment area I or II to another service commitment area

I or II, as applicable, such person shall notify the university of Kansas school of medicine of such person's change of service commitment area. Service in any such service commitment area I or II, as applicable, selected from the appropriate lists of service commitment areas, shall be deemed to be continuous for the purpose of satisfying any agreement entered into under this act. Any service commitment area I or II, as applicable, selected after the initially selected service commitment area I or II shall have appeared on a service commitment area I list or on a service commitment area II list, as applicable, which shall have been prepared not more than 12 months prior to the move by such person from one service commitment area I or II to another service commitment area I or II, as applicable.

(e) (1) A person awarded a scholarship prior to January 1, 1986, may satisfy the obligation to engage in the full-time practice of medicine and surgery in a service commitment area I even though such person is engaged in such practice in two or more locations within the state of Kansas, at least one of which is not located in a service commitment area I, if the person is engaged in the full-time practice of medicine and surgery in such locations pursuant to a practice affiliation agreement approved by the chancellor of the university of Kansas, or the designee of the chancellor.

(2) A person awarded a scholarship prior to January 1, 1986, may satisfy the obligation to engage in the full-time practice of medicine and surgery in either service commitment area I or service commitment area II by devoting at least 100 hours per month to a local health department or nonprofit organization in this state serving medically indigent persons. As used in this paragraph, "medically indigent" means a person: (A) Who is unable to secure health care because of inability to pay for all or a part of the costs thereof due to inadequate personal resources, being uninsured, being underinsured, being ineligible for governmental health benefits; or (B) who is eligible for governmental benefits but is unable to obtain medical services.

(3) A person awarded a scholarship prior to January 1, 1986, may satisfy the obligation to engage in the full-time practice of medicine and surgery in either service commitment area I or II by engaging in such full-time practice of medicine and surgery, other than in a primary care specialty, anywhere in the state of Kansas with the exception of the following counties: Douglas, Johnson, Leavenworth, Sedgwick, Shawnee or Wyandotte, except that the full-time practice of medicine and surgery within the six listed counties will qualify if the selected county is designated as a service commitment area I or II in accordance with the provisions of this section, or whenever there are fewer than three persons engaged in the full-time practice of medicine and surgery in a designated specialty in the selected county. Any person who satisfies the obligation to engage in the full-time practice of medicine and surgery in accordance with this subsection (e)(3) shall remain obligated to repay the amounts received for living expenses as prescribed in subsection (a)(5) of K.S.A. 75-376 and amendments thereto. As used in this subsection (e)(3), "primary care" means general pediatrics, general internal medicine or family practice.

(f) A person awarded a scholarship in accordance with the provisions of K.S.A. 76-373 through 76-377a and amendments thereto may satisfy the obligation to engage in the practice of medicine and surgery, under an agreement entered into pursuant to K.S.A. 76-374 and amendments thereto even though such person is engaged in practice in an area not designated a medically underserved area by specialty, or a critically medically underserved area by specialty, through employment on a part-time basis by the state of Kansas which has been approved by the chancellor of the university of Kansas, or the designee of the chancellor, for the practice of medicine and surgery at any state medical care facility or institution.

(g) In connection with the determination of critically medically underserved areas and medically underserved areas under this section, the chancellor of the university of Kansas, or the designee of the chancellor, shall assess annually the need in the state as a whole for medical services provided by persons engaged in the practice of medicine and surgery and shall report thereon annually to the legislature. Each report shall include any recommendations for needed legislation, including any recommended amendments to this act, which relate to the need for such medical services in the various areas of this state.

(h) There is hereby established the medical scholarship advisory

committee. Members of the medical scholarship advisory committee shall be appointed by the chancellor of the university of Kansas as follows: (1) One member shall be from the office of the chancellor of the university of Kansas; (2) one member shall be a representative of the Kansas medical society; (3) one member shall be a member of the Kansas legislature; (4) one member shall be a student at the university of Kansas school of medicine; and (5) one member shall be a representative of the Kansas hospital association. The medical scholarship advisory committee shall meet periodically upon the call of the chancellor, or the designee of the chancellor, and shall make recommendations to the chancellor, or the designee of the chancellor, in regard to the administration of the provisions of this act.

