

Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

Statewide Independent Living Council

Notice of Meeting

The Statewide Independent Living Council of Kansas, Inc. will meet at 10 a.m. Friday, June 14, at the SRS area office, 901 Westchester Drive, Salina. For further information, contact Shannon Jones at (913) 234-6990. (Voice/TDD).

Shannon Jones
Executive Director

Doc. No. 017707

State of Kansas

Department of Health and Environment

Notice of Task Force Meeting

The Kansas EMS/Trauma Planning Project Pre-hospital Data Collection Task Force will meet from 9 to 11:30 a.m. Thursday, June 6, at the Pozez Education Center, 1504 S.W. 8th, Topeka. For more information, contact Deborah Williams, Project Coordinator, Bureau of Local and Rural Health Systems, Landon State Office Building, Room 665, 900 S.W. Jackson, Topeka, 66612-1290, (913) 291-3773.

James J. O'Connell
Secretary of Health and Environment

Doc. No. 017711

State of Kansas

Office of the State Treasurer

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 1995 Supp. 75-4210, as amended. These rates and their uses are defined in K.S.A. 75-4201(l), 12-1675(b)(c)(d) and 75-4209(a)(1)(B), as amended.

Effective 6-3-96 through 6-9-96

Term	Rate
0-90 days	5.21%
3 months	5.18%
6 months	5.36%
9 months	5.51%
12 months	5.67%
18 months	5.88%
24 months	6.01%
36 months	6.21%
48 months	6.36%

Sally Thompson
State Treasurer

Doc. No. 017708

State of Kansas

Social and Rehabilitation Services

Request for Comments

The public is invited to comment on the Department of Social and Rehabilitation Services' plan for using the Child Care and Development Block Grant. Topics for comment will be local child care needs and resources, the effectiveness of existing child care services and early childhood development programs, and the methods by which block grant funds can be used to effectively address local child care shortages. Copies of the current Request for Proposal will be available, and comments on suggested changes are welcome.

Comments will be heard from the public from 10 a.m. to noon Friday, June 7, at the Dodge City Public Library, 1001 2nd Ave.

Rochelle Chronister
Secretary of Social and Rehabilitation Services

Doc. No. 017710

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(913) 296-3489

State of Kansas

Department of Wildlife
and Parks

Public Notice

The Kansas Department of Wildlife and Parks has reached an agreement for the purchase of approximately 37 acres in Ford County, Kansas. The land is located in the SW ¼ of Section 26, T26S, R23W. This tract is part of the Playa Wetlands Program and will remain on the county tax rolls.

Steven A. Williams
Secretary of Wildlife
and Parks

Doc. No. 017719

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 45,000 cubic yard detention dam, Site 103 in Douglas County, will be received by the Wakarusa Watershed Joint District No. 35 at the Wakarusa Watershed District Office, 302 Maple, Box 139, Overbrook, 66524-0139, until 2 p.m. June 18, and then opened. A copy of the invitation for bids and plans and specifications can be obtained from the Wakarusa Watershed District Office, (913) 665-7231.

Tracy D. Streeter
Executive Director

Doc. No. 017714

State of Kansas

Department of Administration
Division of Architectural ServicesNotice of Commencement of Negotiations
for Architectural Services

Notice is hereby given of the commencement of negotiations for "on-call" architectural services for the University of Kansas Medical Center, Kansas City, Kansas. The selected firms will provide services for small projects at the Medical Center.

If interested, an original and six copies of the SF 255 form (plus relevant attachments of information regarding similar projects) shall be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 625 Polk, Topeka, 66603, (913) 233-9367.

Any questions or expressions of interest should be submitted to Gary Grimes by 5 p.m. June 14.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 017723

State of Kansas

Criminal Justice Coordinating Council

Notice of Meeting

The Kansas Criminal Justice Coordinating Council will meet from 10 a.m. to noon Monday, June 3, in the Court of Appeals Courtroom, second floor, Kansas Judicial Center, 301 W. 10th, Topeka.

Barbara S. Tombs
Executive Director

Doc. No. 017720

State of Kansas

Secretary of State

Executive Appointments

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. The following appointments, which are effective immediately unless otherwise specified, were filed May 13-24:

District Judge, 29th Judicial District,
Division 15

Bill L. Klapper, 10825 Countryside Drive, Kansas City, KS 66109. Succeeds Michael G. Moroney, resigned.

Emergency Medical Services Board

Rep. Andrew Howell, 728 S. Holbrook, Fort Scott, 66701. Effective June 1, 1996. Appointed by the Speaker of the House.

Long Term Care Insurance Task Force

Tim Buchanan, 453 S. Webb Road, Suite 500, Wichita, 67207. Appointed by the President of the Senate.

Sen. Sandy Praeger, 3601 Quail Creek Court, Lawrence, 66047. Appointed by the President of the Senate.

State Board of Tax Appeals

Robert G. Frey, 1859 S. Hillside, Wichita, 67211. Term expires January 15, 2000.

Wyandotte County/Kansas City, Kansas
Consolidation Study Commission

(Established pursuant to 1996 Senate Bill 464.
Terms expire no later than April 13, 1997.)

Robert L. Baynham, 5757 Rowland, Kansas City, KS 66104.

Thomas R. Burke, 7940 Troup Ave., Kansas City, KS 66112.

Aileen C. Eidson, 2420 N. 131st, Kansas City, KS 66109.

Gary D. Grable, 3049 S. 47th Terrace, Kansas City, KS 66106.

Richard A. Ruiz, 1747 S. 23rd, Kansas City, KS 66106.

Robert Stockwell, 9740 Russell, Overland Park, 66212.

Ron Thornburgh
Secretary of State

State of Kansas

Kansas Technology Enterprise Corporation**Notice of Meeting**

The Kansas Technology Enterprise Corporation Board of Directors will meet at 8:30 a.m. Friday, June 7, in the Alumni Center board room, Pittsburg State University campus, Pittsburg.

Richard A. Bendis
President

Doc. No. 017709

State of Kansas

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

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Cloud County Highway Department has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of PM₁₀ were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Cloud County Highway Department, Concordia, owns and operates an asphalt facility located at Route 3, Section 35, Township 5 South, Range 3 West, Concordia.

A copy of the proposed permit, permit application, all supporting nonconfidential documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE north central district office, 2501 Market Place, Salina. To obtain or review the proposed permit and supporting documentation, contact Cheryl Evans, (913) 296-6438, at the KDHE central office, or Rick Brunetti, (913) 827-9639, at the KDHE north central district office. The standard departmental cost will be assessed for any copies requested.

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

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business July 1 in order for the Secretary of Health and Environment to consider the request.

James J. O'Connell
Secretary of Health
and Environment

Doc. No. 017706

State of Kansas

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

Notice is hereby given of the commencement of negotiations for "on-call" engineering services for the University of Kansas Medical Center, Kansas City, Kansas. The selected firms will provide services for small projects at the Medical Center.

If interested, an original and six copies of the SF 255 form (plus relevant attachments of information regarding similar projects) shall be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 625 Polk, Topeka, 66603, (913) 233-9367.

Any questions or expressions of interest should be submitted to Gary Grimes by 5 p.m. June 14.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 017724

State of Kansas

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

Notice is hereby given of the commencement of negotiations for architectural services for the renovation of Russ Hall at Pittsburg State University. The project will be a complete renovation, including compliance with fire and life safety requirements, compliance with accessibility standards to include an elevator, upgrading of classrooms and administrative offices, restoration of exterior surfaces and details, installation of efficient HVAC systems, and an electrical service upgrade. Total project budget is \$8,500,000.

Questions regarding the scope of the project should be directed to Gary Carlat, Director of Facilities Planning, Pittsburg State University, (316) 235-4130.

If interested, an original and six copies of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 625 Polk, Topeka, 66603, (913) 233-9367.

Any questions or expressions of interest should be submitted to Gary Grimes by 5 p.m. June 14.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 017721

State of Kansas

Attorney General

Opinion No. 96-43

Counties and County Officers—Water Supply and Distribution Districts; Certain Counties—Public Letting; Surety Bond for Performance of Contract.

Procedure, Civil—Liens for Labor and Materials—Public Works Bond. Wilson E. Speer, General Counsel, Water District No. 1 of Johnson County, Olathe, May 14, 1996.

The public works bond required by K.S.A. 60-1111 is a separate and distinct obligation from the performance bond required by K.S.A. 19-3516 and 19-214. Cited herein: K.S.A. 19-214; 19-3516; 60-1111. MF

Opinion No. 96-44

Agriculture—County Extension; Councils, Boards and Agents—Purpose of Extension Councils; User Fees. Ted D. Ayres, General Counsel, State Board of Regents, Topeka, May 21, 1996.

A county extension council may not collect any fee unless the fee is for a specific service which requires special equipment or personnel, such as a soil testing laboratory, seed testing service or other educational service. Whether an educational program fits within such parameters will depend upon the facts. Cited herein: K.S.A. 2-608; 2-610; 2-616. MF

Carla J. Stovall
Attorney General

Doc. No. 017715

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality general Class II operating permit. A proposed general Class II operating permit has been developed for crushed and broken stone facilities in accordance with the provisions of K.A.R. 28-19-540 *et seq.* and K.A.R. 28-19-400 *et seq.* Emissions of particulate matter with an aerodynamic diameter less than or equal to 10 microns were evaluated during the permit review process. The purpose of the general Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

If the proposed general Class II operating permit for crushed and broken stone facilities is issued, an air emission source which qualifies may submit an application to operate under the terms of the general permit. Authorizations to operate under the terms of the general Class II operating permit issued by KDHE will state the name and address of the entity authorized to operate under the terms of the permit. A list of all sources within the state which are authorized to operate under the terms of the

permit will be maintained at the Topeka offices of KDHE.

A copy of the proposed general Class II operating permit, proposed permit application, and proposed authorization format is available for public review during normal business hours at the following locations:

- KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620; Contact Person: Ralph E. Walden, (913) 296-1583
- North Central District Office, 2501 Market Place, Suite D, Salina, 67401; Contact Person: Rick Brunetti, (913) 827-9639
- Northeast District Office, 800 W. 24th, Lawrence, 66046; Contact Person: Pat Simpson, (913) 842-4600
- Northwest District Office, 2301 E. 13th, Hays, 67601; Contact Person: Rick Robinson, (913) 625-5663
- South Central District Office, 130 S. Market, 6th Floor, Wichita, 67202; Contact Person: Dave Butler, (316) 337-6020
- Southeast District Office, 1500 W. 7th, Chanute, 66720; Contact Person: Lynn Ranabargar, (316) 431-2390
- Southwest District Office, 302 W. McArtor Road, Dodge City, 67801; Contact Person: Wayne Neese, (316) 225-0596
- Johnson County Environmental Department, 11180 Thompson Ave., Lenexa, 66219; Contact Person: Mike Boothe, (913) 492-0402
- Topeka-Shawnee County Health Agency, 1615 W. 8th, Topeka, 66601; Contact Person: Mike Lohmeyer, (913) 368-3650
- Wichita-Sedgwick County Department of Community Health, 1900 E. 9th, Wichita, 67214; Contact Person: Fred Spencer, (316) 268-8448
- Wyandotte County Health Department, 619 Ann Ave., Kansas City, KS 66101; Contact Person: Bruce Andersen, (913) 573-6700

To obtain or review the proposed permit, proposed application forms, and the proposed authorization format, contact the person listed for the appropriate office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Ralph E. Walden, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620, (913) 296-1583. Written comments must be received by the close of business July 1 in order to be considered in formulating a final permit decision.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business July 1 in order for the Secretary of Health and Environment to consider the request.

James J. O'Connell
Secretary of Health
and Environment

Doc. No. 017722

State of Kansas

Board of Accountancy

Correction Notice Concerning Hearing on Proposed Administrative Regulations

The incorrect date for a regular board meeting and public hearing on proposed regulation K.A.R. 74-12-1 was published in the May 23, 1996 Kansas Register. The correct date for both the meeting and the hearing is Friday, July 26.

Glenda Moore
Executive Director

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

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

Public Notice No. KS-AG-96-161/171

Name and Address of Applicant	Legal Description	Receiving Water
Doonan & Sons, Inc. P.O. Box 1286 Great Bend, KS 67530	NE/4, Sec. 10, T20S, R12W, Barton County	Arkansas River Basin

Kansas Permit No. A-ARBT-C005 Federal Permit No. KS-0083879
This is an existing facility for 2,500 head (2,500 animal units) of cattle.
Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule:

- 1) A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.
- 2) Additional pumping equipment will be required to meet compliance conditions for disposal of liquid waste accumulations. Pumping capacity is inadequate.

Name and Address of Applicant	Legal Description	Receiving Water
Bonnie Brow Farms, Inc. Route 1, Box 39 Jamestown, KS 66948	SW/4, Sec. 18, T5S, R4W, Cloud County	Lower Republican River Basin

Kansas Permit No. A-LRCD-H001 Federal Permit No. KS-00116432
This is an existing facility for 2,500 head (1,000 animal units) of swine.
Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Waste-

water storage capacity is provided for 26.2 acre-feet, which meets or exceeds KDHE minimum requirements.

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

The permittee shall submit a detailed description of the land application equipment available, including pump type and capacity, total length and diameter of irrigation pipe.

All cropland and other fields receiving manure nutrients shall be soil tested to a depth of two feet every three years at a minimum to determine actual nutrient (N,P&K) content beginning in November 1, 1996.

A representative sample of the wastewater will be obtained and analyzed in an independent laboratory to determine ammonium N (NH₄-N) and total N,P&K. Based on soil fertility, crop to be grown, realistic yield and past crop management, nutrient application rates will be determined which will generate the greatest benefit while protecting the environment. Soil analyses are to be submitted to KDHE by January 1 of each calendar year.

Name and Address of Applicant	Legal Description	Receiving Water
Dewey Underwood and Sons Route 2, Box 75 Mankato, KS 66956	SE/4, Sec. 5, T3S, R9W, Jewell County	Solomon River Basin

Kansas Permit No. A-SOJW-S017

This is a new facility for 570 head (228 animal units) of swine.
Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

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

Name and Address of Applicant	Legal Description	Receiving Water
Bierbaum Farm, Inc. 239 Madison Road Palmer, KS 66962	NE4, Sec. 33, T5S, R3E, Washington County	Big Blue River Basin

Kansas Permit No. A-BBWS-S039

This is a new facility for 2,400 head (960 animal units) of swine.
Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: The waste management plan developed by the designer and approved by the department shall be adhered to as a condition of this permit. The plan calls for nutrient analysis of both liquids and solids with applications to meet crop nutrient needs. If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than 1.0 acre inch per acre per year and solids shall be applied at not greater than 10 ton per acre.

Dewatering equipment shall be obtained within three months after issuance of this permit through purchase, rental or custom application agreement. It shall be capable of pumping at least 85 gallons per minute and dispersing the wastewater over 55 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
Kenneth Niemann P.O. Box 342 Nortonville, KS 66060	NE/4, Sec. 22, T7S, R19E, Atchison County	Kansas River Basin

Kansas Permit No. A-KSAT-S007

This is an existing facility for 300 head (120 animal units) of swine.
Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided for 3,000 cubic feet, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Dale Bodenhaus Route 1 Muscotah, KS 66058	SW/4, Sec. 33, T5S, R17E, Atchison County	Kansas River Basin

Kansas Permit No. A-KSAT-M008
 This is an existing facility for 80 head (112 animal units) of dairy cattle.
Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided for 31,849 cubic feet, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
June and Phyllis Talkington Route 1 Matfield Green, KS 66862	S/2, Sec. 17, T22S, R8E, Chase County	Neosho River Basin

Kansas Permit No. A-NECS-S009
 This is an existing facility for 1,500 head (600 animal units) of swine.
Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided for 2.6 acre-feet, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Rose Pork, Inc. Route 1, Box 44 Cawker City, KS 67430	W/2, Sec. 8, T5S, R9W, Jewell County	Solomon River Basin

Kansas Permit No. A-SOJW-H001 Federal Permit No. KS-0116360
 This is an expansion facility for 5,950 head (2,380 animal units) of swine.
Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided for 8.1 acre-feet, which meets or exceeds KDHE minimum requirements.

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

Name and Address of Applicant	Legal Description	Receiving Water
River Valley Farms, Inc. Gary Proffitt 2470 18th Road Sterling, KS 67579	NE/4, Sec. 2, T22S, R8W, Rice County	Lower Arkansas River Basin

Kansas Permit No. A-ARRC-H001 Federal Permit No. KS-0117161
 This is an existing facility for 4,900 head (1,960 animal units) of swine.
Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

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

Name and Address of Applicant	Legal Description	Receiving Water
National Farms Feedlots Jud Lackey 26059 Victory Road Parsons, KS 67357	SW/4, Sec. 5, T31S, R21E, Labette County	Neosho River Basin

Kansas Permit No. A-NELB-C001 Federal Permit No. KS-0041726
 This is an existing facility for 18,000 head (18,000 animal units) of cattle.
Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Four N Inc. Sid Nattier 8831 S. Woodlawn Road Newton, KS 67114	NE/4, Sec. 25, T24S, R1E, Harvey County	Little Arkansas River Basin

Kansas Permit No. A-LAHV-C002 Federal Permit No. KS-0085669
 This is an existing facility for 1,600 head (1,600 animal units) of cattle.
Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided, which meets or exceeds KDHE minimum requirements.

Compliance Schedule:

Ponds: On December 1 of each year, the water pollution control facilities shall be dewatered sufficiently to provide a minimum of 120 days of storage of wash water and rainfall. The uppermost two feet of the facility are reserved for structure protection and are not to be considered storage.

Public Notice No. KS-96-084/088

Name and Address of Applicant	Waterway	Type of Discharge
City of Rossville c/o City Hall P.O. Box 337 Rossville, KS 66533	Kansas River via Cross Creek	Treated domestic wastewater

Kansas Permit No. M-KS64-0001 Fed. Permit No. KS-0046477
Facility Description: The proposed permit is for reissuance of an existing permit for operation of an existing wastewater treatment facility. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
City of Walton c/o City Hall P.O. Box 108 Walton, KS 67151	Sand Creek via Beaver Creek via unnamed tributary	Treated domestic wastewater

Kansas Permit No. M-KS64-0001 Fed. Permit No. KS-0026140
Facility Description: The proposed permit is for reissuance of an existing permit for expansion of the existing wastewater treatment facility to a three-cell lagoon for treating domestic wastewater. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
City of Topeka c/o Don Rankin 215 S.E. 7th, Room 150 Topeka, KS 66601-1518	Kansas River	Treated wastewater

Kansas Permit No. I-KS72-PO16 Fed. Permit No. KS-0087262
Facility Description: The proposed permit is for issuance of a new permit for operation of a new wastewater treatment facility treating wastewater from the water treatment plant. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

(continued)

Name and Address of Applicant	Waterway	Type of Discharge
AG & W Environmental Engr. P.O. Box 372 Kingman, KS 67068	Arkansas River via unnamed tributary	Treated groundwater
Kansas Permit No. I-UA29-PO01		Fed. Permit No. KS-0090701

Project Location: Offerle Co-op Grain & Supply, Elm St. & Kansas Avenue, Offerle, KS

Facility Description: The proposed permit is for reissuance of an existing permit for operation of a future groundwater remediation project. Hydrocarbon-contaminated groundwater will be treated in an air stripper prior to discharge. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Prairie Land Envir. Remed. 507 N. 6th Garden City, KS 67846	Arkansas River via city storm sewer	Treated groundwater
Kansas Permit No. I-UA07-PO01		Fed. Permit No. KS-0090361

Project Location: Grain Growers Co-op, 202 N. Main, Cimarron

Facility Description: The proposed permit is for reissuance of an existing permit for operation of a future groundwater remediation project. Hydrocarbon-contaminated groundwater will be treated in an air stripper prior to discharge. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are water quality based.

Written comments on the draft permits must be submitted to the attention of Lisa Duncan for agricultural permits or to the permit clerk for all other permits, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, J Street and 2 North, Forbes Field, Building 283, Topeka, 66620. All comments post-marked or received on or before June 28 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-96-161/171, KS-96-084/088) and the name of applicant as listed when preparing comments.

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

The applications, proposed permits, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 283, Forbes Field, Topeka, from 8 a.m. to 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.

James J. O'Connell
Secretary of Health
and Environment

Doc. No. 017712

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 2 p.m. June 19 and then publicly opened:

District One—Northeast

Brown—73-7 K-5845-01—U.S. 73, Mission Creek bridge, bridge overlay. (State Funds)

Brown—7 X-1918-02—Realignment of township road 228 at Baker, grading and surfacing. (Federal Funds)

Districtwide—106 K-5911-01—Various locations throughout the district, guard fence replacement. (State Funds)

Districtwide—106 K-5925-96—Various locations in the district, signing. (State Funds)

Douglas—23 TE-0014-01—Clinton Parkway to ½ mile northeast of U.S. 59 along the South Lawrence Trafficway, 6.5 miles (10.5 kilometers), pedestrian and bicycle paths. (Federal Funds)

Johnson—C-3011-01—County route 2148 from U.S. 56 to the Olathe city limits, 3.2 miles (5.1 kilometers), grading and surfacing. (Federal Funds)

Johnson—46 K-5912-01—Various locations in the county, guard fence replacement. (State Funds)

Johnson—46 N-0059-01—Johnson Drive from Lamar Avenue to Metcalf Avenue in Mission, grading and surfacing. (Federal Funds)

Johnson—46 U-1370-01—127th Street over Indian Creek in Olathe, grading, bridge and surfacing. (Federal Funds)

Leavenworth—52 C-3105-01—County route 2153 from Lowmont east 5.6 miles (9 kilometers), surfacing. (Federal Funds)

Leavenworth—73-52 K-5266-01—U.S. 73, Pennsylvania Street to Linn Street in Leavenworth, 0.3 mile (0.5 kilometer), grading and surfacing. (State Funds)

Leavenworth—73-52 K-5276-01—U.S. 73, Eisenhower Road north to Muncie/K-5 in Leavenworth, 0.5 mile (0.8 kilometer), grading and surfacing. (State Funds)

Nemaha—178-66 K-5853-01—K-178, culvert 530, culvert improvement. (State Funds)

Riley—18-81 K-3346-04—K-18, Kansas River bridge approaches at Manhattan, seeding and sodding. (State Funds)

Shawnee—75-89 K-3371-01—U.S. 75, from 49th Street north to I-470 and Burlingame Road, 1.5 miles (2.4 kilometers), grading, bridge and surfacing. (State Funds)

Shawnee—470-89 K-4470-02—I-470, from Gage Boulevard east to west of Martin Drive, 2 miles (3.2 kilometers), grading, bridge and surfacing. (Federal Funds)

Shawnee—75-89 K-5666-03—U.S. 75, ramp from westbound I-70 east and north to the Kansas River Bridge, pavement reconstruction. (Federal Funds)

Shawnee—75-89 K-6054-01—U.S. 75 northbound bridge over I-70, bridge overlay. (State Funds)

District Two—Northcentral

Ellsworth—70-27 M-1833-01—I-70, westbound safety rest area, 2 miles west of K-156, rest area improvement. (State Funds)

Lincoln—70-53 K-5980-01—I-70, from Ellsworth-Lincoln county line east to the Lincoln-Saline county line, 7.2 miles (11.6 kilometers), grading, bridge and surfacing. (State Funds)

Morris—64 TE-0033-01—Neosho riverfront area in Council Grove, pedestrian and bicycle paths. (Federal Funds)

District Three—Northwest

Gove—70-32 K-5978-01—I-70, southeast to 1 mile (1.6 kilometers) east of the west K-23 interchange, 19.3 miles (30.9 kilometers), surfacing and bridge. (State Funds)

Gove—216-32 K-6292-01—K-216, from the junction of I-70, north and west to Grinnell, 0.6 mile (0.9 kilometer), recycle and overlay. (State Funds)

Logan—70-55 K-5977-01—I-70, from the Thomas-Logan county line east to the Logan-Gove county line, 0.8 mile (1.3 kilometers), recycle and overlay. (State Funds)

Rooks—82 C-3195-01—Various locations in the county, signing. (State Funds)

Thomas—70-97 K-5979-01—I-70, ½ mile southeast of the Mingo interchange southeast to the Thomas-Logan county line, 11.5 miles (18.5 kilometers), surface and bridge. (State Funds)

District Four—Southeast

Anderson—2 C-2802-01—County road, 1.7 miles (2.7 kilometers) north and 1.5 miles (2.4 kilometers) west of Harris, then east 0.2 mile (0.3 kilometer), grade and bridge. (Federal Funds)

Cherokee—11 C-3223-01—County road, 1 mile (1.6 kilometers) north and 6.8 miles (11 kilometers) west of Columbus, 0.2 mile (0.3 kilometer), grading and bridge. (Federal Funds)

Crawford—69-19 K-6009-01—Junction of U.S. 160, K-57 and K-126 west of Pittsburg, traffic signals. (Federal Funds)

Crawford—129-19 X-1921-01—Southeast Railroad and K-126 in Pittsburg, flash light signals. (Federal Funds)

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

Greenwood—96-37 K-3293-03—K-96, from the east junction of county route 227 east to 5 miles (8 kilometers) east of the east junction of K-99, 12.2 miles (19.6 kilometers), surfacing. (State Funds)

Labette—160-50 K-3302-01—U.S. 160 from Parsons, east to county route 1137, 4 miles (6.4 kilometers), grading and surfacing. (Federal Funds)

Labette—59-50 K-4359-01—Union Pacific Railroad bridge over U.S. 59, 1.5 miles (2.4 kilometers) north of Oswego, bridge replacement. (Federal Funds)

Linn—54 C-2054-01—County road from Boicourt, east 0.4 mile (0.6 kilometer), bridge replacement. (Federal Funds)

Montgomery—160-63 K-3316-01—U.S. 160 from the south junction of U.S. 169, northeast to the north junction of U.S. 169, 8.9 miles (14.3 kilometers), grading, bridge and surfacing. (State Funds)

Montgomery—166-63 K-5973-01—U.S. 166 (11th and Lewark Street) in the city of Coffeyville, traffic signals. (State Funds)

Montgomery—75-63 M-1828-01—U.S. 75, west junction of U.S. 160 and U.S. 75, lighting. (State Funds)

District Five—Southcentral

Harvey—50-40 K-4350-01—U.S. 50, from the north junction of I-135, northeast to the east city limits of Walton, 5.8 miles (9.3 kilometers), grading, bridge and surfacing. (Federal Funds)

Harvey—135-40 K-5917-01—I-135, various locations in Harvey County, guard fence replacement. (State Funds)

Sedgwick—87 K-5916-01—Various locations in Sedgwick County, guard fence replacement. (State Funds)

Sedgwick—54-87 K-6006-01—Junction of U.S. 54 and 143rd Street East, east of Wichita 0.2 mile (0.4 kilometer), intersection improvement. (Federal Funds)

District Six—Southwest

Clark—160-13 K-5274-01—U.S. 160, Highland Street east to Dodge Street in Ashland, 0.5 mile (0.8 kilometer), pavement reconstruction. (State Funds)

Morton—54-61 K-2084-01—K-51, Cimarron River Bridge, 10.5 miles (16.8 kilometers), southeast of the north junction of K-27, bridge replacement. (Federal Funds)

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

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

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

E. Dean Carlson
Secretary of Transportation

Doc. No. 017697

State of Kansas

Department of Administration
Division of Purchases

Notice to Bidders

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

Monday, June 10, 1996

31844

Department of Commerce and Housing—5250 emulation cards

04034

University of Kansas Medical Center—Microscope

04072

Parsons State Hospital—Telecommunications equipment

04073

Kansas State University—Telecommunications equipment

04074

Kansas State University—Telecommunications cable

04075

University of Kansas—Mac printer

04081

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

Tuesday, June 11, 1996

31841

Emporia State University—Cleaning chemicals, supplies and equipment

31845

Statewide—Canned goods

03779 Rebid

Department of Transportation—Laboratory over, Norton

Wednesday, June 12, 1996

A-7475 Rev.

Department of Transportation—Equipment wash building, Colby

A-7481

Department of Transportation—Equipment wash building, Pratt

A-7483 Rev.

Department of Transportation—Equipment wash building, Iola

A-7484 Rev.

Department of Transportation—Equipment wash building, Independence

A-7488 Rev.

Department of Transportation—Equipment wash building, Russell

A-7489

Department of Transportation—Equipment wash building, Ulysses

A-7491

Department of Transportation—Equipment wash building, Scott City

A-7493

Department of Transportation—Equipment wash building, Kingman

31849

Kansas State Treasurer—Service to sell stock held by the Unclaimed Property Department

31856

Kansas State University—July (1996) meat products

04035

Department of Transportation—Force draft oven

04037

Department of Administration, Division of Facilities Management—Riding lawn mower

04038

Hutchinson Correctional Facility—Skid steer loader and attachments

04039

Kansas Highway Patrol—Portable hydraulic/mechanical wheel load weighers

04040

Kansas State University—Overlay and repair of asphalt pavement

04041

Larned State Hospital—Front deck mower

04052

Emporia State University—Elevator upgrades

04068

Pittsburg State University—Microscopes

04082

Department of Social and Rehabilitation Services—Furnish and install Mac computer, Salina

04083

Department of Transportation—Dismantle and remove radio towers, various locations

Thursday, June 13, 1996

31846

Statewide—July (1996) meat products

31852

Youth Center at Atchison—Laundry rental/dry cleaning services

31857

Kansas Insurance Department—Software consulting/programming services

04036

Department of Transportation—Specimen freezing and thawing apparatus

04042

Larned State Hospital—Step van

04043

Larned State Hospital—Passenger van

04044

Larned State Hospital—Truck with cargo van body

04045

Department of Transportation—Tilt top trailer, Topeka and Salina

04046

Department of Transportation—Riding lawn mowers, various locations

04055
Fort Hays State University—Viewbook

04069
University of Kansas—Multi-media A/V equipment

04070
University of Kansas—Multi-media A/V equipment

04071
University of Kansas—Hi-res RGB projectors

04076
University of Kansas—ATM equipment

04077
University of Kansas—ATM switch

04079
Larned State Hospital—Token ring

Friday, June 14, 1996
31858
Kansas Highway Patrol—BDU components

03699 Rebid
Department of Transportation—Construct and install sewer line, Troy

04047
Department of Transportation—Truck with water tank and utility body

04048
Department of Transportation—Snow plows, various locations

04049
Department of Transportation—Liquid de-icer dispensing system, various locations

04050
Department of Transportation—Dump trucks, various locations

04051
Department of Transportation—Hopper body spreaders, various locations

04053
Department of Administration, Division of Information Systems and Communications—Mail management system

04054
University of Kansas—Postage meter system, Parsons

04056
Kansas State University—Fence gates

04057
Ellsworth Correctional Facility—Furnish and install carpet and cove base

04058
Lansing Correctional Facility—Furnish and install carpet

04059
Hutchinson Correctional Facility—Water heaters

04060
Department of Transportation—Type 1 posts

04061
Department of Transportation—Wood signposts, Chanute

04063
University of Kansas Medical Center—Interconnect communications controller

04064
Department of Transportation—Motorgraders, various locations

04065
Department of Social and Rehabilitation Services—Patient lift and transport system, Salina

04066
Department of Social and Rehabilitation Services—Handicapped van modification, Lawrence

04067
Larned State Hospital—Printing press system

Monday, June 17, 1996
04078
Larned State Hospital—Furnish and install Northern PBX upgrade

04080
Larned State Hospital—Furnish and install fiber optic and copper PDS

Tuesday, June 18, 1996
A-7823
Wichita State University—Campus walk repairs

Wednesday, June 19, 1996
A-7529 Rev.
Kansas Highway Patrol—Shop addition

Thursday, June 20, 1996
A-7725
Kansas Vocational Rehabilitation Center—New fire alarm system, Dormitory Building

31851
Kansas Neurological Institute—Termite services

Request for Proposals
Friday, June 14, 1996
04062
Student information access system for Kansas State University and University of Kansas

Monday, June 17, 1996
31859
Senior health insurance counseling services for the Department on Aging

Tuesday, June 18, 1996
31854
Direct mail/telemarketing business call programs for the Department of Commerce and Housing

Thursday, June 20, 1996
31855
Business information reports for the Department of Commerce and Housing

Monday, June 24, 1996
31842
Collection services for the Department of Transportation

04084
Cost analysis study of FIMS and IMMS for the Department of Transportation

John T. Houlihan
Director of Purchases

Doc. No. 017713

State of Kansas

**Office of Judicial Administration
Court of Appeals Docket**

Before Brazil, C.J.; Gernon and Royse, JJ.

June 4-5, 1996

Summary Calendar—No Oral Argument

Case No.	Case Name	Attorneys	County
73,380	State of Kansas, Appellee, v. Larry Wilson, Appellant.	District Attorney Attorney General Steven R. Zinn	Wyandotte
73,531	State of Kansas, Appellee, v. Dane M. Place, Appellant.	District Attorney Attorney General John C. Donham	Johnson
73,637	State of Kansas, Appellee, v. Rex D. Wilson, Appellant.	County Attorney Attorney General Edward G. Collister, Jr.	Lyon
73,941	State of Kansas, Appellee, v. Bruce A. Bryant, Appellant.	Debra S. Peterson Attorney General Edward G. Collister, Jr.	Sedgwick
73,942	State of Kansas, Appellee, v. Tyrone E. Carter, Appellant.	County Attorney Attorney General Jean K. Gilles Phillips	Reno
74,333	State of Kansas, Appellee, v. In the Matter of A.R.K.	F. William Cullins County Attorney	Montgomery
75,338	State of Kansas, Appellee, v. Anthony L. Scott, Appellant.	Debra S. Peterson Attorney General Rhonda Keylon Levinson	Sedgwick
73,372	State of Kansas, Appellee, v. Ernest L. Hatch, Appellant.	District Attorney Attorney General Thomas Jacquinet	Douglas
73,565	State of Kansas, Appellee, v. Gerald Lee Clark, Appellant.	County Attorney Attorney General Wm. Rex Lorson	Saline
73,681	State of Kansas, Appellee, v. Drew Peterson, Appellant.	County Attorney Attorney General Rhonda Keylon Levinson	Saline
73,833	State of Kansas, Appellee, v. William Cheatum, Appellant.	County Attorney Attorney General Mary D. Prewitt William Cheatum, pro se	Leavenworth
74,045	State of Kansas, Appellee, v. Richmond T. Jenkins, Appellant.	County Attorney Attorney General William C. Walker	Coffey
74,891	State of Kansas, Appellee, v. David W. Peterson, Appellant.	Debra S. Peterson Attorney General Reid T. Nelson	Sedgwick
72,965	State of Kansas, Appellee, v. Guadalupe Jay Duran, Appellant.	County Attorney Attorney General Jessica R. Kumen	Allen
73,640	State of Kansas, Appellee, v. Janie Hulser, Appellant.	District Attorney Attorney General Michael J. Helvey	Shawnee
73,726	State of Kansas, Appellee, v. Randy Dean Coffey, Appellant.	District Attorney Attorney General Michael J. Helvey	Douglas
73,767			
73,818			

73,951	State of Kansas, Appellee, v. David L. Tucker, Jr., Appellant.	Debra S. Peterson Attorney General Wendy L. Rhyne Slayton	Sedgwick
74,497	Norman Arensdorf and Jeffrey T. Arensdorf, Appellants, v. Robert G. Mann, Appellee.	Mark A. Scott E. Craig Kennedy	Sedgwick

Before Elliott, P.J.; Lewis and Green, JJ.

