

Kansas Register

Bill Graves, Secretary of State

Vol. 12, No. 17

April 29, 1993

Pages 659-710

In this issue . . .	Page
Private Industry Council	
Notice of meeting.....	661
Request for bids.....	661
Historic Sites Board of Review	
Notice of meeting.....	661
Executive appointments.....	661
State Conservation Commission	
Notice to contractors	661
Notice of meeting.....	662
State Board of Education	
Notice of hearings	662
Behavioral Sciences Regulatory Board	
Notice of hearing on proposed administrative regulations	662
Kansas State Treasurer	
Notice of investment rates.....	663
State Board of Nursing	
Notice of hearing on proposed administrative regulations	663
Attorney General	
Opinions No. 93-45 through 93-55.....	664
Department of Human Resources	
Notice of Job Service substate resource distribution plan.....	665
Notice to bidders for state purchases.....	666
Department of Transportation	
Notice to contractors	668
Notice of Bond Redemption	
City of Leavenworth.....	669
City of Westwood	669
City of Topeka	670
City of Wichita.....	670
Crawford County	671
State Board of Regents.....	672
City of Hartford.....	672
City of Burlington	673

(continued)

University of Kansas
 Notice to bidders 671

State Board of Healing Arts
 Notice of hearing on proposed administrative regulations 672

Kansas Commission on Children, Youth and Families
 Notice of meeting..... 673

Department on Aging
 Notice of hearing 673

Notice of Bond Sale
 City of Hesston 673

Department of Health and Environment
 Notice concerning Kansas water pollution control permits..... 675
 Notice of hearing on proposed administrative regulations 676

Temporary Administrative Regulations
 The Kansas Lottery 677

Permanent Administrative Regulations
 State Board of Healing Arts 679

New State Laws
 Senate Bill 10, concerning criminal procedure 680
 Senate Bill 119, providing for the establishment of a pilot project to provide Medicaid services in certain areas of the state through a system of managed care 683
 Senate Bill 402, concerning medical care facilities 683
 Senate Bill 355, concerning the duty of professional responsibility to financial institutions of certified public accountants and attorneys..... 684
 Senate Bill 170, concerning crimes, punishment and criminal procedure..... 684
 Senate Bill 94, concerning the disposition of certain state real property 692
 House Bill 2505, concerning school districts; relating to the financing thereof 694
 House Bill 2210, relating to limitations on the levy of property taxes..... 699
 House Bill 2038, relating to the Kansas Commission on Governmental Standards and Conduct..... 699
 Substitute for House Bill 2012, concerning the corporation for change act..... 700
 House Bill 2427, concerning stewards and racing judges..... 701
 Substitute for House Bill 2011, concerning postsecondary education..... 701

Index to administrative regulations 703

The Kansas Register (ISSN No. 0744-2254) is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The Kansas Register is published weekly by the Kansas Secretary of State, State Capitol, Topeka, KS 66612-1594. One-year subscriptions are \$60 (Kansas residents must include \$3.54 state and local sales tax). Single copies may be purchased, if available, for \$2 each. Second class postage paid at Topeka, KS.

Postmaster. Send change of address form to Kansas Register, Secretary of State, State Capitol, Topeka, KS 66612-1594.

© Kansas Secretary of State 1993. Reproduction of this publication in its entirety or for commercial purposes is prohibited without prior permission. Official enactments of the Kansas Legislature and proposed and adopted administrative regulations of state agencies may be reproduced in any form without permission.

PUBLISHED BY
Bill Graves
 Secretary of State
 2nd Floor, State Capitol
 Topeka, KS 66612-1594
 (913) 296-2236



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

State of Kansas

Private Industry Council**Notice of Meeting**

There will be an executive committee meeting of the Kansas Private Industry Council, Inc., SDA III, at 8 a.m. Thursday, May 6, in the PIC conference room, Suite 1025, Gateway Tower II, 4th and State Ave., Kansas City, Kansas.

Ann Conway
Executive Director

Doc. No. 013410

State of Kansas

Historic Sites Board of Review**Notice of Meeting**

The Kansas Historic Sites Board of Review will meet at 9:30 a.m. Saturday, May 15, in the classroom at the Kansas Museum of History, 6425 S.W. 6th, Topeka. The agenda includes recommendations for funding of Heritage Trust Fund grant applications, a follow-up to the board's preservation planning discussion of November 7, 1992, and evaluation of the following property for the National Register of Historic Places and/or the Register of Historic Kansas Places:

- Mugler Lodge Site (14CY1), Clay Center vicinity, Clay County

Ramon Powers
Executive Director

Doc. No. 013380

State of Kansas

Private Industry Council**Request for Bids**

The Kansas Private Industry Council will accept sealed written bids as submitted to Ann Conway, Executive Director, 1020 Gateway Centre II, 4th and State Ave., Kansas City, KS 66101, until 3 p.m. May 19.

Service:

1. Job Training Partnership Act (JTPA) on-site consulting services.

Specifications:

Consulting services may include:

- JTPA orientation
- Contract procedures
- Monitoring
- Strategic planning
- Employability assessment
- Cost allocation/fiscal issues
- Curriculum development

Ann Conway
Executive Director

Doc. No. 013409

State of Kansas

State Conservation Commission**Notice to Contractors**

Sealed bids for the construction of a 63,850 cubic yard detention dam, Site I-1A in Bourbon County, will be received by the Marmaton Watershed Joint District No. 102 at Agricultural Engineering Associates, 102 E. 2nd, Uniontown 66779, until 5 p.m., or hand carried and submitted between 7 p.m. and 7:30 p.m. on May 20, and then opened at 7:30 p.m. A copy of the invitation for bids and plans and specifications can be obtained at the Agricultural Engineering Associates Office, (316) 756-4845. Completion of bidder pre-qualification form is required prior to obtaining contract documents.

Kenneth F. Kern
Executive Director

Doc. No. 013386

State of Kansas

Secretary of State**Executive Appointments**

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office.

Complete listings of state agencies, boards and commissions are included in the Kansas Directory, published by the Secretary of State's office.

The following appointments were filed April 12-23:

Ellsworth County Commissioner, 3rd District

Donald F. Hanson, Route 1, Box 223, Ellsworth 67439. Term expires when a successor is elected and qualifies according to law. Succeeds Anthony Sula.

Kiowa County Commissioner, 1st District

Manford Clark, East Highway 54, Haviland 67059. Term expires when a successor is elected and qualifies according to law. Succeeds Steve Bartlett, resigned.

State Banking Board

Candace Jo Murphy, HCR, Box 5, Protection 67127. Subject to Senate confirmation. Term expires April 30, 1996. Succeeds Jerry Patterson.

Unmarked Burial Sites Preservation Board

Lillian M. Edwardson, 1242 N.W. 39th, Topeka 66618. Term expires July 15, 1995. Succeeds Harold Reed.

Michael Finnegan, 204 Waters Hall, Kansas State University, Manhattan 66506. Term expires July 15, 1994. Succeeds David Frayer.

Rita Napier, 1646 Alabama, Lawrence 66045. Term expires July 15, 1995. Reappointment.

Bill Graves
Secretary of State

State of Kansas

Board of Education

Notice of Hearings

The State Board of Education will conduct two public hearings to consider the proposed Kansas State Plan for Special Education and the Preschool Grant Application for fiscal years 1994-1996. The first hearing will be at 10 a.m. Wednesday, June 2, at the Central Vocational Building, 324 N. Emporia, Wichita. The second hearing will be at 1:30 p.m. Tuesday, June 8, in the board room of the State Education Building, 120 S.E. 10th, Topeka. Every effort is being made to access two locations for interactive television video sites near Sublette and at Hays. To verify location of these sites, contact Phyllis Kelly, Coordinator, Special Education Outcomes, (913) 296-3867, or Carol Dermeyer, Coordinator, Early Childhood Education Services, (913) 296-7454. Summaries of testimony provided at each hearing will be on file in the Special Education Outcomes Section at the State Board of Education.

The proposed Title VI-B Individual Disabilities Education Act Program Plan is a compliance document which provides assurance that Kansas statutes, regulations, policies, and procedures are in compliance with the Education of All Handicapped Children Act. To be eligible for funding, a state must file a plan with the Office of Special Education Programs, U.S. Department of Education. The plan also includes procedures for administration of Title VI-B funds.

The Kansas Special Education for Exceptional Children Act of 1974 and state regulations require each local education agency in the state of Kansas to provide all children and youth, including those classified as exceptional, not only a right to a free public education, but also to an education which is appropriate to their needs.

A copy of the proposed plan may be obtained by contacting the secretary of the State Board of Education, State Education Building, 120 S.E. 10th, Topeka 66612, prior to the date of the hearing. Public written comments on the state plan will be accepted through June 8.

All interested individuals and organizations will be given an opportunity at the hearing to present their views and make recommendations regarding the plan. The hearing shall be conducted in compliance with public hearing procedures of the State Board of Education.

Dr. Lee Droegemueller
Commissioner of Education

Doc. No. 013401

State of Kansas

State Conservation Commission

Notice of Meeting

The State Conservation Commission will meet at 9:30 a.m. Friday, May 14, at the State Conservation Commission Office, Room 500, 109 W. 9th, Topeka. An agenda may be obtained by contacting Donna Meader at (913) 296-3600.

Kenneth F. Kern
Executive Director

Doc. No. 013378

State of Kansas

Behavioral Sciences Regulatory Board

Notice of Hearing on Proposed
Administrative Regulations

The Behavioral Sciences Regulatory Board will conduct a public hearing from 8:30 to 8:45 a.m. Tuesday, June 15, at The Dodge House, 2408 W. Wyatt Earp Blvd., Dodge City, to consider proposed amendments to the permanent fee rules and regulations (K.A.R. 102-1-13 and K.A.R. 102-5-2), which establish fees for licensure as a psychologist and registration as a marriage and family therapist.

The proposed amendments provide for increases in examination fees. The psychology licensure examination fee will increase to \$325 and the marriage and family therapy registration examination fee will increase to \$260. The proposed amendments have an economic impact for both the board and applicants for psychology licensure and marriage and family therapy registration. These increases result from increased costs to purchase national examinations, which are used by all states in psychology credentialing and used by many states in marriage and family therapy credentialing. The use of national examinations further facilitates reciprocity for applicants. There may be some economic impact for the general public.

A copy of the proposed amended regulations and a copy of the economic impact statement may be obtained by submitting a written request to the Behavioral Sciences Regulatory Board, 900 S.W. Jackson, Room 651-S, Topeka 66612-1263.

The time period between the publication of this notice and the scheduled hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed regulations.

All interested parties may submit written comments prior to the hearing to the address above. All interested parties also will be given a reasonable time, not to exceed five minutes, to present their views orally or in writing concerning the adoption of the proposed regulations. Following the hearing, all written and oral comments submitted will be considered by the board prior to adoption.

Mary Ann Gabel
Executive Director

Doc. No. 013379

State of Kansas

Office of the State Treasurer

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210 as amended per 1992 Session Laws of Kansas, Chapter 146. These rates and their uses are defined in K.S.A. 75-4201(l), 12-1675(b)(c)(d) and K.S.A. 75-4209(a)(1)(B), as amended by the 1992 Legislature.

Effective 5-3-93 through 5-9-93

Term	Rate
0-90 days	2.89%
3 months	2.88%
6 months	3.00%
12 months	3.19%
24 months	3.69%
36 months	4.24%
48 months	4.70%

Sally Thompson
State Treasurer

Doc. No. 013390

State of Kansas

Board of Nursing

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 9 a.m. Wednesday, June 2, in Room 108 of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed changes in existing rules and regulations.

The 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 executive administrator of the Board of Nursing, Room 551-S, Landon State Office Building, 900 S.W. Jackson, Topeka. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing.

A summary of proposed regulations and their economic impact follows.

K.A.R. 60-1-101, Purposes of approval. The purposes for approving schools of nursing was self regulating for the board. Since the regulation did not provide direction to the schools, the regulation is being revoked.

K.A.R. 60-3-110, Standards of revocation, suspension, limitation, or denial of nursing licensure, and K.A.R. 60-7-106, Standards of revocation, suspension, limitation, denial of mental health technician licensure. There are several editorial changes which have

been made to clarify acts of unprofessional conduct for registered professional and licensed practical nurses, and licensed mental health technicians. There has been one addition to both regulations which makes sexual misconduct an act of unprofessional conduct and allows action on a license. Because more licensees are getting into commercial businesses to provide health care services, there have been two new acts referring to solicitation and advertising that have been added to K.A.R. 60-3-110.

K.A.R. 60-9-107, Approval of continuing nursing education. This regulation has been expanded to include several items which had been in policy and is now moved to regulation. Requirements for information has been specified for each of the approval of providership formats. The minimum length of offering was changed from two to one contact hour.

K.A.R. 60-12-104, Approval of continuing education, and K.A.R. 60-12-105, Definitions. Continuing mental health technician education must be approved by the Board of Nursing as earlier established. Requirements for providership approval and definitions have been revised in these two regulations by referring to the appropriate nursing regulations as the accepted process. Since the definitions and approval process are the same as for nurses, this will simplify current licensed mental health technician regulations.

K.A.R. 60-11-108, Requirements for advanced registered nurse practitioner programs of study. There are slight revisions in language to clarify and update only. The substantive changes in the regulation referred to the program having content as to the function by category and transmittal of prescriptions for medications in the area of specialization. Also, clinical instruction was expanded so different professionals could be preceptors.

Economic Impact

None of the changes in the regulations should have any economic impact on licensees. Changing to one hour continuing nursing education offerings should be positive in allowing for greater flexibility for licensees and providers of continuing education.

There should be no economic impact on the Board of Nursing with these changes. Adding the new unprofessional acts upon which action can be taken on a license may increase the number of cases slightly; however, no additional staff should be needed.

Copies of the regulations and their economic impact statements may be obtained from the Board of Nursing at the address above, (913) 296-5752.

Patsy Johnson, R.N., M.N.
Executive Administrator

Doc. No. 013377

State of Kansas

Attorney General**Opinion No. 93-45****Cities and Municipalities—Libraries—Bonds and Warrants; Cash-Basis Law; Taxation.****Bonds and Warrants—Cash-Basis Law—Libraries. Robert Beall, Leavenworth City Attorney, Leavenworth, April 5, 1993.**

The cash basis and budget laws apply only to subdivisions of the state authorized by law to raise money by taxation. A board of directors of a city library established pursuant to K.S.A. 12-1219 *et seq.* has no authority to raise money by tax; therefore, the fiscal affairs of such board are not subject to either the cash basis or budget laws. Cited herein: K.S.A. 10-1101; 10-1102; 10-1103; 10-1113; 12-1219; 12-1220; 12-1225; 79-2925. MF

Opinion No. 93-46**Irrigation—Irrigation and Irrigation Districts—Duty to Rebuild, Repair or Maintain Bridges. Darrell E. Miller, Jewell County Attorney, Mankato, April 5, 1993.**

The owner or proprietor of a canal, ditch or other conduit used principally for irrigation or power purposes must provide bridges for public crossing without regard to who has maintained existing bridges. Cited herein: K.S.A. 42-349; 42-350; 42-351. NKF

Opinion No. 93-47**Cities and Municipalities—Additions, Vacation and Lot Frontage; Annexation by Cities—Annexation of Lands Located in Water Districts. Michael Howe, Lenexa City Attorney, Lenexa, April 5, 1993.**

Where both the district and city agree that title be retained by the district, it is not mandatory that a city which annexes land located within a rural water district acquire title to district facilities. Cited herein: K.S.A. 12-527. MF

Opinion No. 93-48**Schools—School District Finance and Quality Performance—Local Option Budget; Authorization to Adopt; Limitations; 1993 Senate Bill No. 102; Retroactive Application of Amendments. Representative Clyde Graeber, 41st District, Leavenworth, April 7, 1993.**

The language of K.S.A. 72-6433 and the circumstances under which it was enacted do not evince a legislative intent to create private rights of a contractual nature enforceable against the state. The electors of a school district have not achieved a vested interest which may not be modified by the legislature. Therefore, retroactive application of the amendments set forth in 1993 Senate Bill No. 102 does not result in a violation of constitutional rights. Cited herein: K.S.A. 72-6433; 1993 Senate Bill No. 102. RDS

Opinion No. 93-49**Cities of the Second Class—Hospitals—Home Rule Powers; Charter Ordinances. C. E. Russell, Wellington City Attorney, Wellington, April 7, 1993.**

The city of Wellington may charter out of K.S.A. 14-604 and 14-605 because those provisions are not uniformly applicable to all cities. Furthermore, assuming a charter ordinance is enacted which provides for the appointment of members of the board of trustees by the mayor or council, the present members who were elected by the citizens have no property right in the office they hold and, consequently, the due process provisions of the Fourteenth Amendment to the United States Constitution and the Kansas Bill of Rights do not apply. Cited herein: K.S.A. 14-604; 14-605; 14-633; 14-641; 14-644; 14-655; 14-662; 14-669; 14-678; 14-685; Kan. Const., Bill of Rights, § 1; art. 12, § 5; U.S. Const., amend. XIV. MF

Opinion No. 93-50**Criminal Procedure—Arrest—Domestic Violence Calls; Written Policies Adopted by Law Enforcement Agencies. Gary Benning, Salina City Prosecutor, Salina, April 7, 1993.**

Pursuant to K.S.A. 1992 Supp. 22-2307(b)(1), a law enforcement officer who has probable cause to believe that a crime has been committed in a domestic violence situation *must* arrest the perpetrator, and the provisions of K.S.A. 22-2401 which make an arrest discretionary do not apply in a domestic violence situation. Cited herein: K.S.A. 1992 Supp. 22-2307, K.S.A. 22-2401. MF

Opinion No. 93-51**Unfair Trade and Consumer Protection—Restraint of Trade—Newspaper's Discounted Advertisement Rate. Representative Richard Alldritt, 105th District, Harper, April 8, 1993.**

Although price cutting may be an instrument of monopoly power to eliminate competitors, a newspaper company's discounted advertisement rate, in itself, is merely a competitive price cutting. There is no violation of antitrust laws under the facts presented. Cited herein: K.S.A. 50-101. NKF

Opinion No. 93-52**Wildlife, Parks and Recreation—Licenses, Permits, Stamps and Other Issues, Wildlife—Big Game Permits; Landowner or Tenant Hunt-on-Your-Own-Land Big Game Permits. Secretary Theodore D. Ensley, Secretary, Kansas Department of Wildlife and Parks, Topeka, April 15, 1993.**

In our opinion, 1993 Senate Bill No. 20, which would amend K.S.A. 1992 Supp. 32-937(g), establishes two categories of persons to whom a landowner or tenant may transfer hunt-on-your-own-land big game permits: (1) to any Kansas resident, or (2) to any nonresident who is a member of the immediate family of the Kansas permit holder. Cited herein: K.S.A. 1992 Supp. 32-937; 1993 Senate Bill No. 20. CN

Opinion No. 93-53

Taxation—Kansas Retailers' Sales Tax—Definitions; Selling Price; State and Federal Excise Taxes as Part of Total Cost to Consumer. Representative Clyde D. Graeber, 41st District, Leavenworth, April 20, 1993.

The Kansas retailers' sales tax act requires inclusion of federal and state cigarette taxes in the amount upon which the sales tax on cigarettes is based if those tax amounts are part of the total cost to the consumer. Cited herein: K.S.A. 1992 Supp. 79-3602; 79-3603; 79-3606; L. 1970, ch. 389, § 1. JLM

Opinion No. 93-54

Public Health—Central Interstate Low-Level Radioactive Waste Compact—Storage of Low Level Radioactive Waste.

Militia, Defense and Public Safety—Nuclear Energy Development and Radiation Control Act—Declaration of Policy; Construction of Act; Storage of Low Level Radioactive Waste. Representative Delbert L. Gross, 111th District, Hays; Representative Laura McClure, 119th District, Osborne, April 20, 1993.

Low-level radioactive waste is a subject area governed by the United States Nuclear Regulatory Commission. The commission has issued various guidelines for the storage of low-level radioactive waste; however, any generator planning to store such waste on site must meet all applicable licensing requirements of the federal government. Cited herein: K.S.A. 1992 Supp. 48-1601; K.S.A. 65-3430; 65-34a01; K.A.R. 28-35-134. CN

Opinion No. 93-55

Public Records, Documents and Information—Records Open to the Public—Terms of Settlement Agreement Entered Into by a City.

State Departments; Public Officers and Employees—Public Officers and Employees; Open Public Meetings—Binding Action Prohibited in Executive Session. Richard Sanborn, Mulvane City Attorney, Wichita, April 20, 1993.

The Kansas open records act (KORA) requires public records to be disclosed upon request unless a law permits or requires closure of a specific public record. A settlement agreement entered into by a city meets the definition of a public record, and is subject to the KORA. There is no exemption provision allowing the settlement agreement to be confidential under the KORA. It is our opinion that a contractual term attempting to close the conditions of the settlement is void as against public policy. The Kansas open meetings act (KOMA) declares as the policy of this state that meetings for the conduct of governmental affairs and the transaction of governmental business be open to the public. Based on this policy, no binding action shall be taken during closed executive sessions. A city may not take binding action on a settlement agreement during executive session. Cited herein: K.S.A. 45-215; 45-216; K.S.A. 1992 Supp. 45-217; 45-221; K.S.A. 75-4317; K.S.A. 1992 Supp. 75-4319. NKF

Robert T. Stephan
Attorney General

Doc. No. 013399

State of Kansas

Department of Human Resources

Notice of Job Service Substate
Resource Distribution Plan

The Kansas Department of Human Resources, Job Service, has received from the Secretary of Labor a preliminary allotment of \$6,708,211 for program year 1993 for the delivery of services. In compliance with federal regulations, Job Service is announcing its substate resource distribution plan.

Resources will be distributed to the five service delivery areas (SDA) by a formula using demographic and geographic factors. The plan utilizes four elements, with weights applied to each:

- | | |
|--------------------------------------|-----|
| 1) Total population (1990 Census) | 25% |
| 2) Total Labor Force | 30% |
| 3) Geographic Area of Responsibility | 15% |
| 4) Number of Employers | 30% |

The resulting substate resource distribution is as follows:

Program Year 1993 Substate Distributions

SDA I	27.71%
SDA II	20.69%
SDA III	19.27%
SDA IV	19.84%
SDA V	12.49%

Plans for the utilization of these resources have been developed in conjunction with the Private Industry Councils in each of the five service delivery areas. These plans and the resource distribution plan are available for public review and comment. Review and comments on the SDA plans and the substate resource distribution plan may be accomplished by contacting:

SDA I Area Administrator

Glenn Fondoble
Kansas Department of Human Resources
332 E. 8th
P.O. Box 398
Hays 67601-0398
(913) 628-1014

SDA II Area Administrator

Mike O'Hara
Kansas Department of Human Resources
401 S.W. Topeka Blvd.
Topeka 66603-3182
(913) 296-0015

SDA III Area Administrator

Al Rolls
Kansas Department of Human Resources
552 State Ave.
Kansas City, KS 66101-2464
(913) 281-3000

SDA IV Area Administrator

Fred Johnson
Kansas Department of Human Resources
402 E. 2nd
P.O. Box 877

(continued)

Wichita 67201-0877

(316) 266-8600

SDA V Area Administrator

Steve Barnett

Kansas Department of Human Resources

3008 N. Joplin

P.O. Box A

Pittsburg 66762-0605

(316) 232-2620

Written comments and/or complaints should be sent to the area administrator responsible for the respective service delivery area. If you are uncertain of your service delivery area designation, contact your nearest Job Service Center. Complaints will be reviewed and be responded to within five working days of receipt. If the complaint cannot be resolved within the five-day period, it will be forwarded to the Secretary of Human Resources, who will resolve the complaint within 10 working days of receipt. His decision will be final and not subject to appeal.

Joe Dick

Secretary of Human Resources

Doc. No. 013392

State of Kansas

**Department of Administration
Division of Purchases**

Notice to Bidders

Sealed bids for items hereinafter listed 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 10, 1993

29625

Statewide—Family planning pharmaceuticals and supplies

29633

Kansas State University—Satellite transponder time

29638

Department of Commerce and Housing—Printed wearing apparel

95830

Department of Transportation—Hot air lance, Salina and Topeka

95831

Department of Transportation—Generator, various locations

Tuesday, May 11, 1993

29626

Larned State Hospital—Liquid laundry supplies

29632

Statewide—Dairy products

29637

University of Kansas—Landscape maintenance, snow removal and ice control treatment services

95835

Kansas State University—Atomic absorption spectrometer

95836

University of Kansas Medical Center—Furnish and install a pneumatic tube system

95837

Kansas Highway Patrol—Engine oil

95838

Department of Transportation—Construction power hammers, various locations

95846

Wichita State University—Microscopes

95859

Kansas State University—Salina—Hard drives

Wednesday, May 12, 1993

29634

Statewide—Basic clothing

95848

Department of Administration, Division of Printing—Watermarked cotton bond

95849

Fort Hays State University—Engraving system

95850

University of Kansas—China

95860

Kansas State University—Ophthalmic and reconstructive surgery microscope

95861

Osawatomie State Hospital—Inspect and repair switchgear

95901

University of Kansas Medical Center—Furnish and install video production system

Thursday, May 13, 1993

A-6989

Youth Center at Topeka—Refurbish restrooms and showers

A-7105

Department of Administration, Division of Facilities Management—Interior signage, Docking State Office Building

A-7110

Wichita State University—Waterproof and tuckpoint, Wilner Auditorium

A-7111

Wichita State University—Waterproof and tuckpoint, Duerksen Fine Arts Center

A-7112

Wichita State University—Waterproof and tuckpoint, Morrison Hall

A-7113

Wichita State University—Install sun shading screens on Wilkie Hall

A-7114

Wichita State University—Correct elevators to improve accessibility

A-7115

Wichita State University—Waterproof and tuckpoint, McKinley Hall

95851

Lansing Correctional Facility—Single section heated reach-in cabinet

95867

Department of Transportation—Oscilloscope, Chanute

95868

Department of Transportation—Poles and bases, Wichita

95875

University of Kansas—UNIX workstations

Friday, May 14, 1993

A-6700 Rev.

Youth Center at Topeka—Replace doors, frames and windows and refurbish entrance halls

A-6737

University of Kansas—Gutter and tile repair/snow stop installation

A-6943, A-6946(b)

Osawatomie State Hospital—Gas piping replacement and gas, steam and water meter installation

A-6960(b)

Topeka State Hospital—Renovate electrical service

A-7000

Department of Social and Rehabilitation Services—Replace existing ceiling and lights

A-7082

Topeka State Hospital—Replace flooring in Slagle area of KMEAC

A-7134

Wichita State University—Campus walk repairs

29630

University of Kansas—Cleaning chemicals and supplies

29631

Emporia State University—Cleaning chemicals, supplies and equipment

95805 Rebid

Department of Administration, Division of Printing—Archival paper

95869

Department of Transportation—Dupont photographic supplies

95879

Wichita State University—Classroom furniture

95880

Department of Transportation—Heated high pressure washers, various locations

95895

University of Kansas Medical Center—Transplant database software

95896

University of Kansas Medical Center—Surgical instruments

95897

University of Kansas Medical Center—Patient monitoring equipment

95898

University of Kansas Medical Center—Infusion pumps

95899

Kansas State University—Routers and modems

95900

Kansas State University—Scintillation counter

Monday, May 17, 1993

95889

Wichita State University—Voice response system

Tuesday, May 18, 1993

A-6924, A-6925, A-6926, A-6927

Department of Transportation—Roof replacement, sub-area shop buildings, various locations

A-7079

Emporia State University—Chiller repipe, Breukelman Hall Science Building

Wednesday, May 19, 1993

A-6823 Rev.

Department of Wildlife and Parks—Beach house, Hillsdale State Park

29458

Statewide—Syringes, needles, blood collection tubes and related items (Class 11)

29611

University of Kansas Medical Center—Doors, frames and windows

Friday, May 21, 1993

A-6971

Winfield State Hospital and Training Center—Improve respiratory environment, Medical Services Building

Request for Proposals

Friday, May 14, 1993

29627

Petroleum, hazardous substance or other pollutant clean-up services for the Department of Health and Environment at various statewide locations

Monday May 17, 1993

29639

Economic development service for the Department of Commerce and Housing

Jack R. Shipman
Director of Purchases

Doc. No. 013398

State of Kansas

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, KDOT, Topeka, until 10 a.m. C.S.T. May 20, 1993, and then publicly opened:

District One—Northeast

Chase—9 X-1758-01—Atchison, Topeka and Santa Fe Railway from Kansas City to the Chase/Butler county line, signing. (Federal Funds)

Douglas—23 U-1419-01—U.S. 59 at University and 21st Street in Lawrence, intersection improvement. (Federal Funds)

Nemaha—66 C-2958-01—County road, Bern north to the state line, 3.7 miles, grading and surfacing. (Federal Funds)

Riley—81 C-2755-01—County road, 2 miles northwest of the U.S. 24 and K-13 intersection, then north, 0.4 mile, grading. (Federal Funds)

Shawnee—89 C-2157-01—County road, 1 mile north and 7.2 miles east of Rossville, then east, 2.6 miles, grading, bridge and surfacing. (Federal Funds)

Shawnee—70-89 K-3343-04—I-70 and I-470 ramps and I-70 and U.S. 75 interchange, 0.8 mile, seeding. (State Funds)

Shawnee—470-89 K-3831-03—I-470, from the junction of I-70, southeast to the junction of Wanamaker Road (U.S. 75), 1.3 miles, seeding. (Federal Funds)

Shawnee—70-89 K-3344-02—I-70 and I-470, east to 2,000 feet east of the west junction of U.S. 75, 1.3 miles, seeding. (Federal Funds)

Statewide—K-5056-01—Santa Fe, Oregon Trail, and Frontier byways, signing. (Federal Funds)

District Two—Northcentral

Jewell—45 C-3034-01—County road, 1.5 miles south and 1.8 miles east of Formosa, then east, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

Mitchell—62 C-2769-01—County road, 0.5 mile east and 2 miles south of Beloit, then north, 0.3 mile, grading and bridge. (Federal Funds)

District Three—Northwest

Decatur—83-20 K-4225-01—U.S. 83, Victoria Street to Commercial Street in Oberlin, 0.3 mile, surfacing. (State Funds)

Norton—69 C-2384-01—County road, 0.5 mile west of Norton, then west, bridge replacement. (Federal Funds)

District Four—Southeast

Anderson—169-2 K-2875-01—U.S. 169, south fork Pottawatomie Creek, bridge 13, 8 miles northeast of U.S. 169B, bridge replacement. (Federal Funds)

District Five—Southcentral

Barber—4 X-1759-01—Atchison, Topeka and Santa Fe Railway from the Chase/Butler county line to Kiowa, signing. (Federal Funds)

Cowley—160-18 X-1549-02—South Kansas and Oklahoma Railway crossing of U.S. 160 east of Cambridge, grading and surfacing. (Federal Funds)

Cowley—160-18 X-1548-02—South Kansas and Oklahoma Railway crossing of U.S. 160 west of Burden, grading and surfacing. (Federal Funds)

Sedgwick—15-87 K-5014-01—K-15 and Madison in Derby, traffic signal. (State Funds)

Sedgwick—296-87 K-5278-01—K-296, 4.3 miles west of FAS 610, then east 0.3 mile, 0.3 mile, surfacing. (State Funds)

Sedgwick—54-87 K-5013-01—U.S. 54 and 199th Street in Goddard, traffic signal. (State Funds)

Sedgwick—87 U-1361-01—Maple Street bridge over Cowskin and Westlink tributaries, bridge replacement. (Federal Funds)

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

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

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

Michael L. Johnston
Secretary of Transportation

Doc. No. 013364

(Published in the Kansas Register, April 29, 1993.)

**Notice of Redemption
Industrial Revenue Bonds
(Medicalodges, Inc.)
Series of 1980, Dated January 1, 1980
of the
City of Leavenworth, Kansas**

Subject to the provisions of the second paragraph of this notice, notice is hereby given that pursuant to Section 4 of Ordinance No. 6546 of the city of Leavenworth, Kansas, all of the outstanding Industrial Revenue Bonds, Series of 1980 (Medicalodges, Inc.), of the city of Leavenworth, Kansas, maturing on and after December 1, 1993, will be redeemed and prepaid on June 1, 1993 (the redemption date), prior to their respective maturities subject to the provisions and limitations set forth herein.

Serial Bonds

Bond Numbers	Maturity Date	Interest Rate	CUSIP
93-102, incl.	12/01/93	9.25%	N/A
103-227, incl.	12/01/99	9.50%	N/A

This notice of redemption and the payment of the principal of and interest on the aforesaid 1980 Bonds on the specified redemption date are subject to the issuance and delivery of the city of its Industrial Refunding Revenue Bonds on or before such redemption date in an amount sufficient to provide funds to pay the specified redemption price of the 1980 Bonds. In the event such refunding bonds have not been issued by the redemption date, this notice shall be null and void and of no force and effect, the 1980 Bonds delivered for redemption shall be returned to the respective owners thereof, and said 1980 Bonds shall remain outstanding as though this notice of redemption had not been given.

The principal amount of the above described 1980 Bonds shall become due and payable on June 1, 1993, at a redemption price equal to the principal amount thereof, plus accrued interest thereon to said redemption date, together with a premium of 3 percent of the principal amount of the bonds so called for redemption and payment.

On June 1, 1993, provided that funds are on hand to pay the specified redemption price, all of the 1980 Bonds will be due and payable at the principal office of the Southwest National Bank of Wichita, Kansas, and from and after June 1, 1993, all interest on the 1980 Bonds will cease to accrue. All coupons maturing subsequent to June 1, 1993, must be attached to and surrendered with said 1980 Bonds.