(i) The chancellor of the university of Kansas may appoint a medical scholarship program coordinator for the purpose of planning and administering the provisions of this act. The coordinator shall be in the unclassified service under the Kansas civil service act.

(j) For all purposes under this section, service or employment after June 30, 1988, on a part-time basis ~~(1) at a medical clinic located in a Kansas city, other than Kansas City, and operated by a professional corporation affiliated by contract with the university of Kansas medical center,~~ (2) (1) pursuant to a practice affiliation agreement approved by the chancellor of the university of Kansas, or the chancellor's designee, or ~~(2) (2) at a state medical care facility or institution,~~ shall be on the basis of at least the equivalent of 1/2 time in order to satisfy the obligation to engage in the practice of medicine and surgery under an agreement entered into pursuant to K.S.A. 76-374 and amendments thereto.

(k) As used in this section, "state medical care facility or institution" includes, but is not limited to, the Kansas state school for the visually handicapped, the Kansas state school for the deaf, any institution under the secretary of social and rehabilitation services, as defined by subsection (b) of K.S.A. 76-12a01 and amendments thereto or by subsection (b) of K.S.A. 76-12a18 and amendments thereto, the Kansas soldiers' home and any correctional institution under the secretary of corrections, as defined by subsection (d) of K.S.A. 75-5202 and amendments thereto, but shall not include any state educational institution under the state board of regents, as defined by subsection (a) of K.S.A. 76-711 and amendments thereto, except as specifically provided by statute.

Sec. 3. K.S.A. 76-376 is hereby amended to read as follows: 76-376. (a) (1) Except as otherwise provided in paragraphs (2), (3) and (4) and 5 of this subsection (a) or in K.S.A. 76-377 and amendments thereto, upon the failure of any person to satisfy the obligation to engage in the full-time practice of medicine and surgery within the appropriate service commitment area of this state for the required period of time under any agreement entered into pursuant to K.S.A. 76-373 to 76-377a, inclusive, and amendments thereto, such person shall repay to the university of Kansas school of medicine an amount equal to the total of (A) the amount of money received by such person pursuant to such agreement, or the amount of money determined under rules and regulations of the university of Kansas plus (B) annual interest at a rate of 10%, if the agreement was entered into prior to January 1, 1982, 15%, if the agreement was entered into after December 31, 1981, from the date such money was received.

(2) Any person first awarded a scholarship after December 31, 1985, who fails to apply for and enter an approved three-year primary care postgraduate residency training program shall be required to repay all moneys received pursuant to an agreement entered into for any such scholarship, plus accumulated interest at an annual rate of 15%, within 90 days of graduation from the school of medicine.

(3) If a person fails to satisfy an obligation to engage in the full-time practice of medicine and surgery within a service commitment area I for the required period of time under an agreement entered into pursuant to K.S.A. 76-373 to 76-377a, inclusive, and amendments thereto, but is engaged in the full-time practice of medicine and surgery within this state in a service commitment area II which would have applied to such person had such person received a type II scholarship under an agreement entered into pursuant to K.S.A. 76-373 to 76-377a, inclusive, and amendments thereto, and if the chancellor of the university of Kansas, or the designee of the chancellor, finds that exceptional circumstances caused the failure of such person to engage in such practice in a service commitment area I,

(continued)

such person shall not be required to repay the amount of money received by such person for up to 50% of tuition fees pursuant to such agreement.

(4) If a person fails to satisfy an obligation to engage in the full-time practice of medicine and surgery in Kansas for the required period of time under an agreement entered into pursuant to K.S.A. 76-373 to 76-377a, inclusive, and amendments thereto, because such person is engaged in the full-time practice of medicine and surgery in a state other than Kansas and if such person is subject to or currently making repayments under this section and if such person subsequently commences the practice of medicine and surgery in this state which complies with the agreements entered into under such statutes, the balance of the repayment amount, including interest thereon, from the time of such commencement of practice until the obligation of such person is satisfied, or until the time such person again becomes subject to repayments, shall be waived. All repayment amounts due prior to such commencement of practice in this state, including interest thereon, shall continue to be payable as provided in this section. If subsequent to such commencement of practice, the person fails to satisfy such obligation, the person again shall be subject to repayments, including interest thereon, as otherwise provided in this section.