June 4-5, 1996

Summary Calendar—No Oral Argument

Case No.	Case Name	Attorneys	County
72,276 72,277	State of Kansas, Appellee, v. Richard A. McNulty, Appellant.	District Attorney Attorney General Rhonda Keylon Levinson	Johnson
72,288	State of Kansas, Appellee, v. George O. Cannon, Appellant.	District Attorney Attorney General Benjamin C. Wood	Johnson
72,674	State of Kansas, Appellee, v. Carl W. Burgin, Appellant.	Debra S. Peterson Attorney General Rhonda Keylon Levinson	Sedgwick
73,817	State of Kansas, Appellee, v. Rodney Wayne Barnes, Appellant.	District Attorney Attorney General Jessica R. Kunen	Douglas
73,830	State of Kansas, Appellee, v. David W. Miller, Appellant.	District Attorney Attorney General Thomas Jacquinet	Shawnee
74,368	Capitol Federal Savings & Loan Association, Appellant, v. Amco Insurance Company, Appellee.	William A. Larson	Shawnee
73,315	State of Kansas, Appellee, v. Brian D. Devers, Appellant.	District Attorney Attorney General Michael J. Helvey	Johnson
73,465	State of Kansas, Appellee, v. Michael T. Brown, Appellant.	Debra S. Peterson Attorney General Danny Saville	Sedgwick
73,799 73,800	State of Kansas, Appellee, v. Richard L. McCarther, Appellant.	Debra S. Peterson Attorney General Richard L. McCarther, pro se	Sedgwick
73,904	State of Kansas, Appellee, v. Tony Lynn Brasfield, Appellant.	County Attorney Attorney General Jean K. Gilles Phillips	Reno
74,044	State of Kansas, Appellee, v. Nicholas Jacobs, Appellant.	County Attorney Attorney General Rhonda Keylon Levinson	Leavenworth
74,396	Blanca Reyes, Appellant, v. Rochelle Chronister, Secretary of SRS, Appellee.	Karin Anderson James F. Savage	Wyandotte
73,519	William R. McNulty, Appellant, v. Kansas Dept. of Revenue, Appellee.	Robert J. Bednar Dana L. Fanoele	Jackson
73,563	State of Kansas, Appellee, v. Robert W. Becker, Appellant.	Debra S. Peterson Attorney General Benjamin C. Wood	Sedgwick

(continued)

73,598	State of Kansas, Appellee, v. Kevin L. Andrews, Appellant.	County Attorney Attorney General Jessica R. Kunen	Geary
73,969	State of Kansas, Appellee, v. Joseph F. Belcher, Appellant.	District Attorney Attorney General Stephen C. Moss	Wyandotte
75,505	In the Matter of the Care and Treatment of Rolly O. Kinnell.	Rolly O. Kinnell, pro se County Attorney	Bourbon
75,430	In the Matter of the Adoption of D.D.D.	Richard A. Benjes Trish Rose	Reno

Before Rulon, P.J.; Pierron and Marquardt, JJ.

June 4-5, 1996

Summary Calendar—No Oral Argument

Case No.	Case Name	Attorneys	County
73,620	State of Kansas, Appellee, v. Derrick C. Crawford, Appellant.	Debra S. Peterson Attorney General Jessica R. Kunen	Sedgwick
73,813	State of Kansas, Appellee, v. 73,814	County Attorney Attorney General	Reno
73,815	Vincent E. Jefferson, Appellant.	Jessica R. Kunen	
73,371	State of Kansas, Appellee, v. Cornelius D. Golston, Appellant.	Debra S. Peterson Attorney General Karlin Gould	Sedgwick
73,430	State of Kansas, Appellee, v. Anthony Ray Jenkins, Appellant.	County Attorney Attorney General Anthony Ray Jenkins, pro se	Seward
72,342	State of Kansas, Appellee, v. Lucio P. Perez, Appellant.	Debra S. Peterson Attorney General Jessica R. Kunen	Sedgwick
73,599	State of Kansas, Appellee, v. Richard A. Jones, Appellant.	County Attorney Attorney General Jessica R. Kunen	Geary

Before Knudson, P.J.; Pierron and Marquardt, JJ.

June 4-5, 1996

Summary Calendar—No Oral Argument

Case No.	Case Name	Attorneys	County
72,280	State of Kansas, Appellee, v. Jolene L. Jackson, Appellant.	District Attorney Jon P. Fleenor Attorney General Thomas Jacquinet	Shawnee
73,201	State of Kansas, Appellee, v. Kathy Inez Watson, Appellant.	County Attorney Attorney General Stephen Moss	Seward
73,944	State of Kansas, Appellee, v. Jamial L. Pugh, Appellant.	Debra S. Peterson Attorney General Mark T. Schoenhofer	Sedgwick
74,159	State of Kansas, Appellee, v. Scott K. Carver, Appellant.	County Attorney Attorney General Brad M. Lippert	Nemaha
73,838	State of Kansas, Appellee, v. James R. Shumpert, Appellant.	County Attorney Attorney General Rhonda Keylon Levinson	Reno

73,938 State of Kansas, Appellee, District Attorney Wyandotte
 v. Attorney General
 James A. Jones, Appellant. J. Phil Crawford

Before Rulon, P.J.; Pierron and Knudson, JJ.

June 4-5, 1996

Summary Calendar—No Oral Argument

Case No.	Case Name	Attorneys	County
73,820 74,250	State of Kansas, Appellee, v. Leslie A. Nunley, Appellant.	District Attorney Attorney General Edward G. Collister, Jr.	Douglas
73,940	State of Kansas, Appellee, v. Ernest Dean Lakey, Appellant.	District Attorney Attorney General Nancy Orrick	Johnson
74,182	State of Kansas, Appellee, v. Leon Shaver, Appellant.	County Attorney Attorney General Wendy L. Rhyne Slayton	Montgomery
75,303	In the Interest of M.L.H., V.D.C. and S.M.M.	District Attorney W. Bruce Anderson Jeffrey L. Cowger Walter J. Davis	Wyandotte
73,907	State of Kansas, Appellee, v. Albert Lee Williams, Appellant.	District Attorney Attorney General Jessica R. Kunen	Wyandotte
74,052	State of Kansas, Appellee, v. Dudley Eugene Brown, Appellant.	County Attorney Attorney General Jessica R. Kunen	Norton

Before Rulon, P.J.; Marquardt and Knudson, JJ.

Summary Calendar—No Oral Argument

Case No.	Case Name	Attorneys	County
74,538	Adrian Robinson, Appellant, v. State of Kansas, Appellee.	Rhonda Keylon Levinson Attorney General District Attorney	Wyandotte
75,043	Bituminous Cas. Corp., Appellee, v. Farmers Insurance Co., Inc., and James and Linda Weckwerth, Appellants, and Valley Moving, Inc.	Richmond M. Enochs Timothy J. Pringle J. Donald Lysaught, Jr.	Shawnee
74,603	Jimmie R. Black, Jr., Appellant, v. Kansas Employment Security Board of Review and Chemlawn Service, Appellees.	Jimmy R. Black, Jr., pro se James R. McEntire	Sedgwick
75,533	Laverne M. Bell, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen Attorney General Debra S. Peterson	Sedgwick
74,390	Peter Ransom, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen Attorney General County Attorney	Geary
74,640	Wayne A. Stewart, Appellant, v. Charles Simmons, et al., Appellees.	Wayne A. Stewart, pro se Lawrence Logback Mary Ann Shirley	Reno

Carol G. Green
Clerk of the Appellate Courts

(Published in the Kansas Register May 30, 1996.)

City of Wichita, Kansas

Notice to Contractors

**A Federal-Aid Project
87 TE-0075-01, Phase 1
TEA-T007(501)**

Sealed proposals for the Transportation Enhancement Program, City of Wichita, Kansas, will be received at the Office of the Purchasing Manager, City Hall, 455 N. Main, Wichita, 67201, until 10 a.m. Friday, June 28. All bids received will thereafter be publicly opened, read aloud and considered by the Board of Bids and Contracts. The bids will be received as a lump sum bid.

A mandatory pre-bid conference will be at 1 p.m. Wednesday, June 19, at the Kansas Aviation Museum. In order to be able to turn in a bid for consideration, contractors must be in attendance at the pre-bid conference.

The City of Wichita and the Kansas Department of Transportation have entered into an agreement for the use of Federal Transportation Enhancement (ISTEA) funds for this project.

The project is for roofing and masonry restoration at the Kansas Aviation Museum, 3350 George Washington Blvd., Wichita. It includes the roofing replacement on three defined roof areas and the masonry cleaning, tuck-pointing and waterproofing of the exterior masonry as defined in the documents.

There will be no discrimination against anyone because of race, age, religion, color, sex, disability or national origin in the award of the 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 city to each prospective bidder. Failure to submit the sworn statement as part of the bid approval package will make the bid non-responsive and not eligible for award consideration.

In addition to this requirement, each bidder shall execute all required documents in the plans, specifications and bid package. Failure to properly execute all required documents as part of the bid approval package will make the bid nonresponsive and not eligible for award consideration.

Bidding documents may be obtained from Schaefer, Johnson, Cox, Frey & Associates, P.A., 220 S. Hillside, Wichita, 67211.

All work is to be done under the direction and supervision of the city manager and according to plans and specifications on file in the offices of the city engineer.

A deposit of \$100 will be required for each set of documents issued for bidding purposes. Only complete sets of documents and drawings and the project manual will

be reserved for bidders (those submitting bids to the owner) and major suppliers.

Bidders will be required to enclose a bid bond in the amount of 5 percent with each bid as a guarantee of good faith.

The Wichita City Council reserves the right to reject any and all bids.

City of Wichita, Kansas

Doc. No. 017718

(Published in the Kansas Register May 30, 1996.)

**Summary Notice of Bond Sale
\$7,895,000**

**Unified School District No. 367
Miami County, Kansas
General Obligation School Bonds
Series 1996-A**

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

Sealed Bids

Subject to the official notice of bond sale and preliminary official statement dated May 13, 1996, sealed bids will be received by the district clerk of Unified School District No. 367, Miami County, Kansas (the issuer), on behalf of the governing body of the issuer at the district office, 12th and Trojan Drive, Osawatomie, KS 66064, until 11 a.m. C.D.T. Monday, June 10, 1996, for the purchase of \$7,895,000 principal amount of General Obligation School Bonds, Series 1996-A. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of principal of and interest on the bonds will be made. Individual purchases of bonds will be made in book-entry form only. Purchasers will not receive certificates representing their interest in bonds purchased. The bonds will be dated June 15, 1996, and will become due on September 1, in the years as follows:

Year	Principal Amount
1998	\$185,000
1999	\$245,000
2000	\$275,000
2001	\$295,000
2002	\$315,000
2003	\$330,000
2004	\$345,000
2005	\$365,000
2006	\$380,000
2007	\$400,000
2008	\$420,000
2009	\$445,000
2010	\$470,000
2011	\$495,000

2012	\$525,000
2013	\$550,000
2014	\$585,000
2015	\$615,000
2016	\$655,000

(Published in the Kansas Register May 30, 1996.)

Summary Notice of Bond Sale
\$1,370,000
City of Anthony, Kansas
General Obligation Bonds
Series 1996-1

(General obligation bonds payable from unlimited ad valorem taxes)

As more fully described in the official notice of bond sale, the bonds maturing in the years 2012 and thereafter may, at the option of the bidder, be converted to term bonds subject to mandatory redemption.

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

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 1997.

Paying Agent and Bond Registrar

The bank designated in the official notice of bond sale and preliminary official statement or the Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$157,900 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York, as book-entry form only obligations, without cost to the successful bidder within 45 days after the date of sale.

Assessed Valuation and Indebtedness

The total assessed valuation of taxable tangible property in the district for the year 1995 was \$28,921,745. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$8,280,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer and delivered to the successful bidder as and when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the district clerk, (913) 755-4172, or from the financial advisor, George K. Baum & Company, 120 W. 12th, Kansas City, MO 64015, (816) 474-1100.

Dated May 13, 1996.

Unified School District No. 367
 Miami County, Kansas
 Jay Hastert, District Clerk
 12th and Trojan Drive
 Osawatomie, KS 66064
 (913) 755-4172

Doc. No. 017717

Sealed Bids

Subject to the notice of bond sale dated May 20, 1996, sealed bids will be received by the clerk of the City of Anthony, Kansas (the issuer), on behalf of the governing body at 124 S. Bluff, P.O. Box 504, Anthony, KS 67003, until noon C.D.T. June 11, 1996, for the purchase of \$1,370,000 principal amount of General Obligation Bonds, Series 1996-1. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated June 1, 1996, and will become due on November 1 in the years as follows:

Year	Principal Amount
1997	\$ 50,000
1998	\$ 90,000
1999	\$ 95,000
2000	\$ 95,000
2001	\$105,000
2002	\$ 75,000
2003	\$ 80,000
2004	\$ 85,000
2005	\$ 85,000
2006	\$ 90,000
2007	\$ 90,000
2008	\$100,000
2009	\$105,000
2010	\$110,000
2011	\$115,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning on May 1, 1997.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$27,400 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before June 27, 1996, at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder.

(continued)

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1996 is \$8,302,153. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$1,635,000.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the city clerk/administrator, 124 S. Bluff, P.O. Box 504, Anthony, KS 67003, (316) 842-5434; or from the financial advisor, Ranson Municipal Consultants, 120 S. Market, Suite 200, Wichita, KS 67202, Attention: John Haas, (316) 269-2231.

Dated May 20, 1996.

City of Anthony, Kansas

Doc. No. 017716

(Published in the Kansas Register May 30, 1996.)

Summary Notice of Bond Sale

\$7,630,000*

**City of Topeka, Kansas
General Obligation Bonds
Series 1996-A**

(General obligation bonds payable from unlimited ad valorem taxes)

Sealed Bids

Subject to the official notice of bond sale and preliminary official statement dated May 28, 1996, sealed bids will be received by the city clerk of the City of Topeka, Kansas (the issuer), on behalf of the governing body of the city at City Hall, 215 E. 7th, Topeka, KS 66603, until 11 a.m. C.D.T. Tuesday, June 11, 1996, for the purchase of \$7,630,000* principal amount of General Obligation Bonds, Series 1996-A. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated June 15, 1996, and will become due on August 15 in the years as follows:

Year	Principal Amount
1998	\$225,000
1999	\$250,000
2000	\$275,000
2001	\$275,000
2002	\$300,000
2003	\$325,000
2004	\$325,000
2005	\$350,000
2006	\$350,000

2007	\$375,000
2008	\$400,000
2009	\$425,000
2010	\$450,000
2011	\$475,000
2012	\$500,000
2013	\$525,000
2014	\$575,000
2015	\$600,000
2016	\$630,000

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

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semi-annually on February 15 and August 15 in each year, beginning on February 15, 1997.

Paying Agent and Bond Registrar

The bank designated in the official notice of bond sale and preliminary official statement or the Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$152,600 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder without cost to the successful bidder within 45 days after the date of sale.

Assessed Valuation and Indebtedness

The total assessed valuation of taxable tangible property in the city for the year 1995 is \$713,295,167. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$134,775,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer and delivered to the successful bidder as and when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the city clerk, (913) 368-3940, or from the financial advisor, MG McMahon & Co., 4310 Madison Ave., Suite 200, Kansas City, MO 64111, (816) 531-1777.

Dated May 28, 1996.

City of Topeka, Kansas
Iris E. Walker, City Clerk
City Hall
215 S.E. 7th
Topeka, KS 66603
(913) 368-3940

* Subject to reduction.

Doc. No. 017725

State of Kansas

Secretary of State

I, Ron Thornburgh, Secretary of State of the State of Kansas, do hereby certify that the following bills are correct copies of the original enrolled bills now on file in my office.

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

Ron Thornburgh
Secretary of State

(Published in the Kansas Register May 30, 1996.)

SENATE BILL No. 670

AN ACT concerning Kansas educational institutions; establishing a program under which financial assistance is provided for enrollment at such institutions by national guard members; relating to write-off of accounts receivable and taxes receivable by the state educational institutions; amending K.S.A. 75-3728a and repealing the existing section.

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

New Section 1. Sections 1 through 5 of this act shall be known and may be cited as the Kansas national guard educational assistance act. It is the purpose of the Kansas national guard educational assistance act to establish an educational assistance program under which payment of the tuition and fees charged eligible members of the Kansas national guard for enrollment at Kansas educational institutions shall be provided for by the state.

New Sec. 2. As used in the Kansas national guard educational assistance act:

(a) "Kansas educational institution" means and includes area vocational schools, area vocational-technical schools, community colleges, the municipal university, state educational institutions, technical colleges, and accredited independent institutions.

(b) "Eligible guard member" means a newly enlisted or reenlisted member of the Kansas national guard who is a resident of Kansas, who has been a member of the Kansas national guard for not more than 15 years, who has had military service prior to membership in the national guard or has completed basic military training, and who is enrolled at a Kansas educational institution. The term eligible guard member does not include within its meaning any member of the Kansas national guard who is the holder of a baccalaureate or higher academic degree, who does not hold a high school diploma or general educational development (GED) credentials, or who is entitled to federal educational benefits earned by membership in the Kansas national guard, except financial assistance under the federal education assistance program for members of the selected reserve.

(c) "Kansas national guard educational assistance program" or "program" means the program established pursuant to the provisions of the Kansas national guard educational assistance act.

(d) "Educational program" means a program which is offered and maintained by a Kansas educational institution and leads to the award of a certificate, diploma or degree upon satisfactory completion of coursework requirements.

New Sec. 3. The adjutant general shall adopt rules and regulations for administration of the Kansas national guard educational assistance act and shall:

(a) Establish a mechanism to ensure distribution of funds for tuition and fee reimbursement throughout the Kansas national guard organization;

(b) enter into a cooperative relationship with the state board of regents and the state department of education to ensure efficient operation of the program;

(c) develop and effectuate a system of accountability for all disbursements under the program and provide written reports as prescribed; and

(d) establish a procedure to ensure initial and on-going eligibility of all guard members who are program participants.

New Sec. 4. (a) Subject to the availability of appropriations for the Kansas national guard educational assistance program and within the limits of any such appropriations, every eligible guard member who is enrolled at a Kansas educational institution and who is participating in the program shall be paid the amount of tuition and required fees charged

by the Kansas educational institution for enrollment in courses necessary to satisfy the requirements of an educational program.

(b) Notwithstanding the provisions of subsection (a), eligible guard members shall not be paid the amount of tuition and required fees charged for any course repeated or taken in excess of the requirements for completion of the educational program in which the eligible guard member is enrolled. The amount of tuition and required fees paid an eligible guard member pursuant to subsection (a) shall be at a rate not to exceed the maximum rate that would be charged by the state educational institutions for enrollment of the eligible guard member.

New Sec. 5. (a) In order to qualify for participation in the Kansas national guard educational assistance program, an eligible guard member must agree in writing to continue service in the Kansas national guard for a period of not less than four years after receiving a final payment under this act.

(b) In order to remain eligible for participation in the program, an eligible guard member must remain in good standing at the Kansas educational institution where enrolled, make satisfactory progress toward completion of the requirements of the educational program in which enrolled, and maintain satisfactory participation in the Kansas national guard. It shall be the responsibility of the eligible guard member to obtain a certificate from the member's commanding officer attesting to the member's satisfactory participation in the Kansas national guard and to present the certificate to the adjutant general, or a designee thereof, in order to obtain a payment under this act. The certificate shall be presented at the time payment is requested for completed courses.

(c) Upon failure of any person, who as an eligible guard member received payments under the Kansas national guard educational assistance act, to satisfy the agreement to continue service in the Kansas national guard for the required four-year period, such person shall pay to the state of Kansas an amount equal to the total amount received. All amounts paid to the state under this subsection shall be deposited in the state treasury and credited to the state general fund.

Sec. 6. K.S.A. 75-3728a is hereby amended to read as follows: 75-3728a. As used in this act, unless the context otherwise requires:

(a) "State agency" means any state office or officer, department, board, commission, institution, bureau or any other state authority which may lawfully request a state appropriation.

(b) "Head of a state agency" means the secretary of revenue, the secretary of administration, the secretary of social and rehabilitation services, the state board of regents, the chief executive officer of a state educational institution, the state board of education and the officer, board, commission or authority determined by the director of accounts and reports to have the chief policy making executive function of a state agency.

Sec. 7. K.S.A. 75-3728a is hereby repealed.

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

(Published in the Kansas Register May 30, 1996.)

HOUSE BILL No. 2699

AN ACT concerning retirement and pensions; relating to local police and fire pension plans, payment of actuarial services; early retirement incentive programs; the Kansas public employees retirement system and systems thereunder; benefits; purchase of additional benefits; affiliation by certain employers; legal representation; employment after retirement; deferred compensation plan; amending K.S.A. 12-5002, 20-2601, 46-1302, 46-2201, 74-4910, 74-4913, 74-4936a and 74-4957a and K.S.A. 1995 Supp. 71-212, 72-5395, 74-4905, 74-4908, 74-4911f, as amended by section 2 of 1996 House Bill No. 2982, 74-4917, 74-4919h, 74-4919n, 74-4964, 74-4964a and 74-4988 and repealing the existing sections; also repealing K.S.A. 74-49,118, 74-49,119 and 74-49,120 and K.S.A. 1995 Supp. 74-49,121.

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

Section 1. On and after July 1, 1996, K.S.A. 12-5002 is hereby amended to read as follows: 12-5002. (a) From and after January 1, 1978, no city may maintain or fund any local police or fire pension plan except in accordance with the minimum funding standards prescribed in this section.

(b) From and after January 1, 1978, and notwithstanding any other provision of law to the contrary, all cities maintaining and funding any local police or fire pension plan shall make annual contributions to each local police or fire pension plan at an annual rate of contribution which is equal to or greater than the minimum annual rate of contribution which is determined pursuant to subsections (c) or (d), except as otherwise spe-

(continued)

cifically authorized pursuant to subsection (g). Such minimum annual rate of contribution shall be equal to the sum of: (1) The actuarially determined amount required to amortize over a period of not more than ~~forty (40)~~ 40 years from January 1, 1978, the accrued unfunded liabilities of such plan which are attributable to active members; (2) the amount required to amortize over a period of not more than ~~twenty (20)~~ 20 years from January 1, 1978, the accrued unfunded liabilities of such plan which are attributable to retired members; and (3) the normal or ongoing costs attributable to active members. In each year until the local police or fire pension plan is funded on an actuarial reserve basis as required by this section and has no accrued unfunded liability attributable to active members or retired members, the total of such annual contributions shall not be less than the total amount of pension benefits paid in such year.

(c) All cities which will maintain and fund one or more local police or fire pension plans on and after January 1, 1978, and which do not elect pursuant to subsection (d) to use the services of an actuary or firm of actuaries other than the actuary of the board of trustees, shall furnish to the board of trustees all necessary data, as determined by the board of trustees, at times designated by the board of trustees, but not more often than annually, from which the minimum annual rate of contribution for each such plan may be determined. Upon the basis of an actuarial analysis of such data, the board of trustees shall certify, commencing on or before June 1, 1977, and at least once every three (3) years thereafter, to each such city the actuarially determined minimum annual rate of contribution which will be required for each such plan in accordance with subsection (b) for the ensuing calendar year. All costs involved in making certifications under this subsection shall be borne by the board of trustees in accordance with appropriations made therefor, except that no such costs shall be paid from the Kansas public employees retirement fund paid by each such city.

(d) Any city which will maintain and fund one or more local police or fire pension plans on and after January 1, 1978, may elect to use and pay for the services of an actuary or firm of actuaries other than the actuary of the board of trustees as provided in subsection (c), in order to determine the minimum annual rate of contribution for such city for all such plans. Each city so electing shall file a statement of election with the board of trustees, setting forth the name and address of the actuary or firm of actuaries selected by such city and requesting approval thereof. The board of trustees shall approve such actuary or firm of actuaries for performance of the periodic actuarial evaluation and review of all the local police or fire pension plans maintained and funded by such city and for determination of the minimum annual contribution for each such plan in accordance with this section if the board of trustees finds that such actuary or firm of actuaries is qualified therefor. The approved actuary or firm of actuaries shall perform such actuarial evaluation and review and shall determine the minimum annual contribution for each local police or fire pension plan in accordance with this section and shall report annually thereon to the board of trustees in such form and manner as may be prescribed by rules and regulations of the board of trustees. The approval of an actuary or firm of actuaries under this subsection (d) shall be effective until the city requests approval of another actuary or firm of actuaries or until the city acts to use the services of the actuary of the board of trustees under subsection (c) by withdrawing the statement of election filed under this subsection (d).

(e) In accordance with the provisions of K.S.A. 77-415 *et seq.* and amendments thereto, the board of trustees shall adopt rules and regulations which establish actuarial standards and assumptions for the purposes of actuarial evaluation and review of local police or fire pension plans and determination of the minimum annual rates of contribution for cities maintaining and funding such plans.

(f) Prior to the adoption by a city of any proposed changes in the benefit provisions of a local police or fire pension plan or in the rate of employee contributions thereto, the governing body of the city shall obtain an actuarial evaluation of the effect of such changes, including an estimate of the minimum annual contribution which would be required under this section if such changes are adopted. Such actuarial evaluation and determination shall be conducted by the actuary of the board of trustees or by the actuary or firm of actuaries approved under subsection (d) and all costs incurred therefor shall be borne paid by the city.

(g) The governing body of any city which is required to make annual contributions at a minimum annual rate to each local police or fire pension plan maintained and funded by the city in accordance with this section and which determines that such minimum annual rate of contributions would place an undue initial hardship on the property taxpayers of such city, may adopt a resolution to that effect and file a certified copy of such

resolution to with the board of trustees prior to January 1, 1978. Any city which has filed a certified copy of such resolution with the board of trustees prior to January 1, 1978, may make annual contributions in accordance with the following schedule:

(1) Contributions for the calendar year 1978 shall be at a rate equal to or greater than the total of: (A) Thirty-three and one-third percent (~~33 1/3%~~) of the actuarially determined amount required to amortize over a period of not more than ~~forty (40)~~ 40 years from January 1, 1978, the accrued unfunded liabilities of such plan which are attributable to active members; (B) ~~thirty-three and one-third percent (33 1/3%)~~ 33 1/3% of the amount required to amortize over a period of not more than ~~twenty (20)~~ 20 years from January 1, 1978, the accrued unfunded liabilities of such plan which are attributable to retired members; and (C) the normal or ongoing costs attributable to active members.

(2) Contributions for the calendar year 1979 shall be at a rate equal to or greater than the total of: (A) Sixty-six and two-thirds percent (~~66 2/3%~~) of the actuarially determined amount required to amortize over a period of not more than ~~thirty-nine (39)~~ 39 years from January 1, 1979, the accrued unfunded liabilities of such plan which are attributable to active members; (B) ~~sixty-six and two-thirds percent (66 2/3%)~~ 66 2/3% of the amount required to amortize over a period of not more than ~~nineteen (19)~~ 19 years from January 1, 1979, the accrued unfunded liabilities of such plan which are attributable to retired members; and (C) the normal or ongoing costs attributable to active members.

(3) Contributions for the calendar year 1980 and each year thereafter shall be at a rate equal to or greater than the total of: (A) One hundred percent (~~100%~~) of the actuarially determined amount required to amortize over a period of not more than ~~thirty-eight (38)~~ 38 years from January 1, 1980, the accrued unfunded liabilities of such plan which are attributable to active members; (B) ~~one hundred percent (100%)~~ 100% of the amount required to amortize over a period of not more than ~~eighteen (18)~~ 18 years from January 1, 1980, the accrued unfunded liabilities of such plan which are attributable to retired members; and (C) the normal or ongoing costs attributable to active members.

(4) In each year until the local police or fire pension plan is funded on an actuarial reserve basis as required by this section in accordance with this schedule and has no accrued unfunded liability attributable to active members or retired members, the total of such annual contributions shall not be less than the total amount of pension benefits paid in such year.

Sec. 2. On and after July 1, 1996, K.S.A. 20-2601 is hereby amended to read as follows: 20-2601. As used in K.S.A. 20-2601 *et seq.* and amendments thereto, unless the context otherwise requires:

(a) "Fund" means the Kansas public employees retirement fund created by K.S.A. 74-4921 and amendments thereto;

(b) "retirement system for judges" means the system provided for in the acts contained in article 26 of chapter 20 of the Kansas Statutes Annotated and any acts amendatory thereof or supplemental thereto;

(c) "judge" means any duly elected or appointed justice of the supreme court, judge of the court of appeals or judge of any district court of Kansas, who serves in such capacity on and after the effective date of this act and commencing with the first day of the first payroll period of the fiscal year ending June 30, 1994, any district magistrate judge who makes an election as provided in K.S.A. 20-2620 and amendments thereto or who is elected or appointed on or after July 1, 1993;

(d) "member" means a judge who is making the required contributions to the fund, or any former judge who has made the required contributions to the fund and has not received a refund of the judge's accumulated contributions;

(e) "prior service" means all the periods of time any judge has served in such capacity prior to the effective date of this act except that district magistrate judges who have service credit under the Kansas public employees retirement system must make application to the board and make payment as required by the board to transfer service credit from the Kansas public employees retirement system to the retirement system for judges;

(f) "current service" means the period of service any judge serves in such capacity from and after the effective date of this act;

(g) "military service" means active service of any judge in any of the armed forces of the United States or in the United States public health service prior or subsequent to the effective date of this act, provided such service commenced while such judge was holding the office of judge. The board has the power to determine when a national emergency exists or has existed for the purpose of applying this definition and provision;

(h) "total years of service" means the total number of years served as

a judge, including prior service, military service and current service as defined by this section, computed to the nearest quarter;

(i) "salary" means the statutory salary of a judge;

(j) "final average salary" means that determined as provided in subsection (b) of K.S.A. 20-2610 and amendments thereto;

(k) "beneficiary" means any natural person or persons or estate designated by a judge in the latest designation of beneficiary received in the retirement system office, or, except to receive any benefits as provided for by this act. Except as provided in subsection (n) if no person designated survives, if no estate is designated or if no designation of beneficiary is on file, the estate of such judge, if there is no named beneficiary living at the time of the judge's death, any benefits provided for by this act shall be paid to: (1) The judge's surviving spouse; (2) the judge's dependent child or children; (3) the judge's dependent parent or parents; (4) the judge's nondependent child or children; (5) the judge's nondependent parent or parents; (6) the estate of the deceased member; in the order of preference as specified in this subsection. Any payment made to a named beneficiary shall be a full discharge and release to the system from any further claims. Any payment made to a beneficiary as provided in clauses (1), (2), (3), (4), (5) or (6) of this subsection, as determined by the board, shall be a full discharge and release to the system from any further claims. Whenever any payment is payable to more than one beneficiary such payment shall be made to such beneficiaries jointly. Any benefits payable to a beneficiary or beneficiaries who are minor children or incompetent persons shall be made in the name of the beneficiary or beneficiaries and delivered to the lawfully appointed conservator of such beneficiaries who was nominated by will or as otherwise provided by law, except that in those cases where the benefit involves only the payment of the judge's accumulated contributions with interest as provided by this act in an amount not to exceed \$500, the board is hereby authorized in its discretion without the appointment of a conservator or the giving of a bond to pay such amount as is due to the minor or minors themselves, any payment so made shall be a full discharge and release to the system from any further claims. Designations of beneficiaries by a member who is a member of more than one retirement system made on or after July 1, 1987, shall be the basis of any benefits payable under all systems unless otherwise provided by law;

(l) "annuity" means a series of equal monthly payments, payable at the end of each calendar month during the life of a retired judge, of which payments the first payment shall be made as of the end of the calendar month in which such annuity was awarded and the last payment shall be at the end of the calendar month in which such judge dies. The first payment shall include all amounts accrued since the effective date of the award of annuities, including a pro rata portion of the monthly amount of any fraction of a month elapsing between the effective date of such annuity and the end of the calendar month in which such annuity began;

(m) "board" means the board of trustees of the Kansas public employees retirement system;

(n) "trust" means an express trust created by any trust instrument, including a will, and designated by a member to receive benefits and other amounts payable under K.S.A. 20-2607, 20-2610a and 20-2612, and amendments thereto, instead of a beneficiary. A designation of a trust shall be filed with the board. If there is a designated trust at the time of the member's death, all benefits and other amounts payable under K.S.A. 20-2607, 20-2610a and 20-2612, and amendments thereto, shall be paid to the trust instead of the member's beneficiary. If no will is admitted to probate within six months after the death of the member or no trustee qualifies within such six months or if the designated trust fails, for any reason whatsoever, any benefits and other amounts payable under K.S.A. 20-2607, 20-2610a and 20-2612, and amendments thereto, shall be paid to the member's beneficiary and any payments so made shall be a full discharge and release to the retirement system for judges from any further claims;

(o) "accumulated contributions" means the sum of all contributions by a member to the retirement system for judges which are credited to the member's account, with interest allowed thereon after June 30, 1982; and

(p) except as otherwise provided in K.S.A. 20-2601 et seq. and amendments thereto, words and phrases used in K.S.A. 20-2601 et seq. and amendments thereto shall have the same meanings ascribed to them as are defined in K.S.A. 74-4902 and amendments thereto.

Sec. 3. On and after July 1, 1996, K.S.A. 1995 Supp. 71-212 is hereby amended to read as follows: 71-212. The board of trustees of any com-

munity college may establish an early retirement incentive program for the benefit of the employees of the community college for the purpose of reducing, in whole or in part, the penalty under the federal insurance contributions act or the Kansas public employees retirement system, or both, for retirement of employees prior to the normal retirement age of 65 years. As used in this act, an "early retirement incentive program" is a program that provides cash payments, either in the form of a lump-sum payment at the beginning of the fiscal year, or in regular payments during the fiscal year. No payment pursuant to an early retirement incentive program as provided in this section shall be made prior to the retirement under the provisions of the Kansas public employees retirement system of any such employee of the community college. Commencing in the fiscal year that commenced in calendar year 1996 and at least once every three years thereafter, each board that has established or establishes an early retirement incentive program as provided in this section shall employ and pay an actuary who is a member of the American academy of actuaries and the society of actuaries and is an enrolled actuary under the employees retirement income security act to conduct an actuarial valuation of the liabilities of the program, except that the initial 1996 actuarial valuation shall not be required as provided in this section of any board that has conducted such an actuarial valuation of its early retirement incentive program within the preceding 18 months of the effective date of this act. Any early retirement incentive program established as provided in this section after the effective date of this act shall conduct the actuarial valuation as required in this section within six months of such establishment and at least once every three years thereafter. Each actuarial valuation required by this section shall be reported to the joint committee on pensions, investments and benefits by such board.