Under the provisions of the Interest Dividend Tax Compliance Act of 1979, paying agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities may be obligated to withhold a 20 percent tax remittance to individuals who fail to furnish the paying agent with a valid taxpayer identification number. Holders of the 1980 Bonds who wish to avoid the imposition of this tax should submit certified taxpayer

identification numbers when presenting their bonds for payment.

Dated April 21, 1993.

The Southwest National Bank
of Wichita
400 E. Douglas
P.O. Box 1401
Wichita, KS 67202
As Fiscal Agent

Doc. No. 013388

(Published in the Kansas Register, April 29, 1993.)

**Notice of Redemption
City of Westwood, Kansas
Industrial Revenue Bonds
Series 1978
(Great Atlantic and
Pacific Tea Co.)**

Notice is hereby given that \$60,000 principal amount of bonds, as listed below, are called for redemption on June 1, 1993, at the price of 100 percent of the principal amount being redeemed plus accrued interest thereon to the redemption date. The outstanding amount for this issue remaining after this call is \$850,000.

Term Bonds

June 1, 2003 Cusip 961774 AK2
92 121 127 156 182 199 208 215 240 248 265 276

On June 1, 1993, all bonds designated for redemption will become due and payable upon presentation thereof at the address given below. On and after June 1, 1993, interest on the principal amount called for redemption shall cease to accrue. The bonds, along with IRS form W-9 (verification of taxpayer identification number), may be presented for payment in person or by mail at the following address:

If By First Class Mail:

Mercantile Bank of St. Louis N.A.
Corporate Trust—Paying Agent Section
P.O. Box 321
St. Louis, MO 63166

**If By Registered Mail, Express Mail
or Delivered in Person:**

Mercantile Bank of St. Louis N.A.
Corporate Trust—Paying Agent Section
7th and Washington
One Mercantile Center, 17th Floor
St. Louis, MO 63101

City of Westwood, Kansas

Doc. No. 013406

(Published in the Kansas Register, April 29, 1993.)

(Published in the Kansas Register, April 29, 1993.)

**Notice of Conditional Optional Redemption
to the holders of
City of Topeka, Kansas
Industrial Revenue Bonds, Dated 12-1-82
(Orthopedic Partners)**

Notice is hereby given that pursuant to Section 5 of the bond ordinance under which the above described bonds were issued, all remaining outstanding bonds have been called for optional redemption on June 1, 1993, at the redemption price of 102 percent of the principal amount thereof, plus accrued interest thereon to the redemption date.

Cusip No.	Maturity Date	Interest Rate
890601NK9	12/01/93	10.875%
890601NL7	12/01/94	11.25%
890601NM5	12/01/95	11.50%
890601NN3	12/01/96	11.75%
890601NP8	12/01/97	12.00%

This notice of redemption, and the payment of the principal of and interest on the bonds on the redemption date, are conditioned upon and subject to the receipt by the fiscal agent on or before such redemption date sufficient funds to pay in full the redemption price of all of the bonds specified above. In the event the funds are not received by the redemption date, this notice shall be null and void and of no force and effect, the bonds delivered for redemption shall be returned to the respective owners thereof, and said bonds shall remain outstanding as though this notice of redemption had not been given.

On June 1, 1993, provided that funds are on hand as described above to pay the redemption price, all the bonds will be due and payable at the principal office of:

If By First Class Mail:

Mercantile Bank of St. Louis N.A.
Corporate Trust Dept.—Paying Agent Section
P.O. Box 321
St. Louis, MO 63166

**If By Registered Mail, Express Mail
or Delivered in Person:**

Mercantile Bank of St. Louis N.A.
Corporate Trust Dept.—Paying Agent Section
7th and Washington
One Mercantile Center, 17th Floor
St. Louis, MO 63101

On and after June 1, 1993, all interest on the bond will cease to accrue.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making payments of principal on municipal securities will be obligated to withhold 20 percent of the payment of principal to holders who have failed to provide the paying agent with a valid taxpayer identification number. Holders of the above described securities will avoid such withholding by providing a certified taxpayer identification number when presenting securities for payment.

City of Topeka, Kansas

Doc. No. 013407

**Notice of Redemption
City of Wichita, Kansas
Industrial Revenue Bonds
(General Communications Properties, Inc.)
Series V 1983, Dated June 1, 1983**

Subject to the provisions of the second paragraph of this notice, notice is hereby given that pursuant to Section 302 of the Trust Indenture of the city of Wichita, Kansas, all of the outstanding Industrial Revenue Bonds, Series V 1983 (General Communications Properties, Inc.) maturing on and after June 1, 1994, will be redeemed and prepaid on June 1, 1993, prior to their respective maturities subject to the provisions and limitations set forth herein. The Series 1983 Bonds to be redeemed are described as follows:

Maturity Date	Bond Numbers	Principal Amount	Interest Rate
6/1/94	62 to 71	\$50,000	10.25%
6/1/95	72 to 83	\$60,000	10.50%
6/1/96	84 to 96	\$65,000	10.75%
6/1/97	97 to 110	\$70,000	11.00%
6/1/98	111 to 125	\$75,000	11.25%

This notice of redemption and the payment of the principal of and interest on the aforesaid Series 1983 Bonds on the specified redemption date is subject to funds being available on or prior to June 1, 1993. In the event such funds are not available, this notice shall be null and void and of no force and effect, the Series 1983 Bonds delivered for redemption and payment shall be returned to the respective owners thereof, and said Series 1983 Bonds shall remain outstanding as though this notice of redemption had not been given.

The principal amount of the above described Series 1983 Bonds shall become due and payable on June 1, 1993, at a redemption price equal to the principal amount thereof, plus accrued interest thereon to the redemption date, together with a premium equal to 3 percent of the principal amount of the Series 1983 Bonds. Provided funds are on hand with the Southwest National Bank to redeem the bonds on June 1, 1993, all interest on the Series 1983 Bonds will cease to accrue. The Series 1983 Bonds should be submitted to the trustee approximately two weeks prior to the redemption date to allow time for processing.

Under the provisions of the Interest Dividend Tax Compliance Act of 1983, paying agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities may be obligated to withhold a 20 percent tax remittance to individuals who have failed to furnish the paying agent with a valid taxpayer identification number. Holders of the Series 1983 Bonds who wish to avoid the imposition of this tax should submit certified taxpayer identification numbers when presenting their Series 1983 Bonds for payment.

Dated April 22, 1993.

The Southwest National Bank of Wichita
400 E. Douglas, P.O. Box 1401
Wichita, KS 67201

Doc. No. 013408

State of Kansas

University of Kansas

Notice to Bidders

Sealed bids for the items listed below will be received by the University of Kansas Purchasing Office, Lawrence, until 2 p.m. local time on the date indicated then will be publicly opened. Interested bidders may call (913) 864-3416 or FAX (913) 864-3454 for additional information.

Monday, May 10, 1993
RFQ 93 0927 and 93 0928
 UNIX color graphics workstations

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

Doc. No. 013387

(Published in the Kansas Register, April 29, 1993.)

Notice of Redemption
to the holders of
Crawford County, Kansas
Single Family Mortgage Revenue Bonds
1980 Series A, Due December 1, 2011

Notice is hereby given that pursuant to Section 3.01 of the Indenture dated as of February 1, 1980, and as amended by the First Supplemental Indenture dated April 1, 1989, \$755,000 principal amount of bonds has been drawn pro-rata among maturities and by lot for redemption at par on June 1, 1993.

Coupon bonds of \$5,000 denominations called in full bearing CUSIP No. 224851 and suffix:

AN5	AS4	1128	1974	2395	2788
532	831	1135	2013	2404	2795
533	832	AW5	2027	2411	2817
571	849	1691	2034	2423	2854
575	883	1696	2037	2440	2863
577	899	1728	2055	2465	2868
AP0	910	1732	2077	2466	2875
596	AT2	1755	2142	2480	2926
618	932	1762	2163	2526	2937
651	939	1774	2167	2553	2951
654	948	1775	2176	2572	2963
AQ8	970	1795	2180	2576	2975
667	1006	1809	2204	2581	2978
717	1007	1862	2235	2596	2994
737	1014	1865	2242	2602	2996
739	1022	1888	2269	2625	3016
AR6	AU9	1906	2294	2638	3061
744	1060	1912	2316	2722	3087
763	1070	1919	2328	2734	3091
788	1092	1921	2338	2739	3109
800	1097	1948	2375	2742	3120
802	1124	1954	2389	2767	3121
820	1126	1969	2392	2780	3132
					3145

In addition to the coupon bonds listed above, the following fully registered bonds to be redeemed in whole or in part and the principal amount to be redeemed, bearing CUSIP No. 224851, are as follows:

Bond Number	Par Value	Amount Called	Suffix
R266	\$30,000	\$ 5,000	AP0
R251	10,000	10,000	AQ8

R244	5,000	5,000	AS4
R192	5,000	5,000	AW5
R194	10,000	5,000	AW5
R233	15,000	10,000	AW5
R243	20,000	5,000	AW5
R249	5,000	5,000	AW5
R252	10,000	10,000	AW5
R254	15,000	5,000	AW5
R262	5,000	5,000	AW5
R264	5,000	5,000	AW5
R268	10,000	5,000	AW5
R269	5,000	5,000	AW5
R273	15,000	10,000	AW5
R274	15,000	5,000	AW5

Bonds with the June 1, 1993, coupons and all subsequent coupons attached should be presented to one of the offices of the paying agents:

By Mail:	By Hand Delivery:
Continental Bank, N.A.	Continental Bank, N.A.
Corporate Trust Operations	Corporate Trust Operations
231 LaSalle St., 19th Floor	230 S. Clark St., 19th Floor
Chicago, IL 60697	Chicago, IL 60697
Kansas State Bank & Trust Company	
Trust Department	
123 N. Market	
Wichita, KS 62702	

To assure prompt payment of the redemption price, bond certificates should be sent, unendorsed, approximately two weeks before June 1, 1993, to the above Continental Bank address. The method of delivery of the bonds for payment is at the election and risk of the holder, but, if sent by mail, insured, registered or certified mail, return receipt requested, is recommended.

Although registered bondholders have the option of presenting bonds to the Kansas paying agent, there will be a delay in the issuance of bonds for any unredeemed portion unless such presentment is made to the principal paying agent in Chicago, Illinois. Accordingly, the registered bonds which have been called in part should be presented to the paying agent in Chicago at the address given above.

Where a fully registered bond is redeemed in part, a new fully registered bond for the unredeemed portion will be issued and returned without charge. Interest on the bonds or portions of the bonds called for redemption will cease to accrue on June 1, 1993.

Withholding of 31 percent of gross redemption proceeds of any payment made within the United States is required by applicable federal law effective January 1, 1993, unless the paying agent has the correct taxpayer identification number (Social Security or employer identification number) or exemption certificate of the payee. You must furnish a properly completed IRS Form W-9 when presenting your securities to avoid the 31 percent withholding unless such form has been provided previously.

Dated April 29, 1993.

By: Continental Bank, National Association
 as Trustee for Crawford County, Kansas

Doc. No. 013400

(Published in the Kansas Register, April 29, 1993.)

**Notice of Call for Redemption
to the holders of the
Board of Regents of the State of Kansas
Medical Library Facility Revenue Bonds
Series 1981, Dated June 1, 1981**

Notice is hereby given pursuant to the provisions of a resolution duly adopted on April 15 of the Board of Regents of the State of Kansas that the above mentioned bonds maturing June 1, 1994, and thereafter (the called bonds), have been called for mandatory redemption and payment on June 1, 1993 (the redemption date), at the principal office of the Kansas State Treasurer (the paying agent)

Bond Numbers	Maturity Date	Principal Amount	Interest Rate
142-160	June 1, 1994	\$ 95,000.00	9.8%
161-180	June 1, 1995	100,000.00	9.9%
181-200	June 1, 1996	100,000.00	10.0%

On the redemption date there shall become due and payable, upon the presentation and surrender of each such called bond, together with all unmatured coupons appertaining thereto, the redemption price thereof equal to 102 percent of the principal amount thereof together with interest accrued to the redemption date. Interest shall cease to accrue on the called bonds so called for redemption from and after the redemption date provided such funds for redemptions are on deposit with the paying agent.

Stan Koplik
Executive Director
State Board of Regents

Doc. No. 013402

State of Kansas**Board of Healing Arts**

**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 10 a.m. Tuesday, June 1, at the office of the Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, to consider proposed changes in existing rule and regulation 100-6-2 of the Kansas State Board of Healing Arts on a permanent basis.

The following is a brief summary of the purpose of the proposed changes to the rule and regulation and the anticipated fiscal impact of each proposed change.

The proposed changes to K.A.R. 100-6-2 deal specifically with minimum education qualifications and residency qualifications of licensure in medicine and surgery and osteopathic medicine and surgery.

Economic Impact: These regulations all relate to education qualifications and residency qualification completion for applicants requesting licensure in medicine and surgery and osteopathic medicine and surgery. The changes made are to clarify current rules and regulations. No economic impact from these amendments are expected.

Copies of the proposed regulation and a complete economic impact statement by be obtained by contacting Cammie Tiede, Administrative Assistant, Kansas State Board of Healing Arts, 235 S. Topeka Boulevard, Topeka 66603.

The time period between the publication of this notice and the scheduled hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed regulation. All interested parties may submit such comments prior to the hearing by mailing them to the address above. All interested parties also will be given a reasonable opportunity at the hearing to present their views, orally or in writing, concerning the adoption of the proposed regulation. In order to give all persons an opportunity to present their views, it may be necessary to limit oral presentations to five minutes.

Following the hearing, all written and oral comments submitted by interested parties will be considered as the basis for making changes in the proposal.

Lawrence T. Buening, Jr.
Executive Director

Doc. No. 013384

(Published in the Kansas Register, April 29, 1993.)

**Notice of Call for Redemption
to the holders of
City of Hartford, Kansas
Water Treatment and Collection System
Revenue Bonds
Series A, 1977, Dated June 1, 1977**

Notice is hereby given that pursuant to the provisions of Section II of Ordinance No. 931 of the city of Hartford, Kansas, that the above mentioned bonds maturing June 1, 1994, and thereafter, and all unmatured coupons appertaining thereto (the called bonds), have been called for redemption and payment on June 1, 1993 (the redemption date), at the office of the Kansas State Treasurer, Topeka, Kansas (the paying agent).

Maturity Date	Principal Amount	Interest Rate	CUSIP (Bond) Nos.
06-01-94	\$ 8,000	6 ¹ / ₂ %	69 to 76
06-01-95	10,000	6 ³ / ₄ %	77 to 78
06-01-96	10,000	6 ³ / ₄ %	79 to 80
06-01-97	10,000	6 ³ / ₄ %	81 to 82

On the redemption date there shall become due and payable upon the presentation and surrender of each such called bond and all unmatured coupons the redemption price thereof equal to 3 percent of the principal amount thereof together with interest accrued to the redemption date. Interest shall cease to accrue on the called bonds so called for redemption from and after the redemption date provided such funds for redemption are on deposit with the paying agent.

City of Hartford, Kansas
by Kansas State Treasurer
Topeka, Kansas
as Paying Agent

Doc. No. 013393

State of Kansas

Commission on Children, Youth and Families

Notice of Meeting

The Kansas Commission on Children, Youth and Families will meet from 9 a.m. to noon Friday, May 7, at the Social and Rehabilitation Services Staff Development Center, Feldman Building, Room C, State Complex West, 300 S.W. Oakley, Topeka.

Robert C. Harder
Chairman

Doc. No. 013403

(Published in the Kansas Register, April 29, 1993.)

Notice of Call for Redemption to the holders of City of Burlington, Kansas Water System Revenue Bonds Series 1978-2, Dated June 1, 1978

Notice is hereby given that pursuant to the provisions of Section 3 of the Ordinance No. 250 of Burlington, Kansas (the issuer), that the above mentioned bonds maturing December 1, 1993, and thereafter and all unmatured coupons appertaining thereto (the called bonds), have been called for redemption and payment on June 1, 1993 (the redemption date), at the principal office of the Kansas State Treasurer, Topeka, Kansas (the paying agent).

Bond Nos.	Maturity Date	Principal Amount	Interest Rate
46-49	12/1/93	\$ 20,000	5.75%
50-53	12/1/94	20,000	5.75%
54-57	12/1/95	20,000	5.75%
58-62	12/1/96	25,000	5.80%
63-67	12/1/97	25,000	5.90%
68-72	12/1/98	25,000	6.00%

On the redemption date there shall become due and payable, upon the presentation and surrender of each such called bond, the redemption price thereof equal to 103 percent of the principal amount thereof together with interest accrued to the redemption date. Interest shall cease to accrue on the called bonds so called for redemption from and after the redemption date provided such funds for redemption are on deposit with the paying agent.

City of Burlington, Kansas
By Kansas State Treasurer
Topeka, Kansas
as Paying Agent

Doc. No. 013391

State of Kansas

Department on Aging

Notice of Hearing

The Kansas Department on Aging will be conducting focus groups on aging issues on Tuesday and Wednesday, May 11-12, in conjunction with the 15th Governor's Conference on Aging at the Lawrence Holiday Inn. The purpose of the focus group sessions is to receive direct input from older Kansans on their needs and concerns about aging programs. This input will be used by KDOA as it develops aging policy and programs, including the new FY 94-96 state plan on aging.

Additional information on the focus groups will be contained in conference registration materials. For those older persons unable to participate in the focus groups and for aging related organizations who may wish to provide input, KDOA will be accepting written comments through May 21. For more information or to submit written comments, contact KDOA, Room 122-S, Docking State Office Building, 915 S.W. Harrison, Topeka 66612, (913) 296-4986 or 1-800-432-3535.

Joanne Hurst
Secretary of Aging

Doc. No. 013389

(Published in the Kansas Register, April 29, 1993.)

Summary Notice of Bond Sale \$590,000

**City of Hesston, Kansas
General Obligation
Internal Improvement Bonds
(general obligation bonds payable from unlimited ad valorem taxes)**

Details of the Sale

Subject to the terms and conditions of the complete official notice of bond sale dated April 12, 1993, of the city of Hesston, Kansas, in connection with the city's General Obligation Internal Improvement Bonds hereinafter described, sealed written bids shall be received in the city clerk's office at City Hall, 115 E. Smith, Hesston, until 6 p.m. Central Time on Monday, May 10, 1993, for the purchase of the bonds. All bids shall be publicly opened, read aloud and considered on said date and at said time and shall be immediately thereafter acted upon by the governing body of the city.

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

Bids shall be accepted only on the official bid form which has been prepared for the public bidding on these bonds, and which may be obtained from the city clerk. Bids may be submitted by mail or may be delivered in person and must be received at the place and no later than the date and time hereinbefore specified. Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check

(continued)

drawn on a bank located within the United States and made payable to the order of the city and shall be in an amount equal to 2 percent of the principal amount of the bonds.

Details of the Bonds

The bonds to be sold are in the aggregate principal amount of \$590,000. The bonds shall be issued as fully registered bonds in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount of bonds maturing in any year. The bonds shall bear a dated date of June 1, 1993. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds. The bonds are not subject to redemption and payment prior to their respective maturities.

Interest on the bonds shall be payable semiannually on June 1 and December 1 in each year commencing June 1, 1994, and the bonds shall mature serially on June 1 in each of the years and principal amounts as follows:

Principal Amount	Year of Maturity
\$50,000	1994
\$50,000	1995
\$50,000	1996
\$50,000	1997
\$50,000	1998
\$50,000	1999
\$50,000	2000
\$50,000	2001
\$30,000	2002
\$25,000	2003
\$35,000	2004
\$25,000	2005
\$25,000	2006
\$25,000	2007
\$25,000	2008

Payment of Principal and Interest

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

Security for the Bonds

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

Delivery of the Bonds

The bonds, duly printed, executed and registered, shall be furnished and delivered at the expense of the city to the successful bidder, or at its direction, on or about Tuesday, June 22, 1993, at such bank or trust

company or other qualified depository in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere shall be made at the expense of the successful bidder.

Legal Opinion

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

Financial Matters

The city's current assessed valuation is as follows:

Assessed valuation of taxable tangible property	\$14,875,980
Motor vehicle valuation	\$ 2,014,060
Equalized assessed tangible valuation for computation of bonded debt limitations	\$16,890,040

The city's outstanding general obligation bonded indebtedness on June 1, 1993, including the bonds described herein, will be in the principal amount of \$1,225,000. This amount does not include \$648,445 aggregate principal amount of outstanding temporary improvement notes which will be redeemed and paid from proceeds of the bonds described herein.

Official Statement

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

Additional Information

For additional information regarding the city, the bonds and the sale, interested parties are invited to request copies of the complete official notice of bond sale and official bid form and the city's preliminary official statement for the bonds, all of which may be obtained from the undersigned.

Jean Krehbiel, City Clerk
 City Hall, 115 E. Smith
 P.O. Box 100
 Hesston, KS 67062
 (316) 327-4412

David C. Burns, City Attorney
 121 E. 5th, P.O. Box 546
 Newton, KS 67114
 (316) 283-1550

Doc. No. 013385

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, 28-46-7, 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 staff review, applying the appropriate standards, regulations, and effluent limitations of the state of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

Public Notice No. KS-AG-93-49/52

Name and Address of Applicant	Legal Description	Receiving Water
Robert Bellar Route 1 Howard, KS 67349	SW/4, Sec. 2, T30S, R10E, Elk County	Verdigris River Basin

Kansas Permit No. A-VEEK-S010
The proposed facility will have capacity for approximately 500 swine. Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Bellar Farm Inc. Route 1, Box 81 Howard, KS 67349	SW/4, Sec. 3, T30S, R10E, Elk County	Verdigris River Basin

Kansas Permit No. A-VEEK-S011
The proposed facility will have capacity for approximately 300 swine. Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Mike Bellar Route 1, Box 81 Howard, KS 67349	SW/4, Sec. 2, T30S, R10E, Elk County	Neosho River Basin

Kansas Permit No. A-VEEK-S004
The existing facility has the capacity for approximately 950 swine. Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum requirements.

Compliance Schedule:

- The waste management plan developed by Soil Conservation Service and approved by the department shall be adhered to as a condition of this permit. The plan calls for nutrient analysis of both liquid waste and sludges with application to meet crop nutrient needs. If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than 0.5 acre-inch per

- acre per year and solid wastes shall be applied at not greater than five tons/ac/year.
- Dewatering equipment shall be obtained within six months after issuance of this permit through purchase, rental or custom application agreement. It shall be capable of pumping at least 40 gallons per minute and dispersing the wastewater over 57 acres of land suitable for waste application. Written verification of the acquisition of the equipment shall be submitted to the department.

Name and Address of Applicant	Legal Description	Receiving Water
Vauchn Issacson 2238 Wesley Salina, KS 67401-6922	SW/4, Sec. 24, T15S, R3W, Saline County	Smoky Hill River Basin

Kansas Permit No. A-SHSA-B004
The feedlot has capacity for approximately 400 cattle and a contributing drainage area of approximately 4.5 acres. This is a new facility.
Runoff Control Facilities: Feedlot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 2.6 acre-feet.
Compliance Schedule: None, existing controls adequate.

Public Notice No. KS-93-32/34

Name and Address of Applicant	Waterway	Type of Discharge
City of Auburn P.O. Box 160, City Hall Auburn, KS Shawnee County, Kansas	Unnamed tributary of Wakarusa River	Secondary wastewater treatment facility

Kansas Permit No. M-KS03-0001 Fed. Permit No. KS-0046353
Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water quality limited.

Name and Address of Applicant	Waterway	Type of Discharge
Department of Army 1st Infantry Division (M) and Fort Riley Directorate of Engineering and Housing, Building 408 Fort Riley, KS 66442 Riley County, Kansas	Kansas River via Three Mile Creek via Forsyth Creek and the Republican River	Domestic wastewater

Kansas Permit No. F-KS97-P001 Fed. Permit No. KS-0029505
Description of Facility: This military installation is comprised of activities and facilities for housing, training, and supporting the active army combat division as well as support activities and facilities associated with the operation of the overall installation. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria.

Name and Address of Applicant	Waterway	Type of Discharge
City of Westmoreland Box 7 Westmoreland, KS 66549 Pottawatomie County, Kansas	Rock Creek	Secondary wastewater treatment facility

Kansas Permit No. M-KS75-0001 Fed. Permit No. KS-0046485
Description of Facility: This facility is designed for the treatment of domestic sewage. This is a modified facility, changing from a non-discharging to a discharging status. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

(continued)

Public Notice No. KS-EG-93-3/8

Tentative permits have been prepared for the re-permitting of six salt-solution mining wells, within the state of Kansas, for the applicant described below.

Description: The wells listed below are designed for the production of salt by solution mining activities. All wells are located in Reno County, Kansas, and are operated by Morton International, P.O. Box 1547, Hutchinson, KS 67504-1547.

Well Number and Permit Number	Well Location
Well Number NW2-1 Kansas Permit No. KS-03-155-123	NESENE 22-23-6W 3595' fsl and 1046' fel of SE/4
Well Number NW2-2 Kansas Permit No. KS-03-155-124	NWSENE 22-23-6W 3895' fsl and 1066' fel of SE/4
Well Number NW2-3 Kansas Permit No. KS-03-155-125	SWNESE 22-23-6W 4195' fsl and 1066' fel of SE/4
Well Number NW2-4 Kansas Permit No. KS-03-155-126	SWNESE 22-23-6W 4495' fsl and 1066' fel of SE/4
Well Number NW2-5 Kansas Permit No. KS-03-155-127	NWNESE 22-23-6W 4795' fsl and 1066' fel of SE/4
Well Number NW2-6 Kansas Permit No. KS-03-155-128	NWNESE 22-23-6W 5095' fsl and 1063' fel of SE/4

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, or Dorothy Geisler (agricultural permits), Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments postmarked or received on or before May 29 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-93-49/52, KS-93-32/34 or KS-EG-93-3/8) and the name of applicant as listed when preparing comments.

If no objections are received during the public notice period, the Secretary of Health and Environment will issue the final determinations. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61 (28-46-21 for UIC). Media coordination (newspapers, radio) for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

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 Kansas Department of Health and Environment offices, Building 740, Forbes Field, Topeka, from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Robert C. Harder
Secretary of Health
and Environment

Doc. No. 013405

State of Kansas**Department of Health
and Environment****Notice of Hearing on Proposed
Administrative Regulations**

The Kansas Department of Health and Environment will conduct a public hearing at 10 a.m. Thursday, June 3, in the MTAA conference room at the Forbes Field Airport Terminal, Topeka. The purpose of the hearing is to consider adoption of proposed amended regulation K.A.R. 28-16-61 and proposed new regulations K.A.R. 28-16-150 through 154.

The proposed amendment to K.A.R. 28-16-61 corrects a technical error and brings the regulation into conformance with current federal regulations. The proposed new regulations K.A.R. 28-16-150 through 154 specify the rules and procedures by which the KDHE can issue general permits for water pollution control.

K.A.R. 28-16-61 specifies the procedures for public notification of the department's water pollution control permitting actions. KDHE is required to maintain a list of parties who have expressed interest in water pollution control permitting actions. The effect of the proposed amendment is to reduce the number of documents that must be mailed to each party on the list for each permitting action. The documents will still be available to any party upon request. This change is expected to save the department approximately \$96,000 per year in copying, processing, and mailing costs. The amendment is not expected to have any economic impact on other governmental agencies, the regulated community, or the general public.

K.A.R. 28-16-150 through 154 generally adopt by reference federal regulations (40 CFR 122.28) for the issuance of general permits for water pollution control. A general permit is a single permit with standardized conditions that may be issued to a group of facilities or dischargers that are very similar. The general permit is an important tool for assuring adequate environmental safeguards are implemented efficiently and in a timely manner for large numbers of similar facilities without the administrative burdens involved in issuing individual permits.

Federal regulations recently adopted by the Environmental Protection Agency require permits to be issued to a wide range of industrial facilities and construction sites to control pollution for stormwater discharges. Adoption of K.A.R. 28-16-150 through 154 and the issuance of general permits to cover these stormwater discharges is expected to save the department approximately \$350,000 per year. The issuance of general permits for stormwater will save the permittees approximately \$2.4 million as compared to the issuance of individual permits, as is required by current regulations. General permits could also be used for other types of discharges, providing additional administrative cost savings.

Copies of the regulations and the economic impact statements may be obtained from the Kansas Department of Health and Environment, Bureau of Water,

Building 740, Forbes Field, Topeka 66620, (913) 296-5524. Questions pertaining to these proposed rules should be directed to Vic Robbins at (913) 296-5553.

The 30-day time period between the publication of this notice and the scheduled hearing constitutes a public comment period for the purpose of receiving written comments prior to the hearing. All interested parties will be given a reasonable opportunity during the hearing to present their views, orally or in writing, concerning the adoption of the regulations. Following the hearing, all comments will be considered in determining whether to make changes to the proposed amended and new regulations.

Robert C. Harder
Secretary of Health
and Environment

Doc. No. 013404

State of Kansas

The Kansas Lottery

Temporary Administrative Regulations

Article 2.—LOTTERY RETAILERS

111-2-25. Million dollar cash reward retailer incentive. In addition to the compensation specified in K.A.R. 111-2-4, the Kansas Lottery, in conjunction with the "Million Dollar Cash Reward Drawing," is waiving the weekly on-line telephone line charges from May 6, 1993 through June 30, 1993. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-20-93, April 16, 1993.)

Article 3.—INSTANT GAME RULES

111-3-6. Disclosure of winners. (a) The Kansas lottery may use the name, city of residence and photograph of any winner in any lottery promotional campaign upon written authorization from that winner.

(b) Completing the information form on the back of a non-winning lottery ticket and entering the ticket in a drawing conducted by the lottery constitutes written authorization to publicly identify the name of the person whose entry is drawn. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and 74-8720; effective, T-88-39, Oct. 15, 1987; amended, T-111-4-20-93, April 16, 1993.)

Article 6.—ON-LINE GAMES

111-6-15. Disclosure of winners. (a) The Kansas lottery may use the names, city of residence and photographs of any winners in any Lottery promotional campaign upon receipt of written authorization from that winner.

(b) Completing the information form on the back of a non-winning lottery ticket and entering the ticket in a drawing conducted by the lottery constitutes written authorization to publicly identify the name of the person whose entry is drawn. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and 74-8720; effective,

T-89-4, Jan. 22, 1988; amended, T-111-4-20-93, April 16, 1993.)

Article 7.—CASH LOTTO GAME RULES

"MILLION DOLLAR CASH REWARD DRAWINGS"

111-7-84. Name of drawing. The Kansas lottery shall conduct a series of drawings entitled "Million Dollar Cash Reward Drawings" which shall consist of five "Early Bird Drawings" and a "Million Dollar Cash Reward Drawing." Entries may be made at the locations identified in K.S.A. 111-7-86 starting May 3, 1993. The specific rules for "Million Dollar Cash Reward Drawings" are contained in K.A.R. 111-7-84 through 111-7-90, and K.A.R. 111-6-1 *et seq.* The drawings will be held at 2:00 p.m. at lottery headquarters as follows:

Friday, May 21	"Early Bird Drawing"
Friday, May 28	"Early Bird Drawing"
Friday, June 4	"Early Bird Drawing"
Friday, June 11	"Early Bird Drawing"
Friday, June 18	"Early Bird Drawing"
Friday, June 30	"Million Dollar Cash Reward Drawing"

(Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-20-93, April 16, 1993.)

111-7-85. Prizes. The grand prize winner selected in the "Million Dollar Cash Reward Drawings" shall receive a lump sum \$1,000,000 payment. The five "Early Bird Drawing" winners selected shall receive \$100,000 each. All prizes are subject to lottery validation, set-offs and deductions authorized by law. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-20-93, April 16, 1993.)

111-7-86. Method of entry. Entry into the "Million Dollar Cash Reward Drawings" is accomplished by the following steps:

(a) Obtain a valid Kansas "Club Keno" game lottery ticket;

(b) Determine if the ticket is a winning ticket in accordance with "Club Keno" game rules. If the ticket is a winning ticket, it is not eligible for the "Million Dollar Cash Reward Drawings" and shall be redeemed in accordance with the appropriate game rules;

(c) Only non-winning "Club Keno" tickets are eligible to win the drawing and entries may include single tickets with a single play, multi-draw tickets with multiple entries, or a combination of single and multi-draw tickets which contain at least \$10 worth of non-winning plays;

(d) Place the tickets into a "business" envelope (approximately 9½" long × 4¼" wide) and mail them to "Million Dollar Cash Reward Drawings," Kansas lottery, P. O. Box 738, Topeka, KS 66601-0738, or place the envelopes containing entry tickets in collection boxes located in the Topeka, Wichita or Great Bend regional offices, and in collection boxes at special events approved by the executive director.

(e) The holder of the non-winning ticket must complete the information form on the back of at least one ticket in each entry envelope in a legible manner. Only one name shall appear on tickets in any one entry envelope;

(continued)

(f) There is no limit on the number of entries a person may make, provided there may be only one entry of at least \$10 worth of non-winning tickets in each envelope;

(g) Any valid non-winning entries into the "Million Dollar Cash Reward Drawings" must be received at lottery headquarters by 12 noon on the day of each drawing, and the regional offices, and at special event locations where entries are received by 5:00 p.m. on the day preceding each drawing to be eligible for entry into the drawings. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-20-93, April 16, 1993.)

111-7-87. Certification of drawing. (a) The "Million Dollar Cash Reward Drawings" shall be personally observed by a member of the Kansas lottery division of security designated by the executive director and by an auditor.

(b) The executive director or the senior lottery official present shall designate a lottery staff person to serve as an auditor to perform the necessary services.

(c) Upon completion of each drawing, the designated Kansas lottery security person and the auditor shall issue a report to the executive director, certifying that the name of the prize winner is correct, and that to the best of their knowledge the procedures required by these rules were followed in selecting the prize winner. (Authorized by and implementing K.S.A. 74-8710(b); effective, T-111-4-20-93, April 16, 1993.)