(5) Any person awarded a type I scholarship prior to January 1, 1986, who is satisfying the obligation to engage in the full-time practice of medicine and surgery in a service commitment area I by complying with the provisions of subsection (e)(3) of K.S.A. 76-375 and amendments thereto and who except for the provisions of such section (e)(3) would not otherwise be eligible to satisfy such obligation in the area in which such person is engaged in the full-time practice of medicine and surgery shall repay all moneys received by the person pursuant to the type I scholarship for living expenses, including interest thereon as otherwise provided in this section, in accordance with the repayment schedule established for the purposes of this paragraph by the chancellor of the university of Kansas.

(b) Except as otherwise provided in this section, if the person first entered into an agreement under K.S.A. 76-374 and amendments thereto prior to January 1, 1982, the person shall make 10 equal annual installment payments totaling the entire amount to be repaid under all such agreements for which such obligations are not satisfied, including all amounts of interest at the rate prescribed.

(c) If the person first entered into an agreement under K.S.A. 76-374 and amendments thereto after December 31, 1981, the person shall repay an amount totaling the entire amount to be repaid under all such agreements for which such obligations are not satisfied, including all amounts of interest at the rate prescribed. Except as otherwise provided in this section, such repayment shall be in installment payments and each such installment shall be not less than the amount equal to 1/5 of the total amount which would be required to be paid if repaid in five equal annual installments.

(d) All installment payments under this section shall commence six months after the date of the action or circumstance that causes the failure of the person to satisfy the obligations of such agreements, as determined by the university of Kansas school of medicine based upon the circumstances of each individual case. In all cases where the person first entered into an agreement under K.S.A. 76-374 and amendments thereto after December 31, 1981, if an installment payment becomes 91 days overdue, the entire amount outstanding shall become immediately due and payable, including all amounts of interest at the rate prescribed.

(e) The total repayment obligation imposed under all agreements entered into under K.S.A. 76-374 and amendments thereto may be satisfied at any time by any person who first entered into an agreement under such statute prior to January 1, 1982, and at any time prior to graduation from the university of Kansas school of medicine by any persons who first entered into an agreement under such statute after December 31, 1981, by making a single lump-sum payment equal to the total of (1) the entire amount to be repaid under all such agreements upon failure to satisfy the obligations under such agreements to practice in Kansas, plus (2) all amounts of interest thereon at the rate prescribed to the date of payment.

(f) There is hereby created in the state treasury the medical scholarship repayment fund. The university of Kansas school of medicine shall remit all moneys received under this section to the state treasurer at least monthly. Upon receipt of each such remittance

the state treasurer shall deposit the entire amount thereof in the state treasury, and such amount shall be credited to the medical scholarship repayment fund. All expenditures from the medical scholarship repayment fund shall be for scholarships awarded under K.S.A. 76-373 to 76-377a, inclusive, and amendments thereto, for payment of the salary of the medical scholarship program coordinator and for the expenses of administration of these sections and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chancellor of the university of Kansas or by a person designated by the chancellor.

Sec. 4. K.S.A. 76-374, 76-375 and 76-376 are hereby repealed.

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

(Published in the *Kansas Register*, May 3, 1990.)

SENATE BILL No. 429

AN ACT concerning parimutuel racing; prohibiting wagering by certain persons and providing penalties for violations; relating to the application of the Kansas tort claims act to stewards and racing judges; amending K.S.A. 75-6102 and K.S.A. 1989 Supp. 38-1502, 38-1602 and 74-8810 and repealing the existing sections.

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

Section 1. K.S.A. 1989 Supp. 74-8810 is hereby amended to read as follows: 74-8810. (a) It is a class A misdemeanor for any person to have a financial interest, directly or indirectly, in any racetrack facility within the state of Kansas:

(1) While such person is a member of the commission or during the five years immediately following such person's term as member of the commission; or

(2) while such person is an officer, director or member of an organization licensee, other than a county fair association, or during the five years immediately following the time such person is an officer, director or member of such an organization licensee.