Sec. 4. On and after July 1, 1996, K.S.A. 1995 Supp. 72-5395 is hereby amended to read as follows: 72-5395. The board of education of any school district may establish an early retirement incentive program for the benefit of the employees of the district for the purpose of reducing, in whole or in part, the penalty under the federal insurance contributions act or the Kansas public employees retirement system, or both, for retirement prior to the normal retirement age of 65 years. As used in this act, an "early retirement incentive program" is a program that provides cash payments, either in the form of a lump-sum payment at the beginning of the fiscal year, or in regular payments during the fiscal year. No payment pursuant to an early retirement incentive program as provided in this section shall be made prior to the retirement under the provisions of the Kansas public employees retirement system for any employee of the district. Commencing in the fiscal year that commenced in calendar year 1996 and at least once every three years thereafter, each board that has established or establishes an early retirement incentive program as provided in this section shall employ and pay an actuary who is a member of the American academy of actuaries and the society of actuaries and is an enrolled actuary under the employees retirement income security act to conduct an actuarial valuation of the liabilities of the program, except that the initial 1996 actuarial valuation shall not be required as provided in this section of any board that has conducted such an actuarial valuation of its early retirement incentive program within the preceding 18 months of the effective date of this act. Any early retirement incentive program established as provided in this section after the effective date of this act shall conduct the actuarial valuation as required in this section within six months of such establishment and at least once every three years thereafter. Each actuarial valuation required by this section shall be reported to the joint committee on pensions, investments and benefits by such board.

Sec. 5. On and after July 1, 1996, K.S.A. 1995 Supp. 74-4905 is hereby amended to read as follows: 74-4905. (a) On July 1, 1993, the board of trustees of the Kansas public employees retirement system, as such board existed on June 30, 1993, is hereby abolished. On July 1, 1993, there is hereby established a new board of trustees of the Kansas public employees retirement system. Such board established on July 1, 1993, shall consist of nine members, as follows:

(1) Six appointed members, four appointed by the governor subject to confirmation by the senate as provided in K.S.A. 75-4315b and amendments thereto, one appointed by the president of the senate and one appointed by the speaker of the house of representatives. Except as provided by K.S.A. 1995 Supp. 46-2601, no person appointed to the board whose appointment is subject to confirmation, shall exercise any power, duty or function as a member of the board until confirmed by the senate.

(continued)

No more than two members of the board whose appointment is subject to confirmation shall be from the same political party.

(2) two retirement system members elected by the members and retirants of the system as provided in subsection (12) of K.S.A. 74-4909 and amendments thereto. *As provided in this subsection, only active and retired members of the system shall be eligible to be elected to the board and only active and retired members of the system shall be eligible to elect the two retirement system members pursuant to this subsection. Inactive members shall not be eligible to be elected to the board nor to elect the two retirement system members elected pursuant to this subsection.* Of the two retirement system members elected pursuant to this subsection, one shall be a member of the retirement system who is in school employment as provided in K.S.A. 74-4931 *et seq.* and amendments thereto and one shall be a member of the retirement system other than a member who is in school employment. For purposes of this subsection, retirement system means the Kansas public employees retirement system, the Kansas police and firemen's retirement system and the retirement system for judges; and

(3) the state treasurer.

(b) (1) Except as provided by this paragraph and paragraph (2), all members of the board as provided in subsection (a)(1) and (a)(2) shall serve four-year terms, except that of the members first appointed by the governor, two shall be appointed for two-year terms and the member appointed by the speaker of the house of representatives shall be appointed for a two-year term. The governor shall designate the term for which each of the members first appointed shall serve. All members appointed to fill vacancies in the membership of the board and all members appointed to succeed members appointed to membership on the board shall be appointed in like manner as that provided for the original appointment of the member succeeded. All members appointed to fill vacancies of a member of the board appointed by the governor, the president of the senate or the speaker of the house of representatives shall be appointed to fill the unexpired term of such member. All vacancies on the board by a member elected by the members and retirants of the system shall be filled as provided by rules and regulations adopted as provided in subsection (12) of K.S.A. 74-4909 and amendments thereto.

(2) Except as provided in K.S.A. 1995 Supp. 46-2601, no person appointed to the board by the governor shall exercise any power, duty or function as a member of the board until confirmed by the senate. The terms of members appointed by the governor who are serving on the committee board on the effective date of this act shall expire on January 15, of the year in which such member's term would have expired under the provisions of this section prior to amendment by this act. Thereafter, members shall be appointed for terms of four years and until their successors are appointed and confirmed.

(c) The board shall elect a chairperson of the board at the first regular meeting held on or after July 1, 1993, and at each annual meeting thereafter from the members of the board. The chairperson shall preside over meetings of the board and perform such other duties as required by the board.

(d) The chairperson shall appoint another board member as vice-chairperson, and the vice-chairperson shall perform the duties of chairperson in the absence of the chairperson or upon the chairperson's inability or refusal to act.

(e) The six members appointed pursuant to subsection (a)(1) shall have demonstrated experience in the financial affairs of a public or private organization or entity which employs 100 or more employees or had at least five years' experience in the field of investment management or analysis, actuarial analysis or administration of an employee benefit plan.

(f) No person shall serve on the board if such person has knowingly acquired a substantial interest in any nonpublicly traded investment made with moneys of the fund. Any such person who knowingly acquires such an interest shall vacate such member's position on the board and shall be guilty of a class A misdemeanor. For purposes of this subsection, "substantial interest" means any of the following:

(1) If an individual or an individual's spouse, either individually or collectively, has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5% of any business, whichever is less, the individual has a substantial interest in that business.

(2) If an individual or an individual's spouse, either individually or collectively, has received during the preceding calendar year compensation which is or will be required to be included as taxable income on federal income tax returns of the individual and spouse in an aggregate amount of \$2,000 from any business or combination of businesses, the

individual has a substantial interest in that business or combination of businesses.

(3) If an individual or an individual's spouse holds the position of officer, director, associate, partner or proprietor of any business, the individual has a substantial interest in that business, irrespective of the amount of compensation received by the individual or individual's spouse.

(4) If an individual or an individual's spouse receives compensation which is a portion or percentage of each separate fee or commission paid to a business or combination of businesses, the individual has a substantial interest in any client or customer who pays fees or commissions to the business or combination of businesses from which fees or commissions the individual or the individual's spouse, either individually or collectively, received an aggregate of \$2,000 or more in the preceding calendar year.

(5) If an individual or an individual's spouse has received a loan from or received financing from any bank, savings and loan, credit union or any other financial institution in an amount which exceeds \$2,000, the individual has a substantial interest in that financial institution.

As used in this subsection, "client or customer" means a business or combination of businesses.

Any person who serves on the board shall fully disclose any substantial interest that such person has in any publicly traded investment made with moneys of the fund.

(g) No person who serves on the board shall be employed for a period of two years commencing on the date the person no longer serves on the board and ending two years after such date with any organization in which moneys of the fund were invested, except that the employment limitation contained in this subsection shall not apply if such person's employment is with an organization whose stock or other evidences of ownership are traded on the public stock or bond exchanges.

(h) All members of the board named, appointed or elected to the board shall be subject to an investigation by the Kansas bureau of investigation or other criminal justice agencies. Information to be obtained during such investigation shall include criminal history record information, including arrest and conviction data, criminal intelligence information and information relating to criminal and background investigations as necessary to determine qualifications of such member. Such information shall be forwarded to the senate committee specified by the president of the senate for such committee's consideration and other than conviction data, shall be confidential and shall not be disclosed except to members and employees of the committee as necessary to determine qualifications of such member. The committee, in accordance with K.S.A. 75-4319 and amendments thereto shall recess for a closed or executive meeting to receive and discuss information received by the committee pursuant to this subsection.

(i) All of the powers, duties and functions of the board of trustees of the Kansas public employees retirement system as such board existed prior to July 1, 1993, are hereby transferred to and conferred and imposed upon the board of trustees established pursuant to this act. The board of trustees of the Kansas public employees retirement system established pursuant to this act shall be the successor in every way of the powers, duties and functions of the board of trustees existing prior to July 1, 1993, in which the same were vested prior to July 1, 1993.

Sec. 6. On and after July 1, 1996, K.S.A. 1995 Supp. 74-4908 is hereby amended to read as follows: 74-4908. (1) The board shall appoint an executive secretary and shall establish the compensation therefor. Subject to the direction of the board, the executive secretary shall be the managing officer of the system and as such shall have charge of the office, records and supervision and direction of the employees of the system. The executive secretary shall be in the unclassified service under the Kansas civil service act.

(2) The executive secretary shall recommend to the board the administrative organization, the number and qualifications of employees necessary to carry out the intent of this act and the directions of the board. Upon approval of the board, the executive secretary is authorized to employ such persons in accordance with the Kansas civil service act.

(3) The board of trustees shall select and employ or retain a qualified actuary who shall serve at its pleasure as its technical advisor on matters regarding operation of the system. The actuary shall:

(a) Make an annual valuation of the liabilities and reserves of the system, and a determination of the contributions required by the system to discharge its liabilities and administrative costs under this act, and recommend to the board rates of employer contributions required to establish and maintain the system on an actuarial reserve basis. Such

recommended employer contributions shall not be based on any other purpose outside of the needs of the system as prescribed by this subsection.

(b) As soon after the effective date as practicable and once every three years thereafter, make a general investigation of the actuarial experience under the system including mortality, retirement, employment turnover and interest, and recommend actuarial tables for use in valuations and in calculating actuarial equivalent values based on such investigation.

(c) Cooperate with and provide any assistance to the actuary, the legislative coordinating council and the joint committee on pensions, investments and benefits related to the independent actuarial audit and evaluation as provided in K.S.A. 1995 Supp. 74-4908a and amendments thereto.

(d) Perform such other duties as may be assigned by the board.

(4) The attorney general of the state shall furnish such legal services as may be necessary upon receipt of a request from the board, *except that legal services may be furnished by other counsel as the board in its discretion deems necessary and prudent.*

(5) The board shall employ or retain qualified investment counsel or counselors or may negotiate with a trust company to assist and advise in the judicious investment of funds as herein provided.

(6) The board may appoint an investment officer, an investment analyst, a real estate manager, a direct placement manager, a chief fiscal officer, a member services officer, an attorney, an assistant investment officer and an information resource officer to advise and assist the board in the performance of powers, duties and functions relating to the management and investment of the fund and in such other matters as may be directed by the board. Such appointed officers and employees shall be in the unclassified service under the Kansas civil service act. The compensation of such appointed officers and employees shall be established by the board.

Sec. 7. On and after July 1, 1996, K.S.A. 74-4910 is hereby amended to read as follows: 74-4910. (1) An eligible employer may join the system on January 1 of any year. Application for affiliation shall be in the form of a resolution approved by the governing or legislative body of the eligible employer or by any other body or officer authorized by law or recognized by the board to approve the action. No city or township shall become a participating employer except by the adoption of a resolution therefor, which shall be published once in the official city or township newspaper or, if there is none, in a newspaper of general circulation in the city or county. No such resolution shall take effect until 60 days after its final publication. If within 60 days of its final publication a petition signed by electors equal in number to not less than 10% of the electors who voted at the last preceding regular election in the township, in the case of townships, the last regular city election in the city, in the case of cities is filed in the office of the clerk of such city, or township demanding that such resolution be submitted to a vote of the electors, the resolution shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon. A $\frac{2}{3}$ vote of the members-elect of the governing body shall be necessary for the affiliation of any eligible employer other than a city or township. An application for affiliation with the system shall be filed with the board not later than 30 days prior to the date participation is to begin, except as such time limit may be extended by the board. Upon the filing of a certified copy of such resolutions with the board an election pursuant to this section shall be irrevocable, and the employer shall become a participating employer on January 1 of the year immediately following the filing of such election with the board.

(2) The state of Kansas in its capacity as an eligible employer, shall become, by operation of law, a participating employer on the first entry date. The Kansas turnpike authority shall not become a participating employer nor shall its officers or employees be covered by the retirement system until such time as its governing body by a $\frac{2}{3}$ vote of the members of such governing body adopts a resolution for affiliation and files the same in the same manner and on the same conditions as in the case of an eligible employer other than a city or township.

(3) If a participating employer is paying or has paid the salary or other compensation of the judge, clerk or any other employee, whether elective or appointive, such judge, clerk or other employee of such court or courts, whether elective or appointive, shall be deemed an employee of the participating employer. Such employee shall be governed by the provisions governing other eligible employees of such participating employer. Any participating employer which has not heretofore included such employees

as eligible employees under the retirement system shall on the first day of the month coinciding with or following the effective date of this act include such employees if otherwise eligible as eligible employees under the retirement system. Such employees, whether elective or appointive, if employed on the employer's entry date may elect to pay forthwith the employee contributions from the employer's entry date and thereby be governed by the provisions governing other employees employed by the participating employer on entry date except that no such employee shall be considered to be new employees on the first day of the month coinciding with or following the effective date of this act and commence making employee contributions in compliance with other provisions governing the retirement system and the participating employer shall make the employer contributions in accordance with the alternative elected by the employee and other provisions governing the retirement system.

(4) Any employer whose employees are covered by social security and who otherwise do not meet the provisions of subsection (13) of K.S.A. 74-4902 and amendments thereto may elect to affiliate under this section upon meeting the definition of a governmental entity or instrumentality as determined by the United States internal revenue service. *Such determination should accompany all affiliation requirements of this section. If, subsequent to such determination, the United States internal revenue service determines that such employer does not meet the definition of a governmental entity or instrumentality, such affiliation shall be null and void and all employee accrued rights associated with such affiliation shall be null and void and the system shall refund such amounts presently credited to each employee's account and an equivalent amount to the employer for each employee. The provisions of this subsection shall apply to current and future participating employers.*

Sec. 8. On and after July 1, 1996, K.S.A. 1995 Supp. 74-4911f, as amended in section 2 of 1996 House Bill No. 2982, is hereby amended to read as follows: 74-4911f. (a) Subject to procedures or limitations prescribed by the governor, any state officer may elect to not become a member of the system.

(b) (1) Any such state officer described in subsection (a) who is a member of the Kansas public employees retirement system, on or after the effective date of this act, may elect to not be a member by filing an election with the office of the retirement system. Each state officer filing such election may withdraw the state officer's accumulated contributions then on deposit with the system in the same manner as prescribed in K.S.A. 74-4917 and amendments thereto for employees upon termination.

(2) Any state officer who has filed an election and received a refund of contributions shall be entitled to again become a member of the system upon the filing of proper notice in such form as prescribed by the system and upon the making of a single lump-sum payment in an amount equal to all withdrawn contributions, plus interest at a rate specified by the system.

(c) Subject to limitations prescribed by the secretary of administration, the state agency employing any employee who has filed an election as provided under subsection (a) or (b) and who has entered into an employee participation agreement, as provided in K.S.A. 75-5524 and amendments thereto for deferred compensation pursuant to the Kansas public employees deferred compensation plan shall contribute to such plan on such employee's behalf an amount equal to 8% of the employee's salary, as such salary has been approved pursuant to K.S.A. 75-2935b and amendments thereto or as otherwise prescribed by law.

(d) As used in this section and K.S.A. 74-4927k and amendments thereto, "state officer" means the secretary of administration, secretary on aging, secretary of commerce and housing, secretary of corrections, secretary of health and environment, secretary of human resources, secretary of revenue, secretary of social and rehabilitation services, secretary of transportation, secretary of wildlife and parks, superintendent of the Kansas highway patrol, secretary of agriculture, state grain inspector, executive director of the Kansas lottery, executive director of the Kansas racing commission, president of the Kansas development finance authority, state fire marshal, state librarian, securities commissioner, adjutant general, members of the state board of tax appeals, members of the Kansas parole board, members of the state corporation commission, any unclassified employee on the staff of officers of both houses of the legislature and any unclassified employee appointed to the governor's or lieutenant governor's staff and any person employed by the legislative branch of the state of Kansas, other than any such person receiving service credited

(continued)

under the Kansas public employees retirement system or any other retirement system of the state of Kansas therefor, who elected to be covered by the provisions of this section as provided in subsection (e) of K.S.A. 46-1302 and amendments thereto or who is first employed on or after July 1, 1996, by the legislative branch of the state of Kansas.

(e) The provisions of this section shall not apply to any state officer who has elected to remain eligible for assistance by the state board of regents as provided in subsection (a) of K.S.A. 74-4925 and amendments thereto.

Sec. 9. On and after July 1, 1996, K.S.A. 74-4913 is hereby amended to read as follows: 74-4913. (1) Prior service shall be credited as follows:

(a) A member shall receive full credit for continuous employment prior to the entry date with such member's employer on the entry date. If the employee was employed on March 15, 1961, by the employer who is the employee's employer on the employee's entry date, then all such previous employment, whether or not continuous, shall be credited; otherwise no credit shall be granted for employment prior to a break in continuous employment. Any member or retiree who has been credited with prior service as hereinbefore provided and who was employed by any participating employer on March 15, 1961, may apply to the board on such forms as it may prescribe for prior service credit with a participating employer other than the member's entry date employer. Upon receipt of written verification of such employment from the participating employer, the board may grant such additional prior service credit and with respect to a retiree, shall adjust the amount of the retirement benefit accordingly commencing with the next monthly benefit payment due following receipt of the written verification, *except that such retiree shall not be entitled to any retroactive adjustment in the amount of such retirement benefit as a result of the board granting such additional prior service credit.* In the case of any person other than a retiree receiving a retirement benefit, such person may make application for an adjustment in the benefit amount in the same manner as a member or retiree, and in such case the adjustment in the benefit amount shall be determined by the board upon the advice of the actuary, and shall commence with the next monthly benefit payment due following receipt of the written verification;

(b) leaves of absence and military service shall not be counted as breaks in continuous employment; however, military service which is immediately preceded and followed by employment with a participating employer shall be credited, except that after July 1, 1974, not more than five years' credit for military service shall be granted hereunder, but leaves of absence shall not be credited;

(c) any member who was employed in the Kansas state employment service, now a section of the Kansas division of employment security, during any of the time the Kansas state employment service was loaned by the state to the federal government (January 1, 1942, for the duration of the emergency period of world war II, which service was returned to the state by the federal government effective November 16, 1946) shall be entitled to prior service credit for the time so employed during the period stated for any service rendered under the jurisdiction of the United States employment service for the federal government in like manner as if the employment service had remained under the jurisdiction of the state of Kansas;

(d) any member who is not otherwise eligible for service credit as provided for in subsection (1)(a) may be granted credit for the service upon the attainment of 38 quarters of participating service;

(e) any member who was employed by the university of Wichita prior to July 1, 1964, shall be entitled to prior service credit for such time of employment under the Kansas public employees retirement system, when such employment is not the basis for other pension rights.

(2) Participating service shall be credited as follows: (a) A member shall receive credit for participating service with a participating employer in accordance with the rules and regulations established by the board of trustees, except that no more than one calendar quarter of participating service shall be credited for any employment within any one calendar quarter;

(b) leaves of absence and military service shall not count as a break in continuous employment provided the member leaves such member's accumulated contribution on deposit with the fund; however, the period of military service shall be credited, except that after July 1, 1974, not more than five years' credit for military service shall be granted hereunder, but leaves of absence shall not be credited. Employees who enter the military service from their employment after the employer's entry

date and who have not completed one year of service at the time of their entry into the military service, shall not become members of the retirement system until they return to the employment of that participating employer. In the case of such employee whose combined public employment and military service does not equal one year at the time of such employee's return to employment, the date of membership shall be the first day of the payroll period coinciding with or following the completion of one combined public employment and military year of service. Such service shall be granted in accordance with this section;

(c) a period of retirement under the system or a period of total disability, immediately followed by employment with a participating employer, shall not count as a break in continuous employment, except that such periods while not employed shall not be credited as participating service;

(d) termination of employment, followed by employment with a participating employer within five years after such termination, does not constitute a break in continuous employment if such person has not withdrawn such person's accumulated contribution. Such period while not employed shall not be credited as participating service.

(3) In determining the number of years of credited prior service or participating service a fractional year of six months or more shall be considered as one year and a fractional year of less than six months shall be disregarded.

Sec. 10. On and after July 1, 1996, K.S.A. 1995 Supp. 74-4917 is hereby amended to read as follows: 74-4917. (1) Upon termination of employment with a participating employer, not followed by employment with such participating employer or another participating employer, the member shall be paid an amount equal to the member's accumulated contributions then on deposit with the system after making application in such form as may be prescribed by the board, except that the system shall have a reasonable time to process the application for withdrawal. The participating employer shall, upon giving a terminated employee a withdrawal application, certify to the system all member contributions which have not been reported previously. In the case of a death of an active member, the participating employer shall certify to the system all member contributions which have not been reported previously and remit such contributions if the participating employer has not submitted a monthly remittance for the terminating quarter. *The participating employer shall be responsible to the system for any overpayment or underpayment of member contributions made by the system relating to a withdrawal of accumulated contributions or a death of an active member which is due to an inaccurate certification of all member contributions which have not been reported to the system as required by this section made by the participating employer.* A leave of absence, a period of total disability or military service shall not be considered a termination of employment unless the member withdraws accumulated contributions.

(2) Except as otherwise provided by this subsection, if such member has completed 10 years of credited service at date of termination, such member automatically shall be granted a vested retirement benefit in the system, except that at any time prior to the commencement of retirement benefit payments the member may withdraw accumulated contributions, whereupon no other benefits shall be payable for such member's prior and participating service credit. For purposes of this subsection, any employee of a local governmental unit which has its own pension plan who becomes an employee of a participating employer as a result of a merger or consolidation of services provided by local governmental units, which occurred on January 1, 1994, may count service with such local governmental unit in determining whether such employee has met the 10 years of credited service for vesting requirement contained in this subsection. Eligibility of such member for retirement benefits and procedures for making application for retirement benefits shall be in accordance with K.S.A. 74-4914 and amendments thereto. Such member shall make application for retirement in such form as may be prescribed by the board and retirement benefits shall accrue from the first day of the month following receipt of such application. The amount of the retirement benefit shall be determined as provided in K.S.A. 74-4915 and amendments thereto.

(3) Termination of employment of a member, followed by employment with a participating employer within five years after such termination, does not constitute a break in continuous employment if such member has not withdrawn accumulated contributions. Such period while not employed shall not be credited.

(4) If, after the expiration of five years following the termination of employment, a former member becomes an employee of such former

member's former participating employer, or another participating employer, such former member shall be deemed to be a new employee. If a member, who has a vested benefit again becomes an employee of a participating employer, any credited service such member subsequently accrues shall be added to that which had been vested by virtue of previous service. Eligibility of such member for retirement benefits and procedures for making application for retirement benefits shall be in accordance with K.S.A. 74-4914 and amendments thereto.

Sec. 11. On and after July 1, 1996, K.S.A. 1995 Supp. 74-4919h is hereby amended to read as follows: 74-4919h. (1) In addition to any military service credited under the provisions of K.S.A. 74-4913 or 74-4936 and amendments thereto, or in the event that an active contributing member does not qualify for credit for military service as defined in subsection (22) of K.S.A. 74-4902 and amendments thereto, such member may purchase participating credit for periods of active service in the armed forces of the United States or in the United States public health service and for periods of service required to fulfill the requirements of section 651 of title 10, United States code, which are not otherwise creditable, which when added to any creditable military service do not exceed six years. Except as provided in subsection (4)(a) for such purchase of participating credit for such periods of such military service which is the basis for military pension rights, such member shall be entitled to purchase one quarter of participating service credit for each year of service required to fulfill the requirements of section 651 of title 10, United States code. Except as otherwise provided in this section, such purchase shall be effected by the member submitting proof of such service acceptable to the board and, if first commenced prior to January 1, 1996, electing in writing to have employee contributions as provided in K.S.A. 74-4919 and amendments thereto deducted from such member's compensation at a percentage rate equal to two times or three times the employee's rate of contribution as provided in K.S.A. 74-4919 and amendments thereto for such periods of service. Such deductions shall commence at the beginning of the quarter following such election and shall remain in effect until all of the full quarters of such service have been purchased. Any person may make any such purchase as described in this section, if first commenced in calendar year 1996 or thereafter, at an additional rate of contribution, in addition to the employee's rate of contribution as provided in K.S.A. 74-4919 and amendments thereto, based upon the member's attained age at the time of purchase and using actuarial assumptions and tables in use by the retirement system at such time of purchase, for such periods of service, in lieu of a lump-sum amount as provided in this section. Such additional rate of contribution shall commence at the beginning of the quarter following such election and shall remain in effect until all quarters of such service have been purchased.

(2) (a) Such purchase of participating service credit must be completed prior to such member's retirement.

(b) For members purchasing such participating service credit on or after July 1, 1993, whose purchase is completed within five years before such member's retirement, such member shall pay the actuarially determined amount by means of a single lump-sum payment or equal annual payments which shall be completed prior to retirement. The lump-sum payment or annual payments shall be determined by the system's actuary by using the member's current annual salary at the time, actuarial assumptions and tables currently in use by the system and the member's attained age. No participating employer shall pay all or any part of the cost of service credit purchased by a member under this subsection. Any member who purchases such participating service credit and who does not make the lump-sum payment or annual payments as required by this subsection shall have any previously credited service under this section voided and such member shall be refunded such member's payments previously made for such purchase plus interest. *The provisions of this subsection shall not apply to any member who is employed by an institution that is closed or abolished or otherwise ceases operations or that is scheduled for such closure, abolition or cessation of operations and has a budget reduction imposed that is associated with such closure, abolition or cessation of operations, and who is laid off from employment with such institution for the reason of such closure, abolition or cessation. As used in this subsection, "institution" means Topeka state hospital or Winfield state hospital and training center; and "laid off" means, in the case of a state officer or employee in the classified service under the Kansas civil service act, being laid off under K.S.A. 75-2948 and amendments thereto and, in the case of a state officer or employee in the unclassified service under the Kansas civil service act, being terminated from employment with the state agency by the appointing authority, except that "laid off"*

shall not include any separation from employment pursuant to budget reduction or expenditure authority reduction and reduction of F.T.E. positions under K.S.A. 1995 Supp. 75-6801 and amendments thereto.

(3) In the event such member has elected to purchase participating service credit as provided in K.S.A. 74-4919a to 74-4919e, inclusive, and any amendments thereto, the increased employee contributions and purchase of participating service credit provided herein shall not commence until after the purchase of participating service credit under K.S.A. 74-4919a to 74-4919e, inclusive, and any amendments thereto, has been completed. If a member terminates employment before completing the purchase of all participating service credit as such member may be entitled to, such member shall only receive such credit for those full quarters as the percentage rate equal to two times or three times the employee's rate of contribution as provided in K.S.A. 74-4919 and amendments thereto or those full quarters as the additional rate of contribution, in addition to the employee's rate of contribution as provided in K.S.A. 74-4919 and amendments thereto has been deducted from such member's compensation.

(4) (a) Any member of the system who has not yet retired shall may purchase participating service credit for military service as described in this section which is the basis for military pension rights at an additional rate of contribution in addition to the employee's rate of contribution as provided in K.S.A. 74-4919 and amendments thereto, based upon the member's attained age at the time of purchase and using actuarial assumptions and tables in use by the retirement system at the time of such purchase. Such additional rate of contribution shall commence at the beginning of the quarter following such election and shall remain in effect until all quarters of such service have been purchased. Any such member may purchase participating service credit for military service as described in this section by electing to effect such purchase by means of a single lump-sum payment in lieu of employee contributions as provided in this section. The lump-sum payment shall be an amount determined by the actuary using the member's then current annual rate of compensation, or if not actively employed, the member's annual rate of compensation when last participating, the actuarial assumptions and tables currently in use by the retirement system and the member's attained age. No participating employer shall pay all or any part of the cost of any additional participating service credit to be purchased by means of a lump-sum payment by a member under this section.

(b) Any member of the retirement system who has not retired may purchase participating service credit for military service as described in this section which is not the basis for military pension rights by electing to effect such purchase by means of a single lump-sum payment in lieu of employee contributions as provided in this section. The lump-sum payment shall be an amount determined by the actuary using the member's then current annual rate of compensation, or if not actively employed, the member's annual rate of compensation when last participating, the actuarial assumptions and tables currently in use by the retirement system and the member's attained age. No participating employer shall pay all or any part of the cost of any additional participating service credit to be purchased by means of a lump-sum payment by a member under this section.

Sec. 12. On and after July 1, 1996, K.S.A. 1995 Supp. 74-4919n is hereby amended to read as follows: 74-4919n. Any employee of a participating employer who is a member of the Kansas public employees retirement system, who was previously employed in another state in non-federal governmental employment and which service otherwise meets the requirements of an employee as prescribed in subsection (14) of K.S.A. 74-4902 or subsection (4) of K.S.A. 74-4932 and amendments thereto, may elect to purchase additional benefits prior service for such out-of-state nonfederal governmental employment. The benefit for each such year of employment shall be equal to 1% of the annual compensation final average salary of any such member at the time such member purchases such additional benefits. As used in this section, annual compensation shall be the rate of annual compensation being paid to such member by the participating employer on the date of application to purchase such additional benefits. Such member may purchase such additional benefits prior service by making application therefor prior to date of retirement and making at an additional rate of contribution in addition to the employee's rate of contribution as provided in K.S.A. 74-4919 and amendments thereto, based upon the member's attained age at the time of purchase and using actuarial assumptions and tables in use by the retirement

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system at the time of such purchase. Such additional rate of contribution shall commence at the beginning of the quarter following such election and shall remain in effect until all quarters of such service have been purchased. Any such member may purchase such prior service as described in this section by electing to effect such purchase by means of a single lump-sum payment in lieu of employee contributions as provided in this section in an amount equal to the then present value of the benefits being purchased as determined by the actuary using the member's attained age, annual compensation at the time of purchase and the actuarial assumptions and tables then in use by this system. The lump-sum payment shall be made immediately upon being notified of the amount due. No participating employer shall pay the cost, or any part thereof, of any additional benefits prior service authorized to be purchased by a member under this section.

Sec. 13. On and after July 1, 1996, K.S.A. 74-4936a is hereby amended to read as follows: 74-4936a. Any employee of a participating employer who is a member of the Kansas public employees retirement system, who was previously employed in a teaching position with a public school system of another state, in a foreign teaching service in an overseas dependents' school, in a recognized teacher exchange program or in any program where a teacher is chosen by the Kansas department of education to teach in a foreign country and which service otherwise meets the requirements of an employee as prescribed in subsection (14) of K.S.A. 74-4902 or subsection (4) of K.S.A. 74-4932 and amendments thereto may elect to purchase additional benefits prior service for such out-of-state public school or overseas teaching employment. The benefit for each such year of employment shall be equal to 1% of the annual compensation final average salary of any such member at the time such member purchases such additional benefits. As used in this section, annual compensation shall be the rate of annual compensation being paid to such member by the participating employer on the date of application to purchase such additional benefits. Such member may purchase such additional benefits prior service by making application therefor prior to date of retirement and making at an additional rate of contribution in addition to the employee's rate of contribution as provided in K.S.A. 74-4919 and amendments thereto, based upon the member's attained age at the time of purchase and using actuarial assumptions and tables in use by the retirement system at the time of such purchase. Such additional rate of contribution shall commence at the beginning of the quarter following such election and shall remain in effect until all quarters of such service have been purchased. Any such member may purchase such prior service as described in this section by electing to effect such purchase by means of a single lump-sum payment in lieu of employee contributions as provided in this section in an amount equal to the then present value of the benefits being purchased as determined by the actuary using the member's attained age, annual compensation at the time of purchase and the actuarial assumptions and tables then in use by this system. The lump-sum payment shall be made immediately upon being notified of the amount due. No participating employer shall pay the cost, or any part thereof, of any additional benefits prior service authorized to be purchased by a member under this section.

Sec. 14. On and after July 1, 1996, K.S.A. 74-4957a is hereby amended to read as follows: 74-4957a. (1) The normal retirement date for a member of the system who is appointed or employed on or after July 1, 1989, or who makes an election pursuant to K.S.A. 74-4955a and amendments thereto to be covered by the provisions of this act shall be the first day of the month coinciding with or following the attainment of age 55 and the completion of 20 years of credited service, age 50 and the completion of 25 years of credited service or age 60 with the completion of 15 years of credited service. Any such member may retire on such member's normal retirement date or on the first day of any month thereafter.

(2) Any member may retire before such member's normal retirement date on the first day of any month coinciding with or following the attainment of age 50 and the completion of 20 years of credited service.

(3) In no event shall a member be eligible to retire until such member has been a contributing member of the system for 12 months of participating service, and shall have given such member's employer prior notice of retirement.

(4) If a retirant who retired on or after July 1, 1996, is employed, elected or appointed in or to any position or office for which compensation for service is paid, during calendar year 1995 and all calendar years thereafter, in an amount equal to \$11,280 or more in any one such cal-

endar year, by the same state agency or the same police or fire department of any county, city, township or special district or the same sheriff's office of a county for a period of more than 30 days in any one calendar year during the final two years of such retirant's participation, such retirant shall not receive any retirement benefit for any month for which such retirant serves in such position or office. Such retirant may elect to revoke their retirement and become an active member and make employee contributions to the system and receive service credit for any service after the date of commencement of service in such position or office by filing with the office of the retirement system a notice of such intention in such form and manner as the board prescribes within 10 days after the date of commencement of service in such position or office. Any retirant employed by a participating employer in the Kansas police and firemen's retirement system shall not make contributions nor receive additional credit under such system for such service except as provided by this section. Upon request of the executive secretary of the system, the secretary of revenue shall provide such information as may be needed by the executive secretary to carry out the provisions of this act.

(5) The provisions of this section shall be effective on and after July 1, 1989, and shall apply only to members who were appointed or employed prior to July 1, 1989, and who made an election pursuant to K.S.A. 74-4955a and amendments thereto; and persons appointed or employed on or after July 1, 1989.

Sec. 15. On and after July 1, 1996, K.S.A. 1995 Supp. 74-4964 is hereby amended to read as follows: 74-4964. (1) A member may elect to have such member's retirement benefit paid under one of the options provided in this section in lieu of having it paid in the form stated in subsections (1) and (2) of K.S.A. 74-4958 and amendments thereto. Such election must be made before the date of actual retirement. Only a specific individual person may be designated as a joint annuitant at the time of election of the joint and 1/2 to joint annuitant survivor option, the joint and survivor option and the joint and 3/4 to joint annuitant survivor option. Under no circumstances may an option be changed or canceled nor the named joint annuitant changed after the date of actual retirement of the member.

(2) The amount of a retirement benefit payable under an option shall be based on the age of the member and, if applicable, the age of the joint annuitant, and shall be such amount as to be the actuarial equivalent of the retirement benefit otherwise payable under subsections (1) or (2) of K.S.A. 74-4958 and amendments thereto as prescribed under subsection (5). In no case shall the total amount of retirement benefit paid under any option provided in this section be more than 100% of the retirement benefit which would have been otherwise payable if no option had been elected under this section.

(3) If a member who was, up to the entry date of such member's employer, covered by a pension system under the provisions of K.S.A. 13-14a01 to 13-14a14, inclusive or 14-10a01 to 14-10a15, inclusive, and amendments thereto so elects one of the options under this section, payment of such option shall be in lieu of any payments provided in subsection (3) of K.S.A. 74-4958 and amendments thereto.