111-7-88. Selection of winners. The following process shall be used for the selection of winners in the "Million Dollar Cash Reward Drawings":

(a) Kansas lottery mail room personnel shall pick up all mail containing "Million Dollar Cash Reward Drawings" envelopes at the Topeka United States Post Office on a daily basis.

(b) The mail room personnel shall transport the mail to the mail room where the envelopes will be placed in a receptacle. Following each deposit of envelopes in the receptacle, the security person making the deposit shall reseal the receptacle.

(c) The selection process shall be held at 2 p.m. on the dates established in K.A.R. 111-7-84. The drawings shall be held at lottery headquarters in a place accessible to the public and be open for public attendance and with lottery security personnel present. The drawings shall be audio and videotaped.

(d) Prior to each drawing the drum or receptacle shall be sealed and the contents mixed by rotating the drum ten (10) times, if a drum is used, or by mixing the contents with a shovel or by other means for at least three minutes if another type receptacle is used.

(e) The designated individual shall then unseal the drum or receptacle, and using the bare-arm technique, remove one (1) envelope from the drum or receptacle.

(f) The designated Kansas lottery security official shall review the ticket(s) in the envelope to determine the validity of the entry into the "Million Dollar Cash Reward Drawings" in accordance with these regulations. The auditor and the security person shall record the name of the winner and the winner shall be promptly notified.

(g) If the ticket or tickets in the envelope are determined to be ineligible, they shall be discarded, and another envelope removed. This procedure will be repeated until a valid selection is obtained.

(h) The person whose name appears on the back of the ticket in the entry drawn shall win the prize identified in K.A.R. 111-7-85, subject to validation by the lottery as set forth in these rules.

(i) All "Million Dollar Cash Reward Drawings" envelopes remaining in the drum or receptacle on June 30, 1993, after all valid winners have been selected shall be destroyed. (Authorized by and implementing K.S.A. 74-8710(b); effective, T-111-4-20-93, April 16, 1993.)

111-7-89. Winner validation. The following validation requirements shall apply to the "Million Dollar Cash Reward Drawings":

(a) Each "Million Dollar Cash Reward Drawings" envelope must contain \$10 worth of valid non-winning Kansas "Club Keno" game lottery tickets;

(b) The information form on the back of at least one ticket in the envelope must be filled out in a legible manner, and only one name shall appear on the ticket(s) in each entry envelope.

(c) Each ticket must have been issued by the Kansas lottery in an authorized manner and must not be counterfeit in whole or in part;

(d) Each ticket must be complete and intact and not mutilated, altered, unreadable, reconstructed, or tampered with in any way;

(e) Each ticket must not be blank or partially blank, misregistered, defective, or printed or produced in error;

(f) Each ticket must not be stolen nor appear on any list of omitted tickets on file at the Kansas lottery;

(g) Each ticket must be fully legible, and be exactly as described in paragraph (d) above.

(h) The ticket validation number of the tickets shall not appear on the Kansas lottery's official list of ticket validation numbers of winning tickets.

(i) Any ticket not passing all the validation checks in this section is void and is not eligible for the "Million Dollar Cash Reward Drawings." (Authorized by and implementing K.S.A. 74-8710(b); effective, T-111-4-20-93, April 16, 1993.)

111-7-90. Rights of participants. Any non-winning Kansas "Club Keno" game lottery ticket entered into the "Million Dollar Cash Reward Drawings" is disqualified from any other Kansas lottery prize or eligibility for which that ticket may have been redeemable, although entries declared winners in the "Early Bird Drawings" shall be placed in an entry envelope and returned to the drum or receptacle and shall be eligible for the "Million Dollar Cash Reward Drawing." (Authorized by and implementing K.S.A. 74-8710(d); effective, T-111-4-20-93, April 16, 1993.)

Ralph Decker
Executive Director

Doc. No. 013381

State of Kansas

Board of Healing Arts

Permanent Administrative
RegulationsArticle 46.—EXTENSION OF
REGISTRATION; ASSISTANTS

100-46-6. Expiration date. The registration of every physical therapist and the certification of every physical therapist assistant shall expire on December 31 of each year. (Authorized by and implementing K.S.A. 65-2910; effective June 14, 1993.)

Article 47.—REGISTRATION RENEWAL;
CONTINUING EDUCATION

100-47-1. Registration renewal; continuing education. (a) As a condition of renewal for each odd numbered year, each registered physical therapist or certified physical therapist assistant shall submit, in addition to the annual application for renewal of registration or certification, evidence of satisfactory completion of a minimum of forty contact hours of continuing education for a registered physical therapist and a minimum of twenty contact hours of continuing education for a certified physical therapist assistant during the preceding two-year period.

(1) A contact hour shall be 50 minutes of instruction or its equivalent.

(2) Meals and exhibit breaks shall not be included in the contact hour calculation.

(b) Any applicant for renewal who cannot meet the requirements of subsection (a) may request an extension from the board. The request shall include a plan for completion of the continuing education requirements within the requested extension period. An extension up to six months may be granted by the board if circumstances make it impossible or extremely difficult for the physical therapist or physical therapist assistant to reasonably obtain the required continuing education hours.

(c) Any physical therapist initially registered within one year of a renewal registration date when evidence of continuing education must be submitted shall be exempt from the continuing education required by subsection (a) for that first renewal period. Any physical therapist or physical therapist assistant initially registered or certified or whose registration or certification has been renewed and extended for more than one year but less than two years from a renewal date when continuing education required by subsection (a) must be submitted, shall be required to submit evidence of satisfactory completion of at least one half of the contact hours of continuing education required by subsection (a).

(d) All continuing education classes or literature shall be related to the field of physical therapy.

(e) All continuing education shall meet the requirements of subsection (f).

(f) The classes of continuing education experiences shall be:

(1) Class I—Attendance at an educational presentation directly related to the enhancement of physical therapy practice skills and knowledge in the treatment of patients. Class I continuing education experiences shall include:

(A) Lecture. Lecture means a discourse given before an audience for instruction;

(B) Panel. Panel means the presentation of a number of views by several professional individuals on a given subject with none of the views considered a final solution;

(C) Workshop. Workshop means a series of meetings designed for intensive study, work or discussion in a specific field of interest;

(D) Seminar. Seminar means directed advanced study or discussion in a specific field of interest;

(E) Symposium. Symposium means a conference of more than a single session organized for the purpose of discussing a specific subject from various view points and by various speakers;

(F) In-service Training. In-service training means an educational presentation pertaining solely to the enhancement of physical therapy skills in the evaluation, assessment or treatment of patients. A maximum of six contact hours shall be given for in-service training;

(G) College or university courses. College or university courses means receiving at least a "C" grade or its equivalent, or a "pass" in a pass/fail course, that directly enhances physical therapy skills or knowledge. Ten contact hours shall be given for each semester credit hour; and

(H) Professional publications. Contact hours for writing a professional publication shall be as follows:

(i) Original Paper	single author	20
	senior author	15
	co-author	8
(ii) Review paper or case report	single author	15
	co-author	8
(iii) Abstract or Book Review		8
(iv) Publication of a book		20

(2) Class II—Class II continuing education experiences shall include:

(A) Administrative training. Administrative training means a presentation which enhances the knowledge of a physical therapist or physical therapist assistant not solely pertaining to patient care but including quality assurance, risk management, reimbursement, hospital and statutory requirements and claim procedures.

(B) Self-instruction. Self-instruction includes reading professional literature, home study and correspondence courses, viewing video programs and listening to audio programs relating to the enhancement of physical therapy practice, and preparing for the certification examination. A maximum of two contact hours shall be given for reading professional literature; and

(C) Other. Other Class II continuing education experiences shall include attendance at a lecture, panel, workshop, seminar, symposium, college course, professional publication or in-service training not meeting the criteria for Class I, but which is in a health related

(continued)

field indirectly related to physical therapy skills and knowledge.

(g) At least one-half of the required contact hours shall be acquired from Class I, and no more than one half of the hours may be acquired from Class II.

(h) Any registered physical therapist or certified physical therapist assistant who presents a Class I continuing education program shall receive three contact hours for each hour of presentation. No credit shall be granted for any repeated presentations of the same subject matter. No credit shall be granted for reiteration of material or information obtained from attendance at a continuing education program.

(i) To provide evidence of satisfactory completion of continuing education, the following shall be submitted to the board:

(1) Documented evidence of attendance at Class I and II activities;

(2) personal verification of self-instruction from reading professional literature; and

(3) copies of any professional publication. (Authorized by K.S.A. 65-2911; implementing K.S.A. 65-2910; effective May 1, 1978; amended May 1, 1980; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended Feb. 4, 1991, amended June 14, 1993.)

Lawrence T. Buening, Jr.
Executive Director

Doc. No. 013382

State of Kansas

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, April 29, 1993.)

SENATE BILL No. 10

AN ACT concerning criminal procedure: relating to commitment and release of persons acquitted because of insanity and persons committed after conviction but prior to sentence; requiring a finding of mental illness to continue commitment; limitations on plea bargains; assessment of cost of care and treatment; amending K.S.A. 22-3431 and K.S.A. 1992 Supp. 22-3219, 22-3428, 22-3428a and 22-3430 and repealing the existing sections.

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

Section 1. K.S.A. 1992 Supp. 22-3219 is hereby amended to read as follows: 22-3219. (1) Evidence of mental disease or defect excluding criminal responsibility is not admissible upon a trial unless the defendant serves upon the prosecuting attorney and files with the court a written notice of such defendant's intention to assert the defense of insanity or other defense involving the presence of mental disease or defect. Such notice must be served and filed before trial and not more than ~~thirty~~ 30 days after entry of the plea of not guilty to the information or indictment. For good cause shown the court may permit notice at a later date.

(2) A defendant who files a notice of intention to assert the defense of insanity or other defense involving the presence of mental disease or defect thereby submits and consents to abide by such further orders as the court may make requiring the mental examination of the defendant and designating the place of examination and the physician or ~~physicians~~ licensed psychologist by whom such examination shall be made. No order of the court respecting a mental examination shall preclude the defendant from procuring at such defendant's own expense an examination by a physician or licensed psychologist of such defendant's own choosing. A defendant requesting a mental examination pursuant to K.S.A. 22-4508 and amendments thereto may request a physician or licensed psychologist of such defendant's own choosing. The judge shall inquire as to the estimated cost for such examination and shall appoint the requested physician or licensed psychologist if such physician or licensed psychologist agrees to accept compensation in an amount in accordance with the compensation standards set by the board of supervisors of panels to aid indigent defendants. A report of each mental examination of the defendant shall be filed in the court and copies thereof shall be supplied to the defendant and the prosecuting attorney.

(3) The court shall not accept a plea bargain where the defendant enters a plea of not guilty by reason of insanity unless there is prima facie evidence confirming the existence of the insanity. Such prima facie evidence shall consist of, but not be limited to, an examination conducted by a physician or licensed psychologist which concludes the defendant was legally insane at the time of the commission of the crime.

Sec. 2. K.S.A. 1992 Supp. 22-3428 is hereby amended to read as follows: 22-3428. (1) (a) When a ~~person~~ defendant is acquitted on the ground that the ~~person~~ defendant was insane at the time of the commission of the alleged crime, the verdict shall be not guilty because of insanity and the ~~person~~ defendant shall be committed to the state security hospital for safekeeping and treatment. A finding of not guilty by reason of insanity shall constitute a finding that the acquitted ~~person~~ defendant committed an act constituting the offense charged or an act constituting a lesser included crime, except that the ~~person~~ defendant did not possess the requisite criminal intent. A finding of not guilty because of insanity shall be prima facie evidence that the acquitted ~~person~~ defendant is presently likely to cause harm to self or others.

(b) Within 90 days of the defendant's admission, the chief medical officer of the state security hospital shall send to the court a written evaluation report. Upon receipt of the report, the court shall set a hearing to determine whether or not the defendant is currently a mentally ill person. The hearing shall be held within 30 days after the receipt by the court of the chief medical officer's report.

(c) The court shall give notice of the hearing to the chief medical officer of the state security hospital, the district or county attorney, the defendant and the defendant's attorney. The court shall inform the defendant that such defendant is entitled to counsel and that counsel will be appointed to represent the defendant if the defendant is not financially able to employ an attorney as provided in K.S.A. 22-4503 et seq. and amendments thereto. The defendant shall remain at the state security hospital pending the hearing.

(d) At the hearing, the defendant shall have the right to present evidence and cross examine witnesses. At the conclusion of the hearing, if the court finds by clear and convincing evidence that the defendant is not currently a mentally ill person, the court shall dismiss the criminal proceeding and discharge the defendant, otherwise the court may commit the defendant to the state security hospital for treatment or may place the defendant on conditional release pursuant to subsection (4).

(2) Subject to the provisions of subsection (3):

(a) Whenever it appears to the chief medical officer of the state security hospital that a person committed under ~~this section~~ subsection (1)(d) is not ~~dangerous~~ likely to cause harm to other persons in a less restrictive hospital environment, the officer may transfer the person to any, state hospital, subject to the provisions of subsection (4) (3). At any time subsequent thereto during which such person is still committed to a state hospital, if the chief medical officer of that hospital finds that the person may ~~again be dangerous~~ ~~to other persons~~ be likely to cause harm or has caused harm, to

others, such officer may transfer the person back to the state security hospital.

(b) Any person committed under ~~this section subsection (1)(d)~~ may be granted conditional release or discharge as an involuntary patient.

(3) Before transfer of a person from the state security hospital pursuant to subsection (2)(a) or conditional release or discharge of a person pursuant to subsection (2)(b), the chief medical officer of the state security hospital or the state hospital where the patient is under commitment shall give notice to the district court of the county from which the person was committed that transfer of the patient is proposed or that the patient is ready for ~~such~~ proposed conditional release or discharge. Such notice shall include, but not be limited to: (a) Identification of the patient; (b) the course of treatment; (c) a current assessment of ~~whether the patient is likely to cause harm to self or others if released or discharged the defendant's mental illness;~~ (d) recommendations for future treatment, if any; and (e) recommendations regarding conditional release or discharge, if any. Upon receiving ~~such~~ notice, the district court shall order that a hearing be held on the proposed transfer, conditional release or discharge. The court shall give notice of the hearing to the state hospital or state security hospital where the patient is under commitment and to the district or county attorney ~~and sheriff~~ of the county from which the person was originally ordered committed and shall order the involuntary patient to undergo a mental evaluation by a person designated by the court. A copy of all orders of the court shall be sent to the involuntary patient and the patient's attorney. The report of the court ordered mental evaluation shall be given to the district or county attorney, the involuntary patient and the patient's attorney at least five days prior to the hearing. The hearing shall be held within 30 days after the receipt by the court of the chief medical officer's notice. The involuntary patient shall remain in the state hospital or state security hospital where the patient is under commitment until the hearing on the proposed transfer, conditional release or discharge is to be held. At the hearing, the court shall receive all relevant evidence, including the written findings and recommendations of the chief medical officer of the state security hospital or the state hospital where the patient is under commitment, and shall determine whether the patient ~~will be likely to cause harm to self or others if transferred, shall be transferred to a less restrictive hospital environment or whether the patient shall be conditionally released or discharged.~~ The patient shall have the right to present evidence at such hearing and to cross-examine any witnesses called by the district or county attorney. At the conclusion of the hearing, if the court finds by clear and convincing evidence that the patient will not be likely to cause harm to self or others if transferred; ~~released or discharged to a less restrictive hospital environment, the court shall order the patient transferred, discharged or conditionally released, otherwise. If the court finds by clear and convincing evidence that the patient is not currently a mentally ill person, the court shall order the patient discharged or conditionally released otherwise,~~ the court shall order the patient to remain in the state security hospital or state hospital where the patient is under commitment. ~~If conditional release or discharge of the patient is proposed and the court finds by clear and convincing evidence presented at the hearing that upon release or discharge the patient will not be likely to cause harm to self or others if the patient continues to take prescribed medication or to receive periodic psychiatric or psychological treatment, the court may order the patient conditionally released in accordance with subsection (4).~~ If the court orders the conditional release of the patient in accordance with subsection (4), the court may order as an additional condition to the release that the patient continue to take prescribed medication and report as directed to a person licensed to practice medicine and surgery to determine whether or not the patient is taking the medication or that the patient continue to receive periodic psychiatric or psychological treatment.

(4) In order to insure the safety and welfare of a patient who is to be conditionally released and the citizenry of the state, the court may allow the patient to remain in custody at a facility under the supervision of the secretary of social and rehabilitation services for a period of time not to exceed 30 days in order to permit sufficient time for the secretary to prepare recommendations to the court for a suitable reentry program for the patient. The reentry program shall

be specifically designed to facilitate the return of the patient to the community as a functioning, self-supporting citizen, and may include appropriate supportive provisions for assistance in establishing residency, securing gainful employment, undergoing needed vocational rehabilitation, receiving marital and family counseling, and such other outpatient services that appear beneficial. If a patient who is to be conditionally released will be residing in a county other than the county where the district court that ordered the conditional release is located, the court shall transfer venue of the case to the district court of the other county and send a copy of all of the court's records of the proceedings to the other court. In all cases of conditional release the court shall: (a) Order that the patient be placed under the temporary supervision of state parole and probation services, district court probation and parole services, *community treatment facility* or any appropriate private agency; and (b) require as a condition precedent to the release that the patient agree in writing to waive extradition, in the event a warrant is issued pursuant to K.S.A. 22-3428b and amendments thereto.

(5) At any time during the conditional release period, a conditionally released patient, through the patient's attorney, or the county or district attorney of the county in which the district court having venue is located may file a motion for modification of the conditions of release, and the court shall hold an evidentiary hearing on the motion within 15 days of its filing. The court shall give notice of the time for the hearing to the patient and the county or district attorney. If the court finds from the evidence at the hearing that the conditional provisions of release should be modified or vacated, it shall so order. If at any time during the transitional period the designated medical officer or supervisory personnel or the treatment facility informs the court that the patient is not satisfactorily complying with the provisions of the conditional release, the court, after a hearing for which notice has been given to the county or district attorney and the patient, may make orders: (a) For additional conditions of release designed to effect the ends of the reentry program, (b) requiring the county or district attorney to file an application to determine whether the patient is a mentally ill person as provided in K.S.A. 59-2913 and amendments thereto, or (c) requiring that the patient be committed to the state security hospital or any state hospital. In cases where an application is ordered to be filed, the court shall proceed to hear and determine the application pursuant to the treatment act for mentally ill persons and that act shall apply to all subsequent proceedings. The costs of all proceedings, the mental evaluation and the reentry program authorized by this section shall be paid by the county from which the person was committed.

(6) In any case in which the defense of insanity is relied on, the court shall instruct the jury on the substance of this section.

(7) As used in this section and K.S.A. 22-3428a and amendments thereto:

(a) "*Likely to cause harm to self or others*" means that the person is likely, in the reasonably foreseeable future, to cause substantial physical injury or physical abuse to self or others or substantial damage to another's property, or evidenced by behavior causing, attempting or threatening such injury, abuse or neglect.

(b) "*Mentally ill person*" means any person who:

(1) Is suffering from a severe mental disorder to the extent that such person is in need of treatment; and

(2) is likely to cause harm to self or others.

(c) "*Treatment facility*" means any mental health center or clinic, psychiatric unit of a medical care facility, psychologist, physician or other institution or individual authorized or licensed by law to provide either inpatient or outpatient treatment to any patient, "*likely to cause harm to self or others*" has the meaning provided by K.S.A. 59-2902 and amendments thereto.

Sec. 3. K.S.A. 1992 Supp. 22-3428a is hereby amended to read as follows: 22-3428a. (1) Any person found not guilty because of insanity who remains in the state security hospital or a state hospital for over one year pursuant to a commitment under K.S.A. 22-3428 and amendments thereto shall be entitled annually to request a hearing to determine whether or not the person ~~will be likely to cause harm to self or others if discharged continues to be a mentally ill person.~~ The request shall be made in writing to the district court of the county where the person is hospitalized and shall be signed by the committed person or the person's counsel.

(continued)

When the request is filed, the court shall give notice of the request to: (a) The county or district attorney of the county in which the person was originally ordered committed, and (b) the chief medical officer of the state security hospital or state hospital where the person is committed. The chief medical officer receiving the notice, or the officer's designee, shall conduct a mental examination of the person and shall send to the district court of the county where the person is hospitalized and to the county or district attorney of the county in which the person was originally ordered committed a report of the examination within 20 days from the date when notice from the court was received. Within ~~five~~ 10 days after receiving the report of the examination, the county or district attorney receiving it may file a motion with the district court that gave the notice, requesting the court to change the venue of the hearing to the district court of the county in which the person was originally committed, or the court that gave the notice on its own motion may change the venue of the hearing to the district court of the county in which the person was originally committed. Upon receipt of that motion and the report of the mental examination or upon the court's own motion, the court shall transfer the hearing to the district court specified in the motion and send a copy of the court's records of the proceedings to that court.

(2) After the time in which a change of venue may be requested has elapsed, the court having venue shall set a date for the hearing, giving notice thereof to the county or district attorney of the county, the committed person and the person's counsel. If there is no counsel of record, the court shall appoint a counsel for the committed person. The committed person shall have the right to procure, at the person's own expense, a mental examination by a physician or licensed psychologist of the person's own choosing. If a committed person is financially unable to procure such an examination, the aid to indigent defendants provisions of article 45 of chapter 22 of the Kansas Statutes Annotated shall be applicable to that person. A committed person requesting a mental examination pursuant to K.S.A. 22-4508 and amendments thereto may request a physician or licensed psychologist of the person's own choosing and the court shall request the physician or licensed psychologist to provide an estimate of the cost of the examination. If the physician or licensed psychologist agrees to accept compensation in an amount in accordance with the compensation standards set by the board of supervisors of panels to aid indigent defendants, the judge shall appoint the requested physician or licensed psychologist; otherwise, the court shall designate a physician or licensed psychologist to conduct the examination. Copies of each mental examination of the committed person shall be filed with the court at least five days prior to the hearing and shall be supplied to the county or district attorney receiving notice pursuant to this section and the committed person's counsel.

(3) At the hearing the committed person shall have the right to present evidence and cross-examine the witnesses. The court shall receive all relevant evidence, including the written findings and recommendations of the chief medical officer of the state security hospital or state hospital where the person is under commitment, and shall determine whether the committed person ~~will be likely to cause harm to self or others if discharged~~ continues to be a mentally ill person. At the hearing the court may make any order that a court is empowered to make pursuant to subsections (3), (4) and (5) of K.S.A. 22-3428 and amendments thereto. If the court finds by clear and convincing evidence the committed person ~~will not be likely to cause harm to self or others if discharged~~ is not a mentally ill person, the court shall order the person discharged; otherwise, the person shall remain committed or be conditionally released.

(4) Costs of a hearing held pursuant to this section shall be assessed against and paid by the county in which the person was originally ordered committed.

Sec. 4. K.S.A. 1992 Supp. 22-3430 is hereby amended to read as follows: 22-3430. (a) If the report of the examination authorized by K.S.A. 22-3429 and amendments thereto shows that the defendant is in need of psychiatric care and treatment, that such treatment

may materially aid in the defendant's rehabilitation and that the defendant and society are not likely to be endangered by permitting the defendant to receive such psychiatric care and treatment, in lieu of confinement or imprisonment, the trial judge shall have power to commit such defendant to: (1) The state security hospital or any county institution provided for the reception, care, treatment and maintenance of mentally ill persons, if the defendant is convicted of a felony; or (2) any state or county institution provided for the reception, care, treatment and maintenance of mentally ill persons, if the defendant is convicted of a misdemeanor. The court may direct that the defendant be detained in such hospital or institution until further order of the court or until the defendant is discharged under K.S.A. 22-3431 and amendments thereto. No period of detention under this section shall exceed the maximum term provided by law for the crime of which the defendant has been convicted. ~~The trial judge shall, at the time of such commitment, make an order imposing liability upon the defendant, or such person or persons responsible for the support of the defendant, or upon the county or the state, as may be proper in such case, for the cost of admission, care and discharge of such defendant. The cost of care and treatment provided by a state institution shall be assessed in accordance with K.S.A. 59-2006 and amendments thereto.~~

(b) No defendant committed to the state security hospital pursuant to this section upon conviction of a felony shall be transferred or released from such hospital except on recommendation of the staff of such hospital.

(c) The defendant may appeal from any order of commitment made pursuant to this section in the same manner and with like effect as if sentence to a jail, or to the custody of the ~~director of penal institutions~~ secretary of corrections had been imposed in this case.

Sec. 5. K.S.A. 22-3431 is hereby amended to read as follows: 22-3431. (a) Whenever it appears to the chief medical officer of the institution to which a ~~person~~ defendant has been committed under K.S.A. 22-3430 and amendments thereto, that ~~such person is not dangerous to self or others and that such person the defendant~~ will not be improved by further detention in such institution, ~~such person shall be returned to the court where convicted and the chief medical officer shall give written notice thereof to the district court where the defendant was convicted. Such notice shall include, but not be limited to: (1) Identification of the patient; (2) the course of treatment; (3) a current assessment of the defendant's psychiatric condition; (4) recommendations for future treatment, if any; and (5) recommendations regarding discharge, if any.~~

(b) Upon receiving such notice, the district court shall order that a hearing be held. The court shall give notice of the hearing to: (1) The state hospital or state security hospital where the defendant is under commitment; (2) the district or county attorney of the county from which the defendant was originally committed; (3) the defendant; and (4) the defendant's attorney. The court shall inform the defendant that such defendant is entitled to counsel and that counsel will be appointed to represent the defendant if the defendant is not financially able to employ an attorney as provided in K.S.A. 22-4503 et seq. and amendments thereto. The hearing shall be held within 30 days after the receipt by the court of the chief medical officer's notice.

(c) At the hearing, the defendant shall be sentenced, committed, granted probation, assigned to a community correctional services program or discharged as the court deems best under the circumstance. The time spent in a state or ~~county~~ local institution pursuant to a commitment under K.S.A. 22-3430 and amendments thereto shall be credited against any sentence, confinement or imprisonment imposed on the defendant.

Sec. 6. K.S.A. 22-3431 and K.S.A. 1992 Supp. 22-3219, 22-3428, 22-3428a and 22-3430 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 29, 1993.)

SENATE BILL No. 119

AN ACT providing for the establishment of a pilot project to provide medicaid services in certain areas of the state through a system of managed care.

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

Section 1. (a) Subject to applicable federal guidelines and regulations and the provisions of appropriations acts, the secretary of social and rehabilitation services shall negotiate and enter into contracts for a pilot project to be conducted in two counties of this state during the fiscal year ending June 30, 1995. The pilot project under this section shall be conducted in Sedgwick county and in a county having a population of less than 100,000 people as specified by the secretary of social and rehabilitation services and the task force or task forces established under subsection (e). The pilot project shall be conducted to provide medicaid services through a system of managed care for Kansas medicaid eligible residents on the basis of a described set of such services to a predetermined population as prescribed by the contracts. No contract entered into under this section shall be subject to the competitive bid requirements of K.S.A. 75-3739 and amendments thereto. The services to be provided for such residents under the contracts shall be provided through a system of managed care as specified in the contracts.

(b) The contract may be entered into by the secretary with a single provider or with a contracting agency to provide such services through a group of qualified health care providers, or both, within the areas of Kansas specified for the pilot project under this section. In determining the location of the pilot project located in a county other than Sedgwick county and the area in which such services shall be provided, the secretary and the task force or task forces shall consider the availability of health care providers and their willingness to participate in such pilot project at the time the pilot project is to commence under the contract.

(c) If the secretary of social and rehabilitation services determines that waivers from program or other requirements of the federal government are needed to carry out the provisions of this section and to maximize federal matching and other funds with respect to the pilot project authorized under this section, the secretary shall apply to the federal department of health and human services, or other appropriate federal agency, for such waivers. If the secretary determines that waivers are needed, the pilot program established under this subsection shall not commence until such waivers are granted by the appropriate federal agency.

(d) The secretary shall submit a preliminary report on the results of the pilot project to the committee on ways and means of the senate and the committee on appropriations of the house of representatives at the beginning of the 1994 regular session of the legislature. The secretary shall submit additional reports and information regarding the pilot project annually for the next four years.

(e) The secretary of social and rehabilitation services shall appoint a task force or task forces concerning the pilot project and including local representation to advise the secretary on matters relating to the implementation of the pilot project established under this section. The task force or task forces shall make findings and recommendations concerning the pilot project established under this section and shall report such findings and recommendations to the joint committee on health care decisions for the 1990's and to the legislature on or before the commencement of the 1994 legislative session. Members of the task force or task forces shall not be paid compensation, subsistence allowances, mileage or other expenses as otherwise may be authorized by law for attending meetings, or subcommittee meetings, of the task force or task forces.

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

(Published in the Kansas Register, April 29, 1993.)

SENATE BILL No. 402

AN ACT concerning medical care facilities; relating to ambulatory surgical centers; amending K.S.A. 65-425 and repealing the existing section.

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

Section 1. K.S.A. 65-425 is hereby amended to read as follows: 65-425. As used in this act: (a) "General hospital" means an establishment with an organized medical staff of physicians; with permanent facilities that include inpatient beds; and with medical services, including physician services, and continuous registered professional nursing services for not less than 24 hours of every day, to provide diagnosis and treatment for patients who have a variety of medical conditions.

(b) "Special hospital" means an establishment with an organized medical staff of physicians; with permanent facilities that include inpatient beds; and with medical services, including physician services, and continuous registered professional nursing services for not less than 24 hours of every day, to provide diagnosis and treatment for patients who have specified medical conditions.

(c) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(d) "Governmental unit" means the state, or any county, municipality, or other political subdivision thereof; or any department, division, board or other agency of any of the foregoing.

(e) "Licensing agency" means the department of health and environment.

(f) "Ambulatory surgical center" means an establishment with an organized medical staff of one or more physicians; with permanent facilities that are equipped and operated primarily for the purpose of performing surgical procedures; with continuous physician services and during surgical procedures and until the patient has recovered from the obvious effects of anesthetic and at all other times with physician services available whenever a patient is in the facility; with continuous registered professional nursing services whenever a patient is in the facility; and which does not provide services or other accommodations for patient to stay overnight more than 24 hours. Before discharge from an ambulatory surgical center, each patient shall be evaluated by a physician for proper anesthesia recovery. Nothing in this section shall be construed to require the office of a physician or physicians to be licensed under this act as an ambulatory surgical center.

(g) "Recuperation center" means an establishment with an organized medical staff of physicians; with permanent facilities that include inpatient beds; and with medical services, including physician services, and continuous registered professional nursing services for not less than 24 hours of every day, to provide treatment for patients who require inpatient care but are not in an acute phase of illness, who currently require primary convalescent or restorative services, and who have a variety of medical conditions.

(h) "Medical care facility" means a hospital, ambulatory surgical center or recuperation center.

(i) "Rural primary care hospital" shall have the meaning ascribed to such term under K.S.A. 65-468 and amendments thereto.

(j) "Hospital" means "general hospital," "rural primary care hospital," or "special hospital."

(k) "Physician" means a person licensed to practice medicine and surgery in this state.

Sec. 2. K.S.A. 65-425 is hereby repealed.

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

(Published in the Kansas Register, April 29, 1993.)

SENATE BILL No. 355

AN ACT concerning the duty of professional responsibility to financial institutions of certified public accountants and attorneys.

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

Section 1. (a) Unless otherwise agreed in writing, certified public accountants, licensed in accordance with article 3 of chapter 1 of the Kansas Statutes Annotated, and their firms, officers, directors, agents, servants and employees, while acting in the course and scope of providing accounting, auditing, consulting and other professional services to financial institutions authorized to do business or doing business in the state of Kansas, shall have no greater duty of professional responsibility to the institution, its shareholders, depositors, customers, creditors or insurers than that required of certified public accountants by generally accepted accounting principles (GAAP) and generally accepted auditing standards (GAAS) as provided by K.A.R. 74-5-202 and 74-5-203 and amendments thereto.

(b) Unless otherwise agreed in writing, attorneys licensed to practice law in this state and their firms, including employees thereof, acting in the course and scope of providing legal services to financial institutions authorized to do business or doing business in the state of Kansas, shall have no greater duty of professional responsibility to the institution, its shareholders, depositors, customers, creditors or insurers than that required of attorneys under state law.

(c) This section is declaratory of and codifies existing Kansas law and policy.

(d) This section shall apply to all claims or causes of action based on Kansas state law seeking to recover money damages from any person or entity covered within the scope of this section which are filed in any court of competent jurisdiction.

Sec. 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

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

(Published in the Kansas Register, April 29, 1993.)