(b) It is a class A misdemeanor for any member, employee or appointee of the commission, including stewards and racing judges, to knowingly:

(1) Participate in the operation of or have a financial interest in any business which has been issued a concessionaire license, facility owner license or facility manager license, or any business which sells goods or services to an organization licensee;

(2) participate directly or indirectly as an owner, owner-trainer or trainer of a horse or greyhound, or as a jockey of a horse, entered in a race meeting conducted in this state;

(3) place a wager on an entry in a horse or greyhound race conducted by an organization licensee; or

(4) accept any compensation, gift, loan, entertainment, favor or service from any licensee, except such suitable facilities and services within a racetrack facility operated by an organization licensee as may be required to facilitate the performance of the member's, employee's or appointee's official duties.

(c) It is a class A misdemeanor for any member, employee or appointee of the commission, or any spouse, parent, grandparent, brother, sister, child, grandchild, uncle, aunt, parent-in-law, brother-in-law or sister-in-law thereof, to:

(1) Hold any license issued by the commission; or

(2) enter into any business dealing, venture or contract with an owner or lessee of a racetrack facility in Kansas.

(d) It is a class A misdemeanor for any officer, director or member of an organization licensee, other than a county fair association, to:

(1) Receive, for duties performed as an officer or director of such licensee, any compensation or reimbursement or payment of expenses in excess of the amounts provided by K.S.A. 75-3223 and amendments thereto for board members' compensation, mileage and expenses; or

(2) enter into any business dealing, venture or contract with the organization licensee or, other than in the capacity of an officer or director of the organization licensee, with a facility owner licensee, facility manager licensee or concessionaire licensee; or

(3) place a wager on an entry in a horse or greyhound race conducted by an organization licensee.

(e) It is a class A misdemeanor for any facility owner licensee or

facility manager licensee, or any officer, director or employee thereof, to:

(1) participate directly or indirectly as an owner, owner-trainer or trainer of a horse or greyhound, or as a jockey of a horse, entered in a race meeting conducted in this state; or

(2) place a wager on an entry in a horse or greyhound race conducted by an organization licensee.

(f) It is a class A misdemeanor for any licensee of the commission, or any person who is an officer, director, member or employee of a licensee, to place a wager on an entry in a horse or greyhound race conducted at a racetrack facility where the licensee is authorized to engage in licensed activities if the commission has by rules and regulations designated such person's position as a position which could influence the outcome of such race.

(g) It is a class B misdemeanor for any person to use any animal or fowl in the training or racing of racing greyhounds.

(g) (h) It is a class A misdemeanor for any person to:

(1) Sell a parimutuel ticket or an interest in such a ticket to a person knowing such person to be under 18 years of age, upon conviction of the first offense;

(2) accept, transmit or deliver, from a person outside a racetrack facility, anything of value to be wagered in any parimutuel system of wagering within a racetrack facility, upon conviction of the first offense;

(3) administer or conspire to administer any drug or medication to a horse or greyhound within the confines of a racetrack facility in violation of rules and regulations of the commission, upon conviction of the first offense;

(4) possess or conspire to possess, within the confines of a racetrack facility, any drug or medication for administration to a horse or greyhound in violation of rules and regulations of the commission, upon conviction of the first offense;

(5) possess or conspire to possess, within the confines of a racetrack facility, equipment for administering drugs or medications to horses or greyhounds in violation of rules and regulations of the commission, upon conviction of the first offense;

(6) enter any horse or greyhound in any race knowing such horse or greyhound to be ineligible to compete in such race pursuant to K.S.A. 1987 1989 Supp. 74-8812 and amendments thereto; or

(7) prepare or cause to be prepared an application for registration of a horse pursuant to K.S.A. 1987 1989 Supp. 74-8830 and amendments thereto knowing that such application contains false information.

(h) (i) It is a class E felony for any person to:

(1) Sell a parimutuel ticket or an interest in such a ticket to a person knowing such person to be under 18 years of age, upon conviction of the second or a subsequent offense;

(2) accept, transmit or deliver, from any person outside a racetrack facility, anything of value to be wagered in any parimutuel system of wagering within a racetrack facility, upon the second or a subsequent conviction;

(3) conduct or assist in the conduct of a horse or greyhound race where the parimutuel system of wagering is used or is intended to be used and where no license has been issued to an organization to conduct such race;

(4) enter any horse or greyhound in any race conducted by an organization licensee knowing that the class or grade in which such horse or greyhound is entered is not the true class or grade or knowing that the name under which such horse or greyhound is entered is not the name under which such horse or greyhound has been registered and has publicly performed;