(4) Such election of an option shall become null and void upon the death of a member prior to such member's retirement, except that if a member, who is eligible to retire in accordance with the provisions of subsections (1) and (2) of K.S.A. 74-4958 and amendments thereto, dies without having actually retired the member's spouse, if the spouse is beneficiary for the member's accumulated contributions, and no benefits are payable under subsections (1) and (2) of K.S.A. 74-4959 and amendments thereto, may elect to receive benefits as a joint annuitant under joint and 1/2 to joint annuitant survivor option, calculated as if the member retired on date of death under one of the options provided in this section, in lieu of receiving the member's accumulated contributions.

(5) The retirement options are:

(A) Joint and 1/2 to joint annuitant survivor. A reduced retirement benefit is payable to the retirant during the retirant's lifetime in a monthly amount equal to the product of (A) the monthly payment of the retirement annuity otherwise payable under K.S.A. 74-4958 and amendments thereto and (B) the percentage equal to 94.5% minus .2% for each year by which the age of the retirant's joint annuitant is less than the retirant's age, computed to the nearest whole year, or plus .2% for each year by which the age of the retirant's joint annuitant is more than the retirant's age, computed to the nearest whole year, with 1/2 of that monthly amount continued to the retirant's joint annuitant during such joint annuitant's remaining lifetime, if any, after the death of the retirant. In the event that the designated joint annuitant under this option predeceases the retirant,

the amount of the retirement benefit otherwise payable to the retiree under this option shall be adjusted automatically to the retirement benefit which the retiree would have received if no option had been elected under this section.

(B) *Joint and survivor.* A reduced retirement benefit is payable to the retiree during the retiree's lifetime in a monthly amount equal to the product of (A) the monthly payment of the retirement annuity otherwise payable under K.S.A. 74-4958 and amendments thereto and (B) the percentage equal to 88% minus .4% for each year by which the age of the retiree's joint annuitant is less than the retiree's age, computed to the nearest whole year, or plus .4% for each year by which the age of the retiree's joint annuitant is more than the retiree's age, computed to the nearest whole year, with that monthly amount continued to the joint annuitant during the joint annuitant's remaining lifetime, if any, after the death of retiree. In the event that the designated joint annuitant under this option predeceases the retiree, the amount of the retirement benefit otherwise payable to the retiree under this option shall be adjusted automatically to the retirement benefit which the retiree would have received if no option had been elected under this section.

(C) *Joint and ¼ to joint annuitant survivor.* A reduced retirement benefit is payable to the retiree during the retiree's lifetime in a monthly amount equal to the product of (A) the monthly payment of the retirement annuity otherwise payable under K.S.A. 74-4958 and amendments thereto and (B) the percentage equal to 91% minus .3% for each year by which the age of the retiree's joint annuitant is less than the retiree's age, computed to the nearest whole year, or plus .3% for each year by which the age of the retiree's joint annuitant is more than the retiree's age, computed to the nearest whole year, with ¼ of that monthly amount continued to the retiree's joint annuitant during such joint annuitant's remaining lifetime, if any, after the death of the retiree. In the event that the designated joint annuitant under this option predeceases the retiree, the amount of the retirement benefit otherwise payable to the retiree under this option shall be adjusted automatically to the retirement benefit which the retiree would have received if no option had been elected under this section.

(D) *Life with 5 years certain.* A reduced retirement benefit is payable to the retiree during the retiree's lifetime in a monthly amount equal to 99% of the monthly payment of the retirement benefit otherwise payable under K.S.A. 74-4958 and amendments thereto, and if the retiree dies within the five-year certain period, measured from the commencement of retirement benefit payments, such payments will be continued to the retiree's beneficiary during the balance of the five-year certain period.

(E) *Life with 10 years certain.* A reduced retirement benefit is payable to the retiree during the retiree's lifetime in a monthly amount equal to 98% of the monthly payment of the retirement benefit otherwise payable under K.S.A. 74-4958 and amendments thereto, and if the retiree dies within the ten-year certain period, measured from the commencement of retirement benefit payments, such payments will be continued to the retiree's beneficiary during the balance of the ten-year certain period.

(F) *Life with 15 years certain.* A reduced retirement benefit is payable to the retiree during the retiree's lifetime in a monthly amount equal to 92% of the monthly payment of the retirement benefit otherwise payable under K.S.A. 74-4958 and amendments thereto, and if the retiree dies within the fifteen-year certain period, measured from the commencement of retirement benefit payments, such payments will be continued to the retiree's beneficiary during the balance of the fifteen-year certain period.

(6) *On and after July 1, 1996, if a member with 20 or more years of credited service dies before attaining retirement age, the member's spouse, if the spouse is the sole beneficiary for the member's accumulated contributions, may elect to receive benefits under one of the options provided in this section in lieu of receiving the member's accumulated contributions or in lieu of receiving benefits as provided in K.S.A. 74-4959 and amendments thereto. Payments under one of the options provided in this section to the member's spouse if so elected, shall commence on the date that the member would have attained retirement age.*

(7) Benefits payable to a joint annuitant shall accrue from the first day of the month following the death of a member or retiree and, in the case of the joint and ½ to joint annuitant survivor option, the joint and survivor option and the joint and ¼ to joint annuitant survivor option, shall end on the last day of the month in which the joint annuitant dies.

(7) (8) The provisions of the law in effect on the retirement date of a member under the system shall govern the retirement benefit payable

to the retiree and any joint annuitant, except, for retirement benefits payable after July 1, 1993, for retirees who retired prior to July 1, 1982, in the event that the designated joint annuitant under the option provided in subsection (5)(A), (B) or (C), as applicable, predeceased the retiree, the amount of the retirement benefit otherwise payable to the retiree under the option provided in subsection (5)(A), (B) or (C), as applicable, shall be adjusted automatically to the retirement benefit which the retiree would have received if no option had been elected under this section.

(8) (9) Upon the death of a joint annuitant who is receiving a retirement benefit under the provisions of this section, there shall be paid to such joint annuitant's beneficiary an amount equal to the excess, if any, of the accumulated contributions of the retiree over the sum of all retirement benefit payments made to such retiree and such joint annuitant. Such joint annuitant shall designate a beneficiary by filing in the office of the retirement system such designation at the time of death of the retiree. If there is no named beneficiary of such joint annuitant living at the time of death of such joint annuitant, any amount provided for by this section shall be paid to, in order of preference as follows:

- (A) The joint annuitant's surviving spouse;
- (B) the joint annuitant's dependent child or children;
- (C) the joint annuitant's dependent parent or parents;
- (D) the joint annuitant's nondependent child or children;
- (E) the joint annuitant's nondependent parent or parents; or
- (F) the estate of the deceased joint annuitant.

(9) (10) The provisions of this section shall apply only to members who were appointed or employed prior to July 1, 1989, and who did not make an election pursuant to K.S.A. 74-4955a and amendments thereto.

Sec. 16. On and after July 1, 1996, K.S.A. 1995 Supp. 74-4964a is hereby amended to read as follows: 74-4964a. (1) A member may elect to have such member's retirement benefit paid under one of the options provided in this section in lieu of having it paid in the form stated in subsections (1) and (2) of K.S.A. 74-4958 and amendments thereto. Such election must be made before the date of actual retirement. Only a specific individual person may be designated as a joint annuitant at the time of election of the joint and ½ to joint annuitant survivor option, the joint and survivor option and the joint and ¼ to joint annuitant survivor option. Under no circumstances may an option be changed or canceled nor the named joint annuitant changed after the date of actual retirement of the member.

(2) The amount of a retirement benefit payable under an option shall be based on the age of the member and, if applicable, the age of the joint annuitant, and shall be such amount as to be the actuarial equivalent of the retirement benefit otherwise payable under subsections (1) or (2) of K.S.A. 74-4958 and amendments thereto as prescribed under subsection (5). In no case shall the total amount of retirement benefit paid under any option provided in this section be more than 100% of the retirement benefit which would have been otherwise payable if no option had been elected under this section.

(3) If a member who was, up to the entry date of such member's employer, covered by a pension system under the provisions of K.S.A. 13-14a01 to 13-14a14, inclusive or 14-10a01 to 14-10a15, inclusive, and amendments thereto so elects one of the options under this section, payment of such option shall be in lieu of any payments provided in subsection (3) of K.S.A. 74-4958 and amendments thereto.

(4) Such election of an option shall become null and void upon the death of a member prior to such member's retirement, except that if a member, who is eligible to retire in accordance with the provisions of subsections (1) and (2) of K.S.A. 74-4958 and amendments thereto, dies without having actually retired the member's spouse, if the spouse is beneficiary for the member's accumulated contributions, and no benefits are payable under subsections (1) and (2) of K.S.A. 74-4959 and amendments thereto, may elect to receive benefits as a joint annuitant under joint and ½ to joint annuitant survivor option, calculated as if the member retired on date of death under one of the options provided in this section, in lieu of receiving the member's accumulated contributions.

(5) The retirement options are:

(A) *Joint and ½ to joint annuitant survivor.* A reduced retirement benefit is payable to the retiree during the retiree's lifetime in a monthly amount equal to the product of (A) the monthly payment of the retirement annuity otherwise payable under K.S.A. 74-4958 and amendments thereto and (B) the percentage equal to 94.5% minus .2% for each year by which the age of the retiree's joint annuitant is less than the retiree's

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age, computed to the nearest whole year, or plus .2% for each year by which the age of the retirant's joint annuitant is more than the retirant's age, computed to the nearest whole year, with 1/2 of that monthly amount continued to the retirant's joint annuitant during such joint annuitant's remaining lifetime, if any, after the death of the retirant. In the event that the designated joint annuitant under this option predeceases the retirant, the amount of the retirement benefit otherwise payable to the retirant under this option shall be adjusted automatically to the retirement benefit which the retirant would have received if no option had been elected under this section.

(B) *Joint and survivor.* A reduced retirement benefit is payable to the retirant during the retirant's lifetime in a monthly amount equal to the product of (A) the monthly payment of the retirement annuity otherwise payable under K.S.A. 74-4958 and amendments thereto and (B) the percentage equal to 88% minus .4% for each year by which the age of the retirant's joint annuitant is less than the retirant's age, computed to the nearest whole year, or plus .4% for each year by which the age of the retirant's joint annuitant is more than the retirant's age, computed to the nearest whole year, with that monthly amount continued to the joint annuitant during the joint annuitant's remaining lifetime, if any, after the death of retirant. In the event that the designated joint annuitant under this option predeceases the retirant, the amount of the retirement benefit otherwise payable to the retirant under this option shall be adjusted automatically to the retirement benefit which the retirant would have received if no option had been elected under this section.

(C) *Joint and 3/4 to joint annuitant survivor.* A reduced retirement benefit is payable to the retirant during the retirant's lifetime in a monthly amount equal to the product of (A) the monthly payment of the retirement annuity otherwise payable under K.S.A. 74-4958 and amendments thereto and (B) the percentage equal to 91% minus .3% for each year by which the age of the retirant's joint annuitant is less than the retirant's age, computed to the nearest whole year, or plus .3% for each year by which the age of the retirant's joint annuitant is more than the retirant's age, computed to the nearest whole year, with 3/4 of that monthly amount continued to the retirant's joint annuitant during such joint annuitant's remaining lifetime, if any, after the death of the retirant. In the event that the designated joint annuitant under this option predeceases the retirant, the amount of the retirement benefit otherwise payable to the retirant under this option shall be adjusted automatically to the retirement benefit which the retirant would have received if no option had been elected under this section.

(D) *Life with 5 years certain.* A reduced retirement benefit is payable to the retirant during the retirant's lifetime in a monthly amount equal to 99% of the monthly payment of the retirement benefit otherwise payable under K.S.A. 74-4958 and amendments thereto, and if the retirant dies within the five-year certain period, measured from the commencement of retirement benefit payments, such payments will be continued to the retirant's beneficiary during the balance of the five-year certain period.

(E) *Life with 10 years certain.* A reduced retirement benefit is payable to the retirant during the retirant's lifetime in a monthly amount equal to 98% of the monthly payment of the retirement benefit otherwise payable under K.S.A. 74-4958 and amendments thereto, and if the retirant dies within the ten-year certain period, measured from the commencement of retirement benefit payments, such payments will be continued to the retirant's beneficiary during the balance of the ten-year certain period.

(F) *Life with 15 years certain.* A reduced retirement benefit is payable to the retirant during the retirant's lifetime in a monthly amount equal to 92% of the monthly payment of the retirement benefit otherwise payable under K.S.A. 74-4958 and amendments thereto, and if the retirant dies within the fifteen-year certain period, measured from the commencement of retirement benefit payments, such payments will be continued to the retirant's beneficiary during the balance of the fifteen-year certain period.

(6) *On and after July 1, 1996, if a member with 20 or more years of credited service dies before attaining retirement age, the member's spouse, if the spouse is the sole beneficiary for the member's accumulated contributions, may elect to receive benefits under one of the options provided in this section in lieu of receiving the member's accumulated contributions or in lieu of receiving benefits as provided in K.S.A. 74-4959 and amendments thereto. Payments under one of the options provided in this section to the member's spouse if so elected, shall commence on the date that the member would have attained retirement age.*

(7) Benefits payable to a joint annuitant shall accrue from the first

day of the month following the death of a member or retirant and, in the case of the joint and 1/2 to joint annuitant survivor option, the joint and survivor option and the joint and 3/4 to joint annuitant survivor option, shall end on the last day of the month in which the joint annuitant dies.

(7) (8) The provisions of the law in effect on the retirement date of a member under the system shall govern the retirement benefit payable to the retirant and any joint annuitant, except, for retirement benefits payable after July 1, 1993, for retirants who retired prior to July 1, 1982, in the event that the designated joint annuitant under the option provided in subsection (5)(A), (B) or (C), as applicable, predeceased the retirant, the amount of the retirement benefit otherwise payable to the retirant under the option provided in subsection (5)(A), (B) or (C), as applicable, shall be adjusted automatically to the retirement benefit which the retirant would have received if no option had been elected under this section.

(8) (9) Upon the death of a joint annuitant who is receiving a retirement benefit under the provisions of this section, there shall be paid to such joint annuitant's beneficiary an amount equal to the excess, if any, of the accumulated contributions of the retirant over the sum of all retirement benefit payments made to such retirant and such joint annuitant. Such joint annuitant shall designate a beneficiary by filing in the office of the retirement system such designation at the time of death of the retirant. If there is no named beneficiary of such joint annuitant living at the time of death of such joint annuitant, any amount provided for by this section shall be paid to, in order of preference as follows:

- (A) The joint annuitant's surviving spouse;
- (B) the joint annuitant's dependent child or children;
- (C) the joint annuitant's dependent parent or parents;
- (D) the joint annuitant's nondependent child or children;
- (E) the joint annuitant's nondependent parent or parents; or
- (F) the estate of the deceased joint annuitant.

(9) (10) The provisions of this section shall be effective on and after July 1, 1989, and shall apply only to members who were appointed or employed prior to July 1, 1989, and who made an election pursuant to K.S.A. 74-4955a and amendments thereto; and persons appointed or employed on or after July 1, 1989.

Sec. 17. On and after July 1, 1996, K.S.A. 1995 Supp. 74-4988 is hereby amended to read as follows: 74-4988. (1) Each person who is a member of a retirement system and who becomes a member of another retirement system shall receive credit under each such retirement system for credited service under the other retirement system for the purpose of satisfying any requirement for such person to complete certain periods of service to become eligible to receive a retirement benefit or disability benefit or for such person's beneficiaries to receive a death benefit. The retirement benefit which a person becomes eligible to receive under a retirement system shall be based only on credited service under such retirement system, except that the determination of final average salary under such retirement system shall include the compensation received as a member of each other retirement system if such compensation is higher. Such retirement benefit shall become payable upon the member submitting an application to retire under each system, *except that a member who is not eligible to retire under the retirement system to which such member is not currently making contributions because such member does not meet the age requirements of the earliest retirement date of such system may retire, upon meeting the requirements for retirement, under the provisions of the retirement system which the member had been most recently making contributions. No further rights and benefits will accrue under the retirement system to which the member is not currently making contributions after the date the member retires from the system from which the member had been most recently making contributions and the member will be retired and benefits shall commence on the date that the member would first have attained retirement age from the system to which the member is not currently making contributions.*

(2) Any member who is not otherwise eligible for service credit as provided for in subsection (1)(a) of K.S.A. 74-4913 or subsection (1)(a) of K.S.A. 74-4936 and amendments thereto, may be granted credit for the service upon the attainment of 38 quarters of participating service in any retirement system as defined in subsection (3)(b) or upon retirement.

(3) As used in this section:

(a) "Member" means a person who has attained membership in a retirement system, who has not retired under such retirement system and who has not withdrawn such person's accumulated contributions for such retirement system; and

(b) "retirement system" means the Kansas public employees retire-

ment system, the Kansas police and firemen's retirement system and the retirement system for judges.

New Sec. 18. Any member may purchase prior service for periods of service in the United States peace corps which commenced on or after January 1, 1962. The benefit for each such period of service shall be equal to 1% of the final average salary of any such member. Such member may purchase such prior service by making application therefor prior to date of retirement at an additional rate of contribution in addition to the employee's rate of contribution as provided in K.S.A. 74-4919 and amendments thereto, based upon the member's attained age at the time of purchase and using actuarial assumptions and tables in use by the retirement system at the time of such purchase. Such additional rate of contribution shall commence at the beginning of the quarter following such election and shall remain in effect until all quarters of such service have been purchased. Any such member may purchase prior service as described in this section by electing to effect such purchase by means of a single lump-sum payment in lieu of employee contributions as provided in this section in an amount equal to the then present value of the benefits being purchased as determined by the actuary using the member's attained age, annual compensation at the time of purchase and the actuarial assumptions and tables then in use by this system. The lump-sum payment shall be made immediately upon being notified of the amount due. No participating employer shall pay the cost, or any part thereof, of any prior service authorized to be purchased by a member under this section. The provisions of this section shall be effective on and after July 1, 1996.

New Sec. 19. Any state employee member of the Kansas public employees retirement system who purchased participating service credit by electing to effect such purchase by means of having employee contributions deducted from such member's compensation at a percentage rate equal to two or three times the employee's rate of contribution as provided by law shall be paid a nonwage payment in an amount equal to the portion of the employee's contribution from their December 29, 1995, pay that was in excess of 4% of their compensation. The nonwage payments shall not be subject to state income tax. The system shall adjust each member's account accordingly.

New Sec. 20. Any employee of a participating employer who is a member of the Kansas public employees retirement system, who was previously employed as an employee of the memorial union corporation which is affiliated with Emporia state university, may elect to purchase prior service for such employment. The benefit for each such year of employment shall be equal to 1% of the final average salary of any such member. Such member may purchase such prior service by making application therefor prior to date of retirement at an additional rate of contribution in addition to the employee's rate of contribution as provided in K.S.A. 74-4919 and amendments thereto, based upon the member's attained age at the time of purchase and using actuarial assumptions and tables in use by the retirement system at the time of such purchase. Such additional rate of contribution shall commence at the beginning of the quarter following such election and shall remain in effect until all quarters of such service have been purchased. Any such member may purchase prior service as described in this section by electing to effect such purchase by means of a single lump-sum payment in lieu of employee contributions as provided in this section in an amount equal to the then present value of the benefits being purchased as determined by the actuary using the member's attained age, annual compensation at the time of purchase and the actuarial assumptions and tables then in use by this system. The lump-sum payment shall be made immediately upon being notified of the amount due. No participating employer shall pay the cost, or any part thereof, of any prior service authorized to be purchased by a member under this section. The provisions of this section shall be effective on and after July 1, 1996.

Sec. 21. On and after July 1, 1996, K.S.A. 46-1302 is hereby amended to read as follows: 46-1302. (a) *Except as provided in subsection (e)*, every person employed by the legislative branch of the state of Kansas on and after January 1, 1984, shall receive a monthly retirement benefit commencing on the first day of the month after the person has (1) attained age 65; (2) been employed by the legislative branch of the state of Kansas for 50 or more days in 10 or more calendar years; and (3) made application for such monthly retirement benefit to the Kansas public employees retirement system in the form and manner required by the retirement system. Such monthly retirement benefit shall be equal to the amount determined by multiplying \$15 by the total number of years in which such person was employed by the legislative branch of the state of

Kansas for 50 or more days. No benefit shall include service with the legislative branch of the state of Kansas which is credited under the Kansas public employees retirement system or any other retirement system of the state of Kansas, however, such service may be used in determining whether the person has been employed for 10 or more calendar years.

(b) The service described in subsection (a) may be used by members of the Kansas public employees retirement system in determining whether such individuals meet any service requirements under such system. Except as provided in K.S.A. 74-49a176 74-49a175 and amendments thereto, no benefit for service described in subsection (a) shall be the basis of any benefit paid under the Kansas public employees retirement system.

(c) No person's monthly retirement benefit under this section shall be increased for any period of employment with the legislative branch of the state of Kansas after applying for and commencing to receive such benefit, nor shall any benefit be forfeited for subsequent employment by the legislative branch of the state of Kansas, except as provided in K.S.A. 74-49a176 74-49a175 and amendments thereto. All benefits shall be paid from the Kansas public employees retirement fund. As soon as practical after the close of each fiscal year, the executive secretary of the Kansas public employees retirement system shall certify to the chairperson of the legislative coordinating council the amount of benefits paid under this section during the preceding fiscal year. The legislature shall pay to the Kansas public employees retirement fund from moneys appropriated to the legislature a sum equal to the amount of any benefits payable in the preceding fiscal year under the provisions of this section.

(d) In accordance with the provisions of this subsection, the legislative coordinating council may terminate the benefits under this section. If the legislative coordinating council decides to terminate benefits under this section, the chairperson of the council shall notify, in writing, the executive secretary of the Kansas public employees retirement system of such termination. Upon notification of termination of benefits under this section, no further benefits will be payable under the provisions of this section in any fiscal year which commences after the fiscal year in which notification of termination is given. Termination of benefits under this section shall not constitute a claim against the state of Kansas or the Kansas public employees retirement system by any person receiving a benefit under the provisions of this section or who would have been eligible to receive a benefit under the provisions of this section in the future.

(e) *This section shall take effect and be in force from and after July 1, 1994. Any person who is first employed by the legislative branch of the state of Kansas prior to July 1, 1996, and who is employed on July 1, 1996, may elect prior to October 1, 1996, to be covered by the provisions of this section or the provisions relating to the deferred compensation plan as provided in K.S.A. 74-4911f and amendments thereto by filing an election in the office of the appointing authority of such person in such form and manner as prescribed by such appointing authority. In the event any such person fails to file the election provided in this subsection, it shall be presumed that such person has elected to be covered by the provisions of this section. Any person first employed by the legislative branch of the state of Kansas prior to July 1, 1996, who is not employed as such on July 1, 1996, may make the election provided in this section within 30 days of returning to such employment. No person first employed by the legislative branch of the state of Kansas on and after July 1, 1996, shall be eligible for any monthly retirement benefit under this section.*

Sec. 22. On and after July 1, 1996, K.S.A. 46-2201 is hereby amended to read as follows: 46-2201. (a) On January 1, 1993, there is hereby created the joint committee on pensions, investments and benefits which shall be composed of five senators and eight members of the house of representatives. The five senate members shall be the chairperson of the standing committee on ways and means of the senate, or a member of such committee appointed by the chairperson, two members appointed by the president and two members appointed by the minority leader. The eight representative members shall be the chairperson of the standing committee on appropriations of the house of representatives, or a member of such committee appointed by the chairperson, four members appointed by the speaker and three members appointed by the minority leader.

(b) All members of the joint committee on pensions, investments and benefits shall serve for terms ending on the first day of the regular legislative session in odd-numbered years. After June 30 in odd-numbered years, the chairperson shall be one of the representative members of the

(continued)

joint committee selected by the speaker and the vice-chairperson shall be one of the senate members selected by the president. After June 30 in even-numbered years, the chairperson shall be one of the senate members of the joint committee selected by the president and the vice-chairperson shall be one of the representative members of the joint committee selected by the speaker. The chairperson and vice-chairperson of the joint committee shall serve in such capacities until July 1 of the ensuing year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson.

(c) The joint committee on pensions, investments and benefits shall meet at any time and at any place within the state on call of the chairperson. Members of the joint committee shall receive compensation and travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212 and amendments thereto when attending meetings of such committee authorized by the legislative coordinating council.

(d) In accordance with K.S.A. 46-1204 and amendments thereto, the legislative coordinating council may provide for such professional services as may be requested by the joint committee on pensions, investments and benefits.

(e) The joint committee on pensions, investments and benefits may introduce such legislation as deemed necessary in performing such committee's functions.

(f) The joint committee on pensions, investments and benefits shall:

- (1) Monitor, review and make recommendations regarding investment policies and objectives formulated by the board of trustees of the Kansas public employees retirement system;

- (2) review and make recommendations relating to benefits for members under the Kansas public employees retirement system; and

- (3) consider and make recommendations to the standing committee of the senate specified by the president of the senate relating to the confirmation of members of the board of trustees of the Kansas public employees retirement system appointed pursuant to K.S.A. 74-4905 and amendments thereto. On and after July 1, 1993, the information provided by the Kansas bureau of investigation or other criminal justice agency pursuant to subsection (h) of K.S.A. 74-4905 and amendments thereto relating to the confirmation of members of the board to the standing committee of the senate specified by the president shall be forwarded by the Kansas bureau of investigation or such other criminal justice agency to such joint committee for such joint committee's consideration and other than conviction data, shall be confidential and shall not be disclosed except to members and employees of the joint committee as necessary to determine qualifications of such member. The committee, in accordance with K.S.A. 75-4319 and amendments thereto shall recess for a closed or executive meeting to receive and discuss information received by the committee pursuant to this subsection; and

- (4) review and make recommendations to the legislature by the first day of legislative session commencing in 1997 relating to the implementation of a permanent policy regarding adjustments in retirement benefit payments to retirants and disabled members. Such recommendations should include a review of cost-of-living adjustments, the shared earnings proposal presented to the 1996 legislature and other mechanisms for pre-funding adjustments in retirement benefit payments to retirants and disabled members as an alternative to annual cost-of-living adjustments. In conducting such review the committee may utilize legislative staff, Kansas public employees retirement system staff, the Kansas public employees retirement system actuary and other consultants. Any recommendations shall include actuarially based cost estimates, including an assessment of the impact on the Kansas public employees retirement system fund's unfunded actuarial liability.

Sec. 23. On and after July 1, 1996, K.S.A. 12-5002, 20-2601, 46-1302, 46-2201, 74-4910, 74-4913, 74-4936a, 74-4957a, 74-49,118, 74-49,119 and 74-49,120 and K.S.A. 1995 Supp. 71-212, 72-5395, 74-4905, 74-4908, 74-4911f, as amended by section 2 of 1996 House Bill No. 2982, 74-4917, 74-4919h, 74-4919n, 74-4964, 74-4964a, 74-4988 and 74-49,121 are hereby repealed.

Sec. 24. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, May 30, 1996.)

SENATE BILL No. 708

AN ACT concerning racing with parimutuel wagering; amending K.S.A. 74-8815, 74-8816 and 74-8817 and K.S.A. 1995 Supp. 74-8802, 74-8804, 74-8810, 74-8813, 74-8818, 74-8836 and 74-8837 and repealing the existing sections.

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

Section 1. K.S.A. 1995 Supp. 74-8802 is hereby amended to read as follows: 74-8802. As used in this act unless the context otherwise requires:

(a) "Breakage" means the odd cents by which the amount payable on each dollar wagered exceeds:

(1) A multiple of \$.10, for parimutuel pools from races conducted in this state; and

(2) a multiple of such other number of cents as provided by law of the host jurisdiction, for interstate combined wagering pools.

(b) "Commission" means the Kansas racing commission created by this act.

(c) "Concessionaire licensee" means a person, partnership, corporation or association licensed by the commission to utilize a space or privilege within a racetrack facility to sell goods or services.

(d) "Crossover employment" means a situation in which an occupational licensee is concurrently employed at the same racing facility by an organization licensee and a facility owner licensee or facility manager licensee.

(e) "Dual racetrack facility" means a racetrack facility for the racing of both horses and greyhounds or two immediately adjacent racetrack facilities, owned by the same licensee, one for racing horses and one for racing greyhounds.

(e) (f) "Executive director" means the executive director of the commission.

(f) (g) "Facility manager licensee" means a person, partnership, corporation or association licensed by the commission and having a contract with an organization licensee to manage a racetrack facility.

(g) (h) "Facility owner licensee" means a person, partnership, corporation or association, or the state of Kansas or any political subdivision thereof, licensed by the commission to construct or own a racetrack facility but does not mean an organization licensee which owns the racetrack facility in which it conducts horse or greyhound racing.

(h) (i) "Fair association" means an association organized pursuant to K.S.A. 2-125 et seq. and amendments thereto or a nonprofit association determined by the commission to be otherwise organized to conduct fair activities pursuant to findings of fact entered by the commission in a license order.

(i) (j) "Financial interest" means an interest that could result directly or indirectly in receiving a pecuniary gain or sustaining a pecuniary loss as a result of ownership or interest in a business entity or activity or as a result of a salary, gratuity or other compensation or remuneration from any person.

(j) (k) "Greyhound" means any greyhound breed of dog properly registered with the national greyhound association of Abilene, Kansas.

(k) (l) "Horsemen's association" means any association or corporation:

(1) All officers, directors, members and shareholders of which are licensed owners of horses or licensed trainers of horses, or both;

(2) which is applying for or has been issued a facility owner license authorizing ownership of Eureka Downs, Anthony Downs or a racetrack facility on or adjacent to premises used by a fair association to conduct fair activities; and

(3) none of the officers, directors, members or shareholders of which holds another facility owner license or is an officer, director, member or shareholder of another facility owner licensee.

(l) (m) "Horsemen's nonprofit organization" means any nonprofit organization:

(1) All officers, directors, members or shareholders of which are licensed owners of horses or licensed trainers of horses, or both; and

(2) which is applying for or has been issued an organization license authorizing the conduct of horse races at Eureka Downs, Anthony Downs or a racetrack facility on or adjacent to premises used by a fair association to conduct fair activities.

(m) (n) "Host facility" means the racetrack at which the race is run or, if the race is run in a jurisdiction which is not participating in the interstate combined wagering pool, the racetrack or other facility which is designated as the host facility.

(n) (o) "Host jurisdiction" means the jurisdiction where the host facility is located.

(p) "Interstate combined wagering pool" means a parimutuel pool established in one jurisdiction which is combined with comparable parimutuel pools from one or more racing jurisdictions for the purpose of establishing the amount of money returned on a successful wager in the participating jurisdictions.

(q) "Intertrack wagering" means wagering on a simulcast race at a licensed racetrack facility or at a facility which is licensed in its racing jurisdiction to conduct live races.

(r) "Intrastate combined wagering pool" means a parimutuel pool which is combined with comparable parimutuel pools from one or more racetrack facilities for the purpose of establishing the amount of money returned on a successful wager at the participating racetrack facilities.

(s) "Kansas-whelped greyhound" means a greyhound whelped and raised in Kansas for the first six months of its life.

(t) "Minus pool" means a parimutuel pool in which, after deducting the takeout, not enough money remains in the pool to pay the legally prescribed minimum return to those placing winning wagers, and in which the organization licensee would be required to pay the remaining amount due.

(u) "Nonprofit organization" means:

(1) A corporation which is incorporated in Kansas as a not-for-profit corporation pursuant to the Kansas general corporation code and the net earnings of which do not inure to the benefit of any shareholder, individual member or person; or

(2) a fair association.

(v) "Occupation licensee" means a person licensed by the commission to perform an occupation or provide services which the commission has identified as requiring a license pursuant to this act.

(w) "Off-track wagering" means wagering on a simulcast race at a facility which is not licensed in its jurisdiction to conduct live races.

(x) "Organization licensee" means a nonprofit organization licensed by the commission to conduct races pursuant to this act and, if the license so provides, to construct or own a racetrack facility.

(y) "Parimutuel pool" means the total money wagered by individuals on one or more horses or greyhounds in a particular horse or greyhound race to win, place or show, or combinations thereof, as established by the commission, and, except in the case of an interstate or intrastate combined wagering pool, held by the organization licensee pursuant to the parimutuel system of wagering. There is a separate parimutuel pool for win, for place, for show and for each of the other forms of betting provided for by the rules and regulations of the commission.

(z) "Parimutuel wagering" means a form of wagering on the outcome of horse and greyhound races in which those who wager purchase tickets of various denominations on one or more horses or greyhounds and all wagers for each race are pooled and the winning ticket holders are paid prizes from such pool in amounts proportional to the total receipts in the pool.

(aa) "Race meeting" means the entire period of time for which an organization licensee has been approved by the commission to hold live or simulcast horse or greyhound races at which parimutuel wagering is conducted, including such additional time as designated by the commission for the conduct of official business before and after the races.

(bb) "Racetrack facility" means a racetrack within Kansas used for the racing of horses or greyhounds, or both, including the track surface, grandstands, clubhouse, all animal housing and handling areas, other areas in which a person may enter only upon payment of an admission fee or upon presentation of authorized credentials and such additional areas as designated by the commission.

(cc) "Racing jurisdiction" or "jurisdiction" means a governmental authority which is responsible for the regulation of live or simulcast racing in its jurisdiction.

(dd) "Racing or wagering equipment or services licensee" means any person, partnership, corporation or association licensed by the commission to provide integral racing or wagering equipment or services, as designated by the commission, to an organization licensee.

(ee) "Recognized greyhound owners' group" means the duly recognized group elected in accordance with rules and regulations of the commission by a majority of the Kansas licensed greyhound owners at the racetrack facility voting in the election. The commission may designate an organization such as the national greyhound association of Abilene, Kansas, to conduct the election.

(ff) "Recognized horsemen's group" means the duly recognized group, representing the breeds of horses running at a racetrack facility, elected in accordance with rules and regulations of the commission by a

majority of the licensed owners and trainers at the racetrack facility voting in the election. If the licensee does not have a recognized horsemen's group, the commission shall designate as the recognized horsemen's group one that serves another organization licensee, but not one that serves a fair association organization licensee.

(gg) "Simulcast" means a live audio-visual broadcast of an actual horse or greyhound race at the time it is run.

(hh) "Takeout" means the total amount of money withheld from each parimutuel pool for the payment of purses, taxes and the share to be kept by the organization licensee. Takeout does not include the breakage. The balance of each pool less the breakage is distributed to the holders of winning parimutuel tickets.

Sec. 2. K.S.A. 1995 Supp. 74-8804 is hereby amended to read as follows: 74-8804. (a) During race meetings, the commission and its designated employees may observe and inspect all racetrack facilities operated by licensees and all racetracks simulcasting races to racetrack facilities in Kansas, including but not limited to all machines, equipment and facilities used for parimutuel wagering.