SENATE BILL No. 170

AN ACT concerning crimes, punishment and criminal procedure; relating to certain sex offenses; enacting the habitual sex offender registration act and prescribing penalties for violations thereof; amending K.S.A. 21-3502, 21-3502, as amended by section 1 of this bill, 21-3504, as amended by section 22 of chapter 298 of the 1992 Session Laws of Kansas, 21-3505, as amended by section 23 of chapter 298 of the 1992 Session Laws of Kansas, 21-3506, 21-3506, as amended by section 7 of this bill, 21-3518, 21-3518, as amended by section 9 of this bill, 21-3603 and 21-3603, as amended by section 14 of this bill, and 21-4301, as amended by section 210 of chapter 239 of the 1992 Session Laws of Kansas, and K.S.A. 1992 Supp. 21-3106, 21-3503 and 21-3503, as amended by section 3 of this bill and K.S.A. 1991 Supp. 22-3717, as amended by section 270 of chapter 239 of the 1992 Session Laws of Kansas, and 21-4619, as amended by section 247 of chapter 239 of the 1992 Session Laws of Kansas, and repealing the existing sections; also repealing K.S.A. 21-3502, as amended by section 71 of chapter 239 of the 1992 Session Laws of Kansas, 21-3502, as amended by section 20 of chapter 298 of the 1992 Session Laws of Kansas, 21-3504, as amended by section 73 of chapter 239 of the 1992 Session Laws of Kansas, 21-3505, as amended by section 74 of chapter 239 of the 1992 Session Laws of Kansas, 21-3506, as amended by section 75 of chapter 239 of the 1992 Session Laws of Kansas, 21-3506, as amended by section 24 of chapter 298 of the 1992 Session Laws of Kansas, 21-3518, as amended by section 85 of chapter 239 of the 1992 Session Laws of Kansas, 21-3518, as amended by section 31 of chapter 298 of the 1992 Session Laws of Kansas, 21-3603, as amended by section 89 of chapter 239 of the 1992 Session Laws of Kansas, and 21-3603, as amended by section 34 of chapter 298 of the 1992 Session Laws of Kansas, and K.S.A. 1991 Supp. 21-3503, as amended by section 72 of chapter 239 of the 1992 Session Laws of Kansas and 21-3503, as amended by section 21 of chapter 298 of the 1992 Session Laws of Kansas.

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

Section 1. K.S.A. 21-3502 is hereby amended to read as follows: 21-3502. (1) Rape is sexual intercourse with a person who does not consent to the sexual intercourse, under any of the following circumstances:

- (a) When the victim is overcome by force or fear;
 - (b) when the victim is unconscious or physically powerless; or
 - (c) when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by the offender or was reasonably apparent to the offender; or
 - (d) when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance administered to the victim by the offender, or by another person with the offender's knowledge, unless the victim voluntarily consumes or allows the administration of the substance with knowledge of its nature.
- (2) Rape is a class B felony.

Sec. 2. On and after July 1, 1993, K.S.A. 21-3502, as amended by section 1 of this bill, is hereby amended to read as follows: 21-3502. (1) (a) Rape is: (1) Sexual intercourse with a person who does not consent to the sexual intercourse, under any of the following circumstances:

- (a) (A) When the victim is overcome by force or fear;
- (b) (B) when the victim is unconscious or physically powerless; or
- (c) (C) when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by the offender or was reasonably apparent to the offender; or
- (2) sexual intercourse with a child who is under 14 years of age.
- (b) It shall be a defense to a prosecution of rape under subsection (a)(2) that the child was married to the accused at the time of the offense.
- (c) Rape is a class B severity level 2, person felony.

Sec. 3. K.S.A. 1992 Supp. 21-3503 is hereby amended to read as follows: 21-3503. (1) Indecent liberties with a child is engaging in any of the following acts with a child who is under 16 years of age:

- (a) Sexual intercourse; or
- (b) any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child or the offender, or both; or
- (c) soliciting the child to engage in any lewd fondling or touching of the person of another with the intent to arouse or satisfy the sexual desires of the child, the offender or another.
- (2) It shall be a defense to a prosecution of indecent liberties with a child as described in subsection (1)(a) and (1)(b) that the child was married to the accused at the time of the offense.
- (3) Indecent liberties with a child is a class C felony.

Sec. 4. On and after July 1, 1993, K.S.A. 1992 Supp. 21-3503, as amended by section 3 of this bill, is hereby amended to read as follows: 21-3503. (1) (a) Indecent liberties with a child is engaging in any of the following acts with a child who is under 14 or more years of age but less than 16 years of age:

- (a) Sexual intercourse; or
- (b) (1) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child or the offender, or both; or
- (2) soliciting the child to engage in any lewd fondling or touching of the person of another with the intent to arouse or satisfy the sexual desires of the child, the offender or another.
- (b) (2) It shall be a defense to a prosecution of indecent liberties with a child as described in subsection (1)(a) and (1)(b) (a)(1) that the child was married to the accused at the time of the offense.
- (c) Indecent liberties with a child is a class C severity level 5, person felony.

Sec. 5. On and after July 1, 1993, K.S.A. 21-3504, as amended by section 22 of chapter 298 of the 1992 Session Laws of Kansas, is hereby amended to read as follows: 21-3504. (1) (a) Aggravated indecent liberties with a child is:

- (a) (1) Sexual intercourse with a child who is not married to the offender and who is 14 or more years of age but less than 16 years of age;

(b) (2) engaging in any of the following acts with a child who is ~~not married to the offender, who is 14 or more years of age but less than 16 years of age and who does not consent thereto:~~

(i) (A) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or satisfy the sexual desires of either the child or the offender, or both; or

(ii) (B) causing the child to engage in any lewd fondling or touching of the person of another with the intent to arouse or satisfy the sexual desires of the child, the offender or another; or

(e) (3) engaging in any of the following acts with a child who is ~~not married to the offender and who is under 14 years of age:~~

(i) (A) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child or the offender, or both; or

(ii) (B) soliciting the child to engage in any lewd fondling or touching of the person of another with the intent to arouse or satisfy the sexual desires of the child, the offender or another.

(2) (b) *It shall be a defense to a prosecution of aggravated indecent liberties with a child as provided in subsection (a)(1), (a)(2)(A) and (a)(3)(A) that the child was married to the accused at the time of the offense.*

(c) Aggravated indecent liberties with a child as described in subsection (a)(1) is a ~~class C~~ severity level 3, person felony. Aggravated indecent liberties with a child as described in subsection (a)(2) and (a)(3) is a severity level 4, person felony.

Sec. 6. On and after July 1, 1993, K.S.A. 21-3505, as amended by section 23 of chapter 298 of the 1992 Session Laws of Kansas, is hereby amended to read as follows: 21-3505. (1) (a) Criminal sodomy is:

(a) (1) Sodomy between persons who are 16 or more years of age and members of the same sex or between a person and an animal;

(b) (2) sodomy with a child who is ~~not married to the offender and who is 14 or more years of age but less than 16 years of age;~~ or

(e) (3) causing a child 14 or more years of age but less than 16 years of age to engage in sodomy with any person or animal.

(2) (b) *It shall be a defense to a prosecution of criminal sodomy as provided in subsection (a)(2) that the child was married to the accused at the time of the offense.*

(c) Criminal sodomy as provided in subsection (1)(a) (a)(1) is a class B nonperson misdemeanor. Criminal sodomy as provided in subsections (1)(b) and (1)(e) (a)(2) and (a)(3) is a ~~class C~~ severity level 3, person felony.

Sec. 7. K.S.A. 21-3506 is hereby amended to read as follows: 21-3506. (1) Aggravated criminal sodomy is:

(a) Sodomy with a child who is ~~not married to the offender and who is under 16 years of age;~~

(b) causing a child under 16 years of age to engage in sodomy with any person or an animal; or

(c) sodomy with a person who does not consent to the sodomy or causing a person, without the person's consent, to engage in sodomy with any person or an animal, under any of the following circumstances:

(i) When the victim is overcome by force or fear;

(ii) when the victim is unconscious or physically powerless; or

(iii) when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by the offender or was reasonably apparent to the offender; or

(iv) when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance administered to the victim by the offender, or by another person with the offender's knowledge, unless the victim voluntarily consumes or allows the administration of the substance with knowledge of its nature.

(2) *It shall be a defense to a prosecution of aggravated criminal sodomy under subsection (1)(a) that the child was married to the accused at the time of the offense.*

(3) Aggravated criminal sodomy is a class B felony.

Sec. 8. On and after July 1, 1993, K.S.A. 21-3506, as amended by section 7 of this bill, is hereby amended to read as follows: 21-3506. (1) (a) Aggravated criminal sodomy is:

(a) (1) Sodomy with a child who is under ~~16~~ 14 years of age;

(b) (2) causing a child under ~~16~~ 14 years of age to engage in sodomy with any person or an animal; or

(e) (3) sodomy with a person who does not consent to the sodomy or causing a person, without the person's consent, to engage in sodomy with any person or an animal, under any of the following circumstances:

(i) (A) When the victim is overcome by force or fear;

(ii) (B) when the victim is unconscious or physically powerless; or

(iii) (C) when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by the offender or was reasonably apparent to the offender.

(2) (b) It shall be a defense to a prosecution of aggravated criminal sodomy under subsection (1)(a) (a)(1) that the child was married to the accused at the time of the offense.

(3) (c) Aggravated criminal sodomy is a ~~class B~~ severity level 2, person felony.

Sec. 9. K.S.A. 21-3518 is hereby amended to read as follows: 21-3518. (1) Aggravated sexual battery is:

(a) The unlawful, intentional application of force to the person of another who is ~~not the spouse of the offender and who does not consent thereto,~~ with the intent to arouse or satisfy the sexual desires of the offender or another;

(b) sexual battery, as defined in K.S.A. 1983 Supp. 21-3517 and amendments thereto, against a person under 16 years of age;

(c) sexual battery, as defined in K.S.A. 1983 Supp. 21-3517 and amendments thereto, committed in another's dwelling by one who entered into or remained in the dwelling without authority;

(d) sexual battery, as defined in K.S.A. 1983 Supp. 21-3517 and amendments thereto, of a person who is unconscious or physically powerless; or

(e) sexual battery, as defined in K.S.A. 1983 Supp. 21-3517 and amendments thereto, of a person who is incapable of giving consent because of mental deficiency or disease, which condition was known by, or was reasonably apparent to, the offender.

(2) *It shall be a defense to a prosecution of aggravated sexual battery under subsection (1)(a) that the person was married to the accused at the time of the offense.*

(3) Aggravated sexual battery is a class D felony.

(4) This section shall be part of and supplemental to the Kansas criminal code.

Sec. 10. On and after July 1, 1993, K.S.A. 21-3518, as amended by section 9 of this bill, is hereby amended to read as follows: 21-3518. (1) (a) Aggravated sexual battery is:

(a) ~~The unlawful, intentional application of force to the person of another who does not consent thereto, with the intent to arouse or satisfy the sexual desires of the offender or another;~~

(b) sexual battery, as defined in K.S.A. 21-3517 and amendments thereto, against a person under 16 years of age;

(c) sexual battery, as defined in K.S.A. 21-3517 and amendments thereto, committed in another's dwelling by one who entered into or remained in the dwelling without authority;

(d) sexual battery, as defined in K.S.A. 21-3517 and amendments thereto, of a person who is unconscious or physically powerless; or

(e) sexual battery, as defined in K.S.A. 21-3517 and amendments thereto, of a person who is incapable of giving consent because of mental deficiency or disease, which condition was known by, or was reasonably apparent to, the offender.

(2) *It shall be a defense to a prosecution of aggravated sexual battery under subsection (1)(a) that the person was married to the accused at the time of the offense: the intentional touching of the person of another who is 16 or more years of age and who does not consent thereto, with the intent to arouse or satisfy the sexual desires of the offender or another under any of the following circumstances:*

(continued)

- (1) When the victim is overcome by force or fear;
 (2) when the victim is unconscious or physically powerless;
 (3) when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by, or was reasonably apparent to, the offender.

(3) (b) Aggravated sexual battery is a class D severity level 5, person felony.

(4) (c) This section shall be part of and supplemental to the Kansas criminal code.

Sec. 11. On and after July 1, 1993, K.S.A. 1991 Supp. 22-3717, as amended by section 270 of chapter 239 of the 1992 Session Laws of Kansas, is hereby amended to read as follows: 22-3717. (a) Except as otherwise provided by this section and K.S.A. 1991 1992 Supp. 21-4628 and amendments thereto, an inmate, including an inmate sentenced pursuant to K.S.A. 21-4618 and amendments thereto, shall be eligible for parole after serving the entire minimum sentence imposed by the court, less good time credits.

(b) An inmate sentenced for a class A felony, including an inmate sentenced pursuant to K.S.A. 21-4618 and amendments thereto but not including an inmate sentenced pursuant to K.S.A. 1991 1992 Supp. 21-4628 and amendments thereto or on or after July 1, 1993, inmate sentenced for an off-grid offense, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits.

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

(1) The aggregate minimum sentences, as determined pursuant to K.S.A. 21-4608 and amendments thereto, less good time credits for those crimes which are not class A felonies; and

(2) an additional 15 years, without deduction of good time credits, for each crime which is a class A felony.

(d) (1) Persons sentenced for crimes committed on or after July 1, 1993, will not be eligible for parole, but will be released to a mandatory period of postrelease supervision upon completion of the prison portion of their sentence as follows:

(1) (A) Except as provided in subsection (3) subparagraph (C), persons sentenced for nondrug severity level 1 through 6 crimes and drug severity levels 1 through 3 must serve 24 months, plus the amount of good time earned and retained pursuant to section 22 of chapter 239 of the 1992 Session Laws of Kansas, on postrelease supervision;

(2) (B) except as provided in subsection (3) subparagraph (C), persons sentenced for nondrug severity level 7 through 10 crimes and drug severity level 4 must serve 12 months, plus the amount of good time earned and retained pursuant to section 22 of chapter 239 of the 1992 Session Laws of Kansas, on postrelease supervision;

(3) persons sentenced for sexually violent crimes regardless of the severity level of such crime, if such person has not completed any required care and treatment program for sex offenders ordered by the court, must serve 60 months plus the amount of good time earned and retained pursuant to section 22, on postrelease supervision. The court may modify or extend the person's period of postrelease supervision pursuant to a modification hearing and a judicial finding of necessity for a maximum period of not to exceed 60 months; and

(4) (C)(i) The sentencing judge shall impose the presumptive postrelease supervision period provided in subparagraph (d)(1)(A) or (d)(2)(B), unless the judge finds substantial and compelling reasons to impose a departure. A departure may be imposed on the postrelease supervision for a period of up to 60 months based upon a finding that the current crime of conviction was sexually violent or sexually motivated.

(ii) If the sentencing judge departs from the presumptive postrelease supervision period, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure. Departures in this section are subject to appeal pursuant to section 21 of chapter 239 of the 1992 Session Laws of Kansas.

(iii) In determining whether substantial and compelling reasons

exist, the court shall consider:

(a) Written briefs or oral arguments submitted by either the defendant or the state;

(b) any evidence received during the proceeding;

(c) the presentence report, the victim's impact statement and any psychological evaluation as ordered by the court pursuant to subsection (e) of section 14 of chapter 239 of the 1992 Session Laws of Kansas; and

(d) any other evidence the court finds trustworthy and reliable.

(iv) The sentencing judge may order that a psychological evaluation be prepared and the recommended programming be completed by the offender. The department of corrections or the parole board shall ensure that court ordered sex offender treatment be carried out.

(v) In carrying out the provisions of subparagraph (d)(1)(C), the court shall refer to section 18 of chapter 239 of the 1992 Session Laws of Kansas.

(vi) Upon petition, the parole board may provide for early discharge from the postrelease supervision period upon completion of court ordered programs and completion of the presumptive postrelease supervision period, as determined by the crime of conviction, pursuant to subparagraph (d)(1)(A) or (B). Early discharge from postrelease supervision is at the discretion of the parole board.

(vii) Persons convicted of crimes deemed sexually violent or sexually motivated, shall be registered according to the habitual sex offender registration act, sections 17 through 26 and amendments thereto; and

(D) in cases where sentences for crimes from more than one severity level have been imposed, the highest severity level offense will dictate the period of postrelease supervision. Supervision periods will not aggregate.

(2) As used in this section, "sexually violent crime" means:

(1) (A) Rape, K.S.A. 21-3502, and amendments thereto;

(2) (B) indecent liberties with a child, K.S.A. 21-3503, and amendments thereto;

(3) (C) aggravated indecent liberties with a child, K.S.A. 21-3504, and amendments thereto;

(4) (D) criminal sodomy, subsection (a)(2) and (a)(3) of K.S.A. 21-3505 and amendments thereto;

(5) (E) aggravated criminal sodomy, K.S.A. 21-3506, and amendments thereto;

(6) (F) enticement of a child, K.S.A. 21-3509, and amendments thereto;

(7) (G) indecent solicitation of a child, K.S.A. 21-3510, and amendments thereto;

(8) (H) aggravated indecent solicitation of a child, K.S.A. 21-3511, and amendments thereto;

(9) (I) sexual exploitation of a child, K.S.A. 21-3516, and amendments thereto;

(10) (J) sexual battery, K.S.A. 21-3517, and amendments thereto;

(11) (K) aggravated sexual battery, K.S.A. 21-3518, and amendments thereto;

(12) (L) any conviction for a felony offense in effect at any time prior to the effective date of this act, that is comparable to a sexually violent crime as defined in subparagraphs (1) (A) through (11) (I), or any federal or other state conviction for a felony offense that under the laws of this state would be a sexually violent crime as defined in this section;

(13) (M) an attempt, conspiracy or criminal solicitation, as defined in article 33 of chapter 21 sections 292, 293 and 294 of chapter 239 of the 1992 Session Laws of Kansas, and amendments thereto, of a sexually violent crime as defined in this section; or

(14) any act of:

(A) Murder in the first degree, K.S.A. 21-3401, and amendments thereto;

(B) murder in the second degree, K.S.A. 21-3402, and amendments thereto;

(C) assault, K.S.A. 21-3408, and amendments thereto;

(D) aggravated assault, K.S.A. 21-3410, and amendments thereto;

(E) battery, K.S.A. 21-3412, and amendments thereto;

(F) aggravated battery, K.S.A. 21-3414, and amendments thereto;

(G) kidnapping, K.S.A. 21-3420, and amendments thereto;

(H) aggravated kidnapping, K.S.A. 21-3421, and amendments thereto;

(I) unlawful restraint, K.S.A. 21-3424, and amendments thereto;

(J) robbery, K.S.A. 21-3426, and amendments thereto; or

(K) aggravated robbery, K.S.A. 21-3427, and amendments thereto, which act;

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

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

(f) If an inmate is sentenced to prison for a crime committed after July 1, 1993, while on parole or conditional release for a crime committed prior to July 1, 1993, the old sentence shall be converted into a determinate sentence and will run consecutive to the new sentence as follows:

(1) Twelve months for class C, D or E felonies or the conditional release date whichever is shorter;

(2) 36 months for class A or B felonies or the conditional release date whichever is shorter.

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

(h) The Kansas parole board shall hold a parole hearing during the month prior to the month an inmate will be eligible for parole under subsections (a), (b) and (c). At least the month preceding the parole hearing, the county or district attorney of the county where the inmate was convicted shall give written notice of the time and place of the public comment sessions for the inmate to any victim of the inmate's crime who is alive and whose address is known to the county or district attorney or, if the victim is deceased, to the victim's family if the family's address is known to the county or district attorney. Except as otherwise provided, failure to notify pursuant to this section shall not be a reason to postpone a parole hearing. In the case of any inmate convicted of a class A felony the secretary of corrections shall give written notice of the time and place of the public comment session for such inmate at least one month preceding the public comment session to any victim of such inmate's crime or the victim's family pursuant to K.S.A. 1901 Supp. 74-7338 and amendments thereto. If notification is not given to such victim or such victim's family in the case of any inmate convicted of a class A felony, the board shall postpone a decision on parole of the inmate to a time at least 30 days after notification is given as provided in this section. Nothing in this section shall create a cause of action against the state or an employee of the state acting within the scope of the employee's employment as a result of the failure to notify pursuant to this section. If granted parole, the inmate may be released on parole on the date specified by the board, but not earlier than the date the inmate is eligible for parole under subsections (a), (b) and (c). At each parole hearing and, if parole is

not granted, at such intervals thereafter as it determines appropriate, the Kansas parole board shall consider: (1) Whether the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a and amendments thereto, or any revision of such agreement; and (2) all pertinent information regarding such inmate, including, but not limited to, the circumstances of the offense of the inmate; the presentence report; the previous social history and criminal record of the inmate; the conduct, employment, and attitude of the inmate in prison; the reports of such physical and mental examinations as have been made; comments of the victim and the victim's family; comments of the public; official comments; and capacity of state correctional institutions.

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

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

(k) Before ordering the parole of any inmate, the Kansas parole board shall have the inmate appear before it and shall interview the inmate unless impractical because of the inmate's physical or mental condition or absence from the institution. Every inmate while on parole shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary. Whenever the Kansas parole board formally considers placing an inmate on parole and no agreement has been entered into with the inmate under K.S.A. 75-5210a and amendments thereto, the board shall notify the inmate in writing of the specific reasons for not granting parole. If an agreement has been entered under K.S.A. 75-5210a and amendments thereto and the inmate has not satisfactorily completed the programs specified in the agreement, or any revision of such agreement, the board shall notify the inmate in writing of the specific programs the inmate must satisfactorily complete before parole will be granted. If parole is not granted only because of a failure to satisfactorily complete such programs, the board shall grant parole upon the secretary's certification that the inmate has successfully completed such programs. If an agreement has been entered under K.S.A. 75-5210a and amendments thereto and the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by such agreement, or any revision thereof, the board shall not require further program participation. However, if the board determines that other pertinent information regarding the inmate warrants the inmate's not being released on parole, the board shall state in detail the specific reasons for not granting the parole. If parole is denied for an inmate sentenced for a crime other than a class A or class B felony, the board shall hold another parole hearing for the inmate not later than one year after the denial. If parole is denied for an inmate sentenced for a class A or class B felony, the board shall hold another parole hearing for the inmate not later than three years after the denial and shall conduct an annual file review for such inmate. Written notice of such annual file review shall be given to the inmate. The provisions of this subsection shall not be applicable to inmates sentenced for crimes committed on or after July 1, 1993.

(l) Parolees and persons on postrelease supervision shall be assigned, upon release, to the appropriate level of supervision pursuant to the criteria established by the secretary of corrections.

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

(continued)

order for parole or postrelease supervision is issued it shall recite the conditions thereof.

(n) Whenever the Kansas parole board orders the parole of an inmate or establishes conditions for an inmate placed on postrelease supervision, the board:

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

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

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

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

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

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

(s) An inmate who is allocated regular good time credits as provided in K.S.A. 22-3725 and amendments thereto may receive meritorious good time credits in increments of not more than 90 days per meritorious act. These credits may be awarded by the secretary of corrections when an inmate has acted in a heroic or outstanding manner in coming to the assistance of another person in a life threatening situation, preventing injury or death to a person, preventing the destruction of property or taking actions which result in a financial savings to the state.

Sec. 12. On and after July 1, 1993, K.S.A. 21-4301, as amended by section 210 of chapter 239 of the 1992 Session Laws of Kansas, is hereby amended to read as follows: 21-4301. (a) Promoting obscenity is knowingly or recklessly:

(1) Manufacturing, issuing, selling, giving, providing, lending, mailing, delivering, transmitting, publishing, distributing, circulating, disseminating, presenting, exhibiting or advertising any obscene material or obscene device;

(2) possessing any obscene material or obscene device with intent to issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit or advertise such material or device;

(3) offering or agreeing to manufacture, issue, sell, give, provide, lend, mail, deliver, transmit, publish, distribute, circulate, disseminate, present, exhibit or advertise any obscene material or obscene device; or

(4) producing, presenting or directing an obscene performance or participating in a portion thereof which is obscene or which contributes to its obscenity.

(b) Evidence that materials or devices were promoted to emphasize their prurient appeal or sexually provocative aspect shall be relevant in determining the question of the obscenity of such materials or devices. There shall be a presumption that a person promoting obscene materials or obscene devices did so knowingly or recklessly if:

(1) The materials or devices were promoted to emphasize their prurient appeal or sexually provocative aspect; or

(2) the person is not a wholesaler and promotes the materials or devices in the course of the person's business.

(c) (1) Any material or performance is "obscene" if:

(A) The average person applying contemporary community standards would find that the material or performance, taken as a whole, appeals to the prurient interest;

(B) the average person applying contemporary community standards would find that the material or performance has patently offensive representations or descriptions of (i) ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse or sodomy, or (ii) masturbation, excretory functions, sadomasochistic abuse or lewd exhibition of the genitals; and

(C) taken as a whole, a reasonable person would find that the material or performance lacks serious literary, educational, artistic, political or scientific value.

(2) "Material" means any tangible thing which is capable of being used or adapted to arouse interest, whether through the medium of reading, observation, sound or other manner.

(3) "Obscene device" means a device, including a dildo or artificial vagina, designed or marketed as useful primarily for the stimulation of human genital organs, *except such devices disseminated or promoted for the purpose of medical or psychological therapy.*

(4) "Performance" means any play, motion picture, dance or other exhibition performed before an audience.

(5) "Sexual intercourse" and "sodomy" have the meanings provided by K.S.A. 21-3501 and amendments thereto.

(6) "Wholesaler" means a person who sells, distributes or offers for sale or distribution obscene materials or devices only for resale and not to the consumer and who does not manufacture, publish or produce such materials or devices.

(d) It is a defense to a prosecution for obscenity that:

(1) The persons to whom the allegedly obscene material was disseminated, or the audience to an allegedly obscene performance, consisted of persons or institutions having scientific, educational or governmental justification for possessing or viewing the same;

(2) the defendant is an officer, director, trustee or employee of a public library and the allegedly obscene material was acquired by such library and was disseminated in accordance with regular library policies approved by its governing body; or

(3) the allegedly obscene material or obscene device was purchased, leased or otherwise acquired by a public, private or parochial school, college or university, and that such material was either sold, leased, distributed or disseminated by a teacher, instructor, professor or other faculty member or administrator of such school as part of or incident to an approved course or program of instruction at such school.

(e) The provisions of this section and the provisions of ordinances of any city prescribing a criminal penalty for exhibit of any obscene motion picture shown in a commercial showing to the general public shall not apply to a projectionist, or assistant projectionist, if such projectionist or assistant projectionist has no financial interest in the show or in its place of presentation other than regular employment as a projectionist or assistant projectionist and no personal knowledge of the contents of the motion picture. The provisions of this section shall not exempt any projectionist or assistant projectionist from criminal liability for any act unrelated to projection of motion pictures in commercial showings to the general public.

(f) Promoting obscenity is a class A misdemeanor on conviction of a first offense and a class E felony on conviction of a second or subsequent offense. Promoting obscenity committed on or after July

1, 1993, is a class A nonperson misdemeanor on conviction of a first offense and a severity level 9, person felony on conviction of a second or subsequent offense occurring on or after July 1, 1993. Conviction of a violation of a municipal ordinance prohibiting acts which constitute promoting obscenity shall be considered a conviction of promoting obscenity for the purpose of determining the number of prior convictions and the classification of the crime under this section.

(g) Upon any conviction of promoting obscenity, the court may require, in addition to any fine or imprisonment imposed, that the defendant enter into a reasonable recognizance with good and sufficient surety, in such sum as the court may direct, but not to exceed \$50,000, conditioned that, in the event the defendant is convicted of a subsequent offense of promoting obscenity within two years after such conviction, the defendant shall forfeit the recognizance.

Sec. 13. K.S.A. 1992 Supp. 21-3106 is hereby amended to read as follows: 21-3106. (1) A prosecution for murder may be commenced at any time.

(2) Except as provided by subsection (5) (6), a prosecution for any of the following crimes must be commenced within five years after its commission if the victim is less than 16 years of age: (a) Indecent liberties with a child as defined in K.S.A. 21-3503 and amendments thereto; (b) aggravated indecent liberties with a child as defined in K.S.A. 21-3504 and amendments thereto; (c) ~~aggravated criminal sodomy as defined in K.S.A. 21-3506 and amendments thereto;~~ (d) enticement of a child as defined in K.S.A. 21-3509 and amendments thereto; (e) (d) indecent solicitation of a child as defined in K.S.A. 21-3510 and amendments thereto; (f) (e) aggravated indecent solicitation of a child as defined in K.S.A. 21-3511 and amendments thereto; (g) (f) sexual exploitation of a child as defined in K.S.A. 21-3516 and amendments thereto; or (h) (g) aggravated incest as defined in K.S.A. 21-3603 and amendments thereto.

(3) Except as provided in subsection (5) (6), a prosecution for any crime must be commenced within 10 years after its commission if the victim is the Kansas public employees retirement system.

(4) ~~Except as provided by subsection (6), a prosecution for rape, as defined in K.S.A. 21-3502 and amendments thereto, or aggravated criminal sodomy, as defined in K.S.A. 21-3506 and amendments thereto, must be commenced within five years after its commission.~~

(5) Except as provided by subsection (5) (6), a prosecution for any crime not governed by subsections (1), (2) and (3) and (4) must be commenced within two years after it is committed.

(5) (6) The period within which a prosecution must be commenced shall not include any period in which:

- (a) The accused is absent from the state;
- (b) the accused is concealed within the state so that process cannot be served upon the accused;
- (c) the fact of the crime is concealed; or
- (d) a prosecution is pending against the defendant for the same conduct, even if the indictment or information which commences the prosecution is quashed or the proceedings thereon are set aside, or are reversed on appeal; or
- (e) an administrative agency is restrained by court order from investigating or otherwise proceeding on a matter before it as to any criminal conduct defined as a violation of any of the provisions of article 41 of chapter 25 and article 2 of chapter 46 of the Kansas Statutes Annotated which may be discovered as a result thereof regardless of who obtains the order of restraint.

(6) (7) An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing offense plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

(7) (8) A prosecution is commenced when a complaint or information is filed, or an indictment returned, and a warrant thereon is delivered to the sheriff or other officer for execution. No such prosecution shall be deemed to have been commenced if the warrant so issued is not executed without unreasonable delay.

Sec. 14. K.S.A. 21-3603 is hereby amended to read as follows: 21-3603. (1) Aggravated incest is marriage to or engaging in any prohibited act enumerated in subsection (2) with a person who is under 18 years of age and who is known to the offender to be related to the offender as any of the following biological, step or adoptive

relatives: Child, grandchild of any degree, brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece.

(2) The following are prohibited acts under subsection (1):

(a) Sexual intercourse, sodomy or any unlawful sex act, as defined by K.S.A. 21-3501 and amendments thereto; or

(b) any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child or the offender or both.

(3) Aggravated incest is a class D (C) felony.

Sec. 15. On and after July 1, 1993, K.S.A. 21-3603, as amended by section 14 of this bill, is hereby amended to read as follows: 21-3603. (1) (a) Aggravated incest is ~~marriage to or engaging in any prohibited act enumerated in subsection (2) with a person who is under 18 years of age and who is known to the offender to be related to the offender as any of the following biological, step or adoptive relatives: child, grandchild of any degree, brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece.~~

(2) The following are prohibited acts under subsection (1):

(a) ~~Sexual intercourse, sodomy or any unlawful sex act, as defined by K.S.A. 21-3501 and amendments thereto; or~~

(b) ~~any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child or the offender or both.~~

(3) ~~Aggravated incest is a class (C) felony: (1) Marriage to a person who is under 18 years of age and who is known to the offender to be related to the offender as any of the following biological, step or adoptive relatives: Child, grandchild of any degree, brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece; or~~

(2) ~~engaging in: (A) Otherwise lawful sexual intercourse or sodomy as defined by K.S.A. 21-3501 and amendments thereto; or (B) any lewd fondling, as described in subsection (a)(1) of K.S.A. 21-3503 and amendments thereto, with a person who is 16 or more years of age but under 18 years of age and who is known to the offender to be related to the offender as any of the following biological, step or adoptive relatives: Child, grandchild of any degree, brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece.~~

(b) ~~Aggravated incest as described in subsection (a)(2)(A) is a severity level 5, person felony. Aggravated incest as described in subsections (a)(1) and (a)(2)(B) is a severity level 7, person felony.~~

Sec. 16. On and after July 1, 1993, K.S.A. 1991 Supp. 21-4619, as amended by section 247 of chapter 239 of the Kansas Session Laws of Kansas, is hereby amended to read as follows: 21-4619. (a) Except as provided in subsections (b) and (c), any person convicted in this state of a traffic infraction, misdemeanor or a class D or E felony, or for crimes committed on or after July 1, 1993, a ~~crime in~~ ~~nondrug crimes ranked in severity levels 6 through 10 or any drug crime ranked in severity level 4,~~ may petition the convicting court for the expungement of such conviction if three or more years have elapsed since the person: (1) Satisfied the sentence imposed; or (2) was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence.

(b) Except as provided in subsection (c), no person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a class A, B or C felony, or for crimes committed on or after July 1, 1993, if ~~convicted of an off-grid crime or falls within any nondrug crime ranked in severity levels 1 through 5 or any drug crime ranked in severity levels 1 through 3,~~ or:

(1) Vehicular homicide, as defined by K.S.A. 21-3405 and amendments thereto or as prohibited by any law of another state which is in substantial conformity with that statute;

(2) a violation of K.S.A. 8-1567 and amendments thereto, or a violation of any law of another state, which declares to be unlawful

(continued)

the acts prohibited by that statute;

(3) driving while the privilege to operate a motor vehicle on the public highways of this state has been cancelled, suspended or revoked, as prohibited by K.S.A. 8-262 and amendments thereto or as prohibited by any law of another state which is in substantial conformity with that statute;

(4) perjury resulting from a violation of K.S.A. 8-261a and amendments thereto, or resulting from the violation of a law of another state which is in substantial conformity with that statute;

(5) violating the provisions of the fifth clause of K.S.A. 8-142 and amendments thereto, relating to fraudulent applications or violating the provisions of a law of another state which is in substantial conformity with that statute;

(6) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;

(7) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603 or 8-1604, and amendments thereto, or required by a law of another state which is in substantial conformity with those statutes;

(8) violating the provisions of K.S.A. 40-3104 and amendments thereto, relating to motor vehicle liability insurance coverage;

(9) a violation of K.S.A. 21-3405b, and amendments thereto.