(5) use or conspire to use any device, other than an ordinary whip for horses or a mechanical hare for greyhounds, for the purpose of affecting the speed of any horse or greyhound at any time during a race conducted by an organization licensee;

(6) administer or conspire to administer any drug or medication to a horse or greyhound within the confines of a racetrack facility in violation of rules and regulations of the commission, upon conviction of the second or a subsequent offense;

(7) possess or conspire to possess, within the confines of a racetrack facility, any drug or medication for administration to a horse or greyhound in violation of rules and regulations of the commission, upon conviction of the second or a subsequent offense;

(8) possess or conspire to possess, within the confines of a race-

track facility, equipment for administering drugs or medications to horses or greyhounds in violation of rules and regulations of the commission, upon conviction of the second or a subsequent offense;

(9) sponge the nostrils or windpipe of a horse for the purpose of stimulating or depressing such horse or affecting its speed at any time during a race meeting conducted by an organization licensee;

(10) alter or attempt to alter the natural outcome of any race conducted by an organization licensee;

(11) influence or attempt to influence, by the payment or promise of payment of money or other valuable consideration, any person to alter the natural outcome of any race conducted by an organization licensee;

(12) influence or attempt to influence any member, employee or appointee of the commission, by the payment or promise of payment of money or other valuable consideration, in the performance of any official duty of that member, employee or appointee;

(13) fail to report to the commission or to one of its employees or appointees knowledge of any violation of this act by another person for the purpose of stimulating or depressing any horse or greyhound, or affecting its speed, at any time during any race conducted by an organization licensee;

(14) commit any of the following acts with respect to the prior racing record, pedigree, identity or ownership of a registered horse or greyhound in any matter related to the breeding, buying, selling or racing of the animal: (A) Falsify, conceal or cover up, by any trick, scheme or device, a material fact; (B) make any false, fictitious or fraudulent statement or representation; or (C) make or use any false writing or document knowing that it contains any false, fictitious or fraudulent statement or entry; or

(15) pass or attempt to pass, cash or attempt to cash any altered or forged parimutuel ticket knowing it to have been altered or forged.

(j) No person less than 18 years of age shall purchase a parimutuel ticket or an interest in such a ticket. Any person violating this subsection shall be subject to adjudication as a juvenile offender pursuant to the Kansas juvenile offenders code.

(k) Possession of any device described in subsection (h)(5) (i)(5) by anyone within the confines of a racetrack facility shall be prima facie evidence of intent to use such device.

Sec. 2. K.S.A. 1989 Supp. 38-1502 is hereby amended to read as follows: 38-1502. As used in this code, unless the context otherwise indicates:

(a) "Child in need of care" means a person less than 18 years of age who:

(1) Is without adequate parental care, control or subsistence and the condition is not due solely to the lack of financial means of the child's parents or other custodian;

(2) is without the care or control necessary for the child's physical, mental or emotional health;

(3) has been physically, mentally or emotionally abused or neglected or sexually abused;

(4) has been placed for care or adoption in violation of law;

(5) has been abandoned or does not have a known living parent;

(6) is not attending school as required by K.S.A. 72-977 or 72-1111, and amendments thereto;

(7) except in the case of a violation of K.S.A. 41-727 or subsection (j) of K.S.A. 1988 1989 Supp. 74-8810, and amendments thereto, does an act which, when committed by a person under 18 years of age, is prohibited by state law, city ordinance or county resolution but which is not prohibited when done by an adult;

(8) while less than 10 years of age, commits any act which if done by an adult would constitute the commission of a felony or misdemeanor as defined by K.S.A. 21-3105 and amendments thereto;

(9) is willfully and voluntarily absent from the child's home without the consent of the child's parent or other custodian; or

(10) is willfully and voluntarily absent at least a second time from a court ordered or designated placement, or a placement pursuant to court order, if the absence is without the consent of the person with whom the child is placed or, if the child is placed in a facility, without the consent of the person in charge of such facility or such person's designee.