(b) Commission members and hearing officers designated by the commission may administer oaths and take depositions to the same extent and subject to the same limitations as would apply if the deposition was in aid of a civil action in the district court.

(c) The commission may examine, or cause to be examined by any agent or representative designated by the commission, any books, papers, records or memoranda of any licensee, or of any racetrack or business involved in simulcasting races to racetrack facilities in Kansas, for the purpose of ascertaining compliance with any provision of this act or any rule and regulation adopted hereunder.

(d) The commission may issue subpoenas to compel access to or for the production of any books, papers, records or memoranda in the custody or control of any licensee or officer, member, employee or agent of any licensee, or to compel the appearance of any licensee or officer, member, employee or agent of any licensee, or of any racetrack or business involved in simulcasting races to racetrack facilities in this state, for the purpose of ascertaining compliance with any of the provisions of this act or any rule and regulation adopted hereunder. Subpoenas issued pursuant to this subsection may be served upon individuals and corporations in the same manner provided in K.S.A. 60-304 and amendments thereto for the service of process by any officer authorized to serve subpoenas in civil actions or by the commission or an agent or representative designated by the commission. In the case of the refusal of any person to comply with any such subpoena, the executive director may make application to the district court of any county where such books, papers, records, memoranda or person is located for an order to comply.

(e) The commission shall allocate equitably race meeting dates, racing days and hours to all organization licensees and assign such dates and hours so as to minimize conflicting dates and hours within the same geographic market area.

(f) The commission shall have the authority, after notice and an opportunity for hearing in accordance with rules and regulations adopted by the commission, to exclude, or cause to be expelled, from any race meeting or racetrack facility, or to prohibit a licensee from conducting business with any person:

(1) Who has violated the provisions of this act or any rule and regulation or order of the commission;

(2) who has been convicted of a violation of the racing or gambling laws of this or any other state or of the United States or has been adjudicated of committing as a juvenile an act which, if committed by an adult, would constitute such a violation; or

(3) whose presence, in the opinion of the commission, reflects adversely on the honesty and integrity of horse or greyhound racing or interferes with the orderly conduct of a race meeting.

(g) The commission shall review and approve all proposed construction and major renovations to racetrack facilities owned or leased by licensees.

(h) The commission shall review and approve all proposed contracts with racetracks or businesses involved in simulcasting races to racetrack facilities in Kansas.

(i) The commission may suspend a horse or greyhound from participation in races if such horse or greyhound has been involved in any violation of the provisions of this act or any rule and regulation or order of the commission.

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(j) The commission, within 72 hours after any action taken by a steward or racing judge and upon appeal by any interested party or upon its own initiative, may overrule any decision of a steward or racing judge, other than a decision regarding disqualifications for interference during the running of a race, if the preponderance of evidence indicates that:

- (1) The steward or racing judge mistakenly interpreted the law;
- (2) new evidence of a convincing nature is produced; or
- (3) the best interests of racing and the state may be better served.

A decision of the commission to overrule any decision of a steward or racing judge shall not change the distribution of parimutuel pools to the holders of winning tickets. A decision of the commission which would affect the distribution of purses in any race shall not result in a change in that distribution unless a written claim is submitted to the commission within 48 hours after completion of the contested race by one of the owners or trainers of a horse or greyhound which participated in such race and a preponderance of evidence clearly indicates to the commission that one or more of the grounds for protest, as provided for in rules and regulations of the commission, has been substantiated.

(k) The commission, after notice and a hearing in accordance with rules and regulations adopted by the commission, may impose a civil fine not exceeding \$5,000 for each violation of any provision of this act, or any rule and regulation of the commission, for which no other penalty is provided.

(l) The commission shall adopt rules and regulations specifying and regulating:

(1) Those drugs and medications which may be administered, and possessed for administration, to a horse or greyhound within the confines of a racetrack facility; and

(2) that equipment for administering drugs or medications to horses or greyhounds which may be possessed within the confines of a racetrack facility.

(m) The commission may adopt rules and regulations providing for the testing of any licensees of the commission, and any officers, directors and employees thereof, to determine whether they are users of any controlled substances.

(n) The commission shall require fingerprinting of all persons necessary to verify qualification for employment by the commission or to verify qualification for any license, including a simulcasting license, issued pursuant to this act. The commission shall submit such fingerprints to the Kansas bureau of investigation and to the federal bureau of investigation for the purposes of verifying the identity of such persons and obtaining records of criminal arrests and convictions.

(o) The commission may receive from commission security personnel, the Kansas bureau of investigation or other criminal justice agencies, including but not limited to the federal bureau of investigation and the federal internal revenue service, such criminal history record information (including arrest and nonconviction data), criminal intelligence information and information relating to criminal and background investigations as necessary for the purpose of determining qualifications of licensees of the commission, employees of the commission, applicants for employment by the commission, and applicants for licensure by the commission, including applicants for simulcasting licenses. Upon the written request of the chairperson of the commission, the commission may receive from the district courts such information relating to juvenile proceedings as necessary for the purpose of determining qualifications of employees of and applicants for employment by the commission and determining qualifications of licensees of and applicants for licensure by the commission. Such information, other than conviction data, shall be confidential and shall not be disclosed except to members and employees of the commission as necessary to determine qualifications of such licensees, employees and applicants. Any other disclosure of such confidential information is a class A misdemeanor and shall constitute grounds for removal from office, termination of employment or denial, revocation or suspension of any license issued under this act.

(p) The commission, in accordance with K.S.A. 75-4319 and amendments thereto, may recess for a closed or executive meeting to receive and discuss information received by the commission pursuant to subsection (o) and to negotiate with licensees of or applicants for licensure by the commission regarding any such information.

(q) The commission may enter into agreements with the federal bureau of investigation, the federal internal revenue service, the Kansas attorney general or any state, federal or local agency as necessary to carry out the duties of the commission under this act.

(r) The commission shall adopt such rules and regulations as necessary to implement and enforce the provisions of this act.

Sec. 3. K.S.A. 1995 Supp. 74-8810 is hereby amended to read as follows: 74-8810. (a) It is a class A nonperson misdemeanor for any person to have a financial interest, directly or indirectly, in any racetrack facility within the state of Kansas or in any host facility for a simulcast race displayed in this state:

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

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

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

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

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

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

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

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

(1) Hold any license issued by the commission, except that a steward or racing judge shall hold an occupation license to be such a steward or judge; or

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

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

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

(2) enter into any business dealing, venture or contract with the organization licensee or, other than in the capacity of an officer or director of the organization licensee, with a facility owner licensee, facility manager licensee, racing or wagering equipment or services license or concessionaire licensee, or with any host facility for a simulcast race displayed in this state.

(e) It is a class A nonperson misdemeanor for any facility owner licensee or facility manager licensee, other than a horsemen's association, or any officer, director, employee, stockholder or shareholder thereof or any person having an ownership interest therein, to participate directly or indirectly as an owner, owner-trainer or trainer of a horse or greyhound, or as a jockey of a horse, entered in a live race conducted in this state.

(f) It is a class A nonperson misdemeanor for any licensee of the commission, or any person who is an officer, director, member or employee of a licensee, to place a wager at a racetrack facility located in Kansas on an entry in a horse or greyhound race if:

(1) The commission has by rules and regulations designated such person's position as a position which could influence the outcome of such race or the parimutuel wagering thereon; and

(2) such race is conducted at or simulcast to the racetrack facility where the licensee is authorized to engage in licensed activities.

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

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

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

- (2) accept, transmit or deliver, from a person outside a racetrack facility, anything of value to be wagered in any parimutuel system of wagering within a racetrack facility, upon conviction of the first offense;
- (3) administer or conspire to administer any drug or medication to a horse or greyhound within the confines of a racetrack facility in violation of rules and regulations of the commission, upon conviction of the first offense;
- (4) possess or conspire to possess, within the confines of a racetrack facility, any drug or medication for administration to a horse or greyhound in violation of rules and regulations of the commission, upon conviction of the first offense;
- (5) possess or conspire to possess, within the confines of a racetrack facility, equipment for administering drugs or medications to horses or greyhounds in violation of rules and regulations of the commission, upon conviction of the first offense;
- (6) enter any horse or greyhound in any race knowing such horse or greyhound to be ineligible to compete in such race pursuant to K.S.A. 74-8812 and amendments thereto; or
- (7) prepare or cause to be prepared an application for registration of a horse pursuant to K.S.A. 74-8830 and amendments thereto knowing that such application contains false information.
- (i) It is a severity level 8, nonperson felony for any person to:
- (1) Sell a parimutuel ticket or an interest in such a ticket to a person knowing such person to be under 18 years of age, upon conviction of the second or a subsequent offense;
- (2) accept, transmit or deliver, from any person outside a racetrack facility, anything of value to be wagered in any parimutuel system of wagering within a racetrack facility, upon the second or a subsequent conviction;
- (3) conduct or assist in the conduct of a horse or greyhound race, or the display of a simulcast race, where the parimutuel system of wagering is used or is intended to be used and where no license has been issued to an organization to conduct or simulcast such race;
- (4) enter any horse or greyhound in any race conducted by an organization licensee knowing that the class or grade in which such horse or greyhound is entered is not the true class or grade or knowing that the name under which such horse or greyhound is entered is not the name under which such horse or greyhound has been registered and has publicly performed;
- (5) use or conspire to use any device, other than an ordinary whip for horses or a mechanical lure for greyhounds, for the purpose of affecting the speed of any horse or greyhound at any time during a race conducted by an organization licensee;
- (6) possess or conspire to possess, within the confines of a racetrack facility, any device, other than an ordinary whip for horses or a mechanical lure for greyhounds, designed or intended to affect the speed of a horse or greyhound;
- (7) administer or conspire to administer any drug or medication to a horse or greyhound within the confines of a racetrack facility in violation of rules and regulations of the commission, upon conviction of the second or a subsequent offense;
- (8) possess or conspire to possess, within the confines of a racetrack facility, any drug or medication for administration to a horse or greyhound in violation of rules and regulations of the commission, upon conviction of the second or a subsequent offense;
- (9) possess or conspire to possess, within the confines of a racetrack facility, equipment for administering drugs or medications to horses or greyhounds in violation of rules and regulations of the commission, upon conviction of the second or a subsequent offense;
- (10) sponge the nostrils or windpipe of a horse for the purpose of stimulating or depressing such horse or affecting its speed at any time during a race meeting conducted by an organization licensee;
- (11) alter or attempt to alter the natural outcome of any race conducted by, or any simulcast race displayed by, an organization licensee or transmit or receive an altered race or delayed broadcast race if parimutuel wagering is conducted or solicited after off time of the race;
- (12) influence or attempt to influence, by the payment or promise of payment of money or other valuable consideration, any person to alter the natural outcome of any race conducted by, or any simulcast race displayed by, an organization licensee;
- (13) influence or attempt to influence any member, employee or appointee of the commission, by the payment or promise of payment of money or other valuable consideration, in the performance of any official duty of that member, employee or appointee;

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

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

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

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

Sec. 4. K.S.A. 1995 Supp. 74-8813 is hereby amended to read as follows: 74-8813. (a) A nonprofit organization may apply to the commission for an organization license to conduct horse races or an organization license to conduct greyhound races, or both such licenses. In addition, an organization license may authorize the licensee to construct or own a racetrack facility if so provided by the commission. The application for an organization license shall be filed with the commission at a time and place prescribed by rules and regulations of the commission. The application shall specify the days when and the exact location where it proposes to conduct such races and shall be in a form and include such information as the commission prescribes. A nonrefundable application fee in the form of a certified check or bank draft shall accompany the application. Except as provided pursuant to K.S.A. 74-8814 and amendments thereto, such fee shall be \$5,000 for each application. If the application fee is insufficient to pay the reasonable expenses of processing the application and investigating the applicant's qualifications for licensure, the commission shall require the applicant to pay to the commission, at such times and in such form as required by the commission, any additional amounts necessary to pay such expenses. No license shall be issued to an applicant until the applicant has paid such additional amounts in full, and such amounts shall not be refundable except to the extent that they exceed the actual expenses of processing the application and investigating the applicant's qualifications for licensure.

(b) If an applicant for an organization license is proposing to construct a racetrack facility, such applicant, at the time of submitting the application, shall deposit with the commission, in such form as prescribed by rules and regulations of the commission, the sum of: (1) \$500,000, if the number of racing days applied for in a racing season is 150 days or more; (2) \$250,000, if the number of racing days applied for is less than 150 days; or (3) a lesser sum established by the commission, if the applicant meets the qualifications set forth in subsection (a)(1) or (a)(2) of K.S.A. 74-8814 and amendments thereto or if the applicant will be conducting races only on the state fairgrounds. Only one such deposit shall be required for a dual racetrack facility. The executive director shall promptly remit any deposit received pursuant to this subsection to the state treasurer. The state treasurer shall deposit the entire amount in the state treasury and credit it to the racing applicant deposit fund created by K.S.A. 74-8828 and amendments thereto. If the application is denied by the commission, the deposit, and any interest accrued thereon, shall be refunded to the applicant. If the license is granted by the commission in accordance with the terms of the application or other terms satisfactory to the applicant, the deposit, and any interest accrued thereon, shall be refunded to the licensee upon completion of the racetrack facility in accordance with the terms of the license. If the licensee fails to complete the racetrack facility in accordance with the terms of the license, the deposit, and any interest accrued thereon, shall be forfeited by the applicant.

(c) To qualify for an organization license to conduct horse or greyhound races:

(1) The applicant shall be a bona fide, nonprofit organization which, if applicable, meets the requirements of subsection (d);

(2) the applicant shall have, either by itself or through contractual relationships with other persons or businesses approved by the commission, the financial capability, manpower and technical expertise, as de-

(continued)

terminated by the commission, to properly conduct horse races or greyhound races, or both, and, if applicable, to operate a parimutuel wagering system;

(3) if the applicant is proposing to construct a racetrack facility, the applicant shall submit detailed plans for the construction of such facility, including the means and source of financing such construction and operation, sufficient to convince the commission that such plans are feasible;

(4) submit for commission approval a written copy of each contract and agreement which the applicant proposes to enter into, including all those listed in subsection (n), which contracts and agreements shall conform to the restrictions placed thereon by subsections (n), (o) and (p);

(5) the applicant shall propose to conduct races within only one county, and in such county the majority of the qualified electors have approved either: (A) The constitutional amendment permitting the conduct of horse and dog races and parimutuel wagering thereon; or (B) a proposition permitting horse and dog races and parimutuel wagering thereon within the boundaries of such county;

(6) no director, officer, employee or agent of the applicant shall have been convicted of any of the following in any court of any state or of the United States or shall have been adjudicated in the last five years in any such court of committing as a juvenile an act which, if committed by an adult, would constitute any of the following: (A) Fixing of horse or greyhound races; (B) illegal gambling activity; (C) illegal sale or possession of any controlled substance; (D) operation of any illegal business; (E) repeated acts of violence; or (F) any felony; and

(7) no director or officer of the applicant shall be addicted to, and a user of, alcohol or a controlled substance; and

(8) no director or officer of the applicant shall have failed to meet any monetary or tax obligation to the federal government or to any state or local government, whether or not relating to the conduct or operation of a race meet held in this state or any other jurisdiction.

(d) To qualify for an organization license to conduct horse or greyhound races, a nonprofit organization, other than a fair association, a horsemen's nonprofit organization or a nonprofit organization conducting races only on the state fair grounds, shall:

(1) Distribute all of its net earnings from the conduct of horse and greyhound races, other than that portion of the net earnings which is necessary to satisfy the debt service obligations, not otherwise deducted from net earnings, of an organization licensee owning the racetrack facility or that portion of the net earnings which is set aside as reasonable reserves for future improvement, maintenance and repair of the racetrack facility owned by the organization licensee, only to organizations, other than itself, which: (A) Have been exempted from the payment of federal income taxes pursuant to section 501(c)(3) of the federal internal revenue code of 1986, as in effect July 1, 1987, (B) are domiciled in this state and (C) expend the moneys so distributed only within this state;

(2) distribute not more than 25% of such net earnings to any one such organization in any calendar year;

(3) not engage in, and have no officer, director or member who engages in, any prohibited transaction, as defined by section 503(b) of the federal internal revenue code of 1986, as in effect July 1, 1987; and

(4) have no officer, director or member who is not a bona fide resident of this state.

(e) Within 30 days after the date specified for filing, the commission shall examine each application for an organization license for compliance with the provisions of this act and rules and regulations of the commission. If any application does not comply with the provisions of this act or rules and regulations of the commission, the application may be rejected or the commission may direct the applicant to comply with the provisions of this act or rules and regulations of the commission within a reasonable time, as determined by the commission. Upon proof by the applicant of compliance, the commission may reconsider the application. If an application is found to be in compliance and the commission finds that the issuance of the license would be within the best interests of horse and greyhound racing within this state from the standpoint of both the public interest and the horse or greyhound industry, as determined solely within the discretion of the commission, the commission may issue an organization license to the applicant. The commission shall approve the issuance of organization licenses for a period established by the commission but not to exceed 25 years. Such license may provide that during its term it constitutes an exclusive license within a radius of the location specified in the license, as determined by the commission. No racing of any kind regulated by this act shall be conducted by any other person within the territory covered by such exclusive license without the written consent of

the licensee. For each license issued, the commission shall specify the location, type, time and date of all races and race meetings which the commission has approved for the licensee to conduct. The license shall be issued upon receipt of the license fee and the furnishing of a surety bond or other financial security approved by the commission, conditioned on, and in an amount determined by the commission as sufficient to pay, the licensee's potential financial liability for unpaid taxes, purses and distribution of parimutuel winnings and breakage. No organization license shall be transferred to any other organization or entity.

(f) When considering the granting of organization licenses or racing days between two or more competing applicants, the commission shall give consideration to the following factors:

(1) The character, reputation, experience and financial stability of those persons within the applicant organizations who will be supervising the conduct of the races and parimutuel wagering for the organization;

(2) the quality of the racing facilities and adjoining accommodations;

(3) the amount of revenue that can reasonably be expected to be generated from state and local taxes, the economic impact for the respective horse or greyhound breeding industries in Kansas and the indirect economic benefit to the surrounding area, in the determination of which economic benefit the commission shall solicit written recommendations from all interested parties in the surrounding area;

(4) the location of the race meetings in relation to the principal centers of population and the effect of such centers on the ability of the organizations to sustain a financially sound racing operation; and

(5) testimony from interested parties at public hearings to be conducted in the geographic areas where the applicants would be conducting their race meetings.

(g) Except as otherwise provided pursuant to K.S.A. 74-8814 and amendments thereto, each organization licensee shall pay a license fee in the amount of \$200 for each day of racing approved by the commission. Such fees shall be paid at such times and by such means as prescribed by rules and regulations of the commission. The commission may authorize the state treasurer to refund from the state racing fund a fee paid for any racing day which was canceled with advance notice to and with the approval of the commission.

(h) Organization licensees may apply to the commission for changes in approved race meetings or dates or for additional race meetings or dates as needed throughout the terms of their licenses. Application shall be made upon forms furnished by the commission and shall contain or be accompanied by such information as the commission prescribes. Upon approval by the commission, the organization licensee shall pay an additional license fee for any race days in excess of the number originally approved and included in the calculation of the initial license fee.

(i) All organization licenses shall be reviewed annually by the commission to determine if the licensee is complying with the provisions of this act and rules and regulations of the commission and following such proposed plans and operating procedures as were approved by the commission. The commission may review an organization license more often than annually upon its own initiative or upon the request of any interested party. The commission shall require each organization licensee, other than a fair association, or horsemen's nonprofit organization, to file annually with the commission a certified financial audit of the licensee by an independent certified public accountant, which audit shall be open to inspection by the public, and may require an organization licensee to provide any other information necessary for the commission to conduct the annual or periodic review.

(j) Subject to the provisions of subsection (k), the commission, in accordance with the Kansas administrative procedure act, may suspend or revoke an organization license or may impose a civil fine not exceeding \$5,000, or may both suspend such license and impose such fine, for each of the following violations by a licensee:

(1) One or more violations, or a pattern of repeated violations, of the provisions of this act or rules and regulations of the commission;

(2) failure to follow one or more provisions of the licensee's plans for the financing, construction or operation of a racetrack facility as submitted to and approved by the commission;

(3) failure to maintain compliance with the requirements of subsection (c) or (d), if applicable, for the initial issuance of an organization license;

(4) failure to properly maintain or to make available to the commission such financial and other records sufficient to permit the commission to verify the licensee's nonprofit status and compliance with the provisions of this act or rules and regulations of the commission;

(5) providing to the commission any information material to the issuance, maintenance or renewal of the licensee's license knowing such information to be false or misleading;

(6) failure to meet the licensee's financial obligations incurred in connection with the conduct of a race meeting; or

(7) a violation of K.S.A. 74-8833 and amendments thereto or any rules and regulations adopted pursuant to that section.

(k) Prior to suspension or revocation of a license pursuant to subsection (j), the commission shall give written notice of the reason therefor in detail to the organization licensee and to all facility owner and facility manager licensees with whom the organization licensee is doing business. Upon receipt of such notice by all of such licensees, the organization licensee shall have 30 days in which to cure the alleged violation, if it can be cured. If the commission finds that the violation has not been cured upon expiration of the 30 days, or upon a later deadline granted by the commission, or if the commission finds that the alleged violation is of such a nature that it cannot be cured, the commission shall proceed to suspend or revoke the license pursuant to subsection (j). Nothing in this subsection shall be construed to preclude the commission from imposing a fine pursuant to subsection (j) even if the violation is cured within 30 days or such other period as provided by the commission.

(l) Prior to the expiration of an organization license, the organization may apply to the commission for renewal of such license. The renewal application shall be in a form and include such information as the commission prescribes. The commission shall grant such renewal if the organization meets all of the qualifications required for an initial license. The commission may charge a fee for the processing of the renewal application not to exceed the application fee authorized for an initial license.

(m) Once an organization license has been issued, no person thereafter and during the term of such license shall in any manner become the owner or holder, directly or indirectly, of any shares of stock or certificates or other evidence of ownership or become a director or officer of such organization licensee without first having obtained the written approval of the commission.

(n) An organization licensee shall submit to the commission for approval a copy of each contract and agreement which the organization licensee proposes to enter into and any proposed modification of any such contract or agreement, including but not limited to those involving:

(1) Any person to be employed by the organization licensee;

(2) any person supplying goods and services to the organization licensee, including management, consulting or other professional services;

(3) any lease of facilities, including real estate or equipment or other personal property; or

(4) the operation of any concession within or adjacent to the racetrack facility.

The commission shall reject any such contract or agreement which violates any provision of this act or rules and regulations of the commission, which provides for payment of money or other valuable consideration which is clearly in excess of the fair market value of the goods, services or facilities being purchased or leased or which, in the case of a contract or agreement with a facility owner licensee or a facility manager licensee, would not protect the organization licensee from incurring losses due to contractual liability.

(o) Organization licensees shall not by lease, contract, agreement, understanding or arrangement of any kind grant, assign or turn over to any person the parimutuel system of wagering described in K.S.A. 74-8819 and amendments thereto or the operation and conduct of any horse or greyhound race to which such wagering applies, but this subsection shall not prohibit the organization licensee from contracting with and compensating others for providing services in connection with the financing, acquisition, construction, equipping, maintenance and management of the racetrack facility; the hiring and training of personnel; the promotion of the facility; operation and conduct of a simulcast race displayed by a simulcasting licensee; parimutuel wagering at racetrack facilities; and parimutuel wagering at off-track wagering and intertrack wagering facilities in other jurisdictions to which live races conducted by the organization licensee are simulcast.

(p) An organization licensee shall not in any manner permit a person other than such licensee to have a share, percentage or proportion of money received from parimutuel wagering at the racetrack facility except as specifically set forth in this act, except that:

(1) A facility owner licensee may receive gross percentage rental fees under a lease if all terms of the lease are disclosed to the commission and such lease is approved by the commission;

(2) a person who has contracted with an organization licensee to provide one or more of the services permitted by subsection (o) may receive compensation in the form of a percentage of the money received from parimutuel wagering if such contract is approved by the commission and such person is licensed as a facility manager; and

(3) a person who has contracted with a simulcasting licensee to allow such licensee to display a simulcast race conducted by such person may receive compensation in the form of a percentage of or a fee deducted from the money received by the licensee from parimutuel wagers placed on such race if such contract is filed with the commission.

(q) Directors or officers of an organization licensee are not liable in a civil action for damages arising from their acts or omissions when acting as individual directors or officers, or as a board as a whole, of a nonprofit organization conducting races pursuant to this act, unless such conduct constitutes willful or wanton misconduct or intentionally tortious conduct, but only to the extent the directors and officers are not required to be insured by law or are not otherwise insured against such acts or omissions. Nothing in this section shall be construed to affect the liability of an organization licensee for damages in a civil action caused by the negligent or wrongful acts or omissions of its directors or officers, and a director's or officer's negligence or wrongful act or omission, while acting as a director or officer, shall be imputed to the organization licensee for the purpose of apportioning liability for damages to a third party pursuant to K.S.A. 60-258a and amendments thereto.

(r) If an applicant for an organization license proposes to construct a racetrack facility and the commission determines that such license should be issued to the applicant, the commission shall issue to the applicant an organization license conditioned on the submission by the licensee to the commission, within a period of time prescribed by the commission, of a commitment for financing the construction of the racetrack facility by a financial institution or other source, subject to approval by the commission. If such commitment is not submitted within the period of time originally prescribed by the commission or such additional time as authorized by the commission, the license shall expire at the end of such period.

(s) If an organization licensee's license authorizes the construction of a dual racetrack facility, such license shall be conditioned on the completion of such facility within a time specified by the commission. If, within the time specified by the commission, the licensee has not constructed a dual racetrack facility in accordance with the plans submitted to the commission pursuant to subsection (c)(3), the commission, in accordance with the Kansas administrative procedure act, shall:

(1) Impose upon the licensee a civil fine equal to 5% of the total parimutuel pools for all races held at the licensee's facility on and after the date that racing with parimutuel wagering is first conducted at such facility and until the date that construction of the dual racetrack facility is completed and horse racing has begun; and

(2) revoke the licensee's license unless the licensee demonstrates reasonable cause for the failure to complete the facility.

(t) Any license granted an organization licensee to conduct races at a dual racetrack facility shall be conditioned on the organization licensee's conducting live horse races on not less than 20% of the annual racing days granted the licensee by the commission. If an organization licensee fails to comply with such condition, the commission shall *may* revoke the organization licensee's license unless the licensee demonstrates reasonable justification for the failure to complete the facility.

(u) The refusal to renew an organization license shall be in accordance with the Kansas administrative procedure act and shall be subject to review under the act for judicial review and civil enforcement of agency actions.

(v) The grant or denial of an original organization license shall not be subject to the Kansas administrative procedure act. Such grant or denial shall be a matter to be determined in the sole discretion of the commission, whose decision shall be final upon the grant of a license to one of two or more competing applicants without the necessity of a hearing on the denial of a license to each other competing applicant. Any action for judicial review of such decision shall be by appeal to the supreme court in accordance with the act for judicial review and civil enforcement of agency actions, except that the scope of review shall be limited to whether the action of the commission was arbitrary or capricious or constituted an abuse of discretion. All competing applicants for the organization license shall be parties to such appeal. Any such appeal shall have priority over other cases except those having statutory priority.

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(w) *The commission may adopt rules and regulations regulating crossover employment between organization licensees and facility manager licensees and facility owner licensees.*

Sec. 5. K.S.A. 74-8815 is hereby amended to read as follows: 74-8815. (a) Any person, partnership, corporation or association, or the state of Kansas or any political subdivision thereof, may apply to the commission for a facility owner license to construct or own, or both, a racetrack facility which includes a racetrack and other areas designed for horse racing or greyhound racing, or both.

(b) Any person, partnership, corporation or association may apply to the commission for a facility manager license to manage a racetrack facility.

(c) A facility owner license or a facility manager license shall be issued for a period established by the commission but not to exceed 25 years. The application for a facility owner license shall be accompanied by a nonrefundable fee of \$5,000. An application for a facility manager license shall be accompanied by a nonrefundable fee of \$5,000. If the application fee is insufficient to pay the reasonable expenses of processing the application and investigating the applicant's qualifications for licensure, the commission shall require the applicant to pay to the commission, at such times and in such form as required by the commission, any additional amounts necessary to pay such expenses. No license shall be issued to an applicant until the applicant has paid such additional amounts in full, and such amounts shall not be refundable except to the extent that they exceed the actual expenses of processing the application and investigating the applicant's qualifications for licensure.

(d) If an applicant for a facility owner license is proposing to construct a racetrack facility, such applicant, at the time of submitting the application, shall deposit with the commission, in such form as prescribed by rules and regulations of the commission, the sum of (1) \$500,000, if the number of racing days applied for by organization licensee applicants proposing to race at the facility is 150 days or more in a racing season; (2) \$250,000, if such number of racing days applied for is less than 150 days; or (3) a lesser sum established by the commission, if the applicant is the state or a political subdivision of the state. Only one such deposit shall be required for a dual racetrack facility. The executive director shall promptly remit any deposit received pursuant to this subsection to the state treasurer. The state treasurer shall deposit the entire amount in the state treasury and credit it to the racing applicant deposit fund created by K.S.A. 74-8828 and amendments thereto. If the application is denied by the commission, the deposit, and any interest accrued thereon, shall be refunded to the applicant. If the license is granted by the commission in accordance with the terms of the application or other terms satisfactory to the applicant, the deposit, and any interest accrued thereon, shall be refunded to the licensee upon completion of the racetrack facility in accordance with the terms of the license. If the licensee fails to complete the racetrack facility in accordance with the terms of the license, the deposit, and any interest accrued thereon, shall be forfeited by the applicant.

(e) A facility owner license shall be granted only to an applicant that already owns an existing racetrack facility or has submitted with its application detailed plans for the construction of such facility, including the means and source of financing such construction and operation sufficient to convince the commission that such plans are feasible. A facility manager license shall be granted only to an applicant that has a facility management contract with an organization licensed pursuant to K.S.A. 74-8813 and amendments thereto.

(f) An applicant for a facility owner license or facility manager license, or both, shall not be granted a license if there is substantial evidence that the applicant for the license, or any officer or director, stockholder, member or owner of or other person having a financial interest in the applicant:

(1) Has been suspended or ordered to cease operation of a parimutuel racing facility in another jurisdiction by the appropriate authorities in that jurisdiction, has been ordered to cease association or affiliation with such a racing facility or has been banned from such a racing facility;

(2) has been convicted by a court of any state or of the United States of any criminal act involving fixing or manipulation of parimutuel races, violation of any law involving gambling or controlled substances or drug violations involving horses or greyhounds, or has been adjudicated in the last five years in any such court of committing as a juvenile an act which, if committed by an adult, would constitute such a criminal act, or if any employee or agent assisting the applicant in activities relating to ownership or management of a racetrack facility or to the conduct of races has been so convicted or adjudicated;

(3) has been convicted by a court of any state or of the United States of any felony involving dishonesty, fraud, theft, counterfeiting, alcohol violations or embezzlement, or has been adjudicated in the last five years in any such court of committing as a juvenile an act which, if committed by an adult, would constitute such a felony, or if any employee or agent assisting the applicant in activities relating to ownership or management of a racetrack facility or to the conduct of races has been so convicted or adjudicated;

(4) has not demonstrated financial responsibility sufficient to meet the obligations being undertaken pursuant to its contract with the organization licensee;

(5) is not in fact the person or entity authorized to or engaged in the licensed activity;

(6) is or becomes subject to a contract or option to purchase under which 10% or more of the ownership or other financial interest or membership interest are subject to purchase or transfer, unless the contract or option has been disclosed to the commission and the commission has approved the sale or transfer during the license period;

(7) has made a statement of a material fact in the application or otherwise in response to official inquiry by the commission knowing such statement to be false; or

(8) has failed to meet any monetary or tax obligation to the federal government or to any state or local government, whether or not relating to the conduct or operation of a race meet held in this state or any other jurisdiction.

(g) No person or entity shall be qualified to hold a facility manager license if such person or entity, or any director, officer, employee or agent thereof, is addicted to, and a user of, alcohol or a controlled substance.

(h) All facility owner licenses and facility manager licenses shall be reviewed annually by the commission to determine if the licensee is complying with the provisions of this act and rules and regulations of the commission and following such proposed plans and operating procedures as were approved by the commission. The commission may review a facility owner license or facility manager license more often than annually upon its own initiative or upon the request of any interested party. The commission shall require each facility owner licensee and each facility manager licensee to file annually with the commission a certified financial audit of the licensee by an independent certified public accountant, which audit shall be open to inspection by the public, and may require any such licensee to provide any other information necessary for the commission to conduct the annual or periodic review.

(i) Subject to the provisions of subsection (j), the commission, in accordance with the Kansas administrative procedure act, may suspend or revoke a facility owner or facility manager license or may impose a civil fine not exceeding \$10,000 per failure or violation, or may both suspend such license and impose such fine, if the commission finds probable cause to believe that:

(1) In the case of a facility owner licensee, the licensee has failed to follow one or more provisions of the licensee's plans for the financing, construction or operation of a racetrack facility as submitted to and approved by the commission; or

(2) in the case of either a facility owner licensee or facility manager licensee, the licensee has violated any of the terms and conditions of licensure provided by this section or any other provision of this act or any rule and regulation of the commission.

(j) Prior to suspension or revocation of a license pursuant to subsection (i), the commission shall give written notice of the reason therefor to the licensee and all other interested parties. The licensee shall have 30 days from receipt of the notice to cure the alleged failure or violation, if it can be cured. If the commission finds that the failure or violation has not been cured upon expiration of the 30 days or upon a later deadline granted by the commission, or if the alleged violation is of such a nature that it cannot be cured, the commission may proceed to suspend or revoke the licensee's license pursuant to subsection (i). Nothing in this subsection shall be construed to preclude the commission from imposing a fine pursuant to subsection (i) even if the violation is cured within 30 days or such other period as provided by the commission.

(k) If an applicant for a facility owner license proposes to construct a racetrack facility and the commission determines that such license should be issued to the applicant, the commission shall issue to the applicant a facility owner license conditioned on the submission by the licensee to the commission, within a period of time prescribed by the commission, of a commitment for financing the construction of the racetrack facility by a financial institution or other source, subject to approval by the commission. If such commitment is not submitted within the pe-

riod of time originally prescribed by the commission or such additional time as authorized by the commission, the license shall expire at the end of such period.

(l) If a facility owner licensee's license authorizes the construction of a dual racetrack facility, such license shall be conditioned on the completion of such facility within a time specified by the commission. If, within the time specified by the commission, the licensee has not constructed a dual racetrack facility in accordance with the plans submitted to the commission pursuant to subsection (e), the commission, in accordance with the Kansas administrative procedure act, shall:

(1) Impose upon the licensee a civil fine equal to 5% of the total parimutuel pools for all races held at the licensee's facility on and after the date that racing with parimutuel wagering is first conducted at such facility and until the date that construction of the dual racetrack facility is completed and horse racing has begun; and

(2) revoke the licensee's license unless the licensee demonstrates reasonable cause for the failure to complete the facility.