(c) There shall be no expungement of convictions for the following offenses or of convictions for an attempt to commit any of the following offenses: (1) Rape as defined in subsection (a)(2) of K.S.A. 21-3502 and amendments thereto; (2) indecent liberties with a child as defined in K.S.A. 21-3503 and amendments thereto; (2) (3) aggravated indecent liberties with a child as defined in K.S.A. 21-3504 and amendments thereto; (3) (4) criminal sodomy as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-3505 and amendments thereto; (5) aggravated criminal sodomy as defined in K.S.A. 21-3506 and amendments thereto; (4) enticement of a child as defined in K.S.A. 21-3509 and amendments thereto; (5) (6) indecent solicitation of a child as defined in K.S.A. 21-3510 and amendments thereto; (6) (7) aggravated indecent solicitation of a child as defined in K.S.A. 21-3511 and amendments thereto; (7) (8) sexual exploitation of a child as defined in K.S.A. 21-3516 and amendments thereto; (8) (9) aggravated incest as defined in K.S.A. 21-3603 and amendments thereto; (9) (10) endangering a child as defined in K.S.A. 21-3608 and amendments thereto; or (10) (11) abuse of a child as defined in K.S.A. 21-3609 and amendments thereto; or (12) any conviction for any offense in effect at any time prior to the effective date of this act, that is comparable to any offense as provided in this subsection.

(d) When a petition for expungement is filed, the court shall set a date for a hearing thereon and shall give notice thereof to the prosecuting attorney. The petition shall state: (1) The defendant's full name; (2) the full name of the defendant at the time of arrest and conviction, if different than the defendant's current name; (3) the defendant's sex, race and date of birth; (4) the crime for which the defendant was convicted; (5) the date of the defendant's conviction; and (6) the identity of the convicting court. There shall be no docket fee for filing a petition pursuant to this section. All petitions for expungement shall be docketed in the original criminal action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the Kansas parole board.

(e) At the hearing on the petition, the court shall order the petitioner's conviction expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;

(2) the circumstances and behavior of the petitioner warrant the expungement; and

(3) the expungement is consistent with the public welfare.

(f) When the court has ordered a conviction expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the federal bureau of investigation, the Kansas bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the conviction. After the order of expungement is entered, the petitioner

shall be treated as not having been convicted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the conviction occurred if asked about previous convictions (A) in any application for employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01 and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01 and amendments thereto; with a criminal justice agency, as defined by K.S.A. 22-4701 and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01 and amendments thereto, of the department of social and rehabilitation services; (B) in any application for admission, or for an order of reinstatement, to the practice of law in this state; (C) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery; (D) to aid in determining the petitioner's qualifications for executive director of the Kansas racing commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission; or (E) upon application for a commercial driver's license under K.S.A. 8-2, 125 through 8-2, 142, and amendments thereto;

(3) the court, in the order of expungement, may specify other circumstances under which the conviction is to be disclosed;

(4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged; and

(5) upon commitment to the custody of the secretary of corrections, any previously expunged record in the possession of the secretary of corrections may be reinstated and the expungement disregarded, and the record continued for the purpose of the new commitment.

(g) Whenever a person is convicted of a crime, pleads guilty and pays a fine for a crime, is placed on parole, postrelease supervision or probation, is assigned to a community correctional services program, is granted a suspended sentence or is released on conditional release, the person shall be informed of the ability to expunge the conviction.

(h) Subject to the disclosures required pursuant to subsection (f), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose conviction of a crime has been expunged under this statute may state that such person has never been convicted of such crime, but the expungement of a felony conviction does not relieve an individual of complying with any state or federal law relating to the use or possession of firearms by persons convicted of a felony.

(i) Whenever the record of any conviction has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

(1) The person whose record was expunged;

(2) a criminal justice agency, private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;

(3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;

(4) the secretary of social and rehabilitation services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01 and amendments thereto, of the department of social and rehabilitation services of any person whose record has been expunged;

(5) a person entitled to such information pursuant to the terms of the expungement order;

(6) a prosecuting attorney, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;

(7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;

(8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery; or

(9) the governor or the Kansas racing commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission.

New Sec. 17. Sections 17 through 26 shall be known and may be cited as the habitual sex offender registration act.

New Sec. 18. As used in this act, unless the context otherwise requires:

(a) "Habitual sex offender" includes any person who, after the effective date of this act, is convicted a second or subsequent time in separate criminal actions for commission of any of a sexually violent crime set forth in subsection (b). Upon such conviction, the court shall certify that the person is a habitual sex offender and shall include this certification in the order of commitment. Convictions which result from or are connected with the same act, or result from crimes committed at the same time, shall be counted for the purpose of this section as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this section. A conviction from another state shall constitute a conviction for purposes of this section.

(b) "Sexually violent crime" means:

- (1) Rape as defined in K.S.A. 21-3502 and amendments thereto;
- (2) indecent liberties with a child as defined in K.S.A. 21-3503 and amendments thereto;
- (3) aggravated indecent liberties with a child as defined in K.S.A. 21-3504 and amendments thereto;
- (4) criminal sodomy as defined in subsection (a)(2) and (a)(3) of K.S.A. 21-3505 and amendments thereto;
- (5) aggravated criminal sodomy as defined in K.S.A. 21-3506 and amendments thereto;
- (6) indecent solicitation of a child as defined by K.S.A. 21-3510 and amendments thereto;
- (7) aggravated indecent solicitation of a child as defined by K.S.A. 21-3511 and amendments thereto;
- (8) sexual exploitation of a child as defined by K.S.A. 21-3516 and amendments thereto;
- (9) aggravated sexual battery as defined by K.S.A. 21-3518 and amendments thereto; or
- (10) any conviction for a felony offense in effect at any time prior to the effective date of this act, that is comparable to a sexually violent crime as defined in subparagraphs (1) through (9), or any federal or other state conviction for a felony offense that under the laws of this state would be a sexually violent crime as defined in this section;

(11) an attempt, conspiracy or criminal solicitation, as defined in sections 292, 293, or 294 of chapter 239 of the 1992 Session Laws of Kansas, and amendments thereto, of a sexually violent crime, as defined in this section; or

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

(c) "Law enforcement agency having jurisdiction" means the sheriff of the county in which the offender expects to reside upon the offender's discharge, parole or release.

New Sec. 19. Any person who is required to register as provided in this act who violates any of the provisions of this act is guilty of a class A nonperson misdemeanor.

New Sec. 20. (a) Within 30 days of the habitual sex offender coming into any county in which the habitual sex offender resides or is temporarily domiciled for more than 30 days, the habitual sex offender shall register with the sheriff of the county.

(b) (1) If any person required to register as provided in this act changes the address of their residence, the habitual sex offender shall, within 10 days, inform in writing the law enforcement agency where last registered of the new address.

(2) The law enforcement agency shall, within three days of receipt of the new address, forward this information to the Kansas bureau of investigation and to the law enforcement agency having jurisdiction of the new place of residence.

New Sec. 21. (a) (1) Any habitual sex offender, who is discharged or paroled from a prison, hospital or other institution or facility involving a violation of a sexually violent crime pursuant to section 18, prior to discharge, parole or release, shall be informed by the staff of the facility in which the habitual sex offender was confined of the duty to register as provided in this act.

(2) (A) The staff of the facility shall explain the duty to register and the procedure for registration and require the person to sign a form prepared by the Kansas bureau of investigation stating that the duty and procedure have been explained to the person.

(B) The staff of the facility shall obtain the address where the person expects to reside upon discharge, parole or release and shall report the address to the Kansas bureau of investigation.

(C) The staff of the facility shall give one copy of the form to the person and shall send two copies to the Kansas bureau of investigation, which shall then forward one copy to the law enforcement agency having jurisdiction where the person expects to reside upon discharge, parole or release.

(b) (1) Any habitual sex offender who is released on probation, receives a suspended sentence, sentenced to community corrections or released on postrelease supervision because of the commission of one of the sexually violent crimes defined in section 18, prior to release, shall be informed of the offenders duty to register as provided in this act by the court in which the offender is convicted.

(2) (A) The court shall require the person to read and sign a form prepared by the Kansas bureau of investigation stating that the duty to register and the procedure for registration has been explained to such habitual sex offender.

(B) The court shall obtain the address where the person expects to reside upon release and shall report the address to the Kansas bureau of investigation.

(C) The court shall give one copy of the form to the person and shall send two copies to the Kansas bureau of investigation which shall then forward one copy to the law enforcement agency having jurisdiction where the person expects to reside upon release.

New Sec. 22. (a) Any person required to register as provided in this act shall be required to register, if not confined, for a period of 10 years after conviction, or, if confined, for a period of 10 years after paroled, discharged or released.

(b) Liability for registration terminates, if not confined, at the expiration of 10 years from the date of conviction, or, if confined, at the expiration of 10 years from the date of parole, discharge or release, if the convicted habitual sex offender does not again become liable to register as provided by this act during that period.

New Sec. 23. (a) Registration as required by this act shall consist of a statement in writing signed by the person. The information shall include the following:

- (1) Name;
 - (2) date of birth;
 - (3) offense or offenses committed, date of conviction or convictions obtained;
 - (4) city or county of conviction or convictions obtained;
 - (5) a photograph;
 - (6) fingerprints; and
 - (7) social security number.
- (b) Within three days, the registering law enforcement agency

(continued)

shall forward the statement and any other required information to the Kansas bureau of investigation.

New Sec. 24. Any habitual sex offender registered as provided in this act may apply to the court in this state having jurisdiction over the county in which the habitual sex offender resides for an order relieving the habitual sex offender of the duty of further registration. The court shall hold a hearing on the application at which the applicant and any interested persons may present witnesses and other evidence. If, after the hearing, the court finds by a preponderance of the evidence that the habitual sex offender is rehabilitated, the court shall grant an order relieving the offender of the duty of further registration under this act.

New Sec. 25. The statements or any other information required by this act shall not be open to inspection by the public and specifically are not subject to the provisions of the Kansas open records act, K.S.A. 45-215 *et seq.*, and amendments thereto, nor may this data be obtained by any person other than a law enforcement officer or other individual as may be authorized specifically by law.

New Sec. 26. Sections 17 through 26 shall be effective on and after July 1, 1993.

Sec. 27. K.S.A. 21-3502, 21-3506, 21-3518 and 21-3603 and K.S.A. 1992 Supp. 21-3106 and 21-3503 are hereby repealed.

Sec. 28. On and after July 1, 1993, K.S.A. 21-3502, as amended by section 1 of this bill, 21-3502, as amended by section 71 of chapter 239 of the 1992 Session Laws of Kansas, 21-3502, as amended by section 20 of chapter 298 of the 1992 Session Laws of Kansas, 21-3504, as amended by section 73 of chapter 239 of the 1992 Session Laws of Kansas, 21-3504, as amended by section 22 of chapter 298 of the 1992 Session Laws of Kansas, 21-3505, as amended by section 74 of chapter 239 of the 1992 Session Laws of Kansas, 21-3505, as amended by section 23 of chapter 298 of the 1992 Session Laws of Kansas, 21-3506, as amended by section 7 of this bill, 21-3506, as amended by section 75 of chapter 239 of the 1992 Session Laws of Kansas, 21-3506, as amended by section 24 of chapter 298 of the 1992 Session Laws of Kansas, 21-3518, as amended by section 9 of this bill, 21-3518, as amended by section 85 of chapter 239 of the 1992 Session Laws of Kansas, 21-3518, as amended by section 31 of chapter 298 of the 1992 Session Laws of Kansas, 21-3603, as amended by section 14 of this bill, 21-3603, as amended by section 89 of chapter 239 of the 1992 Session Laws of Kansas, and 21-3603, as amended by section 34 of chapter 298 of the 1992 Session Laws of Kansas, and 21-4301, as amended by section 210 of chapter 239 of the 1992 Session Laws of Kansas, and K.S.A. 1992 Supp. 21-3503, as amended by section 3 of this bill and K.S.A. 1991 Supp. 21-3503, as amended by section 72 of chapter 239 of the 1992 Session Laws of Kansas, 21-3503, as amended by section 21 of chapter 298 of the 1992 Session Laws of Kansas, 21-4619, as amended by section 247 of chapter 239 of the 1992 Session Laws of Kansas, and 22-3717, as amended by section 270 of chapter 239 of the 1992 Session Laws of Kansas, are hereby repealed.

Sec. 29. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 29, 1993.)

SENATE BILL No. 94

AN ACT concerning the disposition of certain state real property; authorizing the state board of regents to sell certain real property on behalf of Kansas state university and to exchange and convey certain real property located in Ellis county, Kansas and certain real property located in Riley county, Kansas; authorizing the secretary of human resources to sell certain property in Kansas City, Kansas; authorizing the secretary of social and rehabilitation services to convey certain property located in Miami county, Kansas; imposing certain conditions; prescribing disposition of the proceeds in certain cases.

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

Section 1. (a) The state board of regents is hereby authorized and empowered, for and on behalf of Kansas state university, to sell and convey all of the rights, title and interest in the following described real estate located in Chase county, Kansas: A tract of land located in the West Half (W 1/2) of the East Half (E 1/2) of Section Twenty One (21), and all that part of the West Half (W 1/2) of the Southeast Quarter (SE 1/4) of Section Sixteen (16) which lies South of the right-of-way of the Atchison, Topeka and Santa Fe Railway Company, all in Township Nineteen (19) South, Range Nine (9) East of the Sixth Principal Meridian, in Chase County, Kansas.

(b) Conveyance of such rights, title and interest in such real estate shall be in accordance with the procedures prescribed therefor by the state board of regents and shall be executed in the name of the state board of regents by its chairperson and executive officer. All proceeds from the sale of such real estate shall be deposited in the state treasury to the credit of the gifts account of the restricted fees fund of Kansas state university—extension systems and agriculture research programs.

(c) No conveyance of real estate authorized by this section shall be made or accepted by the state board of regents until the deeds, titles and conveyances have been reviewed and approved by the attorney general.

Sec. 2. (a) As used in this section, "university real property" means a tract of land in Government Lots 4 and 9, in Section 7, Township 10 South, Range 8 East of the 6th Principal Meridian in Riley County, Kansas described as follows: Beginning at a point on the west line of North Manhattan Avenue, said point being N. 00° 57' 31" W. 337.39 feet along the east line of said Government Lot 4 and S. 89° 02' 29" W. 60.00 feet from the Southeast Corner of said Government Lot 4, also being Corner No. 1 and marked by a 1/2 inch bar; thence S. 00° 57' 31" E. 137.48 feet along the west line of said North Manhattan Avenue to Corner No. 2, marked by a 1/2 inch bar; thence on a curve to the right having a radius of 2804.93 feet and an arc distance of all 311.37 feet, chord of said curve being S. 02° 14' 20" W. 311.21 feet along the west line of said North Manhattan Avenue to Corner No. 3, marked by a 1/2 inch bar; thence S. 05° 25' 17" W. 233.93 feet along the west line of said North Manhattan Avenue to Corner No. 4, marked by a 1/2 inch bar; thence S. 69° 03' 14" W. 378.61 feet to Corner No. 5, marked by a 1/2 inch bar; thence N. 45° 41' 46" W. 485.00 feet to Corner No. 6, marked by a 1/2 inch bar; thence N. 02° 03' 14" E. 195.00 feet to Corner No. 7, marked by a 1/2 inch bar; thence N. 42° 31' 16" E. 367.56 feet to Corner No. 8, marked by a 1/2 inch bar; thence N. 88° 32' 38" E. 477.38 feet along a line parallel to and 3 feet south of a fence line to the point of beginning, containing 10.654 acres.

(b) As used in this section, "foundation real property" means: TRACT No. 2 (Elliott), which is: A tract of land lying in Riley County, Kansas, parts of Lots 5, 14 and 17 all in Section 31, Township 9 South, Range 8 East of the 6th P.M. and described as follows:

Beginning at the Southeast corner of Lot 17 in Section 31, Township 9 South, Range 8 East; thence west 680.0 feet along South line of Lot 17; thence 2090.0 feet North; thence Northwesterly parallel to the West right-of-way line of Kansas Highway No. K-13 to a point on the North line of Lots 4 and 5; thence East along North Line of Lot 5 to the West right-of-way line of Kansas Highway No. K-13; thence Southeasterly along said highway West right-of-way line to a point 1483.3 feet North of Southeast corner of Lot 17; thence South to the point of beginning and containing 48.56 acres, more or less, except that part of Lot 14, described as follows: Beginning at a point on the East side of Lot 14, Section 31, Township 9 South, Range 8 East of the 6th P.M., said point being 1450.0 feet North of Southeast corner of Lot 17 in said Section 31; thence West 430.4

feet; thence north 640.0 feet; thence East 177.2 feet to the West right-of-way line of Kansas Highway No. K-13; thence South 22° 41' East along said highway right-of-way line 657.3 feet to the East side of said Lot 14; thence South 33.3 feet to point of beginning and containing 4.56 acres, more or less. Tract No. 2 (Elliott) consists of approximately 44 acres.

(c) The state board of regents, for and on behalf of Kansas state university of agriculture and applied science, is hereby authorized to exchange and convey the university real property as defined in subsection (a) to the Kansas state university foundation in consideration for the conveyance of the foundation real property as defined in subsection (b) to Kansas state university of agriculture and applied science and to accept such real property. The exchange and conveyance of real property by the state board of regents under this section shall be executed in the name of the state board of regents by the chairperson and executive officer, and shall be delivered upon receipt of a good and sufficient warranty deed from the Kansas state university foundation conveying the foundation real property as defined in subsection (b). Before such real property is exchanged and conveyed, the attorney general shall approve the instruments of conveyance of the state board of regents to the Kansas state university foundation and the instruments of conveyance of the Kansas state university foundation to Kansas state university of agriculture and applied science and shall approve the title to the real property exchanged and conveyed by the Kansas state university foundation.

Sec. 3. (a) The state board of regents, for and on behalf of Fort Hays state university, is hereby authorized to exchange and convey the real property described in subsection (b) to the city of Hays, Kansas, in consideration for which the city of Hays, Kansas, will exchange and convey the real property described in subsection (c) to Fort Hays state university, subject to easements and restrictions of record and as may be agreed between the state board of regents and the city of Hays, Kansas. The exchange and conveyance of real property by the state board of regents under this section shall be executed in the name of the state board of regents by its chairperson and executive officer, and shall be delivered upon receipt of a good and sufficient warranty deed from the city of Hays, Kansas, to the real property described in subsection (c). Before such real property is exchanged and conveyed, the attorney general shall approve the instruments of conveyance of the state board of regents to the city of Hays, Kansas, and the instruments of conveyance of the city of Hays, Kansas, to Fort Hays state university and shall approve the title to the real property exchanged and conveyed by the city of Hays, Kansas.

(b) In accordance with the provisions of this section, the state board of regents is hereby authorized to exchange and convey the following described real property to the city of Hays, Kansas:

A tract of land situated in the west one-half (W 1/2) of Section 5, Township 14 South, Range 18 West of the Sixth Principal Meridian in Ellis County, Kansas, and more particularly described as follows:

Commencing at the Southwest corner of Section 5, Township 14 South, Range 18 West, said point being monumented with a 3/8 inch bar; THENCE on an assumed bearing of N 1°02'36" W along the west line of the Southwest Quarter (SW/4) of said Section 5, a distance of 2640.00 feet to the West Quarter (W/4) corner of said Section 5, said point being monumented with a 3/4 inch bar and cap; THENCE on a bearing of N 1°10'17" W along the apparent west line of the Northwest Quarter (NW/4) of said Section 5, a distance of 406.68 feet; THENCE on a bearing of N 88°49'43" E a distance of 30.00 feet to the east County Roadway Right-of-way and the point of beginning; THENCE on a bearing of N 1°10'17" W along the said east County Roadway Right-of-way line a distance of 1658.00 feet; THENCE on a bearing of N 87°04'42" E a distance of 1000.61 feet; THENCE on a bearing of S 42°05'39" E a distance of 1205.67 feet; THENCE continuing on the last described course a distance of 1362.11 feet to the northerly County Roadway Right-of-way of the Golf Course Road; THENCE on a bearing of S 36°52'42" W along the northerly County Roadway Right-of-way of the Golf Course Road a distance of 18.79 feet; THENCE on a curve to the right along said County Roadway Right-of-way, having a radius of 337.00 feet, a chord bearing of S 62°10'38" W, a delta angle of 50°35'52", an arc distance of 297.60 feet; THENCE on a bearing of S 87°28'35" W along the north County Roadway Right-of-way of said Golf Course Road a distance of 910.11 feet; THENCE on a

bearing of N 47°07'14" W a distance of 1214.48 feet; THENCE on a bearing of S 54°41'49" W a distance of 761.57 feet to the east County Roadway Right-of-way and the point of beginning. Said tract contains 73.624 acres, more or less, subject to easements and restrictions of record.

(c) In accordance with the provisions of this section, Fort Hays state university is hereby authorized to accept title to the following described tracts of real property conveyed to the university by the city of Hays, Kansas:

(1) A tract of land in the Northwest Quarter (NW/4) of Section Twenty-Nine (29), in Township Thirteen (13) South, Range Eighteen (18) West of the 6th P.M. in Ellis County, Kansas, described as follows, to wit: Beginning at a point on the south line of said Northwest Quarter (NW/4) of Section Twenty-Nine (29), 445.5 feet east of the Southwest Corner of said Northwest Quarter (NW/4), thence East along the south line of said Northwest Quarter (NW/4) 880.5 feet, thence north at right angles 1317.5 feet, thence west at right angles 880.5 feet, thence south at right angles 1317.5 feet to the point of beginning, being 26.63 acres more or less TOGETHER WITH a permanent easement for ingress and egress over and across the South Forty (40) feet of said Northwest Quarter (NW/4) of Section 29, in Township 13 South, Range 18 West of the 6th P.M., and for roadway purposes and all utility lines; subject to easements and restrictions of record; and

(2) A tract of land in the North Half (N/2) of the Northeast Quarter (NE/4) of Section Eighteen (18), Township Thirteen (13) South, Range Eighteen (18) West of the Sixth (6th) Principal Meridian in Ellis County, Kansas; subject to easements and restrictions of record.

Sec. 4. (a) The secretary of human resources is authorized to sell and convey on behalf of the state of Kansas the following described real estate, and improvements thereon, otherwise known as the department of human resources Kansas City office building property: Lots 28, 29 and 30 in block 110 in Wyandotte City, now in and a part of Kansas City, Kansas, according to the recorded plat thereof, on state avenue in Kansas City, Wyandotte county, Kansas; and lots 31, 32, 33, 34, 35 and 36 in block 110, on state avenue, Wyandotte City, an addition to Kansas City, Wyandotte county, Kansas.

(b) The deed conveying the real estate, and improvements thereon, described under subsection (a) shall be approved by the attorney general and shall be executed by the secretary of human resources.

Sec. 5. (a) The secretary of social and rehabilitation services is authorized to convey, without consideration, to the Miami county interlocal agency the following described state property located in Miami county, Kansas, containing 36 acres more or less:

(1) A tract of land in the East Half of the Southwest Quarter of Section 1, Township 18 South, Range 22 East of the 6th P.M., described as follows: BEGINNING at the Southeast corner of said Quarter Section; First Course, thence South 89 degrees 28 minutes West along the South line of said Quarter Section to the Easterly right of way line of the present highway; SECOND COURSE, thence North 17 degrees 52 minutes East, 576.7 feet along said right of way line; THIRD COURSE, thence on a curve of 4,183.22 feet radius to the right, along said right of way line, an arc distance of 473.3 feet with a chord which bears North 21 degrees 07 minutes East, 473.1 feet; FOURTH COURSE, thence North 32 degrees 20 minutes East, 285.3 feet along said right of way line; FIFTH COURSE, thence North 44 degrees 55 minutes East, 556.1 feet along said right of way line; SIXTH COURSE, thence South 58 degrees 17 minutes East to a point on the East line, 1,074.1 feet South of the Northeast corner of said Quarter Section; Seventh Course, thence South 02 degrees 18 minutes East along said East line to the place of beginning. The above contains 24.10 acres, more or less. Excepting and reserving unto the State of Kansas any and all rights of ingress to or egress from the land herein conveyed over and across the following courses: ALL of said 'SECOND', 'THIRD', 'FOURTH', 'FIFTH' and 'SIXTH' courses; and

(2) A tract of land in the South Half of the Southeast Quarter and the South Half of the North Half of the Southeast Quarter of Section 1, Township 18 South, Range 22 East of the 6th P.M., described as follows: BEGINNING at the Southwest corner of said

(continued)

Quarter Section; First Course, thence North 02 degrees 18 minutes West along the West line of said Quarter Section to the Southerly right of way line of the present highway; SECOND COURSE, thence South 58 degrees 17 minutes East, 180.2 feet along said right of way line; THIRD COURSE, thence on a curve of 1,050.91 feet radius to the right, along said right of way line, an arc distance of 747.1 feet with a chord which bears South 32 degrees 04 minutes East, 731.5 feet; FOURTH COURSE, thence South 11 degrees 42 minutes East, 204.7 feet along said right of way line; FIFTH COURSE, thence on a curve of 913.51 feet radius to the left, along said right of way line, an arc distance of 732.2 feet with a chord which bears South 34 degrees 40 minutes East, 712.8 feet; SIXTH COURSE, thence South 20 degrees 14 minutes East, 36.0 feet along said right of way line; SEVENTH COURSE, thence South 01 degree 24 minutes East to a point on the South line, 936.9 feet East of said Southwest corner; Eighth Course, thence South 88 degrees 36 minutes West, 936.9 feet along said South line to the place of beginning. The above contains 18.66 acres, more or less. Excepting and reserving unto the State of Kansas any and all rights of ingress to or egress from the land herein conveyed over and across the following course: BEGINNING at the beginning of said 'SECOND' course and extending South 58 degrees 17 minutes East, 105.6 feet.

(b) The secretary of social and rehabilitation services may convey the real estate described in subsection (a) without the necessity of appraisal, bid or publication. The conveyance authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a and amendments thereto. The deed conveying the real property described in subsection (a) shall be approved by the attorney general and shall be executed by the secretary of social and rehabilitation services.

(c) The deed conveying the real estate described in subsection (a) shall provide that in the event that construction of a new medical care facility to replace the Miami county hospital has not commenced on the real estate described in subsection (a) within 12 months from the date the deed is executed by the secretary of social and rehabilitation services, the title to the real estate described in subsection (a) shall revert to the state of Kansas.

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

(Published in the Kansas Register; April 29, 1993.)

HOUSE BILL No. 2505

AN ACT concerning school districts; relating to the financing thereof; authorizing certain fees and charges; providing for disposition of certain revenues; relating to the amount of base state aid per pupil; affecting the sources of the state school district finance fund; providing for the levy of ad valorem taxes under certain conditions; amending K.S.A. 72-1046a, 72-5390, 72-6407, 72-6409, 72-6410, 72-6430, 72-6433, 72-6438, 72-6622, 72-6757, 72-8223, 72-8316 and 72-9608, and repealing the existing sections.

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

Section 1. K.S.A. 72-1046a is hereby amended to read as follows: 72-1046a. (a) The board of education of any unified school district is hereby authorized to permit pupils who are not residents of the school district to enroll in and attend the schools of the district. ~~Subject to the provisions of subsection (b),~~ The board of education may charge such pupils tuition, or may permit such pupils to attend school without tuition charge, as the board of education may determine or, subject to the provisions of subsection (b), may charge such pupils for attendance at school to offset, totally or in part, the costs of providing for such attendance. Amounts received under this subsection by the board of education of a school district for enrollment and attendance of pupils at school in regular educational programs shall be deposited in the general fund of the school district.

(b) Pupils who are not residents of a unified school district and are attending the schools of the school district in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto, shall not be charged tuition for attendance at school. The costs of providing for the attendance of such pupils in at school shall be paid by the school district of

residence of the pupils in accordance with the provisions of the agreement.

Sec. 2. K.S.A. 72-5390 is hereby amended to read as follows: 72-5390. (a) The board of education of any school district may prescribe, assess and collect fees and supplemental charges for:

(1) The use, rental or purchase by pupils of any of the items designated in K.S.A. 72-5389, and amendments thereto, to offset, in part or in total, the expense of purchasing such items; and

~~(b) In addition to the foregoing, the board of education may prescribe, assess and collect fees and supplemental charges for~~

(2) participation in activities, or the use of facilities, materials and equipment, the which participation in or use of which is not mandatory, but which is optional to pupils, whether incidental to curricular, extracurricular or other school-related activities.

~~(e)(b)~~ Except as hereinafter otherwise provided in this section, moneys received by a board of education under this section shall be deposited in the general fund of the school district and shall be considered reimbursements to the district for the purpose of the school district equalization finance and quality performance act and may be expended whether the same have been budgeted or not and amounts so expended shall not be considered operating expenses.

~~(d)(c)~~ Moneys received by a board of education under this section for the use, rental or purchase by pupils of any of the items designated in paragraph (a) of K.S.A. 72-5389, and amendments thereto, may be deposited in the revolving fund established by the board for the purpose of purchasing textbooks under the provisions of article 41 of chapter 72 of Kansas Statutes Annotated, and the board may expend moneys from said such revolving fund for the purpose of purchasing said the items.

~~(e)(d)~~ The board of education may establish a revolving fund for the purpose of purchasing any of the items designated in paragraphs (b), (c) or and (d) of K.S.A. 72-5389, and amendments thereto, and moneys received by the board of education under this section for use, rental or purchase by pupils of any of said the items may be deposited in said such revolving fund.

Sec. 3. K.S.A. 72-6622 is hereby amended to read as follows: 72-6622. In the event that all of the property acquired by any two cities under the provisions of K.S.A. 3-404 et seq. is included within the territory of a unified school district in which only one of such cities is located:

(a) One-half of the assessed valuation of such property shall be assigned to each of the two school districts in which such cities are located for the purposes of determining the assessed valuation of each district for (1) entitlement to supplemental general state aid entitlement under article 70 of chapter 72 of the Kansas Statutes Annotated and amendments thereto the school district finance and quality performance act, and (2) entitlement to payment from the school district capital improvements fund;

(b) The revenue to be received by each district under subsection (c) of this section shall be used as a receipt by such district in computing its ad valorem tax requirement for each tax levy fund; and

(c) Such property shall be subject to taxation for school purposes at a rate equal to the aggregate of all rates imposed for school purposes upon property located within the school district in which such property is located, but one-half of the proceeds derived from such levy shall be allocated to each of the two school districts in which such cities are located.

Sec. 4. K.S.A. 72-6757 is hereby amended to read as follows: 72-6757. (a) As used in this section:

(1) "Receiving school district" means a school district of nonresidence of a pupil who attends school in such school district.

(2) "Sending school district" means a school district of residence of a pupil who attends school in a school district not of the pupil's residence.

(b) The board of education of any school district may make and enter into contracts with the board of education of any receiving school district located in this state for the purpose of providing for the attendance of pupils at school in the receiving school district.

(c) The board of education of any school district may make and enter into contracts with the governing authority of any accredited school district located in another state for the purpose of providing for the attendance of pupils from this state at school in such other

state or for the attendance of pupils from such other state at school in this state.

(d) Pupils attending school in a receiving school district in accordance with a contract authorized by this section and made and entered into by such receiving school district with a sending school district located in this state shall be counted as regularly enrolled in and attending school in the sending school district for the purpose of computations under the school district finance and quality performance act.

(e) Any contract made and entered into under authority of this section is subject to the following conditions:

(1) The contract shall be for the benefit of pupils who reside at inconvenient or unreasonable distances from the schools maintained by the sending school district or for pupils who, for any other reason deemed sufficient by the board of education of the sending school district, should attend school in a receiving school district;

(2) the contract shall make provision for the payment of tuition by the sending school district to the receiving school district;

(3) if a sending school district is located in this state and the receiving school district is located in another state, the amount of tuition provided to be paid for the attendance of a pupil or pupils at school in the receiving school district shall not exceed $\frac{1}{2}$ of the amount of the budget per pupil of the sending school district under the school district finance and quality performance act for the current school year; and

(4) the contract shall make provision for transportation of pupils to and from the school attended on every school day.

(f) Amounts received pursuant to contracts made and entered into under authority of this section by a school district located in this state for enrollment and attendance of pupils at school in regular educational programs shall be deposited in the general fund of the school district.

(g) The provisions of subsection (e)(3) do not apply to unified school district No. 104, Jewell county.

(h) The provisions of this section do not apply to contracts made and entered into under authority of the special education for exceptional children act.

(i) The provisions of this section are deemed to be alternative to the provisions of K.S.A. 72-8233, and amendments thereto, and no procedure or authorization under K.S.A. 72-8233, and amendments thereto, shall be limited by the provisions of this section.

Sec. 5. K.S.A. 72-8223 is hereby amended to read as follows: 72-8223. (a) The state board secretary of social welfare and rehabilitation services shall pay tuition to the board of education of any school district for children in any institution under the jurisdiction of the state board of social welfare secretary who attend any of the schools of such school district. The amount of tuition shall be determined on the basis of the average operating cost per pupil of said the school district, less the proportionate amount of state aid received by such school district as determined by the state board of education.

(b) Payments of tuition received under this section by the board of education of any school district for attendance of children at school in regular educational programs shall be deposited in the general fund of the school district and considered as reimbursements of the district for the purpose of the school district finance and quality performance act.

Sec. 6. K.S.A. 72-8316 is hereby amended to read as follows: 72-8316. (a) Any board of education, pursuant to a policy developed and adopted by it, may provide for the use of district-owned or leased school buses when such buses are not being used for regularly required school purposes. The policy may provide for:

(1) (A) Transporting parents and other adults to or from school-related functions or activities, (B) transporting pupils to or from functions or activities sponsored by organizations, the membership of which is principally composed of children of school age, and (C) transporting persons engaged in field trips in connection with their participation in an adult education program maintained by the transporting school district or by any other school district, within or outside the boundaries of the transporting school district; and

(2) contracting with (A) the governing body of any township, city or county for transportation of senior citizen groups or organizations, (B) the governing authority of any nonpublic school for transportation

of pupils attending such nonpublic school to or from interschool or intraschool functions or activities, (C) the board of trustees of any community college for transportation of students attending such community college to or from functions or activities of the community college, (D) a public recreation commission established and operated under the laws of this state, for any purposes related to the operation of the recreation commission and all programs and services thereof, or (E) the board of education of any other school district for transportation, on a cooperative and shared-cost basis, of pupils, school personnel, parents and other adults to or from school-related functions or activities.