(b) "Physical, mental or emotional abuse or neglect" means the infliction of physical, mental or emotional injury or the causing of a deterioration of a child and may include, but shall not be limited

(continued)

to, failing to maintain reasonable care and treatment, negligent treatment or maltreatment or exploiting a child to the extent that the child's health or emotional well-being is endangered. A parent legitimately practicing religious beliefs who does not provide specified medical treatment for a child because of religious beliefs shall not for that reason be considered a negligent parent; however, this exception shall not preclude a court from entering an order pursuant to subsection (a)(2) of K.S.A. 38-1513 and amendments thereto.

(c) "Sexual abuse" means any act committed with a child which is described in article 35, chapter 21 of the Kansas Statutes Annotated and those acts described in K.S.A. 21-3602 or 21-3603, and amendments thereto, regardless of the age of the child.

(d) "Parent," when used in relation to a child or children, includes a guardian, conservator and every person who is by law liable to maintain, care for or support the child.

(e) "Interested party" means the state, the petitioner, the child, any parent and any person found to be an interested party pursuant to K.S.A. 38-1541 and amendments thereto.

(f) "Law enforcement officer" means any person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

(g) "Youth residential facility" means any home, foster home or structure which provides 24-hour-a-day care for children and which is licensed pursuant to article 5 of chapter 65 of the Kansas Statutes Annotated.

(h) "Shelter facility" means any public or private facility or home other than a juvenile detention facility that may be used in accordance with this code for the purpose of providing either temporary placement for the care of children in need of care prior to the issuance of a dispositional order or longer term care under a dispositional order.

(i) "Juvenile detention facility" means any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders which, if in a city or county jail, must be in quarters separate from adult prisoners.

(j) "Adult correction facility" means any public or private facility, secure or nonsecure, which is used for the lawful custody of accused or convicted adult criminal offenders.

(k) "Secure facility" means a facility which is operated or structured so as to ensure that all entrances and exits from the facility are under the exclusive control of the staff of the facility, whether or not the person being detained has freedom of movement within the perimeters of the facility, or which relies on locked rooms and buildings, fences or physical restraint in order to control behavior of its residents. No secure facility, other than a juvenile detention facility, shall be in a city or county jail.

(l) "Ward of the court" means a child over whom the court has acquired jurisdiction by the filing of a petition pursuant to this code and who continues subject to that jurisdiction until the petition is dismissed or the child is discharged as provided in K.S.A. 38-1503 and amendments thereto.

(m) "Custody," whether temporary, protective or legal, means the status created by court order or statute which vests in a custodian, whether an individual or an agency, the right to physical possession of the child and the right to determine placement of the child, subject to restrictions placed by the court.

(n) "Placement" means the designation by the individual or agency having custody of where and with whom the child will live.

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

(p) "Relative" means a person related by blood, marriage or adoption but, when referring to a relative of a child's parent, does not include the child's other parent.

(q) "Court-appointed special advocate" means a responsible adult other than an attorney guardian *ad litem* who is appointed by the court to represent the best interests of a child, as provided in K.S.A. 38-1505a and amendments thereto, in a proceeding pursuant to this code.

(r) "Multidisciplinary team" means a group of persons, appointed by the court or by the state department of social and rehabilitation services under K.S.A. 1988 1989 Supp. 38-1523a and amendments thereto, which has knowledge of the circumstances of a child in need of care.

Sec. 3. K.S.A. 1989 Supp. 38-1602 is hereby amended to read as follows: 38-1602. (a) "Juvenile" means a person 10 or more years of age but less than 18 years of age.

(b) "Juvenile offender" means a person who does an act while a juvenile which if done by an adult would constitute the commission of a felony or misdemeanor as defined by K.S.A. 21-3105 and amendments thereto or who violates the provisions of K.S.A. 41-727 or subsection (4) (j) of K.S.A. 1988 1989 Supp. 74-8810, and amendments thereto, but does not include:

(1) A person 14 or more years of age who commits a traffic offense in violation of chapter 8 of the Kansas Statutes Annotated or any city ordinance or county resolution which relates to the regulation of traffic on the roads, highways or streets or the operation of self-propelled or nonself-propelled vehicles of any kind;

(2) a person 16 years of age or over who commits an offense defined in chapter 32 of the Kansas Statutes Annotated;

(3) a person 16 years of age or over who is charged with a felony or with more than one offense of which one or more is a felony after having been adjudicated in two separate prior juvenile proceedings as having committed an act which would constitute a felony if committed by an adult and the adjudications occurred prior to the date of the commission of the new act charged;

(4) a person who has been prosecuted as an adult by reason of subsection (b)(3) and whose prosecution results in conviction of a crime;

(5) a person whose prosecution as an adult is authorized pursuant to K.S.A. 38-1636 and amendments thereto; or

(6) a person who has been convicted of aggravated juvenile delinquency as defined by K.S.A. 21-3611 and amendments thereto.