(m) The refusal to renew a facility owner license or a facility manager license shall be in accordance with the Kansas administrative procedure act and shall be subject to review under the act for judicial review and civil enforcement of agency actions.

(n) The grant or denial of an original facility owner license or facility manager license shall not be subject to the Kansas administrative procedure act. Such grant or denial shall be a matter to be determined in the sole discretion of the commission, whose decision shall be final upon the grant of a license to one of two or more competing applicants without the necessity of a hearing on the denial of a license to each other competing applicant. Any action for judicial review of such decision shall be by appeal to the supreme court in accordance with the act for judicial review and civil enforcement of agency actions, except that the scope of review shall be limited to whether the action of the commission was arbitrary or capricious or constituted an abuse of discretion. All competing applicants for the facility owner license or facility manager license shall be parties to such appeal. Any such appeal shall have priority over other cases except those having statutory priority.

(o) *The commission may adopt rules and regulations regulating cross-over employment between facility manager licensees and facility owner licensees and organization licensees.*

Sec. 6. K.S.A. 74-8816 is hereby amended to read as follows: 74-8816. (a) The commission shall require occupation licenses for:

(1) Any owner of a horse or greyhound participating in a race conducted by an organization licensee;

(2) any person whose work, in whole or in part, is conducted within a racetrack facility owned or leased by an organization licensee, including trainers, jockeys, agents, apprentices, grooms, exercise persons, veterinarians, valets, blacksmiths, stewards, racing judges, starters, timers, supervisors of mutuels, parimutuel tellers and clerks, guards and such other personnel designated by the commission.

(b) An occupation license shall be obtained from the commission prior to the time a person engages in activities for which such license is required, regardless of whether a race meeting is being conducted.

(c) A person required to be licensed pursuant to subsection (a) shall apply for such license in a manner and upon forms prescribed and furnished by the commission. The commission may require the applicant to submit to fingerprinting. Occupation licenses shall be issued for a period established by the commission but not less than one year or more than three years. The commission shall establish the amount of application fees and license fees for different types of occupation licenses, but no such fee shall exceed \$200 a year. The application fee shall not be refundable if the applicant fails to qualify for a license and shall include the cost of processing fingerprints if they are required by the commission.

(d) The commission may require an applicant for an occupation license as a condition of licensure to consent to allow agents of the Kansas bureau of investigation or security personnel of the commission to search without warrant the licensee's person, personal property and work premises while within the racetrack facility or adjacent facilities under the control of the organization licensee for the purpose of investigating possible criminal violations of this act or violations of rules and regulations of the commission.

(e) Denial of an occupation license by the commission shall be in accordance with the Kansas administrative procedure act. The commission may refuse to issue an occupation license to any person who:

(1) Has been convicted of a felony by a court of any state or of the

United States or has been adjudicated in the last five years in any such court of committing as a juvenile an act which, if committed by an adult, would constitute a felony;

(2) has been convicted of a violation of any law of any state or of the United States involving gambling or controlled substances or has been adjudicated in the last five years in any such court of committing as a juvenile an act which, if committed by an adult, would constitute such a violation;

(3) is not qualified to perform the duties associated with the license being applied for;

(4) fails to disclose any material fact or provides information, knowing such information to be false, when applying for the license;

(5) has been found by the commission to have violated any provision of this act or any rule and regulation of the commission;

(6) has had an occupation license suspended, revoked or denied for just cause in any other jurisdiction; or

(7) has committed two or more acts of violence within the past two years as established by a court of competent jurisdiction of any state or of the United States; or

(8) *has failed to meet any monetary or tax obligation to the federal government or to any state or local government, whether or not relating to the conduct or operation of a race meet held in this state or any other jurisdiction.*

(f) The commission may suspend or revoke an occupation license for any reason which would justify refusal to issue such a license and may impose a fine not exceeding \$5,000 for each violation upon any occupation licensee found to have violated any provision of this act or any rule and regulation of the commission. Such fine may be imposed in addition to or in lieu of suspending or revoking such person's occupation license. Proceedings for the suspension or revocation of an occupation license or imposition of a fine pursuant to this subsection shall be conducted by the commission or its appointed hearing officer in accordance with the Kansas administrative procedure act.

(g) The commission may provide by rules and regulations for the temporary suspension of an occupation license by summary adjudicative proceedings in accordance with the Kansas administrative procedure act upon finding that there is probable cause to believe that grounds exist for a permanent suspension or revocation of such license. Such suspension shall be for a period not exceeding 30 days. Upon expiration of such suspension, the license shall be restored unless the license has been suspended or revoked pursuant to subsection (f).

(h) The stewards at any horse race meeting and the racing judges at any greyhound race meeting may impose on an occupation licensee a civil fine not exceeding \$500 or may suspend any occupation licensee's license for a period not exceeding 15 days upon a finding by at least two of the stewards or racing judges that there is probable cause to believe that the occupation licensee has violated the provisions of this act or any rule or regulation of the commission. No such fine or suspension shall be ordered except after notice and opportunity for hearing in accordance with procedures established by rules and regulations of the commission. Any order imposing such a fine or suspension is effective when rendered. The order shall be subject to appeal to the commission, and may be stayed pending such appeal, as provided by rules and regulations of the commission. Proceedings on appeal shall be in accordance with the provisions of the Kansas administrative procedure act.

Sec. 7. K.S.A. 74-8817 is hereby amended to read as follows: 74-8817. (a) No organization licensee or facility manager licensee shall permit any business not owned and operated by the organization licensee to sell goods or services within a racetrack facility where the organization licensee conducts race meetings unless such business has been issued a concessionaire license by the commission.

(b) Businesses required to be licensed pursuant to this section shall apply for concessionaire licenses in a manner and upon forms prescribed and furnished by the commission. The commission shall require disclosure of information about the owners and officers of each applicant and may require such owners and officers to submit to fingerprinting. The commission also may require disclosure of information about and fingerprinting of such employees of each applicant as the commission considers necessary. Concessionaire licenses shall be issued for a period of time established by the commission but not to exceed 10 years. The commission shall establish a schedule of application fees and license fees for concessionaire licenses based upon the type and size of business. The application fee shall not be refundable if the business fails to qualify for

(continued)

a license. If the application fee is insufficient to pay the reasonable expenses of processing the application and investigating the applicant's qualifications for licensure, the commission shall require the applicant to pay to the commission, at such times and in such form as required by the commission, any additional amounts necessary to pay such expenses. No license shall be issued to an applicant until the applicant has paid such additional amounts in full, and such amounts shall not be refundable except to the extent that they exceed the actual expenses of processing the application and investigating the applicant's qualifications for licensure.

(c) The commission may require applicants as a condition of licensure to consent to allow agents of the Kansas bureau of investigation or security personnel of the commission to search without warrant the licensee's premises and personal property and the persons of its owners, officers and employees while engaged in the licensee's business within the racetrack facility or adjacent facilities under the control of the organization licensee for the purpose of investigating criminal violations of this act or violations of rules and regulations of the commission.

(d) Denial of a concessionaire license by the commission shall be in accordance with the Kansas administrative procedure act. The commission may refuse to issue a concessionaire license to any business if any person having an ownership interest in such business, any person who is an officer of such business or any person employed by such business within the racetrack facility:

(1) Has been convicted of a felony in a court of any state or of the United States or has been adjudicated in the last five years in any such court of committing as a juvenile an act which, if committed by an adult, would constitute a felony;

(2) has been convicted of a violation of any law of any state or of the United States involving gambling or controlled substances or has been adjudicated in the last five years in any such court of committing as a juvenile an act which, if committed by an adult, would constitute such a violation;

(3) fails to disclose any material fact or provides information, knowing such information to be false, in connection with the application for the license; or

(4) has been found by the commission to have violated any provision of this act or any rule and regulation of the commission; or

(5) has failed to meet any monetary or tax obligation to the federal government or to any state or local government, whether or not relating to the conduct or operation of a race meet held in this state or any other jurisdiction.

(e) The commission may suspend or revoke the concessionaire license of any business for any reason which would justify refusal to issue such a license. Proceedings to suspend or revoke such license shall be conducted by the commission or its appointed hearing officer in accordance with the provisions of the Kansas administrative procedure act.

(f) The commission may provide by rules and regulations for the temporary suspension of a concessionaire license by summary adjudicative proceedings in accordance with the Kansas administrative procedure act upon finding that there is probable cause to believe that grounds exist for a permanent suspension or revocation of such license. Such suspension shall be for a period not exceeding 30 days. Upon expiration of such suspension, the license shall be restored unless the license has been suspended or revoked as a result of proceedings conducted pursuant to subsection (e).

Sec. 8. K.S.A. 1995 Supp. 74-8818 is hereby amended to read as follows: 74-8818. (a) The commission shall appoint *at least* three individuals to serve as ~~full-time~~ stewards or racing judges *at each horse or greyhound race meeting, but not more than three such stewards or judges shall be on duty at any one time at any racing performance.* 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 *under the supervision of the executive director* and shall be in the unclassified service under the Kansas civil service act. 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, *except that an unlicensed employee of the commission may serve as a steward or racing judge on a temporary basis if the employee has had the same criminal history record check, background investigation and training, and has passed the same examination, as required for other stewards and racing judges.*

(c) The commission shall require each applicant for a license as a steward or racing judge to pass an examination on matters relating to the duties of stewards or racing judges unless the applicant submits proof satisfactory to the commission that the applicant has passed an examination in another jurisdiction which the commission finds equivalent to the examination given by the commission. 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 or racing judge'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. 9. K.S.A. 1995 Supp. 74-8836 is hereby amended to read as follows: 74-8836. (a) Any organization licensee that conducts at least 150 days of live racing during a calendar year or a fair association that conducts fewer than 22 days of live racing during a calendar year may apply to the commission for a simulcasting license to display simulcast horse or greyhound races and to conduct intertrack parimutuel wagering thereon. If the organization licensee conducts races at a racetrack facility that is owned by a facility owner licensee, both licensees shall join in the application. A simulcasting license granted to a fair association that conducts fewer than 22 days of live racing shall restrict the fair association's display of simulcast races to a number of days, including days on which it conducts live races, equal to not more than twice the number of days on which it conducts live races.

(b) (1) A simulcasting license granted to an organization licensee

other than a fair association shall authorize the display of simulcast races at the racetrack facility where the live races are conducted so long as the licensee conducts at least eight live races per day and an average of 10 live races per day per week. If a simulcasting licensee conducts live horse races on a day when simulcast races are displayed by the licensee and the licensee conducts fewer than an average of 10 live horse races on such day per day per week, not less than 80% of the races on which wagers are taken by the licensee during such day week shall be live races conducted by the licensee unless approved by the recognized horsemen's group or upon a finding by the commission that the organization licensee was unable to do so for reasonable cause. If a simulcast licensee conducts live greyhound races on a day when simulcast races are displayed by the licensee and the licensee conducts schedules fewer than 13 live greyhound races during a performance on such day, not less than 80% of the races on which wagers are taken by the licensee during such performance shall be live races conducted by the licensee.

(2) A simulcasting license granted to a fair association shall authorize the display of simulcast races at the racetrack facility where the races are conducted only if live races are scheduled for two or more days of the same calendar week, except that the licensee may conduct simulcast races in the week immediately before and immediately after a live meeting if the total number of days on which simulcast races are displayed does not exceed the total authorized in subsection (a). In no case shall the live meet or simulcast races allowed under this subsection exceed nine 10 consecutive weeks. For purposes of this subsection, a calendar week shall be measured from Monday through the following Sunday.

(3) Notwithstanding the provisions of subsection (a), (b)(1) or (b)(2), a fair association may apply to the commission for not more than five additional days of simulcasting of special events. In addition, the commission may authorize a fair association to display additional simulcast races but, if such fair association is less than 100 miles from an organization licensee that is not a fair association, it must also secure written consent from that organization licensee.

(4) Notwithstanding the provisions of subsection (b)(1), if an emergency causes the cancellation of all or any live races scheduled for a day or performance by a simulcasting licensee, the commission or the commission's designee may authorize the licensee to display any simulcast races previously scheduled for such day or performance.

(5) Notwithstanding the provisions of subsection (b)(1), the commission may authorize the licensee to display simulcast special racing events as designated by the commission.

(c) The application for a simulcasting license shall be filed with the commission at a time and place prescribed by rules and regulations of the commission. The application shall be in a form and include such information as the commission prescribes.

(d) To qualify for a simulcasting license the applicant shall:

(1) Comply with the interstate horse racing act of 1978 (15 U.S.C. 3001 *et seq.*) as in effect December 31, 1991;

(2) submit with the application a written approval of the proposed simulcasting schedule signed by: (A) The recognized horsemen's group for the track, if the applicant is licensed to conduct only horse races; (B) the recognized greyhound owners' group, if the applicant is licensed to conduct only greyhound races and only greyhound races are to be simulcast; (C) both the recognized greyhound owners' group and a recognized horsemen's group, if the applicant is licensed to conduct only greyhound races and horse races are to be simulcast; (D) the recognized greyhound owners' group, if the applicant is licensed to conduct both greyhound and horse races, only greyhound races are to be simulcast and races are to be simulcast only while the applicant is conducting live greyhound races; (E) the recognized horsemen's group for the track, if the applicant is licensed to conduct both greyhound and horse races, only horse races are to be simulcast and races are to be simulcast only while the applicant is conducting live horse races; or (F) both the recognized greyhound owners' group and the recognized horsemen's group for the track, if the applicant is licensed to conduct both greyhound races and horse races and horse races are to be simulcast while the applicant is conducting live greyhound races or greyhound races are to be simulcast while the applicant is conducting live horse races; and

(3) submit, in accordance with rules and regulations of the commission and before the simulcasting of a race, a written copy of each contract or agreement which the applicant proposes to enter into with regard to such race, and any proposed modification of any such contract or agreement.

(e) The term of a simulcasting license shall be one year.

(f) A simulcasting licensee may apply to the commission or its designee for changes in the licensee's approved simulcasting schedule if such changes are approved by the respective recognized greyhound owners' group or recognized horsemen's group needed throughout the term of the license. Application shall be made upon forms furnished by the commission and shall contain such information as the commission prescribes.

(g) Except as provided by subsection (j), the takeout for simulcast horse and greyhound races shall be the same as it is for the live horse and greyhound races conducted during the current or next live race meeting at the racetrack facility where the simulcast races are displayed. For simulcast races the tax imposed on amounts wagered shall be as provided by K.S.A. 74-8823 and amendments thereto. The simulcasting licensee shall be entitled to retain sufficient revenue to pay expenses directly related to the simulcast race or performance. The commission, by rules and regulations, shall define what constitutes such expenses. Of the balance of the takeout remaining after deduction of taxes and expenses, 50% shall be paid to the simulcasting licensee. The remainder shall be used for purses, as follows:

(1) For purses for greyhound races conducted by the licensee, if the simulcast race is a greyhound race and the licensee conducts only live greyhound races;

(2) for purses for horse races conducted by the licensee, if the simulcast race is a horse race and the licensee conducts only live horse races;

(3) for purses, as determined by both the recognized horsemen's group and the recognized greyhound owners' group, if the simulcast race is a greyhound race and the licensee does not conduct or is not currently conducting live greyhound races; or

(4) for purses, as determined by both the recognized horsemen's group and the recognized greyhound owners' group, if the simulcast is a horse race and the licensee does not conduct or is not currently conducting live horse races.

(h) Except as provided by subsection (j):

(1) If a simulcasting licensee has a license to conduct live horse races and the licensee displays a simulcast horse race: (A) All breakage proceeds shall be remitted by the licensee to the commission not later than the 15th day of the month following the race from which the breakage is derived and the commission shall promptly remit any such proceeds received to the state treasurer, who shall deposit the entire amount in the state treasury and credit it to the Kansas horse breeding development fund created by K.S.A. 74-8829 and amendments thereto; and (B) all unclaimed ticket proceeds shall be remitted by the licensee to the commission on the 61st day after the end of the calendar year and the commission shall promptly remit any such proceeds received to the state treasurer, who shall deposit the entire amount in the state treasury and credit it to the Kansas horse breeding development fund created by K.S.A. 74-8829 and amendments thereto.

(2) If a simulcasting licensee has a license to conduct live greyhound races and the licensee displays a simulcast greyhound race, breakage and unclaimed winning ticket proceeds shall be distributed in the manner provided by K.S.A. 74-8821 and 74-8822, and amendments thereto, for breakage and unclaimed winning ticket proceeds from live greyhound races.

(3) If a simulcasting licensee has a license to conduct live racing of only horses and the licensee displays a simulcast greyhound race, unclaimed winning ticket proceeds shall be distributed in the manner provided by K.S.A. 74-8822, and amendments thereto, for unclaimed winning ticket proceeds from live greyhound races. Breakage for such races shall be distributed for use to benefit greyhound racing as determined by the commission.

(4) If a simulcasting licensee has a license to conduct live racing of only greyhounds and the licensee displays a simulcast horse race: (A) All breakage proceeds shall be remitted by the licensee to the commission not later than the 15th day of the month following the race from which the breakage is derived and the commission shall promptly remit any such proceeds received to the state treasurer, who shall deposit the entire amount in the state treasury and credit it to the Kansas horse breeding development fund created by K.S.A. 74-8829 and amendments thereto; and (B) all unclaimed ticket proceeds shall be remitted by the licensee to the commission on the 61st day after the end of the calendar year and the commission shall promptly remit any such proceeds received to the state treasurer, who shall deposit the entire amount in the state treasury and credit it to the Kansas horse breeding development fund created by K.S.A. 74-8829 and amendments thereto.

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(i) The commission may approve a request by two or more simulcasting licensees to combine wagering pools within the state of Kansas pursuant to rules and regulations adopted by the commission.

(j) (1) The commission may authorize any simulcasting licensee to participate in an interstate combined wagering pool with one or more other racing jurisdictions.

(2) If a licensee participates in an interstate pool, the licensee may adopt the takeout of the host jurisdiction or facility, except that the takeout shall not be more than 20% on win, place and show bets and not more than 25% on all other bets. The amount and manner of paying purses from the takeout in an interstate pool shall be as provided by subsection (g).

(3) The tax imposed on amounts wagered in an interstate pool shall be as provided by K.S.A. 74-8823 and amendments thereto. Parimutuel taxes may not be imposed on any amounts wagered in an interstate combined wagering pool other than amounts wagered within this jurisdiction.

(4) Breakage for interstate combined wagering pools shall be calculated in accordance with the statutes and rules and regulations of the host jurisdiction and shall be allocated among the participating jurisdictions in a manner agreed to among the jurisdictions. Breakage allocated to this jurisdiction shall be distributed as provided by subsection (h).

(5) Upon approval of the respective recognized greyhound owners' group or recognized horsemen's group, the commission may permit an organization licensee to simulcast to other racetrack facilities or off-track wagering or intertrack wagering facilities in other jurisdictions one or more races conducted by such licensee, use one or more races conducted by such licensee for an intrastate combined wagering pool or use one or more races conducted by such licensee for an interstate combined wagering pool at off-track wagering or intertrack wagering locations outside the commission's jurisdiction and may allow parimutuel pools in other jurisdictions to be combined with parimutuel pools in the commission's jurisdiction for the purpose of establishing an interstate combined wagering pool.

(6) The participation by a simulcasting licensee in a combined interstate wagering pool does not cause that licensee to be considered to be doing business in any jurisdiction other than the jurisdiction in which the licensee is physically located.

(k) If the organization licensee, facility owner licensee if any and the recognized horsemen's group or recognized greyhound owners' group are unable to agree concerning a simulcasting application, the matter may be submitted to the commission for determination at the written request of any party in accordance with rules and regulations of the commission.

(l) This section shall be part of and supplemental to the Kansas parimutuel racing act.

Sec. 10. K.S.A. 1995 Supp. 74-8837 is hereby amended to read as follows: 74-8837. (a) No organization licensee or facility manager licensee shall permit any business not owned and operated by the organization licensee to provide integral racing or wagering equipment or services, as designated by the commission, to an organization licensee unless such business has been issued a racing or wagering equipment or services license by the commission. Such equipment and services include but are not limited to totalisator, photo finish, video replay and video reception and transmission equipment or services.

(b) Businesses required to be licensed pursuant to this section shall apply for racing or wagering equipment or services licenses in a manner and upon forms prescribed and furnished by the commission. The commission shall require disclosure of information about the owners and officers of each applicant and may require such owners and officers to submit to fingerprinting. The commission also may require disclosure of information about and fingerprinting of such employees of each applicant as the commission considers necessary. Racing or wagering equipment or services licenses shall be issued for a period of time established by the commission but not to exceed 10 years. The commission shall establish a schedule of application fees and license fees for racing or wagering equipment or services licenses based upon the type and size of business. The application fee shall not be refundable if the business fails to qualify for a license. If the application fee is insufficient to pay the reasonable expenses of processing the application and investigating the applicant's qualifications for licensure, the commission shall require the applicant to pay to the commission, at such times and in such form as required by the commission, any additional amounts necessary to pay such expenses. No license shall be issued to an applicant until the applicant has paid such additional amounts in full, and such amounts shall not be refundable except to the extent that they exceed the actual expenses of processing

the application and investigating the applicant's qualifications for licensure.

(c) The commission may require applicants as a condition of licensure to consent to allow agents of the Kansas bureau of investigation or security personnel of the commission to search without warrant the licensee's premises and personal property and the persons of its owners, officers and employees while engaged in the licensee's business within the racetrack facility or adjacent facilities under the control of the organization licensee for the purpose of investigating criminal violations of this act or violations of rules and regulations of the commission.

(d) Denial of a racing or wagering equipment or services license by the commission shall be in accordance with the Kansas administrative procedure act. The commission may refuse to issue a racing or wagering equipment or services license to any business if any person having an ownership interest in such business, any person who is an officer of such business or any person employed by such business within the racetrack facility:

(1) Has been convicted of a felony in a court of any state or of the United States or has been adjudicated in the last five years, in any such court of committing as a juvenile an act which, if committed by an adult, would constitute a felony;

(2) has been convicted of a violation of any law of any state or of the United States involving gambling or controlled substances or has been adjudicated in the last five years in any such court of committing as a juvenile an act which, if committed by an adult, would constitute such a violation;

(3) fails to disclose any material fact or provides information, knowing such information to be false, in connection with the application for the license; or

(4) has been found by the commission to have violated any provision of this act or any rule and regulation of the commission; or

(5) has failed to meet any monetary or tax obligation to the federal government or to any state or local government, whether or not relating to the conduct or operation of a race meet held in this state or any other jurisdiction.

(e) The commission may suspend or revoke the racing or wagering equipment or services license of any business for any reason which would justify refusal to issue such a license. Proceedings to suspend or revoke such license shall be conducted by the commission or its appointed hearing officer in accordance with the provisions of the Kansas administrative procedure act.

(f) The commission may provide by rules and regulations for the temporary suspension of a racing or wagering equipment or services license by summary adjudicative proceedings in accordance with the Kansas administrative procedure act upon finding that there is probable cause to believe that grounds exist for a permanent suspension or revocation of such license. Such suspension shall be for a period not exceeding 30 days. Upon expiration of such suspension, the license shall be restored unless the license has been suspended or revoked as a result of proceedings conducted pursuant to subsection (e).

(g) This section shall be part of and supplemental to the Kansas parimutuel racing act.

Sec. 11. K.S.A. 74-8815, 74-8816 and 74-8817 and K.S.A. 1995 Supp. 74-8802, 74-8804, 74-8810, 74-8813, 74-8818, 74-8836 and 74-8837 are hereby repealed.

Sec. 12. This act shall take effect and be in force from and after its publication in the Kansas register.

(Editor's Note: Sections of the following bill were line-item vetoed by the Governor and sustained by the Legislature. The Governor's line-item veto message is printed immediately following the bill.)

(Published in the Kansas Register May 30, 1996.)

HOUSE Substitute for SENATE BILL No. 757

AN ACT making and concerning appropriations for the fiscal years ending June 30, 1996, June 30, 1997, and June 30, 1998; authorizing certain transfers and fees, imposing certain restrictions and limitations and directing or authorizing certain receipts, disbursements, capital improvements and acts incidental to the foregoing.

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

Section 1. (a) For the fiscal years ending June 30, 1996, June 30, 1997, and June 30, 1998, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, fees, receipts, disbursements, and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

(b) The agencies named in this act are hereby authorized to initiate and complete the capital improvement projects specified and authorized by this act or for which appropriations are made by this act, subject to the restrictions and limitations imposed by this act.

(c) This act shall be known and may be cited as the omnibus appropriation act of 1996 and shall constitute the omnibus reconciliation spending limit bill for the 1996 regular session of the legislature for purposes of subsection (a) of K.S.A. 1995 Supp. 75-6702 and amendments thereto.

Sec. 2.

DEPARTMENT OF REVENUE

(a) On July 1, 1996, of the \$27,102,387 appropriated for the above agency for the fiscal year ending June 30, 1997, by section 108(a) of 1996 Senate Bill No. 95 from the state general fund in the operating expenditures account, the sum of \$48,739 is hereby lapsed.

(b) On July 1, 1996, the expenditure limitation established by section 108(b) of 1996 Senate Bill No. 95 on the division of vehicles operating fund is hereby decreased from \$28,748,106 to \$28,678,854. Provided, That, on July 1, 1996, if 1996 Senate Substitute for House Bill No. 2603 is not enacted, the expenditure limitation on the division of vehicles operating fund is hereby reduced by \$30,637.

(c) On July 1, 1996, the expenditure limitation established by section 108(b) of 1996 Senate Bill No. 95 on the salaries and wages account of the division of vehicles operating fund is hereby decreased from \$16,493,376 to \$16,414,448. Provided, That, on July 1, 1996, if 1996 Senate Substitute for House Bill No. 2603 is not enacted, the expenditure limitation on the salaries and wages account of the division of vehicles operating fund is hereby reduced by \$20,961.

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

Table with 2 columns: Description and Limit. Rows include VIPS/CAMA technology hardware fund (No limit), Electronic databases fee fund (No limit).

(e) On July 1, 1996, the position limitation established by section 114 of 1996 Senate Bill No. 95 for the above agency is hereby decreased from 1,213.0 to 1,207.0. Provided, That, on January 1, 1997, if 1996 Senate Substitute for House Bill No. 2603 is enacted, the position limitation for the above agency for fiscal year 1997 is hereby increased by 2.0.

(f) On August 15, 1996, the director of accounts and reports shall transfer all moneys in the military retirees income tax refund fund to the state general fund. On August 15, 1996, all liabilities of the military retirees income tax refund fund are hereby transferred to and imposed on the state general fund and the military retirees income tax refund fund is hereby abolished.

Sec. 3.

KANSAS DEPARTMENT OF AGRICULTURE

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

Table with 2 columns: Description and Amount. Row: Petroleum inspection fee fund (For the fiscal year ending June 30, 1997) \$600,000.

(b) On July 1, 1996, the position limitation established by section 145 of 1996 Senate Bill No. 95 for the above agency is hereby decreased from 308.8 to 305.8.

(c) On the effective date of this act, the expenditure limitation established by section 50(c) of 1996 Senate Bill No. 95 on the meat and poultry inspection fund (federal) is hereby increased from \$1,476,568 to No limit.

(d) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Table with 2 columns: Description and Amount. Row: Operating expenditures (including official hospitality) For the fiscal year ending June 30, 1997 \$100,000.

Sec. 4.

KANSAS STATE GRAIN INSPECTION DEPARTMENT

(a) On July 1, 1996, the expenditure limitation established by section 139(a) of 1996 Senate Bill No. 95 on the grain inspection fee fund is hereby decreased from \$5,349,208 to \$5,106,095.

(b) On July 1, 1996, the position limitation established by section 145 of 1996 Senate Bill No. 95 for the above agency is hereby decreased from 118.0 to 117.0.

Sec. 5.

YOUTH CENTER AT ATCHISON

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Table with 2 columns: Description and Amount. Row: Operating expenditures For the fiscal year ending June 30, 1997 \$18,841.

Sec. 6.

YOUTH CENTER AT BELOIT

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Table with 2 columns: Description and Amount. Row: Operating expenditures For the fiscal year ending June 30, 1997 \$18,929.

Sec. 7.

YOUTH CENTER AT TOPEKA

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Table with 2 columns: Description and Amount. Row: Operating expenditures For the fiscal year ending June 30, 1997 \$6,708.

(b) On July 1, 1996, the position limitation established by section 74 of 1996 Senate Bill No. 95 for the above agency is hereby decreased from 219.0 to 218.0.

Sec. 8.

LARNED STATE HOSPITAL—YOUTH CENTER AT LARNED

(a) On July 1, 1996, of the \$3,538,376 appropriated for the above agency for the fiscal year ending June 30, 1997, by section 70(a) of 1996 Senate Bill No. 95 from the state general fund in the operating expenditures—youth center at Larned account, the sum of \$40,324 is hereby lapsed.

(b) On July 1, 1996, the position limitation established by section 74 of 1996 Senate Bill No. 95 for the above agency is hereby decreased from 122.0 to 121.0.

Sec. 9.

STATE BOARD OF VETERINARY EXAMINERS

(a) On July 1, 1996, the position limitation established for the fiscal year ending June 30, 1997, by section 22 of chapter 224 of the 1995 Session Laws of Kansas for the above agency is hereby increased from 1.0 to 2.0.

Sec. 10.

UNIVERSITY OF KANSAS

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

Table with 2 columns: Description and Amount. Row: Tuition accountability fund For the fiscal year ending June 30, 1997 No limit.

(b) On the effective date of this act, of the \$92,749,349 appropriated for the above agency for the fiscal year ending June 30, 1996, by section 9(a) of chapter 228 of the 1995 Session Laws of Kansas from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$2,036,141 is hereby lapsed.

(c) On July 1, 1996, of the \$106,110,788 appropriated for the above agency for the fiscal year ending June 30, 1997, by section 102(a) of 1996 Senate Bill No. 95 from the state general fund in the operating expend-

(continued)

itures (including official hospitality) account, the sum of \$2,024,691 is hereby lapsed.

(d) On the effective date of this act, of the \$5,937,465 appropriated for the above agency for the fiscal year ending June 30, 1996, by section 9(a) of chapter 228 of the 1995 Session Laws of Kansas from the state general fund in the operating expenditures for utilities account, the sum of \$196,676 is hereby lapsed.

(e) On the effective date of this act, the expenditure limitation established by section 25(b) of 1996 Senate Bill No. 95 on the general fees fund is hereby increased from \$65,453,582 to \$67,489,723.

(f) On July 1, 1996, the expenditure limitation established by section 102(b) of 1996 Senate Bill No. 95 on the general fees fund is hereby increased from \$67,747,334 to \$69,749,380.

(g) The director of accounts and reports shall transfer amounts generated from the summer 1996 session, fall 1996 semester and spring 1997 semester, representing the amount of tuition revenue from enrollment increases over the summer 1995 session, fall 1995 semester and spring 1996 semester, as specified by the chancellor of the university of Kansas in accordance with procedures prescribed by the state board of regents, and certified by the director of the budget to the director of accounts and reports, from the general fees fund of the above agency to the tuition accountability fund of the above agency.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the restricted fees fund for the fiscal year ending June 30, 1997, as authorized by section 102(b) of 1996 Senate Bill No. 95, expenditures may be made by the above agency from the midwestern student exchange account of the restricted fees fund for fiscal year 1997, which account is hereby created in the restricted fees fund: *Provided*, That only students meeting the standards established for the midwestern student exchange program by the Kansas commissioners of the midwestern higher education compact shall be admitted for any academic term commencing on or after July 1, 1996, under the midwestern student exchange program: *Provided, however*, That all students admitted under the midwestern student exchange program prior to July 1, 1996, shall be allowed to complete their individual programs of study as participants in the midwestern student exchange program: *Provided further*, That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited to the credit of the midwestern student exchange account of the restricted fees fund.

Sec. 11.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures (including official hospitality)	
For the fiscal year ending June 30, 1996	\$212,489
For the fiscal year ending June 30, 1997	\$511,367
Other operating expenditures for utilities	
For the fiscal year ending June 30, 1996	\$625,193

(b) On July 1, 1996, the expenditure limitation established by section 103(b) of 1996 Senate Bill No. 95 on the general fees fund is hereby decreased from \$9,387,794 to \$9,382,264.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the restricted fees fund for the fiscal year ending June 30, 1997, as authorized by section 103(b) of 1996 Senate Bill No. 95, expenditures may be made by the above agency from the midwestern student exchange account of the restricted fees fund for fiscal year 1997, which account is hereby created in the restricted fees fund: *Provided*, That only students meeting the standards established for the midwestern student exchange program by the Kansas commissioners of the midwestern higher education compact shall be admitted for any academic term commencing on or after July 1, 1996, under the midwestern student exchange program: *Provided, however*, That all students admitted under the midwestern student exchange program prior to July 1, 1996, shall be allowed to complete their individual programs of study as participants in the midwestern student exchange program: *Provided further*, That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited to the credit of the midwestern student exchange account of the restricted fees fund.

(d) During the fiscal years ending June 30, 1996, June 30, 1997, and June 30, 1998, the chancellor of the university of Kansas shall submit a written report to the secretary of administration and the chairperson of the legislative coordinating council detailing any requests for records denied by the university of Kansas medical center under the authority of the provisions of subsection (a) of K.S.A. 45-221 and amendments thereto.

Sec. 12.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures (including official hospitality)	
For the fiscal year ending June 30, 1996	\$236,724
For the fiscal year ending June 30, 1997	\$357,458

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

Tuition accountability fund.	No limit
For the fiscal year ending June 30, 1997	

(c) On the effective date of this act, of the \$6,848,237 appropriated for the above agency for the fiscal year ending June 30, 1996, by section 3(a) of chapter 228 of the 1995 Session Laws of Kansas from the state general fund in the other operating expenditures for utilities account, the sum of \$45,524 is hereby lapsed.

(d) On the effective date of this act, the expenditure limitation established by section 22(c) of 1996 Senate Bill No. 95 on the general fees fund is hereby decreased from \$37,716,888 to \$37,480,164.

(e) On July 1, 1996, the expenditure limitation established by section 96(b) of 1996 Senate Bill No. 95 on the general fees fund is hereby decreased from \$39,226,385 to \$38,889,248.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the restricted fees fund for the fiscal year ending June 30, 1997, as authorized by section 96(b) of 1996 Senate Bill No. 95, expenditures may be made by the above agency from the midwestern student exchange account of the restricted fees fund for fiscal year 1997, which account is hereby created in the restricted fees fund: *Provided*, That only students meeting the standards established for the midwestern student exchange program by the Kansas commissioners of the midwestern higher education compact shall be admitted for any academic term commencing on or after July 1, 1996, under the midwestern student exchange program: *Provided, however*, That all students admitted under the midwestern student exchange program prior to July 1, 1996, shall be allowed to complete their individual programs of study as participants in the midwestern student exchange program: *Provided further*, That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited to the credit of the midwestern student exchange account of the restricted fees fund.