(b) The costs related to the use of school buses under authority of this section shall not be considered in the computation of determining the district's transportation allowance weighting of a school district under article 70 64 of chapter 72 of the Kansas Statutes Annotated.

(c) Transportation fees may be charged by the board to offset, totally or in part, the costs incurred for the use of school buses under authority of this section.

(d) Any revenues received by a board of education as transportation fees or under any contract entered into pursuant to this section shall be deposited in the transportation fund of the district and may be expended whether the same have been budgeted or not and amounts so expended shall not be considered as operating expenses of the school district.

(e) The provisions of subsection (c) of K.S.A. 8-1556, and amendments thereto, apply to the use of school buses under authority of this section.

Sec. 7. K.S.A. 72-9608 is hereby amended to read as follows: 72-9608. (a) In each school year, each school district which is maintaining an approved inservice education program shall be eligible to receive from state funds, within the limits of appropriations for inservice education, an amount to be determined by the state board on the basis of priorities established through a needs-assessment survey conducted by the state board. In no event shall the amount allocated and distributed to any school district under this act exceed: (1)(A) An amount which is equal to .25 of 1% of the amount of the legally adopted general fund budget of operating expenses of the school district, or (B) an amount equal to 50% of the actual expenses incurred by the school district in maintaining an approved inservice education program, whichever of (A) or (B) is the lesser amount; or (2) an amount which is equal to 50% of the actual expenses incurred by the school district for the provision of innovative and experimental procedures, activities and services, if any of the same are provided and approved by the state board, in an inservice education program maintained by the school district and approved by the state board.

(b) If the amount of appropriations for inservice education programs is insufficient to pay in full the amount each school district is determined to be eligible to receive for the school year, the state board shall prorate the amount appropriated among all school districts which are eligible to receive state aid under the provisions of this act in proportion to the amount each school district is determined to be eligible to receive.

(c) The state board shall prescribe all forms necessary for reporting under this act.

(d) Every board shall make such periodic and special reports of statistical and financial information to the state board as it may request.

Sec. 8. On July 1, 1993, K.S.A. 72-6407 shall be and is hereby amended to read as follows: 72-6407. (a) "Pupil" means any person who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 maintained by the district or who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 in another district in accordance with an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in a district and attending special education services provided for preschool-aged exceptional children by the district. Except as otherwise provided in this subsection, a pupil in attendance full time shall be counted as one pupil. A pupil in attendance part time shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance

(continued)

bears to full-time attendance. A pupil attending kindergarten shall be counted as $\frac{1}{2}$ pupil. A pupil enrolled in and attending an institution of postsecondary education which is authorized under the laws of this state to award academic degrees shall be counted as one pupil if the pupil's postsecondary education enrollment and attendance together with the pupil's attendance in *grade either of the grades 11 or 12* is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's postsecondary education attendance and attendance in *grade 11 or 12, as applicable*, bears to full-time attendance. A pupil enrolled in and attending an area vocational school, area vocational-technical school or approved vocational education program shall be counted as one pupil if the pupil's vocational education enrollment and attendance together with the pupil's attendance in any of grades nine through 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's vocational education attendance and attendance in any of grades nine through 12 bears to full-time attendance. A pupil enrolled in a district and attending special education services, except special education services for preschool-aged exceptional children, provided for by the district shall be counted as one pupil. A pupil enrolled in a district and attending special education services for preschool-aged exceptional children provided for by the district shall be counted as $\frac{1}{2}$ pupil. A pupil in the custody of the secretary of social and rehabilitation services and enrolled in unified school district No. 259, Sedgwick county, Kansas, but housed, maintained, and receiving educational services at the Judge James V. Riddel Boys Ranch, shall be counted as two pupils. A pupil enrolled in a district but housed, maintained, and receiving educational services at a state institution shall not be counted.

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

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

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

(e) "Adjusted enrollment" means enrollment adjusted by adding at-risk pupil weighting, program weighting, low enrollment weighting, if any, school facilities weighting, if any, and transportation weighting to enrollment.

(f) "At-risk pupil weighting" means an addend component assigned to enrollment of districts on the basis of enrollment of at-risk pupils.

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

(h) "Low enrollment weighting" means an addend component assigned to enrollment of districts having under 1,900 enrollment on the basis of costs attributable to maintenance of educational programs by such districts in comparison with costs attributable to maintenance of educational programs by districts having 1,900 and over enrollment.

(i) "School facilities weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to commencing operation of new school facilities. School facilities

weighting may be assigned to enrollment of a district only if the district has adopted a local option budget and budgeted therein the total amount authorized for the school year. School facilities weighting may be assigned to enrollment of the district only in the school year in which operation of a new school facility is commenced and in the next succeeding school year.

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

~~(k) The provisions of this section shall take effect and be in force from and after July 1, 1992.~~

Sec. 9. K.S.A. 72-6409 is hereby amended to read as follows: 72-6409. (a) "General fund" means the fund of a district from which operating expenses are paid and in which is deposited the proceeds from the tax levied under K.S.A. 72-6431, and amendments thereto, all amounts of general state aid under this act, payments under K.S.A. 72-7105a, and amendments thereto, payments of federal funds made available under the provisions of title I of public law 874, except amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program, and such other moneys as are provided by law.

(b) "Operating expenses" means the total expenditures and lawful transfers from the general fund of a district during a school year for all purposes, except expenditures for the purposes specified in K.S.A. 72-6430, and amendments thereto.

(c) "General fund budget" means the amount budgeted for operating expenses in the general fund of a district.

(d) "Budget per pupil" means the general fund budget of a district divided by the enrollment of the district.

(e) "Program weighted fund" means and includes the following funds of a district: Transportation fund, vocational education fund, and bilingual education fund.

(f) "Categorical fund" means and includes the following funds of a district: Special education fund, food service fund, driver training fund, adult education fund, adult supplementary education fund, area vocational school fund, inservice education fund, parent education program fund, *summer program fund*, and educational excellence grant program fund.

~~(g) The provisions of this section shall take effect and be in force from and after July 1, 1992.~~

Sec. 10. K.S.A. 72-6430 is hereby amended to read as follows: 72-6430. Expenditures of a district for the following purposes are not operating expenses:

(a) Payments to another district in an adjustment of rights as provided in K.S.A. 72-6776, and amendments thereto, or upon transfer of territory as provided in K.S.A. 72-7105, 72-7106 or 72-7107, and amendments to such sections, if paid from any fund other than the general fund.

(b) Payments to another district under K.S.A. 72-7105a, and amendments thereto.

(c) The maintenance of ~~summer school~~ and student activities which are reimbursed.

(d) Expenditures from any lawfully authorized fund of a district other than its general fund.

(e) Programs financed in part or in whole by federal funds which may be expended although not included in the budget of the district, excepting funds received under the provisions of title I of public law 874 (but not including in such exception amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program), to the extent of the federal funds to be provided.

~~(f) The provisions of this section shall take effect and be in force from and after July 1, 1992.~~

Sec. 11. K.S.A. 72-6410 is hereby amended to read as follows: 72-6410. (a) "State financial aid" means, for the 1992-93 school year, formula state financial aid or transitional state financial aid, whichever is the lesser amount; and for the 1993-94 school year and each school year thereafter, an amount equal to the product obtained by multiplying base state aid per pupil by the adjusted enrollment of a district.

(b) (1) "Formula state financial aid" means an amount equal to the product obtained by multiplying base state aid per pupil by the adjusted enrollment of a district.

(2) The provisions of this subsection shall expire on June 30, 1993.

(c) (1) "Transitional state financial aid" means an amount computed for a district by the state board as follows: (A) Determine the sum of the amount of the legally adopted budget of operating expenses of the district in the 1991-92 school year and the amount of the state transportation aid, bilingual education aid and vocational education aid received by the district in the 1991-92 school year and the proceeds from the tax levied under K.S.A. 72-7072 in the 1991-92 school year if such tax was levied; (B) determine enrollment of the district in the 1991-92 school year; (C) determine enrollment of the district in the 1992-93 school year; (D) if enrollment in the 1992-93 school year is greater than enrollment in the 1991-92 school year, divide the difference by enrollment in the 1991-92 school year and add the quotient obtained to 110%; (E) if enrollment in the 1992-93 school year is greater than enrollment in the 1991-92 school year, multiply the amount determined under (A) by the sum obtained under (D) and if enrollment in the 1992-93 school year is equal to or less than enrollment in the 1991-92 school year, multiply the amount determined under (A) by 110%. The product is transitional state financial aid.

(2) The provisions of this subsection shall expire on June 30, 1993.

(d) "Base state aid per pupil" means an amount of state financial aid per pupil. *Subject to the other provisions of this subsection, the amount of base state aid per pupil is \$3,600. The amount of base state aid per pupil is subject to reduction in proportion to commensurate with any reduction under K.S.A. 1992 Supp. 75-6704, and amendments thereto, in the amount of the appropriation from the state general fund for general state aid. If the amount of appropriations for general state aid is insufficient to pay in full the amount each district is entitled to receive for any school year, the amount of base state aid per pupil for such school year is subject to reduction commensurate with the amount of the insufficiency.*

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

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

(g) The provisions of this section shall take effect and be in force from and after July 1, 1992.

Sec. 12. K.S.A. 72-6433 is hereby amended to read as follows: 72-6433. (a) (1) Subject to the other provisions of this subsection, a district may adopt a local option budget in the 1992-93 school year if the board determines that the amount budgeted for operating expenses in the general fund of the district is insufficient for such purposes and that adoption of such a budget would be in the best interests of the district.

(2) No district may adopt a local option budget under authority of this subsection if the amount of formula state financial aid determined for the district is equal to or greater than the amount of transitional state financial aid determined for the district. If the amount of formula state financial aid determined for a district is less than the amount of transitional state financial aid determined for the district, the district may adopt a local option budget in an amount not to exceed (A) an amount equal to 25% of the amount of state financial aid determined for the district or (B) an amount equal to the difference between the amount of formula state financial aid determined for the district and the amount of transitional state financial aid determined for the district, whichever of (A) or (B) is the lesser amount.

(3) The provisions of this subsection shall expire on June 30, 1993.

(b) (a) (1) The board of any district may adopt a local option budget in each school year, commencing with the 1993-94 school year, for a period of time not to exceed four school years in an amount not to exceed the state prescribed percentage of the amount of state financial aid determined for the district in the school year if the board of the district determines that adoption of such a budget would be in the best interests of the district. No district may adopt a local option budget under authority of this subsection until a resolution authorizing adoption of such a budget is passed by the board and published once in a newspaper having general circulation in the district. The resolution shall be published in substantial compliance with the following form:

Unified School District No. _____ County, Kansas.

RESOLUTION

Be It Resolved that:

The board of education of the above-named school district shall be authorized to adopt a local option budget in each school year for a period of time not to exceed _____ years in an amount not to exceed _____% of the amount of state financial aid determined for the current school year. The percentage specified in this resolution may be reduced if the state prescribed percentage is reduced by operation of state law. The local option budget authorized by this resolution may be adopted, unless a petition in opposition to the same, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after publication of this resolution. In the event a petition is filed, the county election officer shall submit the question of whether adoption of the local option budget shall be authorized to the electors of the school district at an election called for the purpose or at the next general election, as is specified by the board of education of the school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. _____ County, Kansas, on the _____ day of _____, 19____.

Clerk of the board of education.

All of the blanks in the resolution shall be appropriately filled. The blank preceding the word "years" shall be filled with a specific number, not to exceed the number 4, and the blank preceding the percentage symbol shall be filled with a specific number. *No word shall be inserted in either of the blanks.* The percentage specified in the resolution shall not exceed the state prescribed percentage. *No word shall be inserted in either of the blanks.* The resolution shall be published once in a newspaper having general circulation in the school district. If no petition as specified above is filed in accordance with the provisions of the resolution, the board may adopt a local option budget. If a petition is filed as provided in the resolution, the board may notify the county election officer of the date of an election to be held to submit the question of whether adoption of a local option budget shall be authorized. If the board fails to notify the county election officer within 30 days after a petition is filed, the resolution shall be deemed abandoned and no like reso-

(continued)

lution shall be adopted by the board within the nine months following publication of the resolution.

(2) If any district is authorized to adopt a local option budget, but the board of such district chooses, in any year, not to adopt such a budget, or chooses to adopt such budget in an amount less than the amount of the district prescribed percentage of the amount of state financial aid in any school year, such board of education may do so. If the board of any district refrains from adopting a local option budget in any one or more school years or refrains from budgeting the total amount authorized for any one or more school years, the authority of such district to adopt a local option budget shall not thereby be extended beyond the original period specified in the resolution authorizing adoption of such budget, nor shall the amount authorized to be budgeted in any succeeding school year be increased thereby.

(3) Whenever an initial resolution has been adopted under this subsection, and such resolution specified a lesser percentage than the state prescribed percentage, the board of the district may adopt a second resolution under the same procedure as provided for the initial resolution and subject to the same conditions, and shall be authorized to increase the percentage as specified in such second resolution for the remainder of the period of time specified in the initial resolution. Any percentage specified in a second resolution shall be limited so that the sum of the percentage authorized in the initial resolution and the percentage authorized in the second resolution is not in excess of the state prescribed percentage in any school year.

(4) The board of any district that has adopted a local option budget and levied a tax under authority of K.S.A. 72-6435, and amendments thereto, may initiate, at any time after the final levy is certified to the county clerk under any current authorization, procedures to renew its authority to adopt a local option budget subject to the conditions and in the manner specified in provision (1) of this subsection and, at four-year intervals thereafter, may in like manner and subject to like conditions renew such authorization for successive four-year periods.

(5) As used in this subsection:

(A) "Authorized to adopt a local option budget" means that a district has adopted a resolution under this subsection, has published the same, and either that the resolution was not protested or that it was protested and an election was held by which the adoption of a local option budget was approved.

(B) "District prescribed percentage" means the percentage specified in a resolution under which a district is authorized to adopt a local option budget. No such percentage shall exceed the state prescribed percentage and is subject to reduction by operation of state law.

(C) "State prescribed percentage" means 25%. If the amount of base state aid per pupil is increased by act of the legislature, the state prescribed percentage shall be reduced by a number of percentage points equal to the number of percentage points by which the amount of base state aid per pupil is increased.

(e) (b) There is hereby established in every district that adopts a local option budget a fund which shall be called the supplemental general fund. The fund shall consist of all amounts deposited therein or credited thereto according to law. Amounts in the supplemental general fund may be expended for any purpose for which expenditures from the general fund are authorized or may be transferred to the general fund of the district or to any program weighted fund or categorical fund of the district. Any unexpended and unencumbered cash balance remaining in the supplemental general fund of a district at the conclusion of any school year in which a local option budget is adopted shall be disposed of as provided in this subsection. *If the district did not receive supplemental general state aid in the school year and the district is authorized to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be maintained in such fund or transferred to the general fund of the district. If such a district is not authorized to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be transferred to the general fund of the district. If the district received supplemental general state aid in the school year, transferred or expended the entire amount budgeted in the local option budget for the school*

year, and is authorized to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be maintained in such fund or transferred to the general fund of the district. If such a district is not authorized to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be transferred to the general fund of the district. If the district received supplemental general state aid in the school year, did not transfer or expend the entire amount budgeted in the local option budget for the school year, and is not authorized to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be transferred to the general fund of the district. If the district received supplemental general state aid in the school year, did not transfer or expend the entire amount budgeted in the local option budget for the school year, and is authorized to adopt a local option budget in the ensuing school year, the state board shall determine the ratio of the amount of supplemental general state aid received to the amount of the local option budget of the district for the school year and multiply the total amount of the cash balance remaining in the supplemental general fund by such ratio. An amount equal to the amount of the product shall be transferred to the general fund of the district. The amount remaining in the supplemental general fund may be maintained in such fund or transferred to the general fund of the district.

(d) ~~The provisions of this section shall take effect and be in force from and after July 1, 1992.~~

Sec. 13. K.S.A. 72-6438 is hereby amended to read as follows: 72-6438. (a) The state school district finance fund, established by K.S.A. 1991 Supp. 72-7081 prior to its repeal by this act, *is hereby continued in existence and shall consist of (1) all moneys credited to such fund under K.S.A. 72-6418 and 72-6431, and amendments thereto; and (2) all amounts transferred to such fund.*

(b) ~~All revenue, as certified by the secretary of revenue to the director of accounts and reports, attributable to the operation of the provisions of K.S.A. 70-32,110, 70-3602, 70-3603, 70-3606 and 70-3703, as each such section is specifically amended by this act, shall be transferred by the director of accounts and reports from the state general fund to the state school district finance fund on January 15, March 15 and June 15 of each year commencing on January 15, 1993. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund and shall not be subject to reduction under K.S.A. 1992 Supp. 75-6704, and amendments thereto.~~

(e) ~~The state school district finance fund shall be used for the purpose of financing of school districts district finance and for no other governmental purpose. It is the intent of the legislature that the fund shall remain intact and inviolate for such purpose, and moneys in the fund shall not be subject to the provisions of K.S.A. 75-3722, 75-3725a and 75-3726a, and amendments thereto.~~

(d) (c) ~~Amounts in the state school district finance fund shall be allocated and distributed to school districts as a portion of general state aid entitlements provided for under this act.~~

(e) ~~The provisions of this section shall take effect and be in force from and after July 1, 1992.~~

New Sec. 14. (a) The board of any district to which the provisions of this section apply may levy an ad valorem tax on the taxable tangible property of the district each year for a period of time not to exceed two years in an amount not to exceed the amount authorized by the state board of tax appeals under this section for the purpose of financing that portion of the costs attributable to commencing operation of one or more new school facilities which is not financed from any other source provided by law. The state board of tax appeals may authorize the district to make a levy which will produce an amount that is not greater than the difference between the amount of costs directly attributable to commencing operation of one or more new school facilities and the amount provided for such purpose under the school district finance and quality performance act. If the district is not eligible, or will be ineligible, for school facilities weighting in any one or more years during the two-year period for which the district is authorized to levy a tax under this section, the state board of tax appeals may authorize the district to

make a levy, in such year or years of ineligibility, which will produce an amount that is not greater than the actual amount of costs attributable to commencing operation of the facility or facilities.

(b) The state board of tax appeals may adopt rules and regulations necessary to properly effectuate the provisions of this section, including rules relating to the evidence required in support of a district's claim that the costs attributable to commencing operation of one or more new school facilities are in excess of the amount provided for such purpose under the school district finance and quality performance act.

(c) The proceeds from the tax levied by a district under authority of this section shall be deposited in the supplemental general fund of the district, budgeted in the local option budget of the district as an addition to the amount of such budget adopted under authority of and in accordance with the provisions of K.S.A. 72-6433, and amendments thereto, and used exclusively to supplement amounts expended from the general fund of the district for payment of the costs attributable to commencing operation of new school facilities.

(d) The provisions of this section apply to any district that (1) commenced operation of one or more new school facilities in the school year preceding the current school year or has commenced or will commence operation of one or more new school facilities in the current school year or any or all of the foregoing, and (2) is authorized to adopt and has adopted a local option budget in an amount equal to the state prescribed percentage of the amount of state financial aid determined for the district in the current school year, and (3) is experiencing extraordinary enrollment growth. A district shall be deemed to be experiencing extraordinary enrollment growth if enrollment in the district has increased in each of the three school years immediately preceding the current school year and if the average (mean) percentage of the sum of the percentage increases in enrollment for such school years is 7% or more.

New Sec. 15. (a) The board of education of any school district may: (1) Establish, operate and maintain a summer program for pupils; (2) enter into cooperative or interlocal agreements with one or more other boards of education for the establishment, operation and maintenance of a summer program for pupils; and (3) prescribe and collect fees for providing a summer program for pupils or provide such program without charge.

(b) Fees for providing a summer program for pupils shall be prescribed and collected only to recover the costs incurred as a result of and directly attributable to the establishment, operation and maintenance of the program.

(c) No school district may collect fees for providing a summer program for pupils required to attend such a program in accordance with the provisions of law, rules and regulations of the state board of education, policy of the board of education, or an individualized education plan developed for an exceptional child.

(d) There is hereby established in every district which establishes, operates and maintains a summer program a fund which shall be called the summer program fund, which fund shall consist of all moneys deposited therein or transferred thereto according to law. All moneys received by a district from fees collected under this section or from any other source for summer programs shall be credited to the summer program fund. The expenses of a district directly attributable to summer programs shall be paid from the summer program fund.

(e) As used in this section, the term "summer program" means a program which is established by the board of education of a school district and operated during the summer months for the purpose of giving remedial instruction to pupils or for the purpose of conducting special projects and activities designed to enrich and enhance the educational experience of pupils, or for both such purposes.

Sec. 16. K.S.A. 72-1046a, 72-5390, 72-6409, 72-6410, 72-6430, 72-6433, 72-6438, 72-6622, 72-6757, 72-8223, 72-8316 and 72-9608 are hereby repealed.

Sec. 17. On July 1, 1993, K.S.A. 72-6407 shall be and is hereby repealed.

Sec. 18. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 29, 1993.)

HOUSE BILL No. 2210

AN ACT relating to limitations on the levy of property taxes; amending K.S.A. 1992 Supp. 79-5038 and repealing the existing section.

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

Section 1. K.S.A. 1992 Supp. 79-5038 is hereby amended to read as follows: 79-5038. The provisions of K.S.A. 79-5021 to 79-5036, inclusive, and amendments thereto, shall expire on July 1, 1993 1995.

Sec. 2. K.S.A. 1992 Supp. 79-5038 is hereby repealed.

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

(Published in the Kansas Register, April 29, 1993.)

HOUSE BILL No. 2038

AN ACT relating to the Kansas commission on governmental standards and conduct; concerning the qualification of members thereof; amending K.S.A. 1992 Supp. 25-4119d and repealing the existing section.

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

Section 1. K.S.A. 1992 Supp. 25-4119d is hereby amended to read as follows: 25-4119d. (a) From and after the effective date of this act, no person shall be appointed to membership on the commission who has held the office of chairperson, vice chairperson or treasurer of any county, district or state political party committee, or who within five years preceding the date of such appointment has been a candidate for or the holder of any partisan political office or who has within three years preceding the date of such appointment: (1) Held an elective state office; (2) held the office of secretary of any department of state government; (3) been a lobbyist as defined by K.S.A. 46-222 and amendments thereto; (4) had a substantial interest in or been an officer of any vendor of goods or services to the state of Kansas or any agency thereof; or (5) been an officer or employee who directly participated in the making of a contract on behalf of a vendor of goods and services with the state of Kansas or any agency thereof; or (5) provided services under contract to the state of Kansas or any agency thereof.

(b) While serving on the commission created by K.S.A. 25-4119a, and amendments thereto, no member shall: (1) Be an individual subject to the provisions of the campaign finance law or the provisions of K.S.A. 46-215 et seq. and amendments thereto administered or enforced by the commission; (2) serve as a chairperson or treasurer for any candidate or committee subject to the provisions of the campaign finance act; (3) actively solicit contributions subject to the provisions of the campaign finance act; (4) be a lobbyist as defined by K.S.A. 46-222 and amendments thereto; (5) hold a substantial interest in or be an officer of any vendor of goods and services to be an officer or employee who directly participated in the making of a contract on behalf of a vendor of goods and services with the state of Kansas or any agency thereof; (6) provide services under contract to the state of Kansas or any agency thereof; (7) be a candidate for or the holder of any partisan political office; (8) be the chairperson, vice chairperson or treasurer of any county, district or state political party committee; (9) directly or indirectly solicit contributions for any partisan political party or any organization thereof or any candidate for partisan political office; or (10) endorse any candidate for any partisan political office subject to the provisions of this act.

(c) Whenever any member of the commission is ineligible to serve as a member thereof under the provisions of subsections (a) and (b) of this section, the membership of such person shall terminate and such person shall no longer be eligible to participate in any action or proceeding by the commission. Such vacancy shall be filled in the manner prescribed by K.S.A. 25-4119a, and amendments thereto.

Sec. 2. K.S.A. 1992 Supp. 25-4119d is hereby repealed.

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

(Published in the Kansas Register, April 29, 1993.)

Substitute for HOUSE BILL No. 2012

AN ACT concerning the corporation for change act; relating to disposition of moneys in the family and children trust account of the family and children investment fund; providing for certain retirement plan participation; amending K.S.A. 1992 Supp. 38-1807 and 38-1808 and repealing the existing sections.

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

Section 1. K.S.A. 1992 Supp. 38-1807 is hereby amended to read as follows: 38-1807. (a) All employees of the corporation for change shall be considered to be state employees and the corporation for change shall be considered to be a state agency for purposes of the laws and procedures governing the payroll accounting system for state agencies under K.S.A. 75-5501 *et seq.* and amendments thereto; *participation in the Kansas public employees deferred compensation plan developed and approved for state employees under K.S.A. 75-5521 through 75-5529, and amendments thereto; the Kansas public employees retirement system;* the employment security law; the workers compensation act, including the state workmen's compensation self-insurance fund as provided in K.S.A. 44-575 through 44-580, and amendments thereto; the state health care benefits program and remittances pursuant to the federal social security act; federal insurance compensation act; and the federal internal revenue code. Employees of the corporation for change shall be considered to be state employees and the corporation for change shall be considered to be a state agency only for the purposes specified in this subsection.

(b) The provisions of article 32 of chapter 75 of the Kansas Statutes Annotated, any acts amendatory thereof or supplemental thereto, and any rules and regulations adopted thereunder, shall not apply to officers or employees of the corporation for change. Subject to policies established by the corporation for change, the chairperson of the board of directors or the chairperson's designee shall approve all travel and travel expenses of such officers and employees.

(c) Nothing in this act or the act of which it is amendatory shall be construed as placing any officer or employee of the corporation for change in the classified service or unclassified service under the Kansas civil service act.

Sec. 2. K.S.A. 1992 Supp. 38-1808 is hereby amended to read as follows: 38-1808. (a) There is hereby established in the state treasury the family and children investment fund, to be administered by the board of directors of the corporation for change.

(b) (1) Moneys in the family and children investment fund shall be expended for: (A) Furthering the purposes of the corporation for change; (B) review and evaluation of progress in implementing the blueprint for investment in Kansas children and their families of 1991 special committee on children's initiatives; (C) purposes which further implementation of a comprehensive, coordinated strategy for investment in Kansas children and their families; and (D) such other purposes as provided by law.

(2) There shall be credited to such fund appropriations, gifts, grants, contributions, matching funds and participant payments.

(3) All expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the board of directors of the corporation for change or a person designated by the chairperson.

(c) (1) There is hereby created the family and children trust account in the family and children investment fund.

(2) Moneys credited to the family and children trust account shall be used for the following purposes: (A) Matching federal moneys to purchase services relating to community-based programs for the ~~prevention of problems of families and children broad range of child abuse and neglect prevention activities~~; (B) providing start-up or expansion grants for community-based prevention projects or ~~educational programs for the problems of families and children, primarily but not limited to, child abuse and neglect and family abuse for the broad range of child abuse and neglect prevention activities~~; (C) studying and evaluating community-based prevention projects and ~~educational programs for the problems of families and children for the broad range of child abuse and neglect prevention activities~~; (D) preparing, publishing, purchasing and disseminating educational material dealing with the ~~problems of families and children broad range of child abuse and neglect prevention activities~~; (E) payment of the salary and actual and necessary travel

expenses of the coordinator employed by the corporation for change for the children and youth advocacy committee; and (F) payment of administrative costs of ~~the family and children trust account and of the children and youth advocacy committee, including amounts provided by subsection (c) of K.S.A. 1992 Supp. 38-1805 and amendments thereto. For the purpose of this subsection, "educational programs" shall include instructional and demonstration programs whose main purpose is to disseminate information and techniques or to provide services for the prevention of problems of families and children.~~ No moneys in the family and children trust account shall be used for the purpose of providing services for the voluntary termination of pregnancy.

(3) The children and youth advocacy committee of the corporation for change shall advise the board of directors in detail on the expenditures of moneys in the family and children trust account.

(d) (1) There is hereby created the permanent families account in the family and children investment fund.

(2) Moneys credited to the permanent families account shall be used for the following purposes: (A) Not more than 12% of the amount credited to the account during the fiscal year may be used to provide technical assistance to district courts or local groups wanting to establish a local citizen review board or a court-appointed special advocate program, including but not limited to such staff as necessary to provide such assistance, and to provide services necessary for the administration of such board or program, including but not limited to grants administration, accounting, data collection, report writing and training of local citizen review board staff; (B) grants to court-appointed special advocate programs, upon application approved by the administrative judge of the judicial district where the program is located; and (C) grants to district courts, upon application of the administrative judge of the judicial district, for expenses of establishment, operation and evaluation of local citizen review boards in the judicial district, including costs of: (i) Employing local citizen review board coordinators and clerical staff; (ii) telephone, photocopying and office equipment and supplies for which there are shown to be no local funds available; (iii) mileage of staff and board members; and (iv) training staff and board members.

(e) On the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the family and children investment fund, the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding period of time specified under this subsection, pursuant to K.S.A. 75-4210a and amendments thereto that is attributable to money in the family and children investment fund. Such amount of money shall be determined by the pooled money investment board based on:

(1) The average daily balance of moneys in the family and children investment fund during the period of time specified under this subsection as certified to the board by the director of accounts and reports; and

(2) the average interest rate on repurchase agreements of less than 30 days duration entered into by the pooled money investment board for that period of time. On or before the fifth day of the month for the preceding month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the family and children investment fund for the period of time specified under this subsection.

Sec. 3. K.S.A. 1992 Supp. 38-1807 and 38-1808 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, April 29, 1993.)

HOUSE BILL No. 2427

AN ACT concerning stewards and racing judges; amending the Kansas parimutuel racing act; amending K.S.A. 74-8818 and repealing the existing section.

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

Section 1. K.S.A. 74-8818 is hereby amended to read as follows: 74-8818. (a) ~~At each race meeting held pursuant to this act~~ The commission shall appoint three individuals to ~~be serve as full-time~~ stewards or racing judges. One shall be designated as the chief steward or chief racing judge and the other two as associate stewards or associate racing judges. *Such* stewards and racing judges shall be employees of the commission who shall serve at the pleasure of the commission and shall be in the unclassified service under the Kansas civil service act. *Before July 1, 1994, the commission also may contract with individuals to serve as stewards or racing judges as needed in the absence of a full-time steward or racing judge.* The compensation of the stewards and racing judges shall be an amount fixed by the commission and shall be paid by the commission. The commission may require an organization licensee to reimburse the commission for compensation paid to the stewards and racing judges for their services performed at race meetings conducted by that organization licensee. Any moneys received by the commission for that purpose shall be remitted promptly by the commission to the state treasurer, who shall deposit the entire amount in the state treasury and credit it to the racing reimbursable expense fund created by K.S.A. 74-8827 and amendments thereto. All other racing officials at a race meeting shall be approved by the commission and compensated by the organization licensee. The stewards, racing judges and other racing officials shall enforce the civil provisions of this act and any rules and regulations of the commission and shall submit written reports of the activities and conduct of the race meetings to the commission.

(b) Each steward or racing judge shall be required to obtain an occupation license from the commission pursuant to K.S.A. 74-8816 and amendments thereto prior to performing any duties as a steward or a judge.

(c) The commission shall require applicants for a license as a steward or racing judge to pass an examination on matters relating to the duties of stewards or racing judges. Examinations shall be held at such times and places as determined by the commission. Notice of the times and places of the examinations shall be given as determined by the commission. The commission shall prepare both written and oral examinations to be taken by persons applying for licensure as stewards or racing judges, requesting and taking into consideration suggestions from representatives of horsemen and horsewomen, greyhound owners, organization licensees, stewards, racing judges and other interested and knowledgeable parties as to the content thereof.

(d) The commission may examine any person who:

(1) Has not been convicted of a crime involving moral turpitude or of a felony;

(2) has completed an accredited senior high school or its equivalent;

(3) has been given a physical examination by a licensed physician within 60 days prior to the date of application for the steward's examination, indicating at least 20/20 vision or vision corrected to at least 20/20, and normal hearing ability;

(4) has: (A) at least five years' experience in the horse or greyhound racing industry as a licensed trainer or jockey; (B) at least 10 years' experience in the horse or greyhound racing industry as a licensed owner whose experience, knowledge, ability and integrity relative to the industry are known to the commission; (C) at least three years' experience as a licensed racing official, racing secretary, assistant racing secretary or director of racing; or (D) experience in the racing industry of a character and for a length of time sufficient, in the opinion of the commission, to be substantially equivalent to the experience requirement of subsection (d)(4)(A), (B) or (C).

(e) For the purpose of subsection (d)(4), one year's experience shall mean at least 100 days actually worked within one calendar year. An original license for a steward or racing judge issued pursuant to the provisions of this act shall be issued for the calendar year in which it is issued and shall be renewable for a period not to exceed three years as established by rules and regulations of the commission.

The commission shall establish a license fee schedule consistent with the different periods for which such licenses may be granted. The license shall be valid at all race meetings in this state during the period for which it is issued, unless it is suspended or revoked prior to the expiration of such period.

Sec. 2. K.S.A. 74-8818 is hereby repealed.

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

(Published in the Kansas Register, April 29, 1993.)

Substitute for HOUSE BILL No. 2011

AN ACT concerning postsecondary education; establishing a task force on the funding of community colleges and the Kansas postsecondary vocational and technical training system; authorizing agreements between school districts and institutions of postsecondary education for the purpose of encouraging enrollment by certain secondary pupils in courses of postsecondary education; relating to community college out-district tuition; providing for the teaching of subjects and courses by community colleges at Fort Hays state university; amending K.S.A. 71-301, 71-607 and 71-609 and repealing the existing sections.