(c) "Parent," when used in relation to a juvenile or a juvenile offender, includes a guardian, conservator and every person who is by law liable to maintain, care for or support the juvenile.

(d) "Law enforcement officer" means any person who by virtue of that person's office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

(e) "Youth residential facility" means any home, foster home or structure which provides twenty-four-hour-a-day care for juveniles and which is licensed pursuant to article 5 of chapter 65 of the Kansas Statutes Annotated.

(f) "Juvenile detention facility" means any secure public or private facility which is used for the lawful custody of accused or adjudicated juvenile offenders and which, if in a city or county jail, must be in quarters separate from adult prisoners.

(g) "State youth center" means a facility operated by the secretary for juvenile offenders.

(h) "Warrant" means a written order by a judge of the court directed to any law enforcement officer commanding the officer to take into custody the juvenile named or described therein.

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

Sec. 4. K.S.A. 75-6102 is hereby amended to read as follows: 75-6102. As used in K.S.A. 75-6101 through 75-6118, and amendments thereto, unless the context clearly requires otherwise:

(a) "State" means the state of Kansas and any department or branch of state government, or any agency, authority, institution or other instrumentality thereof.

(b) "Municipality" means any county, township, city, school district or other political or taxing subdivision of the state, or any agency, authority, institution or other instrumentality thereof.

(c) "Governmental entity" means state or municipality.

(d) "Employee" means any officer, employee, servant or member of a board, commission, committee, division, department, branch or council of a governmental entity, including elected or appointed officials and persons acting on behalf or in service of a governmental entity in any official capacity, whether with or without compensation. "Employee" includes any steward or racing judge appointed pursuant to K.S.A. 1989 Supp. 74-8818 and amendments thereto, regardless of whether the services of such steward or racing judge are rendered pursuant to contract as an independent contractor, but does not otherwise include an independent contractor under contract with a governmental entity. "Employee" does include former employees for acts and omissions within the scope of their

employment during their former employment with the governmental entity.

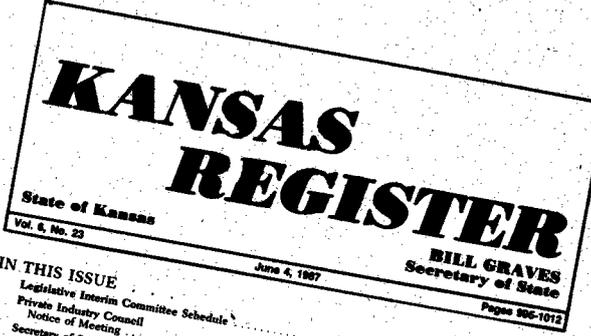
(e) "Community service work" means public or community service performed by a person (1) as a result of a contract of diversion entered into by such person as authorized by law, (2) pursuant to the assignment of such person by a court to a community corrections program, (3) as a result of suspension of sentence or as a condition of probation pursuant to court order, (4) in lieu of a fine imposed by court order or (5) as a condition of placement ordered by a court pursuant to K.S.A. 38-1663 and amendments thereto.

Sec. 5. K.S.A. 75-6102 and K.S.A. 1989 Supp. 38-1502, 38-1602 and 74-8810 are hereby repealed.

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

NOW AVAILABLE . . .

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for the
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IN THIS ISSUE

	Page
Legislative Interim Committee Schedule	996
Private Industry Council	
Notice of Meeting	997
Secretary of State	
Utury Rate for June	997
Department of Human Resources—Division of Workers' Compensation	
Notice of Hearing on Proposed Administrative Regulations	997
Rehabilitation Services Advisory Committee	
Notice of Meeting	997
State Emergency Response Commission	
Notice of Meeting	998
Department of Administration	
Notice of Commencement of Negotiations for Architectural and Engineering Services	998
Attorney General	
Opinions No. 87-80 through 87-84	999
	1000

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