(g) The director of accounts and reports shall transfer amounts generated from the summer 1996 session, fall 1996 semester and spring 1997 semester, representing the amount of tuition revenue from enrollment increases over the summer 1995 session, fall 1995 semester and spring 1996 semester, as specified by the president of Kansas state university in accordance with procedures prescribed by the state board of regents, and certified by the director of the budget to the director of accounts and reports from the general fees fund of the above agency to the tuition accountability fund of the above agency.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the restricted fees fund for the fiscal year ending June 30, 1997, expenditures may be made from the following accounts of the restricted fees fund during fiscal year 1997 which are hereby created for the following capital improvement projects, subject to the expenditure limitations prescribed therefor:

Engineering library addition	No limit
Stadium scoreboard installation	No limit

(i) On July 1, 1996, the expenditure limitation established by section 16(b) of 1996 Senate Bill No. 588 on the expenditures from the student union renovation and expansion fund for the capital improvement project to renovate and expand the student union is hereby increased from \$9,200,000 to \$10,500,000.

Sec. 13.

KANSAS STATE UNIVERSITY—SALINA, COLLEGE OF TECHNOLOGY

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Other operating expenditures for utilities	
For the fiscal year ending June 30, 1996	\$17,131
Other operating expenditures (including official hospitality)	
For the fiscal year ending June 30, 1997	\$63,486

(b) On the effective date of this act, of the \$4,116,192 appropriated for the above agency for the fiscal year ending June 30, 1996, by section 6(a) of chapter 228 of the 1995 Session Laws of Kansas from the state

general fund in the operating expenditures (including official hospitality) account, the sum of \$101,228 is hereby lapsed.

(c) On the effective date of this act, the expenditure limitation established by section 6(b) of chapter 228 of the 1995 Session Laws of Kansas on the general fees fund is hereby increased from \$813,191 to \$914,419.

(d) On July 1, 1996, the expenditure limitation established by section 99(b) of 1996 Senate Bill No. 95 on the general fees fund is hereby decreased from \$967,663 to \$952,680.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the restricted fees fund for the fiscal year ending June 30, 1997, as authorized by section 99(b) of 1996 Senate Bill No. 95, expenditures may be made by the above agency from the midwestern student exchange account of the restricted fees fund for fiscal year 1997, which account is hereby created in the restricted fees fund: *Provided*, That only students meeting the standards established for the midwestern student exchange program by the Kansas commissioners of the midwestern higher education compact shall be admitted for any academic term commencing on or after July 1, 1996, under the midwestern student exchange program: *Provided, however*, That all students admitted under the midwestern student exchange program prior to July 1, 1996, shall be allowed to complete their individual programs of study as participants in the midwestern student exchange program: *Provided further*, That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited to the credit of the midwestern student exchange account of the restricted fees fund.

Sec. 14.

KANSAS STATE UNIVERSITY EXTENSION SYSTEMS AND AGRICULTURE RESEARCH PROGRAMS

(a) In addition to the other purposes for which expenditures may be made by the above agency from the restricted fees fund for the fiscal year ending June 30, 1997, expenditures may be made from the following accounts of the restricted fees fund during fiscal year 1997 which are hereby created for the following capital improvement project, subject to the expenditure limitations prescribed therefor:

Equipment and pesticide storage building—Wichita No limit

Sec. 15.

KANSAS STATE UNIVERSITY VETERINARY MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Other operating expenditures (including official hospitality)
For the fiscal year ending June 30, 1997 \$267,537

(b) On the effective date of this act, of the \$7,836,644 appropriated for the above agency for the fiscal year ending June 30, 1996, by section 5(a) of chapter 228 of the 1995 Session Laws of Kansas from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$39,235 is hereby lapsed.

(c) On the effective date of this act, the expenditure limitation established by section 37(a) of 1996 Senate Bill No. 95 on the general fees fund is hereby increased from \$4,063,085 to \$4,102,320.

(d) On July 1, 1996, the expenditure limitation established by section 98(b) of 1996 Senate Bill No. 95 on the general fees fund is hereby increased from \$4,270,999 to \$4,301,495.

(e) On July 1, 1996, the expenditure limitation established by section 98(b) of 1996 Senate Bill No. 95 on the hospital and diagnostic laboratory revenue fund is hereby decreased from \$1,550,398 to \$1,482,186.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the restricted fees fund for the fiscal year ending June 30, 1997, as authorized by section 98(b) of 1996 Senate Bill No. 95, expenditures may be made by the above agency from the midwestern student exchange account of the restricted fees fund for fiscal year 1997, which account is hereby created in the restricted fees fund: *Provided*, That only students meeting the standards established for the midwestern student exchange program by the Kansas commissioners of the midwestern higher education compact shall be admitted for any academic term commencing on or after July 1, 1996, under the midwestern student exchange program: *Provided, however*, That all students admitted under the midwestern student exchange program prior to July 1, 1996, shall be allowed to complete their individual programs of study as participants in the midwestern student exchange program: *Provided further*, That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited to the credit of the midwestern student exchange account of the restricted fees fund.

Sec. 16.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Other operating expenditures for utilities
For the fiscal year ending June 30, 1996 \$56,957
Other operating expenditures (including official hospitality)
For the fiscal year ending June 30, 1996 \$394,580
For the fiscal year ending June 30, 1997 \$71,045

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

Tuition accountability fund
For the fiscal year ending June 30, 1997 No limit
Cessna stadium repair and rehabilitation—EDIF fund
For the fiscal year ending June 30, 1997 No limit

Provided, That no expenditures shall be made from the Cessna stadium repair and rehabilitation — EDIF fund unless \$900,000 from nonstate sources has been deposited in the state treasury to the credit of the Cessna stadium repair and rehabilitation gifts fund: *Provided further*, That the acquisition of architectural services for this project is exempt from the provisions of K.S.A. 75-1250 *et seq.* and amendments thereto, and the architectural services for the project may be provided by the architectural firm which has completed significant preliminary work regarding the rehabilitation of the stadium, notwithstanding the provisions of K.S.A. 75-1250 *et seq.* and amendments thereto.

Cessna stadium repair and rehabilitation gifts fund
For the fiscal year ending June 30, 1997 No limit

(c) On the effective date of this act, the expenditure limitation established by section 27(b) of 1996 Senate Bill No. 95 on the general fees fund is hereby decreased from \$23,283,360 to \$22,888,780.

(d) On July 1, 1996, the expenditure limitation established by section 104(b) of 1996 Senate Bill No. 95 on the general fees fund is hereby decreased from \$24,190,739 to \$24,122,481.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the restricted fees fund for the fiscal year ending June 30, 1997, as authorized by section 104(b) of 1996 Senate Bill No. 95, expenditures may be made by the above agency from the midwestern student exchange account of the restricted fees fund for fiscal year 1997, which account is hereby created in the restricted fees fund: *Provided*, That only students meeting the standards established for the midwestern student exchange program by the Kansas commissioners of the midwestern higher education compact shall be admitted for any academic term commencing on or after July 1, 1996, under the midwestern student exchange program: *Provided, however*, That all students admitted under the midwestern student exchange program prior to July 1, 1996, shall be allowed to complete their individual programs of study as participants in the midwestern student exchange program: *Provided further*, That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited to the credit of the midwestern student exchange account of the restricted fees fund.

(f) The director of accounts and reports shall transfer amounts generated from the summer 1996 session, fall 1996 semester and spring 1997 semester, representing the amount of tuition revenue from enrollment increases over the summer 1995 session, fall 1995 semester and spring 1996 semester, as specified by the president of Wichita state university in accordance with procedures prescribed by the state board of regents, and certified by the director of the budget to the director of accounts and reports from the general fees fund of the above agency to the tuition accountability fund of the above agency.

(g) On July 15, 1996, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$400,000 from the Kansas economic development endowment account of the state economic development initiatives fund of the department of commerce and housing to the Cessna stadium repair and rehabilitation—EDIF fund of Wichita state university.

Sec. 17.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures (including official hospitality)
For the fiscal year ending June 30, 1996 \$14,010
For the fiscal year ending June 30, 1997 \$4,757
Operating expenditures for utilities
For the fiscal year ending June 30, 1996 \$19,049

(continued)

(b) On the effective date of this act, the expenditure limitation established by section 46(c) of chapter 270 of the 1995 Session Laws of Kansas on the general fees fund is hereby decreased from \$8,186,498 to \$8,172,488.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the restricted fees fund for the fiscal year ending June 30, 1997, as authorized by section 100(b) of 1996 Senate Bill No. 95, expenditures may be made by the above agency from the midwestern student exchange account of the restricted fees fund for fiscal year 1997, which account is hereby created in the restricted fees fund: *Provided*, That only students meeting the standards established for the midwestern student exchange program by the Kansas commissioners of the midwestern higher education compact shall be admitted for any academic term commencing on or after July 1, 1996, under the midwestern student exchange program: *Provided, however*, That all students admitted under the midwestern student exchange program prior to July 1, 1996, shall be allowed to complete their individual programs of study as participants in the midwestern student exchange program: *Provided further*, That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited to the credit of the midwestern student exchange account of the restricted fees fund.

(d) In addition to the other purposes for which expenditures may be made by Emporia state university from appropriations made from the state general fund or special revenue funds for the fiscal years ending June 30, 1996, and June 30, 1997, as authorized by section 7 of chapter 228 or section 46 of chapter 270 of the 1995 Session Laws of Kansas, section 23 or section 100 of 1996 Senate Bill No. 95, the provisions of this act or any other appropriation act of the 1996 regular session of the legislature making appropriations for Emporia state university for fiscal year 1996 or fiscal year 1997, expenditures shall be made by Emporia state university for the crediting and administering of vacation and sick leave credits for each employee of Emporia state university (1) who was previously employed as an employee of the memorial union corporation which is affiliated with Emporia state university, (2) whose position with such memorial union corporation was brought into the classified service under the Kansas civil service act on September 18, 1994, and (3) who had an accrued balance of vacation and sick leave credits for service with such memorial union corporation on September 17, 1994, in accordance with the following: On the effective date of this act, each such employee shall be credited with vacation and sick leave credits equal to the accrued balance of vacation and sick leave with which such employee was credited by such memorial union corporation as of September 17, 1994, which crediting of vacation and sick leave credits is hereby authorized and directed notwithstanding any provisions of the Kansas civil service act, or any rules and regulations or policies adopted thereunder, to the contrary: *Provided*, That, in any such case in which the resulting vacation leave balance credited to any such employee exceeds the maximum vacation leave accumulation permitted under any otherwise applicable rules and regulations and policies adopted under the Kansas civil service act, such employee may use all such vacation leave credits, which exceed such maximum vacation leave accumulation, during the period from the effective date of this act through October 31, 1996, notwithstanding any provisions of the Kansas civil service act, or any rules and regulations or policies adopted thereunder, to the contrary.

Sec. 18.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Other operating expenditures for utilities	
For the fiscal year ending June 30, 1996	\$34,103

(b) On July 1, 1996, of the \$24,831,422 appropriated for the above agency for the fiscal year ending June 30, 1997, by section 95(a) of 1996 Senate Bill No. 95 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$38,825 is hereby lapsed.

(c) On July 1, 1996, the expenditure limitation established by section 95(b) of 1996 Senate Bill No. 95 on the general fees fund is hereby increased from \$7,819,057 to \$7,891,985.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the restricted fees fund for the fiscal year ending June 30, 1997, as authorized by section 95(b) of 1996 Senate Bill No. 95, expenditures may be made by the above agency from the midwestern student exchange account of the restricted fees fund for fiscal year 1997, which account is hereby created in the restricted fees fund: *Provided*, That only students meeting the standards established for the

midwestern student exchange program by the Kansas commissioners of the midwestern higher education compact shall be admitted for any academic term commencing on or after July 1, 1996, under the midwestern student exchange program: *Provided, however*, That all students admitted under the midwestern student exchange program prior to July 1, 1996, shall be allowed to complete their individual programs of study as participants in the midwestern student exchange program: *Provided further*, That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited to the credit of the midwestern student exchange account of the restricted fees fund.

Sec. 19.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Other operating expenditures for utilities	
For the fiscal year ending June 30, 1996	\$39,612

(b) On July 1, 1996, of the \$25,471,298 appropriated for the above agency for the fiscal year ending June 30, 1997, by section 101(a) of 1996 Senate Bill No. 95 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$32,760 is hereby lapsed.

(c) On July 1, 1996, the expenditure limitation established by section 101(b) of 1996 Senate Bill No. 95 on the general fees fund is hereby increased from \$10,261,512 to \$10,310,512.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the restricted fees fund for the fiscal year ending June 30, 1997, as authorized by section 101(b) of 1996 Senate Bill No. 95, expenditures may be made by the above agency from the midwestern student exchange account of the restricted fees fund for fiscal year 1997, which account is hereby created in the restricted fees fund: *Provided*, That only students meeting the standards established for the midwestern student exchange program by the Kansas commissioners of the midwestern higher education compact shall be admitted for any academic term commencing on or after July 1, 1996, under the midwestern student exchange program: *Provided, however*, That all students admitted under the midwestern student exchange program prior to July 1, 1996, shall be allowed to complete their individual programs of study as participants in the midwestern student exchange program: *Provided further*, That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited to the credit of the midwestern student exchange account of the restricted fees fund.

Sec. 20.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

ROTC scholarship reimbursement	
For the fiscal year ending June 30, 1997	\$184,421

Provided, That all expenditures from the ROTC scholarship reimbursement account for reimbursements under 1996 Senate Bill No. 215 to any educational institution under the jurisdiction of the state board of regents shall be made as transfers to the general fees fund of such educational institution as a transaction between state agencies in accordance with subsection (b) of K.S.A. 75-5516 and amendments thereto.

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

S.B. 325 tuition and fee waiver reimbursement fund	
For the fiscal year ending June 30, 1997	\$0

Provided, That all expenditures from the S.B. 325 tuition and fee waiver reimbursement fund shall be for tuition and fee waiver reimbursement, in accordance with 1996 Senate Bill No. 325, for the dependents of public safety officers killed in the line of duty, pursuant to certification by the educational institutions submitted to the state board of regents during the fiscal year in which such tuition and fees were waived.

(c) Notwithstanding any provisions of the provisos prescribing guidelines for expenditures for the Kansas distinguished scholarship program from the state scholarship program account of the state general fund, as provided in section 105(a) of 1996 Senate Bill No. 95, all expenditures for fiscal year 1997 by the above agency from the state scholarship program account of the state general fund for the Kansas distinguished scholarship program shall be in accordance with and for the purposes authorized by K.S.A. 74-3278 through 74-3283, as amended by 1996 Senate Bill No. 404, for the Kansas distinguished scholarship program: *Provided*, That, notwithstanding the provisions of K.S.A. 74-3280, as amended by 1996 Senate Bill No. 404.

Sec. 21.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures	
For the fiscal year ending June 30, 1996	\$104,121
Civil air patrol—operating expenditures	
For the fiscal year ending June 30, 1997	\$11,585
Fire relief	
For the fiscal year ending June 30, 1996	\$100,000

Provided, That any unencumbered balance in the fire relief account in excess of \$100 as of June 30, 1996, is hereby reappropriated for fiscal year 1997: *Provided further*, That all expenditures from the fire relief account shall be to provide grants for supplemental fire-fighting funding to local fire departments to alleviate extreme budgetary shortfalls which were due to expenses incurred for fire containment efforts associated with the dry weather conditions in Kansas during spring 1996: *Provided, however*, That all such grants shall be matched by the local government on a \$1 for \$1 basis by additional funding provided to the local fire department from nonstate sources: *And provided further*, That no expenditures shall be made from the fire relief account except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto.

~~(b) There is appropriated for the above agency from the state general fund for the capital improvement projects and for the fiscal year or years specified, the following:~~

Job army—construct new addition	
For the fiscal year ending June 30, 1997	\$100,000
For the fiscal year ending June 30, 1998	\$155,500

(c) On July 1, 1996, the position limitation established by section 74 of 1996 Senate Bill No. 95 for the above agency is hereby decreased from 230.0 to 225.5.

Sec. 22.

STATE FAIR BOARD

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures	
For the fiscal year ending June 30, 1997	\$115,000

(b) In addition to the other purposes for which expenditures may be made by the above agency from the state fair capital improvements fund for the fiscal year ending June 30, 1997, as authorized by section 3(a) of 1996 Senate Bill No. 588, expenditures may be made by the above agency from the state fair capital improvements funds for fiscal year 1997 for the following specified capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Roof repairs	\$30,000
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Sec. 23.

DEPARTMENT OF WILDLIFE AND PARKS

(a) On July 1, 1996, the expenditure limitation established by section 144(b) of 1996 Senate Bill No. 95 on the wildlife fee fund account of the department of wildlife and parks is hereby increased from \$20,946,171 to \$21,121,171.

(b) In addition to the other purposes for which expenditures may be made by the above agency from the department access road fund for the fiscal year ending June 30, 1996, as authorized by section 18(c) of chapter 227 of the 1995 Session Laws of Kansas, expenditures may be made by the above agency from the department access road fund for fiscal year 1996 for road maintenance projects at Cedar Bluff state park: *Provided*, That such projects shall result in hard-surfaced, sealed roadways in both the north shore and south shore areas of Cedar Bluff state park.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or in one or more special revenue funds for the fiscal year ending June 30, 1996, as authorized by section 8 of chapter 229 of the 1995 Session Laws of Kansas, section 52 of chapter 270 of the 1995 Session Laws of Kansas, section 44 of 1995 Senate Bill No. 95, or this section, or for the fiscal year ending June 30, 1997, as authorized by section 144 of 1996 Senate Bill No. 95, or this section, expenditures may be made by the above agency from such appropriations for fiscal year 1996 and from such appropriations for fiscal year 1997 for operating expenditures for the issuance of licenses for controlled shooting areas for up to 160 acres in Haskell county licensed as one or more controlled shooting areas in addition to the acreage equal to 2% of the total acreage of the county, which licenses for controlled shooting areas located in Haskell county are hereby authorized notwithstanding the provisions of K.S.A. 32-944 and 32-945 and amendments thereto.

~~Sec. 24.~~

~~DEPARTMENT ON AGING~~

~~(a) On July 1, 1996, the position limitation established by section 94 of 1996 Senate Bill No. 95 for the above agency is hereby decreased from 30.8 to 38.8.~~

Sec. 25.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Medical assistance for long-term care	
For the fiscal year ending June 30, 1996	\$9,433,221
Adult care homes	
For the fiscal year ending June 30, 1997	\$1,100,521
Community based services	
For the fiscal year ending June 30, 1997	\$9,841,588
State operations	
For the fiscal year ending June 30, 1996	\$499,056
For the fiscal year ending June 30, 1997	\$30,875

(b) On July 1, 1996, the expenditure limitation established by section 115(b) of 1996 Senate Bill No. 95 on the state operations account of the social services clearing fund is hereby increased from \$244,411,749 to \$253,897,438.

(c) On July 1, 1996, of the \$168,485,645 appropriated for the above agency for the fiscal year ending June 30, 1997, by section 115(a) of 1996 Senate Bill No. 95 from the state general fund in the other medical assistance account, the sum of \$13,119,045 is hereby lapsed.

(d) On July 1, 1996, the expenditure limitation established by section 115(a) of 1996 Senate Bill No. 95 on expenditures from the reappropriated balance of the other medical assistance account of the state general fund is hereby increased from \$7,643 to \$6,240,824.

(e) On July 1, 1996, the expenditure limitation established by section 115(a) of 1996 Senate Bill No. 95 on expenditures from the reappropriated balance of the state operations account of the state general fund is hereby increased from \$57,425 to \$987,277.

(f) Notwithstanding any provisions of the provisos established by section 115(b) of 1996 Senate Bill No. 95 restricting expenditures by the above agency for the fiscal year ending June 30, 1997, from the social services clearing fund for the adoption and promulgation of rules and regulations or policy changes which would result in a reduction of the benefit levels for aid to families with dependent children below the amounts in existence on July 1, 1996, such restrictions on expenditures shall only apply to the promulgation of rules and regulations or policy changes which would result in an across the board reduction of the benefit levels for aid to families with dependent children below the amounts in existence on July 1, 1996.

(g) On July 1, 1996, the expenditure limitation established by section 115(a) of 1996 Senate Bill No. 95 on expenditures from the reappropriated balance of the cash assistance account of the state general fund is hereby increased from \$0 to \$1,621,456.

(h) On July 1, 1996, of the \$59,788,520 appropriated for the above agency for the fiscal year ending June 30, 1997, by section 115(a) of 1996 Senate Bill No. 95 from the state general fund in the cash assistance account, the sum of \$3,655,770 is hereby lapsed.

(i) On July 1, 1996, the expenditure limitation established by section 115(a) of 1996 Senate Bill No. 95 on expenditures from the reappropriated balance of the mental health and retardation services aid and assistance and state institutions operations account of the state general fund is hereby increased from \$2,192,508 to No limit.

(j) On July 1, 1996, of the \$115,803,779 appropriated for the above agency for the fiscal year ending June 30, 1997, by section 115(a) of 1996 Senate Bill No. 95 from the state general fund in the mental health and retardation services aid and assistance and state institutions operations account, the sum of \$7,355,236 is hereby lapsed.

(k) On July 1, 1996, the expenditure limitation established by section 115(b) of 1996 Senate Bill No. 95 on the title XIX fund is hereby increased from \$65,145,199 to \$69,145,199.

(l) On July 1, 1996, the expenditure limitation established by section 115(b) of 1996 Senate Bill No. 95 on the social welfare fund is hereby decreased from \$45,070,590 to \$41,070,590.

(m) No expenditures shall be made from the mental health and retardation services aid and assistance and state institutions operations account for the fiscal year ending June 30, 1997, until such time as \$100,000 from this account has been allocated to the parent assistance network.

(continued)

(n) In addition to the other purposes for which expenditures may be made by the above agency from the title XIX fund for the fiscal year ending June 30, 1997, as authorized by section 115(b) of 1996 Senate Bill No. 95, expenditures may be made by the above agency from the title XIX fund for fiscal year 1997 for transitional costs related to the closure of Topeka state hospital and Winfield state hospital and training center, including grants to community based providers of services to individuals with mental illness or developmental disabilities.

(o) In addition to the other purposes for which expenditures may be made by the above agency from the mental health and retardation services aid and assistance and state institutional operations account of the state general fund for the fiscal year ending June 30, 1997, as authorized by section 115(a) of 1996 Senate Bill No. 95, expenditures of not less than \$75,000 shall be made for fiscal year 1997 for a grant to the Kansas alliance for the mentally ill, expenditures of not less than \$75,000 shall be made for a grant to the Kansas mental illness awareness council, and expenditures of not less than \$260,000 shall be made for fiscal year 1997 for grants to local consumer-run organizations serving persons with mental illness.

(p) On July 1, 1996, the amounts specified in section 115(c) of 1996 Senate Bill No. 95 as being included in the mental health and retardation services aid and assistance and state institutions operations account of the state general fund for the following institutions are hereby changed to the amounts specified therefor, but expenditures from the mental health and retardation services aid and assistance and state institutions operations account of the state general fund for any such institution shall not be limited to or be required to be made in the amount listed for the institution, as follows: (1) The amount for Kansas neurological institute is hereby increased from \$13,472,982 to \$13,489,102; (2) the amount for Larned state hospital is hereby increased from \$14,872,586 to \$14,901,674; (3) the amount for Osawatomie state hospital is hereby increased from \$6,248,772 to \$6,265,042; (4) the amount for Parsons state hospital and training center is hereby increased from \$7,880,774 to \$7,890,228; (5) the amount for Rainbow mental health facility is hereby increased from \$2,901,017 to \$2,919,070; (6) the amount for Topeka state hospital is hereby increased from \$5,079,245 to \$5,092,940; (7) the amount for Winfield state hospital and training center is hereby decreased from \$12,628,739 to \$12,593,665; and (8) the amount for community services aid and assistance is hereby decreased from \$54,912,172 to \$48,012,172.

(q) In addition to the purposes for which expenditures may be made by the above agency for the fiscal year ending June 30, 1997, the secretary of social and rehabilitation services may make expenditures and take other necessary actions to begin the transfer of the administration of certain long-term care programs, including the nursing facility services payment program, the home and community based nursing facility waiver program, and the income eligible (home care) program, to the secretary of aging: *Provided*, That, other than the nursing facility programs, the programs transferred to the secretary of aging shall not include long-term care programs for persons under the age of 65 years with mental illness, mental retardation or other mental disabilities or with physical disabilities: *Provided further*, That all such transfers shall be made only in accordance with federal grant requirements related to such programs: *And provided further*, That area agencies on aging or other community service providers shall be designated as the point of entry for older Kansans into the long-term care service system: *And provided further*, That the secretary of social and rehabilitation services may assign all officers and employees of the department of social and rehabilitation services who are engaged in the exercise and performance of the powers, duties and functions of the programs transferred to the department on aging.

(r) In addition to the other purposes for which expenditures may be made by the above agency for the fiscal years ending June 30, 1996, and June 30, 1997, the secretary of social and rehabilitation services may make expenditures and may take other necessary actions to implement the provisions of the developmental disabilities reform act, including the adoption of rules and regulations pursuant to the developmental disabilities reform act: *Provided*, That such rules and regulations shall include provisions for quality assurance to be provided by local committees of consumers, their families or guardians, interested citizens and service providers, which committees are organized for the purpose of assuring for each individual the quality of life which has been specified in the lifestyle plan for each individual: *Provided, however*, That the type and intensity of on-site review for such quality assurance shall be determined by such local committees operating under broad parameters prescribed by the secretary and in accordance with a plan submitted by each such local

committee to the secretary for review and comment: *Provided further*, That the secretary shall establish a special care rates review board for special care rates for persons who are developmentally disabled and who have severe medical, behavioral or adaptive disabilities which require specialized or additional community supports: *And provided further*, That the special care rates review board shall be composed of consumer representatives, representatives of community developmental disability organizations, representatives of affiliates and staff of the department of social and rehabilitation services: *And provided further*, That, in implementing the provisions of the developmental disabilities reform act, the secretary shall allow affiliates with 20 or more direct care employees to contract with and be reimbursed directly through the department and its medicaid management information system provider: *And provided further*, That the secretary shall submit any disputes regarding rules and regulations adopted to implement the developmental disabilities reform act to mediation with an attorney who is not employed by the department and the following entities shall be deemed to be interested parties and shall be entitled to a representative at such mediation: (1) Consumer groups, (2) community developmental disability organizations, (3) affiliates, and (4) the department: *And provided further*, That the words and phrases used in this subsection have the meanings respectively ascribed to such words and phrases by K.S.A. 1995 Supp. 39-1803 and amendments thereto.

(s) In addition to the other purposes for which expenditures may be made by the above agency from the mental health and retardation services aid and assistance and state institutions operations account of the state general fund for the fiscal year ending June 30, 1997, as authorized by section 115(a) of 1996 Senate Bill No. 95, expenditures shall be made by the above agency from the mental health and retardation services aid and assistance and state institutions operations account of the state general fund for fiscal year 1997 in accordance with an allocation adopted for expenditures during the fiscal year ending June 30, 1997, which allocation is hereby authorized and directed to be made by the above agency for fiscal year 1997, which allocation shall be of an amount of not less than \$3,000,000 of the moneys appropriated in such account, and which allocation shall be an allocation among community developmental disability organizations and proportionately based in accordance with the following: The funding shall be distributed among community developmental disability organizations proportionately by multiplying the amount to be allocated by the result obtained by dividing (1) the aggregate of the number of clients served by the community developmental disability organization, as identified in the consolidated grant agreement between the community developmental disability organization and the department of social and rehabilitation services, and the number of clients served by the community developmental disability organization with funding through the home and community services waiver program for the developmentally disabled, by (2) the aggregate of the number of clients served by all community developmental disability organizations, as identified in the consolidated grant agreement between the community developmental disability organizations and the department of social and rehabilitation services, and the number of clients served by all community developmental disability organizations with funding through the home and community services waiver program for the developmentally disabled: *Provided*, That in addition to other purposes for which such funding may be expended by the community developmental disability organizations, such funding may be expended by the community developmental disability organizations for costs incurred by such organizations as a result of the implementation of the provisions of the developmental disabilities reform act.

(t) In addition to the other purposes for which expenditures may be made by the above agency from appropriations made for the fiscal year ending June 30, 1997, as authorized by section 115 of 1996 Senate Bill No. 95, by this or any other section of this act, or by any other appropriation act of the 1996 regular session of the legislature, expenditures may be made by the department of social and rehabilitation services from such appropriations to continue development of a collaborative community-based medicaid managed care model in such counties as are the subject of a waiver obtained by the department of social and rehabilitation services for Kansas from the health care finance administration pursuant to section 1115 of the federal social security act, and such other counties as may be appropriate, and to prepare and submit a report to the legislature on or before January 1, 1997, regarding the extent and results of the activities of the department of social and rehabilitation services to develop such collaborative community-based medicaid managed care model.

(u) The expenditure of \$668,473 for the development and provision of community-based services for children with severe emotional disturbance authorized to be made from the mental health and retardation services aid and assistance and state institutions operations account of the state general fund under section 115(a) of 1996 Senate Bill No. 95 shall be made by the above agency in accordance with the formula used for distribution of mental health reform funding.

(v) In addition to the other purposes for which expenditures may be made by the above agency from the state hospital closure account of the state general fund for the fiscal year ending June 30, 1997, as authorized by section 115(a) of 1996 Senate Bill No. 95, expenditures may be made in accordance with the provisions of 1996 House Substitute for Senate Bill No. 388, including expenditures for the payment of such additional compensation or benefits as are authorized or prescribed by 1996 House Substitute for Senate Bill No. 388 for employees of Winfield state hospital and training center or Topeka state hospital.

Sec. 26.

KANSAS NEUROLOGICAL INSTITUTE

(a) In addition to any other purposes for which expenditures may be made by the above agency from the rehabilitation and repair account of the state institutions building fund for the fiscal year ending June 30, 1996, or the fiscal year ending June 30, 1997, the above agency is hereby authorized to make expenditures from the rehabilitation and repair account of the state institutions building fund for fiscal year 1996 and fiscal year 1997 to raze buildings numbered 36300-00010, 36300-00011, 36300-00014, 36300-00016, 36300-00017, 36300-00019, 36300-00020, 36300-00021. *Provided, however,* That no expenditures shall be made for razing such buildings until such razing projects have been reviewed by the joint committee on state building construction.

(b) On the effective date of this act, of the \$12,630,377 appropriated for the above agency for the fiscal year ending June 30, 1996, by section 3(a) of chapter 219 of the 1995 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$1,127 is hereby lapsed.

Sec. 27.

WINFIELD STATE HOSPITAL AND TRAINING CENTER

(a) On July 1, 1996, the position limitation established by section 117(a) of 1996 Senate Bill No. 95 for the above agency is hereby decreased from 769.5 to 768.5.

(b) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures	
For the fiscal year ending June 30, 1996	\$1,085

Sec. 28.

KANSAS HUMAN RIGHTS COMMISSION

(a) On the effective date of this act, of the \$143,254 appropriated for the above agency for the fiscal year ending June 30, 1996, by section 4(a) of chapter 177 of the 1995 Session Laws of Kansas from the state general fund in the municipal contract investigative services account, the sum of \$20,592 is hereby lapsed.

(b) Notwithstanding the provisions of section 4(a) of chapter 177 of the 1995 Session Laws of Kansas, all expenditures for fiscal year 1996 made from the operating expenditures account of the state general fund by the Kansas human rights commission for mediation services contracted with Kansas legal services shall be made only upon certification by the executive director of the human rights commission to the director of accounts and reports that private moneys are available to match the expenditure of state moneys on a \$1 of private moneys to \$3 of state moneys basis: *Provided,* That such matching requirement shall be applied retroactively for all expenditures for fiscal year 1996 from the operating expenditures account for such mediation services for which certifications were made and for which amounts were expended prior to the effective date of this act and such matching requirement shall apply on and after the effective date of this act for expenditures for fiscal year 1996 from the operating expenditures account for such mediation services: *Provided further,* That the aggregate of all expenditures for fiscal year 1996 from the operating expenditures account for such mediation services shall not exceed \$100,000.

Sec. 29.

KANSAS STATE BOARD OF COSMETOLOGY

(a) On July 1, 1996, the expenditure limitation established for the fiscal year ending June 30, 1997, by section 8(a) of chapter 224 of the 1995 Session Laws of Kansas on the cosmetology fee fund is hereby increased from \$438,433 to \$441,210.

Sec. 30.

STATE BANK COMMISSIONER

(a) On July 1, 1996, the expenditure limitation established for the fiscal year ending June 30, 1997, by section 81(a) of 1996 Senate Bill No. 95 on the bank commissioner fee fund is hereby decreased from \$3,677,126 to \$3,643,395.

(b) On July 1, 1996, the position limitation established for the fiscal year ending June 30, 1997, by section 22 of chapter 224 of the 1995 Session Laws of Kansas for the above agency is hereby decreased from 73.0 to 72.0.

Sec. 31.

CONSUMER CREDIT COMMISSIONER

(a) On July 1, 1996, the expenditure limitation established for the fiscal year ending June 30, 1997, by section 13(a) of chapter 224 of the 1995 Session Laws of Kansas on the consumer credit fee fund is hereby increased from \$334,531 to \$362,478.

(b) On July 1, 1996, the position limitation established for the fiscal year ending June 30, 1997, by section 22 of chapter 224 of the 1995 Session Laws of Kansas for the above agency is hereby increased from 6.0 to 7.0.

Sec. 32.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures—veterans affairs	
For the fiscal year ending June 30, 1997	\$22,523
Operating expenditures—Kansas soldiers' home	
For the fiscal year ending June 30, 1997	\$150,000

(b) On July 1, 1996, the position limitation established by section 94 of 1996 Senate Bill No. 95 for the above agency is hereby increased from 188.8 to 189.8.

Sec. 33.

STATE DEPARTMENT OF CREDIT UNIONS

(a) On July 1, 1996, the expenditure limitation established for the fiscal year ending June 30, 1997, by section 9(a) of chapter 224 of the 1995 Session Laws of Kansas on the credit union fee fund is hereby decreased from \$712,571 to \$705,859.

Sec. 34.

KANSAS BOARD OF BARBERING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 1996, by the state finance council on the barber examiner fee fund is hereby increased from \$95,190 to \$97,520.

Sec. 35.

KANSAS DENTAL BOARD

(a) On July 1, 1996, the expenditure limitation established for the fiscal year ending June 30, 1997, by section 10(a) of chapter 224 of the 1995 Session Laws of Kansas on the dental board fee fund is hereby decreased from \$206,743 to \$185,694.

Sec. 36.

STATE LIBRARY

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures	
For the fiscal year ending June 30, 1997	\$1,452

Sec. 37.

SECRETARY OF STATE

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures	
For the fiscal year ending June 30, 1996	\$14,112
Aid to counties for implementation of the national voter registration act	
For the fiscal year ending June 30, 1996	\$400,000

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

Athlete agent registration fee fund	
For the fiscal year ending June 30, 1997	No limit

(c) On July 1, 1996, the director of accounts and reports shall transfer \$40,000 from the state general fund to the athlete agent registration fee fund: *Provided,* That \$40,000 shall be reimbursed to the state general fund during ensuing fiscal years.