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

New Section 1. (a) There is hereby established a task force on the funding of community colleges and the Kansas postsecondary vocational and technical training system. The task force shall be composed of 12 members as follows:

(1) Eight legislators, two each of whom shall be appointed by the speaker of the house of representatives, the minority leader of the house of representatives, the president of the senate, and the minority leader of the senate; and

(2) four members of the general public, one each of whom shall be appointed by the speaker of the house of representatives, the minority leader of the house of representatives, the president of the senate, and the minority leader of the senate. Members appointed under this provision shall be representatives of business and industry who are or have been users of community college programs or vocational or technical programs offered at other educational institutions, and employers of graduates of such programs.

(b) Appointing authorities shall make the appointments provided by this section within three weeks after the effective date of this act.

(c) The chairperson of the legislative educational planning committee shall call a meeting of the task force as soon as practicable after all members of the task force have been appointed. At such meeting the task force shall organize by electing a chairperson and vice-chairperson from among the members of the task force.

(d) The task force may meet at any time on call of the chairperson and shall hold public hearings throughout the state to receive information and entertain recommendations to assist in carrying out the duties of the task force.

(e) Members of the task force attending meetings of the task force or subcommittee meetings authorized by the task force shall be paid amounts provided for in subsection (e) of K.S.A. 75-3223, and amendments thereto.

(f) The staff of the legislative research department, the office of the revisor of statutes and the division of legislative administrative services shall provide such assistance as may be requested by the task force and authorized by the legislative coordinating council.

(g) The commissioner of education and the staff of the state department of education shall provide such assistance as may be requested by the task force and authorized by the state board of education.

(h) The provisions of this section shall expire on January 15, 1994.

New Sec. 2. (a) The task force shall make a comprehensive study and component analysis of the funding of community colleges and the Kansas postsecondary vocational and technical training system, with special emphasis on community colleges, area vocational schools, and area vocational-technical schools. Upon completion of its study, the task force shall prepare a report containing its findings and such recommendations as the task force deems necessary to ensure adequate and equitable funding of community colleges and the Kansas postsecondary vocational and technical training system.

(b) The task force shall familiarize itself with the activities of any

(continued)

other committee, commission or task force established by the legislature during the 1993 session for the purpose of making a study on the funding of postsecondary education, and shall consult with and consider reports and recommendations formulated by any such other committee, commission or task force. The task force on the funding of community colleges and the Kansas postsecondary vocational and technical training system and any other committee, commission or task force studying postsecondary education funding shall coordinate the performance of their duties and cooperate with each other to the greatest possible extent.

(c) The task force shall make a status report to the legislative educational planning committee in November of 1993, and shall submit a final report and recommendations to the legislature on or before January 10, 1994.

(d) The provisions of this section shall expire on January 15, 1994.

New Sec. 3. (a) Sections 3 through 7, and amendments thereto, shall be known and may be cited as the Kansas challenge to secondary school pupils act.

(b) The provisions of this section shall take effect and be in force from and after July 1, 1993.

New Sec. 4. (a) The legislature hereby declares that secondary school pupils should be challenged continuously in order to maintain their interests in the pursuit of education and skills critical to success in the modern world. Therefore, it is the purpose and intention of the Kansas challenge to secondary school pupils act to provide a means whereby school districts in cooperation with institutions of postsecondary education may provide new and exciting challenges to secondary school pupils by encouraging them to take full advantage of the wealth of postsecondary education opportunities available in this state.

(b) The provisions of this section shall take effect and be in force from and after July 1, 1993.

New Sec. 5. (a) As used in the Kansas challenge to secondary school pupils act:

(1) "Concurrent enrollment pupil" means a person who is enrolled in either of the grades 11 or 12 maintained by a school district, has demonstrated the ability to benefit from participation in the regular curricula of eligible postsecondary education institutions, has been authorized by the principal of the school attended to apply for enrollment at an eligible postsecondary education institution, and is acceptable or has been accepted for enrollment at an eligible postsecondary education institution.

(2) "Eligible postsecondary education institution" means any state educational institution, community college, municipal university or accredited independent institution.

(3) "State educational institution" has the meaning ascribed thereto in K.S.A. 76-711, and amendments thereto.

(4) "Community college" means any community college organized and operating under the laws of this state.

(5) "Municipal university" means a municipal university established under the provisions of article 13a of chapter 13 of Kansas Statutes Annotated.

(6) "Accredited independent institution" means an institution of postsecondary education the main campus of which is located in Kansas and which (A) is operated independently and not controlled or administered by any state agency or any subdivision of the state, (B) maintains open enrollment, and (C) is accredited by the north central association of colleges and secondary schools accrediting agency based on its requirements as of April 1, 1985.

(b) The provisions of this section shall take effect and be in force from and after July 1, 1993.

New Sec. 6. (a) The board of education of any school district and any eligible postsecondary education institution may enter into a cooperative agreement regarding the enrollment of concurrent enrollment pupils in courses of instruction for college credit at the eligible postsecondary education institution. The agreement shall include, but need not be limited to, the following:

(1) The academic credit to be granted for course work successfully completed by the pupil at the institution, which credit shall qualify as college credit and may qualify as both high school and college credit;

(2) the requirement that such course work qualify as credit applicable toward the award of a degree or certificate at the institution;

(3) the requirement that the pupil shall pay to the institution the negotiated amount of tuition charged by the institution for enrollment of the pupil.

(b) The provisions of this section shall take effect and be in force from and after July 1, 1993.

New Sec. 7. (a) No school district shall be responsible for the payment of tuition charged to concurrent enrollment pupils by eligible education institutions or for the provision of transportation for such pupils to or from any eligible postsecondary education institution.

(b) Each concurrent enrollment pupil shall be responsible for payment of tuition for enrollment at an eligible postsecondary education institution and for payment of the costs of books and equipment and any other costs of enrollment.

(c) Each concurrent enrollment pupil who satisfactorily completes course work at an eligible postsecondary education institution shall be granted appropriate credit toward fulfillment of the requirements for graduation from high school unless such credit is denied by the school district in which the pupil is enrolled on the basis that high school credit is inappropriate for such course work.

(d) The provisions of this section shall take effect and be in force from and after July 1, 1993.

Sec. 8. K.S.A. 71-301 is hereby amended to read as follows: 71-301. (a) (1) Except as otherwise provided in this subsection, the board of trustees shall charge to and collect from each in-state student tuition at rates per credit hour enrolled which shall be established at an amount: ~~For the 1991 fiscal year, not less than \$16 per credit hour and not more than \$24 per credit hour; for the 1992 fiscal year, not less than \$18 per credit hour and not more than \$26 per credit hour; for the 1993 fiscal year and for each fiscal year thereafter, not less than \$19 per credit hour and not more than \$27 per credit hour.~~

(2) Subject to the provisions of K.S.A. 71-302, and amendments thereto, the board of trustees shall charge to and collect from each out-of-state and foreign student tuition at rates per credit hour enrolled which shall be established at an amount not less than 2 1/2 times the maximum amount per credit hour prescribed by provision (1).

(3) The board of trustees may charge to and collect from each student who is eligible for admission to a community college at in-state tuition rates but who resides within a federal military reservation tuition at rates per credit hour enrolled which, if established, shall be established at an amount not less than \$36 per credit hour.

(4) *The board of trustees may charge to and collect from each student who is eligible for admission to a community college at in-state tuition rates, but who is taught any subject or course at Fort Hays state university, tuition at rates per credit hour enrolled in each such subject or course which, if established, shall be established at an amount not less than \$36 per each such credit hour. This provision shall expire on June 30, 1995, unless amended by act of the legislature prior to such date.*

(b) The board of trustees, in accordance with rules and regulations of the state board, shall determine and collect an amount of out-district tuition to be charged for each out-district student attending the community college. The board of county commissioners of any county charged with payment of out-district tuition shall levy a tax on all of the taxable property of the county sufficient to pay all out-district tuition charges authorized by this act. The proceeds from the tax levied under authority of this section shall be deposited in a special fund for payment of out-district tuition. Upon receiving a statement of charges for out-district tuition, the board of county commissioners shall allow and pay the same promptly from the special fund within 45 days from the receipt of such statement. If there is insufficient or no money in the special fund, out-district tuition shall be paid from the county general fund or from the proceeds of the sale of no-fund warrants issued for the purpose of the payment of out-district tuition. *If the board of county commissioners fails to pay such amount at the time required under this subsection, the board of trustees shall notify the state board of such failure to pay and shall certify to the state board the amount to be paid. Upon receipt by the state board of such notification, the amount to be paid as certified to the state board shall become an amount due and owing to the state board. The state board shall*

notify the board of county commissioners that this amount is now due and owing to the state board. If the board of county commissioners fails to pay such amount to the state board within 14 days of the receipt of such notification, the state board shall initiate proceedings under K.S.A. 75-6201 et seq. for the collection of such money. Money paid to or collected by the state board under this subsection shall be deposited in the out-district tuition suspense account which is hereby created in the state treasury. The state board shall pay moneys from this account, in accordance with rules and regulations of the state board, to the community colleges entitled to receive such money.

(c) The total out-district tuition charged by a community college shall be an amount equal to the number of duly enrolled out-district students times \$24 for each credit hour of each such student.

(d) (1) Out-district tuition shall only be charged for credit hours of out-district students if such students, as determined by the state board, have not more than 64 credit hours from any institution of postsecondary education or the students have not more than 72 credit hours and are enrolled in terminal type nursing courses or freshman-sophomore level preengineering courses.

(2) The credit hour limitations prescribed by provision (1) of this subsection do not apply to credit hours of out-district students if such students, as determined by the state board, are enrolled in an approved vocational education program at a community college for the purpose of receiving vocational or technical training or retraining in preparation for gainful employment.

(e) In May of each fiscal year, the board of trustees shall notify the board of county commissioners of the approximate amount of out-district tuition which will be charged to the county in the succeeding fiscal year.

(f) Expenditures for out-district tuition shall be exempt from the budget law of this state to the extent of such payments not anticipated in the budget of the county.

Sec. 9. K.S.A. 71-607 is hereby amended to read as follows: 71-607. (a) Each community college is entitled to receive out-district state aid payments in amounts determined as provided in this section. From reports and information provided by each community college, and from such additional audits and investigations as are conducted by the state department of education, the state board shall determine the amount of out-district tuition each community college is entitled to bill to counties each year, and the entitlement to out-district state aid of each community college shall be an amount equal thereto plus (1) an amount equal to the amount of out-district tuition disallowed under the provisions of K.S.A. 71-304, and amendments thereto, and (2) an amount equal to the amount of out-district tuition disallowed under the provisions of subsection (c) of K.S.A. 71-609, and amendments thereto, and (3) an amount equal to the number of duly

enrolled out-of-state and foreign students considered bona fide residents of the state under the provisions of K.S.A. 71-618, and amendments thereto, times the amount specified in subsection (c) of K.S.A. 71-301, and amendments thereto, for each credit hour of each such duly enrolled student if such student, as determined by the state board, qualifies as an out-district student for the purpose of determination of the amount of out-district state aid entitlement.

(b) (1) Out-district state aid payments shall be made only for credit hours of students specified in provision (2) (3) of subsection (a) if such students, as determined by the state board, have not more than 64 credit hours from any institution of postsecondary education or the students have not more than 72 credit hours and are enrolled in terminal type nursing courses or freshman-sophomore level preengineering courses.

(2) The credit hour limitations prescribed by provision (1) of this subsection do not apply to credit hours of students if such students, as determined by the state board, are enrolled in an approved vocational education program at a community college for the purpose of receiving vocational or technical training or retraining in preparation for gainful employment.

Sec. 10. K.S.A. 71-609 is hereby amended to read as follows: 71-609. (a) No out-district state aid entitlement, no credit-hour state aid entitlement, and no general state aid entitlement shall be based upon credit hours in any subject or course the principal part of which is taught at a location outside of the county of the main campus of the community college, unless the location of such subject or course is specifically authorized by the state board of education.

(b) (1) No out-district tuition shall be based upon or charged for credit hours in any subject or course which is taught in a county in which the main campus of a state educational institution is located, unless the teaching of such subject or course is specifically authorized by the chief executive officer of the state educational institution or by a designee of the chief executive officer. The chief executive officer of each state educational institution may designate and authorize a person or committee to act on behalf of the chief executive officer in granting the authorizations required by this subsection.

(2) The provisions of this subsection are subject to the provisions of subsection (c).

(c) No out-district tuition shall be based upon or charged for credit hours in any subject or course all or the principal part of which is taught at Fort Hays state university under an agreement entered into by a community college and the university. The provisions of this subsection shall expire on June 30, 1995, unless amended by act of the legislature prior to such date.

Sec. 11. K.S.A. 71-301, 71-607 and 71-609 are hereby repealed.

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

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. This cumulative index supplements the index found in the 1992 Supplement to the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION		
Reg. No.	Action	Register
1-2-30	New	V. 11, p. 278
1-2-34	New	V. 11, p. 1016

1-2-81	Revoked	V. 11, p. 278	4-4-924	Amended	V. 11, p. 1895
1-6-2	Amended	V. 11, p. 278	4-4-931	Amended	V. 11, p. 1896
1-6-31	Amended	V. 11, p. 1016	4-4-932	Amended	V. 11, p. 1896
1-6-32	Amended	V. 11, p. 278	4-4-933	Amended	V. 11, p. 1896
1-8-7	Amended	V. 11, p. 1017	4-4-934	Amended	V. 11, p. 1897
1-9-4	Amended	V. 11, p. 1017	4-4-935	Amended	V. 11, p. 1897
1-9-5	Amended	V. 11, p. 1019	4-4-956	New	V. 11, p. 1897
1-9-13	Amended	V. 11, p. 1020	4-7-716	Amended	V. 11, p. 555
1-9-18	Amended	V. 11, p. 1020	4-7-719	Amended	V. 11, p. 63
1-9-19a	Amended	V. 11, p. 279	4-8-14a	Amended	V. 11, p. 1898
1-9-23	New	V. 11, p. 1194, 1257	4-8-27	Amended	V. 11, p. 555
1-16-18	Amended	V. 12, p. 6, 54	4-8-28	New	V. 11, p. 1898
1-16-18a	Amended	V. 12, p. 7, 55	4-8-33	New	V. 11, p. 1898
1-45-14	Amended	V. 11, p. 1195	4-8-40	Amended	V. 11, p. 1898
1-46-1	Amended	V. 11, p. 1195	4-8-41	New	V. 11, p. 555
1-46-3	Amended	V. 11, p. 1195	4-10-1	Amended	V. 11, p. 1898
			4-13-36	Amended	V. 11, p. 1899
			4-13-38	Amended	V. 11, p. 1899
			4-13-41	Amended	V. 11, p. 1900
			4-13-42	Amended	V. 11, p. 1900
					(continued)

4-13-62	Amended	V. 11, p. 1900
4-13-63	Amended	V. 11, p. 1901
4-15-2	Amended	V. 11, p. 555
4-16-1a	Amended	V. 11, p. 1901
4-16-1c	Amended	V. 11, p. 1901
4-16-7a	Amended	V. 11, p. 1901
4-16-300 through 4-16-305	New	V. 11, p. 556, 557
4-17-1a	Amended	V. 11, p. 1901
4-17-1c	Amended	V. 11, p. 1902
4-17-5a	Amended	V. 11, p. 1902
4-17-300 through 4-17-305	New	V. 11, p. 557, 558

**AGENCY 5: BOARD OF AGRICULTURE—
DIVISION OF WATER RESOURCES**

Reg. No.	Action	Register
5-42-1	Amended	V. 11, p. 361
5-42-3	Amended	V. 11, p. 361
5-45-1 through 5-45-4	Amended	V. 11, p. 361-363
5-45-6	Amended	V. 11, p. 363
5-45-7	Amended	V. 11, p. 363
5-45-12	Amended	V. 11, p. 363
5-45-13	Amended	V. 11, p. 364
5-45-14 through 5-45-17	New	V. 11, p. 364, 365

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-23-8	New	V. 11, p. 1257, 1296
7-29-1	Amended	V. 11, p. 1369, 1423
7-32-1	Amended	V. 11, p. 1117, 1143

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

Reg. No.	Action	Register
14-10-5	Amended	V. 11, p. 1929
14-10-10	Amended	V. 11, p. 1930
14-10-11	Amended	V. 11, p. 1930
14-10-12	Amended	V. 11, p. 1931
14-13-1	Amended	V. 11, p. 1931
14-13-2	Amended	V. 11, p. 1932
14-13-13	Amended	V. 11, p. 1933
14-14-1	Amended	V. 11, p. 1934
14-14-11	Amended	V. 11, p. 1711
14-16-20	Revoked	V. 11, p. 1041
14-19-14	Amended	V. 11, p. 1935
14-19-15	Amended	V. 11, p. 1936
14-20-14	Amended	V. 11, p. 1937
14-20-15	Amended	V. 11, p. 1938
14-20-16	Amended	V. 11, p. 1938
14-21-1	Amended	V. 11, p. 1939
14-21-2	Amended	V. 11, p. 1940
14-21-3	Amended	V. 11, p. 1941
14-22-1	Amended	V. 11, p. 1941
14-22-2	Amended	V. 11, p. 1942
14-22-3	Amended	V. 11, p. 1943

**AGENCY 17: STATE BANKING
DEPARTMENT**

Reg. No.	Action	Register
17-11-21	Amended	V. 11, p. 1903
17-15-1	Amended	V. 12, p. 311
17-16-8	Amended	V. 12, p. 314
17-21-1 through 17-21-8	New	V. 11, 1040
17-21-1	Amended	V. 12, p. 314
17-21-2	Amended	V. 12, p. 314
17-22-1	New	V. 11, p. 1371

**AGENCY 19: KANSAS COMMISSION
ON GOVERNMENTAL STANDARDS
AND CONDUCT**

Reg. No.	Action	Register
19-1-1	Amended	V. 11, p. 714
19-1-11	Amended	V. 11, p. 714

19-3-2	Amended	V. 11, p. 714
19-4-2	Amended	V. 11, p. 715
19-20-2	Amended	V. 11, p. 715
19-27-2	Amended	V. 11, p. 715
19-29-2	Amended	V. 11, p. 716
19-29-4	Amended	V. 11, p. 717
19-29-5	New	V. 11, p. 717
19-30-4	Amended	V. 11, p. 717
19-40-3a	Amended	V. 11, p. 718
19-40-4	New	V. 11, p. 1369
19-40-5	New	V. 11, p. 718
19-41-1	Amended	V. 11, p. 718
19-60-3	Amended	V. 11, p. 719
19-61-1	Amended	V. 11, p. 720
19-61-2	Amended	V. 11, p. 720
19-61-3	Revoked	V. 11, p. 720
19-62-1	Amended	V. 11, p. 721
19-62-2	Amended	V. 11, p. 721
19-63-2	Amended	V. 11, p. 721
19-63-3	Amended	V. 11, p. 721
19-63-4	Amended	V. 11, p. 722
19-63-6	New	V. 11, p. 722

**AGENCY 21: KANSAS HUMAN
RIGHTS COMMISSION**

Reg. No.	Action	Register
21-34-1 through 21-34-21	New	V. 11, p. 357-360
21-34-1 through 21-34-21	New	V. 11, p. 504-507
21-60-1 through 21-60-23	New	V. 11, p. 1084-1091, 1153-1160
21-80-1 through 21-80-10	New	V. 11, p. 1764-1766

AGENCY 22: STATE FIRE MARSHAL

Reg. No.	Action	Register
22-1-2	Amended	V. 12, p. 444
22-1-3	New	V. 12, p. 444
22-1-4	New	V. 12, p. 444
22-1-5	New	V. 12, p. 445
22-1-6	New	V. 12, p. 445
22-2-1	Revoked	V. 12, p. 445
22-3-1	Revoked	V. 12, p. 445
22-3-2	Revoked	V. 12, p. 445
22-4-1	Revoked	V. 12, p. 445
22-5-3	Amended	V. 12, p. 445
22-6-10	Revoked	V. 12, p. 445
22-6-17	Revoked	V. 12, p. 445
22-7-1	Revoked	V. 12, p. 445
22-7-2	Revoked	V. 12, p. 445
22-7-3	Revoked	V. 12, p. 445
22-7-6 through 22-7-12	New	V. 12, p. 445-447
22-8-1	Revoked	V. 12, p. 448
22-10-3a	Revoked	V. 12, p. 448
22-10-10	Revoked	V. 12, p. 448
22-10-12	Revoked	V. 12, p. 448
22-10-13	Revoked	V. 12, p. 448
22-10-14	Revoked	V. 12, p. 448
22-10-17	Revoked	V. 12, p. 448
22-10-18	New	V. 12, p. 448
22-10-19	New	V. 12, p. 448
22-13-35	Revoked	V. 12, p. 449
22-18-3	Amended	V. 12, p. 449
22-19-1	Amended	V. 12, p. 450
22-19-2	Amended	V. 12, p. 450
22-19-3	Amended	V. 12, p. 451
22-19-4	Revoked	V. 12, p. 451
22-19-5	New	V. 12, p. 451
22-20-1	Revoked	V. 12, p. 451
22-22-1	New	V. 12, p. 451

**AGENCY 25: STATE GRAIN
INSPECTION DEPARTMENT**

Reg. No.	Action	Register
25-2-2	Revoked	V. 11, p. 1742
25-2-5	Revoked	V. 11, p. 1742
25-4-1	Amended	V. 11, p. 1643, 1702
25-4-4	Amended	V. 11, p. 164

AGENCY 26: DEPARTMENT ON AGING

Reg. No.	Action	Register
26-8-1 through 26-8-14	New	V. 11, p. 1041-1043

**AGENCY 28: DEPARTMENT OF HEALTH
AND ENVIRONMENT**

Reg. No.	Action	Register
28-1-2	Amended	V. 12, p. 315
28-14-2	Amended	V. 11, p. 1797
28-15-11	Amended	V. 11, p. 1231
28-15-12	New	V. 12, p. 57
28-15-13	Amended	V. 11, p. 1232
28-15-14	Amended	V. 11, p. 1233
28-15-15	Revoked	V. 11, p. 1236
28-15-15a	New	V. 11, p. 1236
28-15-20	Amended	V. 11, p. 1237
28-16-29	Revoked	V. 11, p. 1260
28-16-30 through 28-16-36	New	V. 11, p. 1260, 1261
28-17-6	Amended	V. 11, p. 1543, 1584
28-17-12	Amended	V. 11, p. 1543, 1584
28-17-20	Amended	V. 11, p. 1543, 1584
28-19-17	Amended	V. 11, p. 608
28-19-17a through 28-19-171	Amended	V. 11, p. 608, 609
28-19-17m through 28-19-17q	New	V. 11, p. 609, 610
28-19-19	Amended	V. 11, p. 610
28-19-73	Amended	V. 11, p. 612
28-24-1	New	V. 11, p. 1798
28-24-2	New	V. 11, p. 1798
28-24-4 through 28-24-16	New	V. 11, p. 1798-1800
28-29-28 through 28-29-36	New	V. 11, p. 614-620, 758-764
28-29-84	New	V. 12, p. 435, 487
28-29-85	New	V. 12, p. 436, 488
28-31-8a	Revoked	V. 11, p. 232
28-31-10a	New	V. 11, p. 232
28-35-147	Amended	V. 11, p. 130
28-38-18 through 28-38-23	Amended	V. 12, p. 437, 438
28-38-29	New	V. 12, p. 439
28-53-1	Amended	V. 11, p. 846
28-53-2	Amended	V. 11, p. 846
28-59-7	Amended	V. 11, p. 1643
28-61-1 through 28-61-10	New	V. 11, p. 1743-1748

**AGENCY 30: SOCIAL AND
REHABILITATION SERVICES**

Reg. No.	Action	Register
30-2-16	Amended	V. 11, p. 1295
30-4-52	Amended	V. 11, p. 1749
30-4-55	Amended	V. 11, p. 1750
30-4-72	Amended	V. 11, p. 1010, 1044
30-4-73	Amended	V. 12, p. 386
30-4-85a	Amended	V. 12, p. 575
30-4-90	Amended	V. 12, p. 264, 576
30-4-101	Amended	V. 11, p. 1011, 1045
30-4-109	Amended	V. 11, p. 1263
30-4-112	Amended	V. 11, p. 1263
30-4-122a	Amended	V. 12, p. 578

30-4-140	Amended	V. 11, p. 365
30-5-58	Amended	V. 12, p. 387
30-5-59	Amended	V. 12, p. 392
30-5-60	Amended	V. 12, p. 393
30-5-64	Amended	V. 11, p. 372
30-5-65	Amended	V. 11, p. 372
30-5-70	Amended	V. 12, p. 394
30-5-71	Amended	V. 11, p. 1751
30-5-80	New	V. 11, p. 989
30-5-86	Amended	V. 11, p. 1752
30-5-95	Amended	V. 11, p. 205
30-5-100	Amended	V. 11, p. 1752
30-5-100a	Amended	V. 11, p. 1752
30-5-110	Amended	V. 11, p. 373
30-5-114	Amended	V. 11, p. 1265
30-5-151	Amended	V. 12, p. 266, 579
30-5-159	Amended	V. 11, p. 1753
30-5-160	Amended	V. 11, p. 1753
30-5-161	Amended	V. 11, p. 1753
30-5-169	Amended	V. 11, p. 1753
30-5-171	Revoked	V. 11, p. 1753
30-5-173	New	V. 11, p. 1753
30-5-173a	New	V. 11, p. 1753
30-6-52	Amended	V. 11, p. 1753
30-6-53	Amended	V. 11, p. 1754
30-6-55	Amended	V. 11, p. 374
30-6-56	Amended	V. 12, p. 395
30-6-72	Amended	V. 11, p. 1012, 1046
30-6-73	Amended	V. 11, p. 1265
30-6-86	Amended	V. 11, p. 1756
30-6-103	Amended	V. 11, p. 1757
30-6-106	Amended	V. 11, p. 1757
30-6-109	Amended	V. 11, p. 1268
30-6-112	Amended	V. 11, p. 1269
30-6-113	Amended	V. 12, p. 396
30-6-150	Amended	V. 12, p. 398
30-7-100	through	
30-7-104	New	V. 11, p. 990-992
30-7-100	Amended	V. 12, p. 398
30-9-13	Revoked	V. 11, p. 992
30-9-18	through	
30-9-22	Revoked	V. 11, p. 992
30-10-1a	Amended	V. 11, p. 1481
30-10-1b	Amended	V. 11, p. 1483
30-10-1c	Amended	V. 11, p. 1484
30-10-2	Amended	V. 11, p. 1484
30-10-3	Revoked	V. 11, p. 1485
30-10-4	Revoked	V. 11, p. 1485
30-10-6	Amended	V. 11, p. 1761
30-10-7	Amended	V. 11, p. 1761
30-10-8	Revoked	V. 11, p. 1485
30-10-11	Amended	V. 11, p. 1762
30-10-15a	Amended	V. 11, p. 1485
30-10-15b	Amended	V. 11, p. 1486
30-10-17	Amended	V. 11, p. 1487
30-10-18	Amended	V. 11, p. 1488
30-10-19	Amended	V. 11, p. 1490
30-10-20	Amended	V. 11, p. 1490
30-10-23a	Amended	V. 11, p. 1490
30-10-23b	Amended	V. 11, p. 1491
30-10-23c	Amended	V. 11, p. 1491
30-10-25	Amended	V. 11, p. 1492
30-10-28	Amended	V. 11, p. 1493
30-10-29	Amended	V. 11, p. 1493
30-10-200	Amended	V. 11, p. 207
30-10-210	Amended	V. 11, p. 209
30-10-212	Amended	V. 11, p. 210
30-10-214	Amended	V. 11, p. 1270
30-10-217	Amended	V. 11, p. 210
30-10-219	Amended	V. 11, p. 211

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-13-30	through	
36-13-34	Amended	V. 11, p. 657-662
36-13-36	Revoked	V. 11, p. 663

36-13-37	Amended	V. 11, p. 663
36-13-38	New	V. 11, p. 664
36-13-39	New	V. 11, p. 664
36-37-1	through	
36-37-6	New	V. 12, p. 309, 310
36-38-1	New	V. 12, p. 310
36-38-2	New	V. 12, p. 310

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-37	Amended	V. 11, p. 1801
40-2-12	Amended	V. 11, p. 1801
40-3-47	Amended	V. 11, p. 1967
40-3-49	New	V. 11, p. 1803
40-4-35	Amended	V. 11, p. 82
40-4-37	Amended	V. 11, p. 1803
40-4-37a	New	V. 11, p. 1804
40-4-37b	New	V. 11, p. 1804
40-4-37c	New	V. 11, p. 1804
40-4-37d	New	V. 11, p. 1968
40-4-37e	New	V. 11, p. 1804
40-4-37f	New	V. 11, p. 1805
40-4-37g	New	V. 11, p. 1805
40-4-37h	New	V. 11, p. 1805
40-4-37i	New	V. 11, p. 1806
40-4-37j	New	V. 11, p. 1807
40-4-37k	New	V. 11, p. 1808
40-4-37l	New	V. 11, p. 1809
40-4-37m	New	V. 11, p. 1810
40-4-37n	New	V. 11, p. 1810
40-4-37o	New	V. 11, p. 1810
40-4-37p	New	V. 11, p. 1810
40-4-37r	New	V. 11, p. 1811
40-4-40	New	V. 11, p. 1811
40-7-7	Amended	V. 11, p. 1968
40-7-7a	New	V. 11, p. 1812
40-7-13	Amended	V. 11, p. 1969
40-7-19	Amended	V. 11, p. 1812
40-7-20a	Amended	V. 11, p. 1969
40-8-7	Amended	V. 11, p. 1971
40-9-118	Amended	V. 11, p. 1812
40-14-10	New	V. 11, p. 1971

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-6-120	Amended	V. 11, p. 230
44-6-124	Amended	V. 11, p. 230
44-6-125	Amended	V. 11, p. 231
44-6-135	Amended	V. 11, p. 231
44-7-104	Amended	V. 11, p. 1830
44-7-113	Amended	V. 11, p. 316
44-7-115	New	V. 11, p. 316
44-12-101	Amended	V. 11, p. 316
44-12-102	Amended	V. 11, p. 316
44-12-104	Amended	V. 11, p. 316
44-12-105	Amended	V. 11, p. 317
44-12-201	Amended	V. 11, p. 317
44-12-202	Amended	V. 11, p. 317
44-12-204	Amended	V. 11, p. 317
44-12-205	Amended	V. 11, p. 317
44-12-208	Amended	V. 11, p. 317
44-12-209	Amended	V. 11, p. 317
44-12-301	Amended	V. 11, p. 317
44-12-307	Amended	V. 11, p. 317
44-12-308	Amended	V. 11, p. 317
44-12-309	Amended	V. 11, p. 317
44-12-312	Amended	V. 11, p. 317
44-12-313	Amended	V. 11, p. 318
44-12-314	Amended	V. 11, p. 318
44-12-315	Amended	V. 11, p. 318
44-12-316	Revoked	V. 11, p. 318
44-12-317	Amended	V. 11, p. 318
44-12-319	Amended	V. 11, p. 318
44-12-321	Amended	V. 11, p. 318
44-12-323	Amended	V. 11, p. 318
44-12-324	Amended	V. 11, p. 319
44-12-325	Amended	V. 11, p. 319
44-12-326	Amended	V. 11, p. 319

44-12-328	New	V. 11, p. 319
44-12-401	Amended	V. 11, p. 319
44-12-501	Amended	V. 11, p. 319
44-12-502	Amended	V. 11, p. 319
44-12-503	Amended	V. 11, p. 319
44-12-505b	New	V. 11, p. 320
44-12-601	Amended	V. 11, p. 320
44-12-602	Amended	V. 11, p. 321
44-12-701	Revoked	V. 11, p. 321
44-12-901	Amended	V. 11, p. 321
44-12-902	Amended	V. 11, p. 322
44-12-1001	Amended	V. 11, p. 322
44-12-1002	Amended	V. 11, p. 322
44-12-1101	Amended	V. 11, p. 322
44-12-1201	Amended	V. 11, p. 322
44-12-1202	Amended	V. 11, p. 322
44-12-1301	Amended	V. 11, p. 323
44-12-1302	Amended	V. 11, p. 323
44-12-1303	Amended	V. 11, p. 323
44-12-1304	Revoked	V. 11, p. 323
44-12-1306	Amended	V. 11, p. 323
44-12-1307	Amended	V. 11, p. 324
44-13-101	Amended	V. 11, p. 324
44-13-101a	Amended	V. 11, p. 325
44-13-103	Amended	V. 11, p. 325
44-13-104	Amended	V. 11, p. 325
44-13-106	Amended	V. 11, p. 325
44-13-115	Revoked	V. 11, p. 325
44-13-201	Amended	V. 11, p. 325
44-13-201b	New	V. 11, p. 326
44-13-202	Amended	V. 11, p. 327
44-13-203	Amended	V. 11, p. 327
44-13-301	Revoked	V. 11, p. 327
44-13-302	Revoked	V. 11, p. 327
44-13-302a	New	V. 11, p. 327
44-13-303	Revoked	V. 11, p. 328
44-13-304	Amended	V. 11, p. 328
44-13-401	Amended	V. 11, p. 328
44-13-401a	Amended	V. 11, p. 328
44-13-402	Amended	V. 11, p. 328
44-13-403	Amended	V. 11, p. 328
44-13-404	Amended	V. 11, p. 330
44-13-405	Revoked	V. 11, p. 331
44-13-405a	Amended	V. 11, p. 331
44-13-406	Amended	V. 11, p. 331
44-13-407	Revoked	V. 11, p. 332
44-13-408	Amended	V. 11, p. 332
44-13-501	Amended	V. 11, p. 332
44-13-502	Revoked	V. 11, p. 332
44-13-502a	New	V. 11, p. 332
44-13-503	Revoked	V. 11, p. 332
44-13-504	Revoked	V. 11, p. 333
44-13-506	Amended	V. 11, p. 333
44-13-507	Amended	V. 11, p. 333
44-13-601	Amended	V. 11, p. 333
44-13-603	Amended	V. 11, p. 333
44-13-610	Amended	V. 11, p. 333
44-13-701	Amended	V. 11, p. 333
44-13-702	Amended	V. 11, p. 334
44-13-703	Amended	V. 11, p. 334
44-13-704	Amended	V. 11, p. 334
44-13-705	Amended	V. 11, p. 334
44-13-706	Amended	V. 11, p. 334
44-13-707	Amended	V. 11, p. 335
44-15-101	Amended	V. 11, p. 335
44-15-102	Amended	V. 11, p. 335
44-15-105a	New	V. 11, p. 336
44-16-104	Amended	V. 11, p. 337

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—

DIVISION OF WORKERS' COMPENSATION

Reg. No.	Action	Register
51-24-1	Amended	V. 11, p. 212
51-24-4	Amended	V. 11, p. 212
51-24-8	New	V. 11, p. 213
51-24-9	New	V. 11, p. 213
51-24-10	New	V. 11, p. 214

(continued)

AGENCY 54: KANSAS STATE LIBRARY

Reg. No.	Action	Register
54-1-23	New	V. 11, p. 1894

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-1-102	Amended	V. 12, p. 348
60-1-103	Amended	V. 12, p. 348
60-3-101	Amended	V. 12, p. 348
60-3-111	New	V. 12, p. 349
60-4-101	Amended	V. 12, p. 489
60-4-103	Amended	V. 12, p. 489
60-7-108	New	V. 12, p. 349
60-8-101	Amended	V. 12, p. 489
60-9-104	Revoked	V. 11, p. 83
60-9-105	Amended	V. 12, p. 349
60-9-107	New	V. 11, p. 83
60-11-103	Amended	V. 12, p. 350
60-11-114	New	V. 11, p. 85
60-11-118	Amended	V. 12, p. 350
60-11-119	Amended	V. 12, p. 489
60-12-105	New	V. 11, p. 85
60-13-101	Amended	V. 12, p. 489
60-13-113	New	V. 11, p. 85

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-3	Amended	V. 12, p. 631
63-1-4	Amended	V. 12, p. 632
63-3-10	Amended	V. 12, p. 632
63-3-11	Amended	V. 12, p. 632
63-3-19	Amended	V. 12, p. 633
63-3-20	Amended	V. 11, p. 133
63-3-21	New	V. 11, p. 133
63-4-1	Amended	V. 12, p. 633

AGENCY 65: BOARD OF EXAMINERS
IN OPTOMETRY

Reg. No.	Action	Register
65-4-1	through	
65-4-5	New	V. 11, p. 470, 471
65-4-3	Amended	V. 12, p. 630
65-4-4	Amended	V. 12, p. 630
65-5-1	through	
65-5-8	New	V. 11, p. 472, 473
65-6-8	Revoked	V. 11, p. 473
65-6-11	Revoked	V. 11, p. 474
65-6-12	Revoked	V. 11, p. 474
65-6-16	Revoked	V. 11, p. 474
65-6-25	Revoked	V. 11, p. 474
65-6-30	Revoked	V. 11, p. 474
65-6-33	Revoked	V. 11, p. 474
65-6-36	Revoked	V. 11, p. 474
65-6-37	Revoked	V. 11, p. 474
65-7-1	Revoked	V. 11, p. 474
65-7-2	Revoked	V. 11, p. 474
65-7-4	Revoked	V. 11, p. 474
65-7-8	Revoked	V. 11, p. 474
65-7-9	Revoked	V. 11, p. 474
65-7-11	Revoked	V. 11, p. 474
65-7-12	Revoked	V. 11, p. 474
65-7-13	Revoked	V. 11, p. 474
65-7-14	Revoked	V. 11, p. 474
65-8-1	through	
65-8-4	New	V. 11, p. 474, 475
65-9-1	through	
65-9-5	New	V. 11, p. 475, 476
65-10-1	New	V. 11, p. 476
65-10-2	New	V. 11, p. 477
65-10-3	New	V. 11, p. 477
65-11-1	New	V. 11, p. 477
65-11-2	New	V. 11, p. 477
65-11-3	New	V. 11, p. 477

AGENCY 66: BOARD OF
TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-1	Amended	V. 12, p. 10
66-6-3	Revoked	V. 12, p. 10
66-6-4	Amended	V. 12, p. 10
66-6-6	Amended	V. 12, p. 11
66-6-7	Revoked	V. 12, p. 11
66-6-8	Amended	V. 12, p. 11
66-6-9	Amended	V. 12, p. 11
66-7-1	Amended	V. 11, p. 408
66-7-2	Amended	V. 11, p. 408
66-8-1	Amended	V. 11, p. 409
66-8-2	through	
66-8-5	Amended	V. 12, p. 11, 12
66-8-6	Amended	V. 11, p. 409
66-9-1	Amended	V. 12, p. 12
66-9-2	Amended	V. 12, p. 12
66-9-3	Revoked	V. 12, p. 12
66-9-4	Amended	V. 12, p. 12
66-9-5	New	V. 12, p. 12
66-10-1	Amended	V. 12, p. 13
66-10-2	Revoked	V. 12, p. 13
66-10-3	Amended	V. 12, p. 13
66-10-4	Amended	V. 12, p. 13
66-10-5	Amended	V. 12, p. 13
66-10-6	Revoked	V. 12, p. 13
66-10-7	Revoked	V. 12, p. 13
66-10-8	Revoked	V. 12, p. 13
66-10-10	Amended	V. 12, p. 13
66-10-10a	New	V. 12, p. 13
66-10-11	Amended	V. 12, p. 14
66-10-12	Amended	V. 12, p. 14
66-11-1	Amended	V. 11, p. 411
66-11-2	Amended	V. 12, p. 14
66-11-3	Amended	V. 12, p. 14
66-12-1	New	V. 11, p. 412
66-13-1	Amended	V. 12, p. 14

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-2-20	Amended	V. 11, p. 1611
68-7-12	Amended	V. 11, p. 1611
68-7-12a	New	V. 12, p. 186
68-7-19	New	V. 12, p. 187
68-11-1	Amended	V. 11, p. 1612
68-12-2	Amended	V. 12, p. 187
68-14-1	through	
68-14-7	New	V. 11, p. 665, 666
68-20-18	Amended	V. 12, p. 187
68-20-19	Amended	V. 12, p. 188

AGENCY 69: BOARD OF
COSMETOLOGY

Reg. No.	Action	Register
69-3-2	Amended	V. 11, p. 1749
69-3-11	Amended	V. 11, p. 1749
69-6-5	Amended	V. 11, p. 1749
69-7-1	Revoked	V. 11, p. 1800
69-7-2	Revoked	V. 11, p. 1800
69-7-3	Revoked	V. 11, p. 1800
69-7-4	Revoked	V. 11, p. 1800
69-7-5	Revoked	V. 11, p. 1800
69-7-7	Revoked	V. 11, p. 1800
69-7-14	Revoked	V. 11, p. 1800
69-7-16	Revoked	V. 11, p. 1800
69-7-22	Revoked	V. 11, p. 1800
69-7-23	Revoked	V. 11, p. 1800
69-7-25	Revoked	V. 11, p. 1800
69-7-26	Revoked	V. 11, p. 1800
69-7-27	Revoked	V. 11, p. 1800
69-11-1	Amended	V. 11, p. 1749

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-1-16	New	V. 12, p. 439
71-1-17	New	V. 12, p. 439
71-3-3	Amended	V. 12, p. 532

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-4-7	Amended	V. 11, p. 847
74-5-2	Amended	V. 12, p. 229
74-5-103	Amended	V. 11, p. 848
74-5-104	Amended	V. 11, p. 848
74-5-202	Amended	V. 11, p. 849
74-5-203	Amended	V. 11, p. 849

AGENCY 75: CONSUMER CREDIT
COMMISSIONER

Reg. No.	Action	Register
75-6-11	Amended	V. 11, p. 1176
75-6-24	Amended	V. 11, p. 908
75-6-26	Amended	V. 11, p. 1176

AGENCY 82: STATE CORPORATION
COMMISSION

Reg. No.	Action	Register
82-3-401	Amended	V. 12, p. 376
82-3-401a	New	V. 12, p. 377
82-4-1	Amended	V. 12, p. 439
82-4-3	Amended	V. 12, p. 440
82-4-6d	Amended	V. 12, p. 441
82-4-8a	Amended	V. 12, p. 441
82-4-20	Amended	V. 12, p. 442
82-4-27a	Amended	V. 12, p. 442
82-4-27c	Amended	V. 11, p. 812
82-4-27e	Amended	V. 11, p. 812
82-4-27g	New	V. 11, p. 812
82-4-29	Amended	V. 12, p. 443
82-4-34	Revoked	V. 12, p. 443
82-4-35a	Amended	V. 12, p. 443
82-4-37	Amended	V. 12, p. 443
82-4-38	Revoked	V. 12, p. 443
82-4-39	Amended	V. 12, p. 443

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-13	Amended	V. 11, p. 1230
86-3-23	New	V. 11, p. 1832
86-3-24	New	V. 11, p. 1832

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-8-2	Amended	V. 11, p. 1675
88-8-9	New	V. 11, p. 1675
88-9-3	Amended	V. 11, p. 1675
88-10-4	Amended	V. 12, p. 631
88-11-5	Amended	V. 12, p. 631
88-13-4	Amended	V. 11, p. 1675
88-13-11	Amended	V. 11, p. 1675
88-18-3	Amended	V. 11, p. 1676
88-18-8	Amended	V. 11, p. 1676
88-19-2	Amended	V. 11, p. 1676
88-19-4	Amended	V. 11, p. 1676
88-20-3	Amended	V. 11, p. 1676
88-20-9	Amended	V. 11, p. 1677
88-21-3	Amended	V. 11, p. 1677
88-21-8	Amended	V. 11, p. 1677
88-22-1	through	
88-22-10	New	V. 12, p. 93, 94

AGENCY 91: DEPARTMENT OF
EDUCATION

Reg. No.	Action	Register
91-1-27d	New	V. 11, p. 765
91-1-30	Amended	V. 12, p. 579
91-1-80	Amended	V. 12, p. 580
91-1-102a	New	V. 12, p. 581
91-1-104b	New	V. 12, p. 582
91-1-104c	New	V. 12, p. 582
91-1-110a	Amended	V. 12, p. 582
91-1-110c	New	V. 12, p. 583
91-1-112c	New	V. 12, p. 583
91-1-112d	New	V. 12, p. 584
91-1-113b	New	V. 12, p. 584
91-5-2	Amended	V. 11, p. 1144
91-5-7	Amended	V. 11, p. 1584
91-12-22	Amended	V. 12, p. 585

91-12-23	Amended	V. 12, p. 589
91-12-24a	Amended	V. 12, p. 590
91-12-27	Amended	V. 12, p. 590
91-12-28	Amended	V. 12, p. 590
91-12-30	Amended	V. 12, p. 591
91-12-33	Amended	V. 12, p. 591
91-12-37	Amended	V. 12, p. 591
91-12-40	Amended	V. 12, p. 592
91-12-41	Amended	V. 12, p. 593
91-12-44	Amended	V. 12, p. 594
91-12-47	Amended	V. 12, p. 595
91-12-51	Amended	V. 12, p. 596
91-12-53	Amended	V. 12, p. 596
91-12-54	Amended	V. 12, p. 597
91-12-55	Amended	V. 12, p. 598
91-12-59	Amended	V. 12, p. 598
91-12-61	Amended	V. 12, p. 598
91-12-64	Amended	V. 12, p. 599
91-12-65	Amended	V. 12, p. 600

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-12-112	New	V. 11, p. 559
92-51-34	Amended	V. 11, p. 559
92-52-9	Amended	V. 11, p. 559
92-52-9a	New	V. 11, p. 560

**AGENCY 93: DEPARTMENT OF REVENUE—
DIVISION OF PROPERTY VALUATION**

Reg. No.	Action	Register
93-5-1	New	V. 11, p. 554

AGENCY 98: KANSAS WATER OFFICE

Reg. No.	Action	Register
98-5-2	Amended	V. 12, p. 351
98-5-3	Amended	V. 12, p. 352
98-5-5	Amended	V. 12, p. 353

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-1	Amended	V. 11, p. 1039, 1117
100-49-5	New	V. 11, p. 1084
100-60-3	Revoked	V. 11, p. 2007
100-60-4	Amended	V. 11, p. 2007
100-60-5	Amended	V. 11, p. 2007
100-60-6	Amended	V. 11, p. 2007
100-60-8		
through		
100-60-14	Amended	V. 11, p. 2008, 2009

**AGENCY 102: BEHAVIORAL SCIENCES
REGULATORY BOARD**

Reg. No.	Action	Register
102-5-1		
through		
102-5-12	New	V. 12, p. 189-194

**AGENCY 105: BOARD OF INDIGENTS'
DEFENSE SERVICES**

Reg. No.	Action	Register
105-3-9	Amended	V. 11, p. 1832
105-5-2	Amended	V. 12, p. 9
105-5-6	Amended	V. 12, p. 9
105-5-7	Amended	V. 12, p. 9
105-5-8	Amended	V. 12, p. 9

**AGENCY 109: BOARD OF EMERGENCY
MEDICAL SERVICES**

Reg. No.	Action	Register
109-1-1	Amended	V. 11, p. 131
109-9-5	New	V. 11, p. 133

**AGENCY 110: DEPARTMENT OF COMMERCE
AND HOUSING**

Reg. No.	Action	Register
110-4-1		
through		
110-4-4	New	V. 11, p. 1176-1178, 1258-1260
110-5-1		
through		
110-5-6	New	V. 11, p. 1370, 1371 1703, 1704

AGENCY 111: THE KANSAS LOTTERY

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 8, p. 586
111-2-1	Amended	V. 7, p. 1995
111-2-2	Amended	V. 9, p. 1675
111-2-2a	Revoked	V. 9, p. 1675
111-2-6	Amended	V. 11, p. 136
111-2-7	Revoked	V. 10, p. 1210
111-2-13	Revoked	V. 10, p. 881
111-2-14	New	V. 9, p. 30
111-2-15	Revoked	V. 10, p. 881
111-2-16	Revoked	V. 10, p. 1210
111-2-17	Revoked	V. 10, p. 1210
111-2-18	Revoked	V. 11, p. 413
111-2-19	Revoked	V. 11, p. 413
111-2-20	New	V. 11, p. 199
111-2-21	New	V. 11, p. 1471
111-2-22	New	V. 11, p. 1972
111-2-23	New	V. 12, p. 113
111-2-24	New	V. 12, p. 520
111-3-1	Amended	V. 10, p. 1210
111-3-9	Revoked	V. 11, p. 1793
111-3-10		
through		
111-3-31	New	V. 7, p. 201-206
111-3-11	Amended	V. 8, p. 299
111-3-12	Amended	V. 10, p. 12
111-3-13	Amended	V. 11, p. 1148
111-3-14	Amended	V. 10, p. 12
111-3-16	Amended	V. 9, p. 1566
111-3-19		
through		
111-3-22	Amended	V. 9, p. 30
111-3-20	Amended	V. 11, p. 1148
111-3-21	Amended	V. 11, p. 1148
111-3-22	Amended	V. 11, p. 1148
111-3-23	Revoked	V. 10, p. 883
111-3-25	Amended	V. 11, p. 1149
111-3-26	Amended	V. 11, p. 1149
111-3-27	Amended	V. 11, p. 1149
111-3-29	Revoked	V. 11, p. 1149
111-3-31	Amended	V. 8, p. 209
111-3-32	Amended	V. 10, p. 883
111-3-33	New	V. 7, p. 1434
111-4-1		
through		
111-4-5	Revoked	V. 12, p. 113
111-4-5a	Revoked	V. 12, p. 113
111-4-6		
through		
111-4-15	Revoked	V. 12, p. 113
111-4-66		
through		
111-4-77	New	V. 7, p. 207-209
111-4-96		
through		
111-4-114	New	V. 7, p. 1606-1610
111-4-100	Amended	V. 11, p. 1472
111-4-101	Amended	V. 11, p. 976
111-4-102	Amended	V. 11, p. 976
111-4-103	Amended	V. 10, p. 1211
111-4-104	Amended	V. 11, p. 1793
111-4-105	Amended	V. 11, p. 977
111-4-106	Amended	V. 11, p. 1472
111-4-106a	Amended	V. 11, p. 1149
111-4-107	Amended	V. 11, p. 978
111-4-108	Amended	V. 11, p. 978
111-4-110	Amended	V. 11, p. 978
111-4-111	Amended	V. 9, p. 1366
111-4-112	Amended	V. 11, p. 978
111-4-113	Amended	V. 9, p. 1366
111-4-114	Amended	V. 9, p. 1366
111-4-153		
through		
111-4-160	Revoked	V. 9, p. 1676, 1677
111-4-177		
through		
111-4-212	Revoked	V. 9, p. 1677, 1678

111-4-213		
through		
111-4-220	Revoked	V. 10, p. 1213
111-4-217	Amended	V. 9, p. 986
111-4-221		
through		
111-4-224	Revoked	V. 10, p. 1585
111-4-225		
through		
111-4-228	Revoked	V. 10, p. 1585
111-4-229		
through		
111-4-236	Revoked	V. 10, p. 1585, 1586
111-4-237		
through		
111-4-240	Revoked	V. 11, p. 413
111-4-241		
through		
111-4-244	New	V. 9, p. 1812
111-4-245		
through		
111-4-248	New	V. 10, p. 200
111-4-249		
through		
111-4-256	Revoked	V. 12, p. 113, 114
111-4-257		
through		
111-4-286	Revoked	V. 11, p. 413, 414
111-4-287		
through		
111-4-300	New	V. 10, p. 883-886
111-4-291		
through		
111-4-300	Revoked	V. 12, p. 114
111-4-301		
through		
111-4-307	New	V. 10, p. 1015, 1016
111-4-301		
through		
111-4-306	Amended	V. 11, p. 979
111-4-308		
through		
111-4-320	New	V. 10, p. 1214, 1215
111-4-308	Amended	V. 10, p. 1472
111-4-311	Amended	V. 10, p. 1472
111-4-312	Amended	V. 10, p. 1472
111-4-318		
through		
111-4-321	Revoked	V. 12, p. 114
111-4-322		
through		
111-4-331	New	V. 10, p. 1411-1413
111-4-328		
through		
111-4-335	Revoked	V. 12, p. 114
111-4-336		
through		
111-4-345	New	V. 10, p. 1526-1528
111-4-336		
through		
111-4-340	Amended	V. 11, p. 1472, 1473
111-4-339	Amended	V. 11, p. 1793
111-4-341	Revoked	V. 11, p. 1473
111-4-341a	New	V. 11, p. 1793
111-4-341b	New	V. 11, p. 1794
111-4-344	Amended	V. 11, p. 1473
111-4-346		
through		
111-4-361	New	V. 10, p. 1586-1589
111-4-346		
through		
111-4-349	Revoked	V. 12, p. 114
111-4-362		
through		
111-4-365	Revoked	V. 12, p. 114, 115
111-4-362	Amended	V. 11, p. 13
111-4-366		
through		
111-4-379	New	V. 11, p. 136-139

(continued)

111-4-380 through			111-5-34 New	V. 12, p. 318	111-9-49 through		
111-4-383	New	V. 11, p. 477, 478	111-5-35 through		111-9-54	New	V. 12, p. 318, 319
111-4-384 through			111-5-38 New	V. 12, p. 526	111-10-1 through		
111-4-387	New	V. 11, p. 414	111-6-1 through		111-10-9	New	V. 8, p. 136-138
111-4-388 through			111-6-15 New	V. 7, p. 213-217	111-10-7	Amended	V. 8, p. 301
111-4-400	New	V. 11, p. 478-481	111-6-1 Amended	V. 12, p. 527	AGENCY 112: KANSAS RACING COMMISSION		
111-4-392	Amended	V. 12, p. 520	111-6-3 Amended	V. 12, p. 527	Reg. No.	Action	Register
111-4-394 through			111-6-4 Amended	V. 10, p. 1413	112-4-1	Amended	V. 11, p. 1974, 2010
111-4-400	Amended	V. 12, p. 521, 522	111-6-5 Amended	V. 10, p. 14	112-4-4	Amended	V. 11, p. 165
111-4-401 through			111-6-6 Amended	V. 11, p. 1973	112-4-5	Amended	V. 11, p. 1975, 2011
111-4-404	New	V. 11, p. 980, 981	111-6-7 Amended	V. 11, p. 1477	112-4-6	Amended	V. 11, p. 1975, 2011
111-4-405 through			111-6-8 Amended	V. 11, p. 1478	112-4-8	Amended	V. 11, p. 1975, 2011
111-4-413	New	V. 11, p. 756, 757	111-6-9 Amended	V. 10, p. 1217	112-4-9a	New	V. 11, p. 1976, 2011
111-4-405 through			111-6-12 Amended	V. 8, p. 212	112-4-12	Amended	V. 11, p. 1976, 2011
111-4-409	Amended	V. 11, p. 1473, 1474	111-6-13 Amended	V. 8, p. 299	112-4-13	Revoked	V. 11, p. 1976, 2012
111-4-411	Amended	V. 11, p. 1474	111-6-17 Revoked	V. 10, p. 1475	112-4-16	Amended	V. 11, p. 1976, 2012
111-4-412	Amended	V. 11, p. 1475	111-7-1 through		112-4-17	Amended	V. 11, p. 1976, 2012
111-4-413	Amended	V. 11, p. 1475	111-7-10 New	V. 7, p. 1192, 1193	112-4-18	Amended	V. 11, p. 1977, 2012
111-4-414 through			111-7-1 Amended	V. 8, p. 212	112-4-19	Amended	V. 11, p. 1977, 2012
111-4-428	New	V. 11, p. 981-983	111-7-3 Amended	V. 11, p. 1796	112-4-21a	New	V. 11, p. 1977, 2013
111-4-414	Amended	V. 11, p. 1150	111-7-3a New	V. 11, p. 1796	112-4-22	Amended	V. 11, p. 1977, 2013
111-4-429 through			111-7-4 Amended	V. 9, p. 1367	112-4-23	New	V. 11, p. 1977, 2013
111-4-432	New	V. 11, p. 1118	111-7-5 Amended	V. 9, p. 986	112-7-2	Amended	V. 11, p. 1977, 2013
111-4-433 through			111-7-6 Amended	V. 9, p. 987	112-7-5		
111-4-436	New	V. 11, p. 1150, 1151	111-7-9 Amended	V. 9, p. 1569	through		
111-4-437 through			111-7-11 Amended	V. 10, p. 1475	112-7-10	Amended	V. 11, p. 1978-1979, 2013-2015
111-4-444	New	V. 11, p. 1475-1477	111-7-12 through		112-7-13	Amended	V. 11, p. 1980, 2015
111-4-445 through			111-7-32 New	V. 7, p. 1194-1196	112-7-15	Revoked	V. 11, p. 1980, 2016
111-4-453	New	V. 11, p. 1794-1796	111-7-33 through		112-7-15a	New	V. 11, p. 1980, 2016
111-4-454 through			111-7-43 New	V. 7, p. 1197, 1198	112-7-15b	New	V. 11, p. 1981, 2017
111-4-457	New	V. 11, p. 1944	111-7-33a New	V. 8, p. 300	112-7-16	Amended	V. 11, p. 1981, 2017
111-4-458 through			111-7-44 through		112-7-16a	New	V. 11, p. 1982, 2017
111-4-461	New	V. 11, p. 1972, 1973	111-7-54 New	V. 9, p. 1367-1370	112-7-18	Amended	V. 11, p. 1982, 2018
111-4-462 through			111-7-46 Amended	V. 11, p. 1152	112-7-18a	New	V. 11, p. 1982, 2018
111-4-465	New	V. 12, p. 115	111-7-54 Amended	V. 11, p. 1511	112-7-20	Amended	V. 11, p. 1983, 2018
111-4-466 through			111-7-55 through		112-7-21	Amended	V. 11, p. 1983, 2018
111-4-473	New	V. 12, p. 316, 317	111-7-63 Revoked	V. 10, p. 1217	112-7-22	Amended	V. 11, p. 1983, 2019
111-4-470	Amended	V. 12, p. 522	111-7-60 Amended	V. 10, p. 262	112-7-23	New	V. 11, p. 1984, 2020
111-4-474 through			111-7-64 through		112-9-2	Amended	V. 12, p. 355
111-4-488	New	V. 12, p. 522-524	111-7-75 New	V. 11, p. 13, 14	112-9-11a	New	V. 11, p. 560
111-4-493 through			111-7-66 Amended	V. 11, p. 1797	112-9-12		
111-4-496	New	V. 12, p. 525	111-7-66a New	V. 11, p. 1797	through		
111-5-1 through			111-7-76 through		112-9-21	Revoked	V. 11, p. 560, 561
111-5-23	New	V. 7, p. 209-213	111-7-83 New	V. 11, p. 1478-1480	112-9-12a	New	V. 11, p. 561
111-5-9 through			111-8-1 New	V. 7, p. 1633	112-9-13a	New	V. 11, p. 561
111-5-15	Amended	V. 8, p. 210, 211	111-8-2 New	V. 7, p. 1633	112-9-14a	New	V. 11, p. 561
111-5-11	Amended	V. 9, p. 505	111-8-3 Amended	V. 10, p. 886	112-9-15a	New	V. 11, p. 562
111-5-12	Amended	V. 11, p. 415	111-8-4 New	V. 7, p. 1714	112-9-16a	New	V. 11, p. 563
111-5-17	Amended	V. 8, p. 211	111-8-4a New	V. 7, p. 1995	112-9-16b	New	V. 11, p. 563
111-5-18	Amended	V. 10, p. 13	111-8-5 through		112-9-17a	New	V. 11, p. 564
111-5-19	Amended	V. 8, p. 212	111-8-13 New	V. 7, p. 1634	112-9-18a	Amended	V. 12, p. 355, 378
111-5-21 through			111-9-1 through		112-9-19a	New	V. 11, p. 565
111-5-33	New	V. 11, p. 415-418	111-9-12 New	V. 7, p. 1714-1716	112-9-21a	New	V. 11, p. 566
111-5-22	Amended	V. 11, p. 481	111-9-11 through		112-9-22	Revoked	V. 11, p. 566
111-5-23	Amended	V. 11, p. 481	111-9-6 Revoked	V. 9, p. 1680	112-9-22a	New	V. 11, p. 566
111-5-24	Amended	V. 11, p. 983	111-9-13 through		112-9-30	Amended	V. 12, p. 355
111-5-25	Amended	V. 11, p. 482	111-9-18 Revoked	V. 9, p. 1680	112-9-39	Revoked	V. 11, p. 568
111-5-27	Amended	V. 11, p. 482	111-9-25 through		112-9-39a	Amended	V. 12, p. 356, 378
111-5-28	Amended	V. 12, p. 317	111-9-30 New	V. 9, p. 699, 700	112-9-40	Revoked	V. 11, p. 568
			111-9-31 through		112-9-40a	Amended	V. 12, p. 356, 379
			111-9-36 New	V. 10, p. 262	112-9-41	Revoked	V. 11, p. 570, 754
			111-9-37 through		112-9-41a	Amended	V. 12, p. 358, 380
			111-9-48 New	V. 10, p. 1439, 1440	112-9-42	Amended	V. 12, p. 359, 382
					112-9-43	Amended	V. 12, p. 361, 383
					112-9-44	Amended	V. 12, p. 361, 384
					112-10-2 through		
					112-10-6	Amended	V. 11, p. 1984-1987, 2020-2023
					112-10-8	Amended	V. 11, p. 1988, 2023
					112-10-9	Revoked	V. 11, p. 1988, 2024
					112-10-9a	New	V. 11, p. 1988, 2024
					112-10-12	Amended	V. 11, p. 1988, 2024
					112-10-32	Amended	V. 11, p. 1989, 2025
					112-10-33	Amended	V. 11, p. 1989, 2025

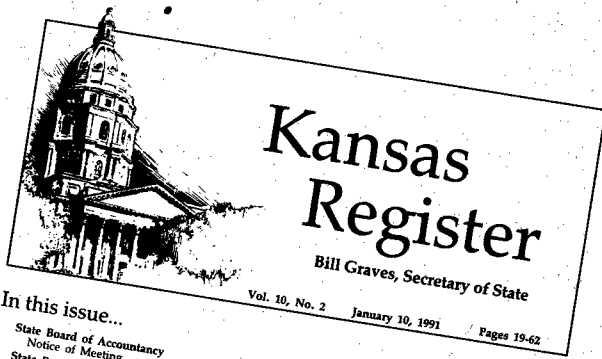
112-10-35	Amended	V. 11, p. 1990, 2026
112-10-36	Revoked	V. 11, p. 165
112-10-36a	New	V. 11, p. 135
112-10-37	Amended	V. 11, p. 1990, 2026
112-11-13	Revoked	V. 11, p. 1990, 2026
112-11-13a	New	V. 11, p. 1991, 2026
112-12-1	New	V. 12, p. 50
112-12-2 through 112-12-11	Amended	V. 12, p. 50-53
112-17-1 through 112-17-14	New	V. 11, p. 1612-1617
112-18-2 through 112-18-19	New	V. 11, p. 1512-1516, 1579-1583
AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS		
Reg. No.	Action	Register
115-1-1	Amended	V. 11, p. 599
115-2-1	Amended	V. 11, p. 1329

115-2-2	Amended	V. 11, p. 1330
115-2-3	Amended	V. 11, p. 1330
115-2-4	Amended	V. 11, p. 1330
115-4-1	Amended	V. 12, p. 570
115-4-3	Amended	V. 12, p. 570
115-4-5	Amended	V. 12, p. 571
115-4-6	Amended	V. 12, p. 572
115-4-7	Amended	V. 12, p. 574
115-8-6	Amended	V. 11, p. 1743
115-8-9	Amended	V. 11, p. 1330
115-11-2	Amended	V. 11, p. 1144
115-15-1	Amended	V. 11, p. 1145
115-15-2	Amended	V. 11, p. 1146
115-16-3	Amended	V. 11, p. 1147
115-17-6	Amended	V. 11, p. 606
115-17-7	Amended	V. 11, p. 606
115-17-9	Amended	V. 11, p. 607
115-17-14	New	V. 11, p. 607
115-18-8	New	V. 11, p. 608

AGENCY 117: REAL ESTATE APPRAISAL BOARD		
Reg. No.	Action	Register
117-1-1	Amended	V. 12, p. 528
117-2-1	Amended	V. 12, p. 528
117-2-4	Amended	V. 12, p. 529
117-3-1	Amended	V. 12, p. 529
117-4-1	Amended	V. 12, p. 530
117-4-4	Amended	V. 12, p. 530
117-6-1	Amended	V. 12, p. 531
117-6-2	Amended	V. 12, p. 531
117-8-1	Amended	V. 12, p. 531
AGENCY 118: STATE HISTORICAL SOCIETY		
Reg. No.	Action	Register
118-1-1 through 118-1-4	New	Vol. 11, p. 1119, 1120
118-2-1	New	V. 11, p. 554

NOW AVAILABLE . . .

**CUSTOM-MADE
LOOSELEAF BINDERS
for the
KANSAS REGISTER**



In this issue...

State Board of Accountancy Notice of Meeting.....	Page
State Records Board Notice of Meeting.....	20
Kansas Agricultural Value-Added Processing Center Notice of Leadership Council Meeting.....	20
Kansas Water Authority Notice of Meeting.....	20
Kansas Sentencing Commission Notice of Meeting.....	20
Executive Appointments Kansas Apprenticeship Committee Notice of Meeting.....	21
Notice to Bidders for State Purchases.....	21
Notice of Bond Sale.....	22
City of Hillsboro.....	22
	23

We are pleased to announce that custom-made *Kansas Register* binders are now available!

These binders will hold your copies of the *Kansas Register* attractively for permanent use. They are highest quality, durable, casebound Swing Hinge® binders made by McBee Loose Leaf Binder Products. (A Swing Hinge® binder has more capacity and allows for easier interfiling than standard ring binders.) They feature dark blue cloth covering and gold imprinting. Each three-inch binder will hold up to a year's worth of *Register* issues.

Order your binders today!

***Kansas Register* binders . . . \$18.00 each includes shipping and handling.**

CLIP AND MAIL

Dear Secretary Graves: Please send _____ *Kansas Register* binders.
(Quantity)

Price: \$18.00 each, includes shipping and handling.

AMOUNT ENCLOSED \$ _____

SHIP TO:

Shipping is by
U.P.S. Delivery Service;
STREET ADDRESS
IS NECESSARY.

Mail order, with payment, to: *Kansas Register*, Secretary of State, State Capitol, Topeka, KS 66612-1594.

**Kansas Register
Secretary of State
2nd Floor, State Capitol
Topeka, KS 66612-1594**

Use this form or a copy of it to enter a subscription:

_____ **One-year subscriptions @ \$60 ea.**
(Kansas residents must include
\$3.54 state and local sales tax.)

Total Enclosed _____
(Make checks payable to the Kansas Register)

Send to:

(Please, no
more than
4 address
lines.)

Zip code must be included

This space for Register office use only.
Rec. No. _____
Exp. _____
Code _____

Use this form or a copy of it to enter a name or address change:

Remove your mailing label (above) and affix it here:

Indicate change of name or address here:

**Mail either form to: Kansas Register, Secretary of State, 2nd Floor,
State Capitol, Topeka, KS 66612-1594**