(continued)

(d) On and after December 15, 1996, in addition to the other purposes for which expenditures may be made by the above agency from the operating expenditures account of the state general fund for the fiscal year ending June 30, 1997, expenditures shall be made by the above agency from the operating expenditures account of the state general fund for fiscal year 1997 for an additional amount of biweekly compensation for the secretary of state equal to \$60.01 per biweekly pay period: *Provided*, That expenditures for such purpose shall be made in the same manner and at the same times that biweekly compensation is payable to the secretary of state for the biweekly pay periods which commence on or after December 15, 1996, and which are chargeable to fiscal year 1997.

Sec. 38.

LEGISLATURE

(a) In addition to other purposes for which expenditures may be made by the above agency from the operations (including official hospitality) account of the state general fund for fiscal year 1997, expenditures for fiscal year 1997 shall be made for the operating expenditures of the natural gas gathering task force as provided in 1996 Senate Substitute for House Bill No. 2041.

(b) Notwithstanding the provisions of 1996 House Bill No. 2600, expenditures shall be made by the above agency from the operations (including official hospitality) account of the state general fund for fiscal year 1997 for the operating expenditures of the retail wheeling task force as provided in 1996 House Bill No. 2600.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 1997, expenditures shall be made by the above agency from the operations (including official hospitality) account of the state general fund for fiscal year 1997 (1) for an additional amount of per diem compensation equal to \$1.63 per calendar day for service at the regular session or special session of the legislature occurring on or after February 27, 1997, for each member of the legislature, and (2) for an additional amount of per diem compensation equal to \$1.63 per calendar day for each member of the legislature and for any other public officer or person for any calendar day occurring on or after February 27, 1997, for which per diem compensation is payable from appropriations for the legislature to such member of the legislature, public officer or person under K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto: *Provided*, That expenditures for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislature, public officials and persons for the biweekly pay periods for which such per diem compensation for calendar days occurring on or after February 27, 1997, is payable and which are chargeable to fiscal year 1997.

(d) On and after December 15, 1996, in addition to the other purposes for which expenditures may be made by the above agency from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 1997, expenditures shall be made by the above agency from the operations (including official hospitality) account of the state general fund for fiscal year 1997 for an additional amount of biweekly compensation for the following legislative officers as follows: (1) For the president of the senate and the speaker of the house of representatives equal to \$9.94 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions, (2) for the speaker pro tem of the house of representatives, the vice president of the senate, the assistant majority leaders of the senate and house of representatives, and the assistant minority leaders of the senate and house of representatives equal to \$5.08 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions, (3) for the chairperson of the senate committee on ways and means and the chairperson of the house of representatives committee on appropriations equal to \$8.00 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions, and (4) for the majority leaders of the senate and house of representatives equal to \$8.97 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions: *Provided*, That expenditures for such purpose shall be made in the same manner and at the same times that biweekly compensation is payable to such legislative officers under K.S.A. 46-137b and amendments thereto for the biweekly pay periods which commence on or after December 15, 1996, and which are chargeable to fiscal year 1997.

Sec. 39.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Central administration operations and parole and postrelease supervision operations	
For the fiscal year ending June 30, 1997	\$10,355,081
Renovate A&T building at Lansing correctional facility	
For the fiscal year ending June 30, 1997	\$1,500,000
Construct industries building at El Dorado correctional facility	
For the fiscal year ending June 30, 1997	\$750,000
Community corrections	
For the fiscal year ending June 30, 1997	\$200,000

(b) On July 1, 1996, of the \$112,507,114 appropriated for the above agency for the fiscal year ending June 30, 1997, by section 120(a) of 1996 Senate Bill No. 95 from the state general fund in the facilities operations account, the sum of \$12,004,865 is hereby lapsed.

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

Hutchinson correctional facility—alien incarceration grant fund—federal	
For the fiscal year ending June 30, 1996	No limit
For the fiscal year ending June 30, 1997	No limit
Lansing correctional facility—alien incarceration grant fund—federal	
For the fiscal year ending June 30, 1996	No limit
For the fiscal year ending June 30, 1997	No limit

(d) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year or years specified, for the capital improvement project or projects specified as follows:

Construct entrance building at Hutchinson correctional facility	
For the fiscal year ending June 30, 1997	\$63,100

(e) On July 1, 1996, of the \$4,006,228 appropriated for the above agency for the fiscal year ending June 30, 1997, by section 8(b) of 1996 Senate Bill No. 588 from the correctional institutions building fund in the capital improvements—rehabilitation, remodeling, renovation and repair of correctional institutions account, the sum of \$63,100 is hereby lapsed.

(f) On July 1, 1996, the amounts specified in section 120(c) of 1996 Senate Bill No. 95 as being included in the facilities operations account of the state general fund for the following correctional institutions and facilities are hereby changed to the amounts specified therefor, but expenditures from the facilities operations account of the state general fund shall not be limited to or be required to be made in the amount listed for the correctional institution or facility, as follows: (1) The amount for the Topeka correctional facility is hereby decreased from \$12,353,400 to \$11,056,447; (2) the amount for the Hutchinson correctional facility is hereby decreased from \$22,331,104 to \$19,800,533; (3) the amount for the Lansing correctional facility is hereby decreased from \$30,583,145 to \$27,767,520; (4) the amount for the Ellsworth correctional facility is hereby decreased from \$8,450,861 to \$7,515,388; (5) the amount for the Winfield correctional facility is hereby decreased from \$4,955,814 to \$3,967,983; (6) the amount for the Norton correctional facility is hereby decreased from \$10,356,817 to \$9,211,340; (7) the amount for the El Dorado correctional facility is hereby decreased from \$16,735,442 to \$14,966,833; (8) the amount for the Larned correctional mental health facility is hereby decreased from \$6,041,941 to \$5,824,925; (9) the amount for the Wichita work release facility is hereby decreased from \$2,105,015 to \$1,797,705.

(g) On July 1, 1996, the position limitation established by section 122 of 1996 Senate Bill No. 95 for the above agency is hereby decreased from 3,017.5 to 2,952.5.

(h) On the effective date of this act, of the \$453,857 appropriated for the above agency for the fiscal year ending June 30, 1996, by section 45(a) of 1996 Senate Bill No. 95 from the state general fund in the local jail payment account, the sum of \$155,000 is hereby lapsed.

Sec. 40.

KANSAS SENTENCING COMMISSION

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

Sentencing commission forfeiture fund	
For the fiscal year ending June 30, 1996	No limit
For the fiscal year ending June 30, 1997	No limit

~~(b) On the effective date of this act, the director of accounts and reports shall transfer \$225,000 from the federal forfeiture fund of the Kansas highway patrol to the sentencing commission forfeiture fund of the Kansas sentencing commission.~~

(c) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures	
For the fiscal year ending June 30, 1997	\$185,000
Sec. 41.	

STATE TREASURER

(a) On July 1, 1996, of the \$1,750,154 appropriated for the above agency for the fiscal year ending June 30, 1997, by section 58(a) of 1996 Senate Bill No. 95 from the state general fund in the operating expenditures account, the sum of \$60,567 is hereby lapsed.

(b) On January 1, 1997, the position limitation established by section 61 of 1996 Senate Bill No. 95 for the above agency is hereby decreased from 57.5 to 56.5.

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

Pooled money investment portfolio fee fund	
For the fiscal year ending June 30, 1996	No limit
For the fiscal year ending June 30, 1997	No limit

(d) On and after December 15, 1996, in addition to the other purposes for which expenditures may be made by the above agency from the operating expenditures account of the state general fund for the fiscal year ending June 30, 1997, expenditures shall be made by the above agency from the operating expenditures account of the state general fund for fiscal year 1997 for an additional amount of biweekly compensation for the state treasurer equal to \$60.01 per biweekly pay period. *Provided*, That expenditures for such purpose shall be made in the same manner and at the same times that biweekly compensation is payable to the state treasurer for the biweekly pay periods which commence on or after December 15, 1996, and which are chargeable to fiscal year 1997.

Sec. 42.

DEPARTMENT OF ADMINISTRATION

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

Memorial hall renovation fund	
For the fiscal year ending June 30, 1997	No limit

Provided, That the department of administration may make expenditures from the Memorial hall renovation fund for the capital improvement project to renovate and equip Memorial hall in an amount of not more than the total of \$4,830,000 plus all amounts required for the cost of bond issuance, the cost of interest on the bonds during the construction of the project and the required reserves for the payment of principal and interest on the bonds: *Provided further*, That such capital improvement project is hereby approved for the department of administration for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *And provided further*, That no bonds shall be issued for Memorial hall renovation until the department of administration reports to the joint committee on state building construction regarding the Memorial hall renovation project, and until the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed by subsection (c) of K.S.A. 75-3711c and amendments thereto, has authorized issuance of the bonds upon its review of the joint committee's recommendation: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund: *And provided further*, That such capital improvement project to renovate and equip Memorial hall is exempt from the provisions of K.S.A. 75-2724 and amendments thereto.

Wyandotte county consolidation study fund	
For the fiscal year ending June 30, 1996	No limit
For the fiscal year ending June 30, 1997	No limit

Provided, That the department of administration may make expenditures from the Wyandotte county consolidation study fund for expenses relating to a study of consolidation of Wyandotte county and Kansas City, Kansas.

Kansas performance review board fund	
For the fiscal year ending June 30, 1997	\$150,000

Closure health insurance fund	
For the fiscal year ending June 30, 1997	No limit
For the fiscal year ending June 30, 1998	No limit

Closure term life insurance fund	
For the fiscal year ending June 30, 1997	No limit
For the fiscal year ending June 30, 1998	No limit

(b) On July 1, 1996, or as soon thereafter as moneys are available, upon request of the director of the budget, the director of accounts and

reports shall transfer \$50,000 from the strategic action grants subaccount of the Kansas economic development endowment account of the state economic development initiatives fund of the department of commerce and housing to the Wyandotte county consolidation study fund of the department of administration.

(c) On July 1, 1996, of the \$2,245,600 appropriated for the above agency for the fiscal year ending June 30, 1997, by section 80(a) of 1996 Senate Bill No. 95 from the state general fund in the facilities management account, the sum of \$29,093 is hereby lapsed.

(d) On July 1, 1996, the position limitation established by section 86 of 1996 Senate Bill No. 95 for the above agency is hereby decreased from 897.4 to 884.4.

(e) On July 1, 1996, the expenditure limitation established by section 80(b) of 1996 Senate Bill No. 95 on the state buildings operating fund is hereby decreased from \$9,520,811 to \$9,489,505.

(f) On July 1, 1996, the expenditure limitation established by section 80(b) of 1996 Senate Bill No. 95 on the motor pool service fund is hereby decreased from \$2,834,978 to \$2,798,038.

(g) On July 1, 1996, the expenditure limitation established by section 80(b) of 1996 Senate Bill No. 95 on the architectural services recovery fund is hereby increased from \$718,716 to \$825,577.

(h) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Public broadcasting capital equipment grants	
For the fiscal year ending June 30, 1997	\$90,611

(i) The state director of the budget is hereby directed to prepare and submit a written report no later than January 22, 1997, to the committee on ways and means of the senate and the committee on appropriations of the house of representatives regarding the expenditures by state agencies for longevity bonus payments in fiscal year 1997 pursuant to K.S.A. 75-5541 and amendments thereto. The report shall include the total estimated longevity bonus payments for fiscal year 1997 financed from the state general fund and all funds for each state agency, the number of state employees by agency that have or will receive longevity bonus payments during fiscal year 1997, the change in each state agency's salary and wage shrinkage rates as a result of paying the full longevity bonus payments and any other pertinent information relating to the financing plan for longevity bonus payments for fiscal year 1997.

(j) On July 1, 1996, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$150,000 from the Kansas economic development endowment account of the state economic development initiatives fund of the department of commerce and housing to the Kansas performance review board fund of the department of administration.

(k) On or after July 1, 1996, or as soon thereafter as moneys are available, upon request of the secretary of administration, the director of accounts and reports shall make periodic transfers during fiscal year 1997 and fiscal year 1998 in amounts specified by the secretary of administration from the state hospital closure account of the state general fund of the department of social and rehabilitation services to the closure health insurance fund of the department of administration.

~~(l) On July 1, 1996, or as soon thereafter as moneys are available, upon request of the secretary of administration, the director of accounts and reports shall transfer \$20,000 from the group insurance reserve of the Kansas public employees retirement fund of the Kansas public employees retirement system to the closure term life insurance fund of the department of administration.~~

Sec. 43.

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

(a) On the effective date of this act, of the \$1,180,000 appropriated for the above agency for the fiscal year ending June 30, 1996, by section 29(a) of chapter 270 of the 1995 Session Laws of Kansas from the state general fund in the capital defense operations account, the sum of \$619,000 is hereby lapsed.

(b) On the effective date of this act, of the \$423,234 appropriated for the above agency for the fiscal year ending June 30, 1996, by section 29(a) of chapter 270 of the 1995 Session Laws of Kansas from the state general fund in the regional defense delivery system expansion operations account, the sum of \$323,000 is hereby lapsed.

(c) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures	
For the fiscal year ending June 30, 1996	\$942,000

(continued)

Sec. 44.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Judiciary operations
For the fiscal year ending June 30, 1997 \$60,000

Provided, That in addition to other purposes for which expenditures may be made from the judiciary operations account for fiscal year 1997, expenditures may be made for carpeting for the Kansas judicial center.

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

Access to justice fund
For the fiscal year ending June 30, 1997 No limit
Kansas endowment for youth trust fund
For the fiscal year ending June 30, 1997 No limit

(c) In addition to the other purposes for which expenditures may be made by the above agency from the judiciary operations account of the state general fund for fiscal year 1997 (1) for an additional amount of per diem compensation equal to \$1.63 per calendar day for each member of the advisory council on dispute resolution for any calendar day occurring on or after February 27, 1997, for which per diem compensation is payable to such member of the advisory council on dispute resolution under K.S.A. 5-505 and amendments thereto who is entitled, in accordance with subsection (e) of K.S.A. 75-3223 and amendments thereto, to receive such per diem compensation as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto; and (2) for an additional amount of per diem compensation equal to \$1.63 per calendar day for each retired justice or judge who performs judicial service or duties under K.S.A. 20-2616 and amendments thereto for each calendar day occurring on or after February 27, 1997, for which per diem compensation is payable to such retired justice or judge under K.S.A. 20-2616 and amendments thereto: *Provided*, That expenditures for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the advisory council on dispute resolution or to such retired justices or judges for the biweekly pay periods for which such per diem compensation for calendar days occurring on or after February 27, 1997, is payable and which are chargeable to fiscal year 1997.

Sec. 45.

ATTORNEY GENERAL—KANSAS BUREAU OF INVESTIGATION

(a) On July 1, 1996, of the \$10,070,377 appropriated for the above agency for the fiscal year ending June 30, 1997, by section 66(a) of 1996 Senate Bill No. 95 from the state general fund in the operating expenditures account, the sum of \$347 is hereby lapsed.

(b) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Roof replacement—headquarters building
For the fiscal year ending June 30, 1996 \$46,575

Provided, That any unencumbered balance in the roof replacement—headquarters building account in excess of \$100 as of June 30, 1996, is hereby reappropriated for fiscal year 1997.

(c) On July 1, 1996, the position limitation established by section 74 of 1996 Senate Bill No. 95 for the above agency is hereby increased from 192.0 to 194.5: *Provided*, That within such position limitation, the above agency is hereby authorized to convert two existing unclassified temporary special investigator positions to classified regular positions.

Sec. 46.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

General state aid
For the fiscal year ending June 30, 1996 \$1,299,000
For the fiscal year ending June 30, 1997 \$14,816,000

Provided, That any unencumbered balance in the general state aid account in excess of \$100 as of June 30, 1996, is hereby reappropriated for fiscal year 1997.

Supplemental general state aid
For the fiscal year ending June 30, 1997 \$296,000
School district juvenile detention facilities and Flint Hills job corps center grants
For the fiscal year ending June 30, 1997 \$271,694

Any unencumbered balance in the supplemental general state aid account in excess of \$100 as of June 30, 1996, is hereby reappropriated for fiscal year 1997.

(b) On July 1, 1996, of the \$48,672,000 appropriated for the above agency for the fiscal year ending June 30, 1997, by section 119(a) of 1996 Senate Bill No. 95 from the state general fund in the supplemental general state aid account, the sum of \$385,000 is hereby lapsed.

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

Tuition and fee waiver reimbursement fund
For the fiscal year ending June 30, 1997 \$0

Provided, That all expenditures from the tuition and fee waiver reimbursement fund shall be for tuition and fee waiver reimbursement, in accordance with 1996 Senate Bill No. 325, for the dependents of public safety officers killed in the line of duty, pursuant to certification by educational institutions submitted to the state board of education during the fiscal year in which such tuition and fees were waived.

Sec. 47.

ATTORNEY GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures
For the fiscal year ending June 30, 1997 \$91,743

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

Child exchange and visitation centers fund
For the fiscal year ending June 30, 1997 No limit
Debt collection administration cost recovery fund

For the fiscal year ending June 30, 1997 No limit

Provided, That the attorney general shall deposit to the credit of the debt collection administration cost recovery fund all moneys remitted to the attorney general as administrative costs under contracts entered into pursuant to the provisions of 1996 Senate Substitute for House Bill No. 2012: *Provided further*, That the attorney general shall authorize the director of accounts and reports to transfer \$30,000 from this fund to the state general fund at such time as receipts to this fund are sufficient to sustain expenditures for administering and monitoring such contracts as well as to repay the state general fund money advanced for such purpose: *And provided further*, That, upon receipt of such authorization, the director of accounts and reports shall transfer \$30,000 from the debt collection administration cost recovery fund to the state general fund.

Medicaid fraud reimbursement fund

For the fiscal year ending June 30, 1997 No limit

Medicaid fraud prosecution revolving fund

For the fiscal year ending June 30, 1997 No limit

Provided, That the attorney general shall deposit to the credit of the medicaid fraud prosecution revolving fund all reasonable expenses that have been necessarily incurred in the enforcement of the Kansas medicaid fraud control act created by 1996 House Bill No. 2700 that have been collected from any person convicted of a violation of that act: *Provided further*, That the attorney general shall authorize the director of accounts and reports to transfer \$29,082 from this fund to the state general fund at such time as receipts to this fund are sufficient to meet the federal matching requirement from nonfederal sources as well as to repay the state general fund money advanced for such purpose: *And provided further*, That, upon receipt of such authorization, the director of accounts and reports shall transfer \$29,082 from the medicaid fraud prosecution revolving fund to the state general fund.

(c) On July 1, 1996, the position limitation established by section 61 of 1996 Senate Bill No. 95 for the above agency is hereby increased from 81.0 to 86.0.

(d) On and after December 15, 1996, in addition to the other purposes for which expenditures may be made by the above agency from the operating expenditures account of the state general fund for the fiscal year ending June 30, 1997, expenditures shall be made by the above agency from the operating expenditures account of the state general fund for fiscal year 1997 for an additional amount of biweekly compensation for the attorney general equal to \$69.01 per biweekly pay period: *Provided*, That expenditures for such purpose shall be made in the same manner and at the same times that biweekly compensation is payable to the attorney general for the biweekly pay periods which commence on or after December 15, 1996, and which are chargeable to fiscal year 1997.

Sec. 48.

DEPARTMENT OF HUMAN RESOURCES

(a) On July 1, 1996, of the \$1,387,193 appropriated for the above agency for the fiscal year ending June 30, 1997, by section 89(a) of 1996 Senate Bill No. 95 from the state general fund in the operating expenditures account, the sum of \$857 is hereby lapsed.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, all moneys now or hereafter lawfully credited to and available in such fund

or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

One stop career center system fund
For the fiscal year ending June 30, 1997 \$500,000

Provided, That the department of human resources shall report, on a quarterly basis, beginning July 1, 1996, to the joint committee on computers and telecommunications regarding the implementation of the one-stop career center system and the status of securing federal matching funds for the system.

(c) On July 1, 1996, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$500,000 from the Kansas economic development endowment account of the state economic development initiatives fund to the one stop career center system fund of the department of human resources.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the operating expenditures account of the state general fund for the fiscal year ending June 30, 1996, as authorized by section 3(a) of chapter 229 of the 1995 Session Laws of Kansas and from the operating expenditures account of the state general fund for the fiscal year ending June 30, 1997, as authorized by section 89(a) of 1996 Senate Bill No. 95, expenditures may be made by the above agency from the operating expenditures account of the state general fund for fiscal year 1996 and for fiscal year 1997 and from the neighborhood improvement and youth employment fund for fiscal year 1997 for the purpose of establishing and carrying out programs that provide employment opportunities during the summer months and after school to individuals through payments for labor and related costs associated with the repair, maintenance and renovation of essential community facilities, all in accordance with the provisions of K.S.A. 1995 Supp. 44-1401, 44-1403, 44-1405, 44-1406, 44-1407 and 44-1409, as such statutes existed prior to December 31, 1995, and sections 1, 2 and 3 of 1996 House Bill No. 2883, as approved by the governor: *Provided*, That the aggregate of all expenditures for such purpose from the operating expenditures account of the state general fund for fiscal year 1996 and for fiscal year 1997 shall not exceed \$71,259: *Provided further*, That all expenditures for such purpose for fiscal year 1997 from the reappropriated balance in the operating expenditures account of the state general fund shall be in addition to any expenditure limitation on the reappropriated balance in the operating expenditures account of the state general fund.

(e) On July 1, 1996, the expenditure limitation established by section 89(b) of 1996 Senate Bill No. 95 on the wage claims assignment fee fund is hereby increased from \$0 to No limit.

(f) On July 1, 1996, the expenditure limitation established by section 89(b) of 1996 Senate Bill No. 95 on the workmen's compensation fee fund is hereby decreased from \$7,068,214 to \$6,962,411.

(g) On July 1, 1996, the position limitation established by section 94 of 1996 Senate Bill No. 95 for the above agency is hereby decreased from 1,034.5 to 1,015.5.

Sec. 49.

DEPARTMENT OF COMMERCE AND HOUSING

(a) On July 1, 1996, the expenditure limitation established by section 111(c) of 1996 Senate Bill No. 95 on the Kansas economic development endowment account of the state economic development initiatives fund is hereby increased from \$13,491,244 to \$14,047,750.

(b) In addition to the other purposes for which expenditures may be made by the above agency from the Kansas economic development endowment account of the state economic development initiatives fund for the fiscal year ending June 30, 1997, as authorized by section 111(d) of 1996 Senate Bill No. 95, expenditures may be made by the above agency from the Kansas economic development endowment account of the state economic development initiatives fund for fiscal year 1997 for the industrial agriculture program in accordance with a contract entered into by the secretary of commerce and housing and the president of the Kansas technology enterprise corporation which shall provide for the administration of the industrial agriculture program by the Kansas technology enterprise corporation, which contract is hereby authorized and directed to be entered into by the secretary of commerce and housing and the president of the Kansas technology enterprise corporation for this purpose.

(c) In addition to the purposes for which expenditures may be made by the above agency from the Kansas economic development endowment account of the state economic development initiatives fund for the fiscal year ending June 30, 1997, expenditures may be made by the above agency from the Kansas economic development endowment account of the state economic development initiatives fund during fiscal year 1997 for the following, subject to the expenditure limitation prescribed therefor:

Training equipment grant program \$250,000

Provided, That no grant under the training equipment grant program shall be awarded by the secretary of commerce and housing without the approval of the board of directors of the Kansas technology enterprise corporation.

(d) The secretary of commerce and housing is hereby authorized to fix, charge and collect fees during the fiscal years ending June 30, 1996, and June 30, 1997, for (1) the services provided under the low-income housing tax credit program, private activity bond program, mortgage certificates/mortgage revenue bond program and under other programs of the department of commerce and housing providing similar services and for which fees are not specifically prescribed by statute, (2) the provision and administration of conferences held for the purposes of programs and activities of the department of commerce and housing and for which fees are not specifically prescribed by statute, (3) sale of Kansas magazine and other publications of the department of commerce and housing and for sale of educational and other promotional items and for which fees are not specifically prescribed by statute, and (4) promotional and other advertising and related economic development activities and services provided under economic development programs and activities of the department of commerce and housing, including those provided at tourist information centers: *Provided*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services, conferences, publications and items, advertising and other economic development activities and services provided under economic development programs and activities of the department of commerce and housing for which fees are not specifically prescribed by statute: *Provided further*, That all such fees shall be credited to one or more special revenue funds of the department of commerce and housing as specified by the secretary of commerce and housing: *And provided further*, That all such fees fixed, charged, collected and credited to one or more special revenue funds of the department of commerce and housing prior to the effective date of this act are hereby validated and approved: *And provided further*, That expenditures may be made from such special revenue funds of the department of commerce and housing for fiscal year 1996 and fiscal year 1997, in accordance with the provisions of this act or any appropriation act of the 1995 regular session of the legislature or in any other appropriation act of the 1996 regular session of the legislature, for operating expenses incurred in providing such services, conferences, publications and items, advertising, programs and activities and for operating expenses incurred in providing similar economic development activities and services provided under economic development programs and activities of the department of commerce and housing.

(e) On the effective date of this act, the director of accounts and reports shall transfer \$145,976 from the state general fund to the state gaming revenues account of the general fees fund of the department of commerce and housing.

(f) On July 1, 1996, the position limitation established by section 114(a) of 1996 Senate Bill No. 95 for the above agency is hereby decreased from 137.5 to 136.0.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the Kansas economic development endowment account of the state economic development initiatives fund for fiscal year 1997, as authorized by section 12(a) of 1996 Senate Bill No. 588, expenditures may be made by the above agency from the unencumbered balance as of June 30, 1996, in the rehabilitation and repair subaccount of the Kansas economic development endowment account of the state economic development initiatives fund for fiscal year 1997 for the following capital improvement project or projects: Rehabilitation and repair—travel information centers: *Provided*, That such expenditures shall not exceed the amount of the unencumbered balance in such subaccount on June 30, 1996: *Provided further*, That all expenditures from the unencumbered balance of such subaccount shall be in addition to any expenditure limitation imposed on the total expenditures from the Kansas economic development endowment account of the state economic development initiatives fund for fiscal year 1997.

Sec. 50.

KANSAS TECHNOLOGY ENTERPRISE CORPORATION

(a) On July 1, 1996, the expenditure limitation established by section 113(a) of 1996 Senate Bill No. 95 on the economic development research and development fund is hereby decreased from \$13,889,828 to \$13,333,322.

(b) On July 1, 1996, the expenditure limitation established by section

(continued)

113(b) of 1996 Senate Bill No. 95 on the operations, assistance and grants (including official hospitality) account of the economic development research and development fund is hereby decreased from \$13,889,828 to \$13,333,322.

(c) On July 1, 1996, the transfer amount established by section 113(c) of 1996 Senate Bill No. 95 from the Kansas economic development endowment account of the state economic development initiatives fund of the department of commerce and housing to the economic development research and development fund of the Kansas technology enterprise corporation is hereby decreased from \$1,107,443 to \$1,078,937.

(d) On July 1, 1996, the transfer amounts for August 15, 1996, and for the 15th day of each month thereafter during the fiscal year ending June 30, 1997, or as soon after each such date as moneys are available, established by section 113(d) of 1996 Senate Bill No. 95 from the Kansas economic development endowment account of the state economic development initiatives fund of the department of commerce and housing to the economic development research and development fund of the Kansas technology enterprise corporation is hereby decreased from \$1,162,035 to \$1,114,035.

Sec. 51.

KANSAS, INC.

(a) On July 1, 1996, the expenditure limitation established by section 112(b) of 1996 Senate Bill No. 95 on the EDIF fund is hereby increased from \$132,851 to \$160,376.

(b) On July 1, 1996, the transfer amount for July 15, 1996, or as soon thereafter as moneys are available, established by section 112(c) of 1996 Senate Bill No. 95 from the Kansas economic development endowment account of the state economic development initiatives fund of the department of commerce and housing to the EDIF fund of Kansas, Inc., is hereby increased from \$132,851 to \$160,376.

Sec. 52.

BEHAVIORAL SCIENCES REGULATORY BOARD

(a) On July 1, 1996, the expenditure limitation established for the fiscal year ending June 30, 1997, by section 6(a) of chapter 224 of the 1995 Session Laws of Kansas on the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 1997, is hereby decreased from \$459,714 to \$360,861.

Sec. 53.

KANSAS LOTTERY

(a) On July 1, 1996, the position limitation established by section 114 of 1996 Senate Bill No. 95 for the above agency is hereby decreased from 97.0 to 95.0.

Sec. 54.

KANSAS RACING AND GAMING COMMISSION

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

Horse fair racing benefit fund	
For the fiscal year ending June 30, 1997	No limit
Tribal gaming fund	
For the fiscal year ending June 30, 1997	No limit

(b) On July 1, 1996, the appropriation of all moneys now or hereafter lawfully credited to and available in the county fair horse racing benefit fund for the above agency for the fiscal year ending June 30, 1997, by section 110(a) of 1996 Senate Bill No. 95, is hereby lapsed.

(c) On July 1, 1996, the director of accounts and reports shall transfer \$366,941 from the state general fund to the tribal gaming fund of the Kansas racing and gaming commission.

(d) On July 1, 1996, or as soon thereafter as any encumbrances are liquidated, the director of accounts and reports shall transfer any unencumbered balance in each of the following accounts of the general fees fund of the department of commerce and housing to the tribal gaming fund of the Kansas racing and gaming commission: State gaming revenues account; Iowa tribe account; Prairie Band Potawatomi account; Kickapoo tribe account; Sac and Fox nation account.

(e) During the fiscal year ending June 30, 1997, the director of accounts and reports shall transfer one or more amounts certified by the executive director of the state gaming agency from the tribal gaming fund to the state general fund: *Provided*, That all such transfers shall be for the purpose of reimbursing the state general fund for the amount equal to the aggregate of the amounts transferred to the state gaming revenues account of the general fees fund of the department of commerce and housing during fiscal year 1996 and the amounts transferred to the tribal

gaming fund of the Kansas racing and gaming commission during fiscal year 1997, for the operating expenditures for the state gaming agency and any other expenses incurred in connection with the administration and enforcement of tribal-state gaming compacts or the provisions of the tribal gaming oversight act, plus an amount equal to the interest earned on such aggregate amount transferred to the state gaming revenues account of the general fees fund of the department of commerce and housing or the tribal gaming fund of the Kansas racing and gaming commission as provided in 1996 Senate Bill No. 410: *Provided further*, That all such transfers to the state general fund shall be in addition to any expenditure limitation established on the tribal gaming fund for fiscal year 1997.

(f) The provisions of section 114 of 1996 Senate Bill No. 95 which specify a position limitation for the Kansas racing commission for fiscal year 1997 shall not be effective and shall not apply to the Kansas racing and gaming commission for fiscal year 1997. The number of full-time and regular part-time position equated to full-time, excluding seasonal and temporary positions, paid from appropriations for fiscal year 1997 made in this or other appropriation act of the 1996 regular session of the legislature for the Kansas racing and gaming commission shall not exceed the following, except upon approval of the state finance council:

Kansas Racing and Gaming Commission—general operations	51.0
Kansas Racing and Gaming Commission—state gaming agency operations	5.0

(g) On July 1, 1996, the expenditure limitation established by section 110(a) of 1996 Senate Bill No. 95 on the state racing fund is hereby increased from \$2,203,429 to \$2,257,186.

Sec. 55.

INSURANCE DEPARTMENT

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

Insurance education and training fund	
For the fiscal year ending June 30, 1997	No limit

Provided, That expenditures may be made from the insurance education and training fund for training programs and official hospitality: *Provided further*, That the insurance commissioner is hereby authorized to fix, charge and collect fees for such training programs: *And provided further*, That fees for such training programs shall be fixed in order to recover all or part of the operating expenses incurred for such training programs, including official hospitality: *And provided further*, That all fees received for such training programs shall be credited to this fund.

Sec. 56.

EMERGENCY MEDICAL SERVICES BOARD

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures	
For the fiscal year ending June 30, 1997	\$7,000

Sec. 57.

DEPARTMENT OF HEALTH AND ENVIRONMENT

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

Health and environment publication fee fund	
For the fiscal year ending June 30, 1997	No limit

Provided, That expenditures from the health and environment publication fee fund shall be made only for the purpose of paying the expenses of publishing documents as required by section 1(a) of 1996 House Bill No. 2955.

Federal chemical emergency preparedness assistance fund	
For the fiscal year ending June 30, 1996	\$15,000
For the fiscal year ending June 30, 1997	\$126,900

Provided, That all expenditures from the federal chemical emergency preparedness assistance fund for fiscal years 1996 and 1997 shall be in accordance with a grant agreement entered into by the secretary of health and environment and a grant recipient or recipients: *Provided further*, That such grant agreement shall require the grant recipient or recipients to provide any match amount necessary to meet any federal match requirements: *And provided further*, That no expenditures shall be made from this fund for state operations.

(b) On July 1, 1996, of the \$12,966,470 appropriated for the above agency for the fiscal year ending June 30, 1997, by section 91(a) of 1996 Senate Bill No. 95 from the state general fund in the salaries and wages account, the sum of \$31,088 is hereby lapsed.

(c) On the effective date of this act, of the \$5,492,717 appropriated for the above agency for the fiscal year ending June 30, 1996, by section 5(a) of chapter 229 of the 1995 Session Laws of Kansas from the state

general fund in the other operating expenditures (including official hospitality) account, the sum of \$250,000 is hereby lapsed.

(d) On July 1, 1996, the expenditure limitation established by section 91(a) of 1996 Senate Bill No. 95 on expenditures from the reappropriated balance of the other operating expenditures (including official hospitality) account of the state general fund is hereby increased from \$0 to \$250,000.

(e) On July 1, 1996, the expenditure limitation established by section 91(b) of 1996 Senate Bill No. 95 on the waste tire management fund is hereby increased from \$1,421,647 to \$1,896,647.

(f) On July 1, 1996, the expenditure limitation established by section 91(b) of 1996 Senate Bill No. 95 on the federal air quality program fund is hereby increased from \$674,350 to \$984,736.

(g) On July 1, 1996, the expenditure limitation established by section 91(b) of 1996 Senate Bill No. 95 on the environmental response fund is hereby decreased from \$1,443,525 to \$1,401,928.

(h) On July 1, 1996, the expenditure limitation established by section 91(b) of 1996 Senate Bill No. 95 on the salaries and wages account of the drycleaning facility release trust fund is hereby increased from \$55,525 to \$97,122.

(i) On July 1, 1996, the expenditure limitation established by section 91(b) of 1996 Senate Bill No. 95 on the water supply fund—federal is hereby increased from \$746,482 to \$814,482.

(j) On the effective date of this act, the expenditure limitation established by the state finance council on the title XIX fund is hereby decreased from \$4,139,533 to \$3,889,533.

(k) On July 1, 1996, the expenditure limitation established by section 91(b) of 1996 Senate Bill No. 95 on the title XIX fund is hereby decreased from \$4,174,244 to \$3,924,244.

(l) On the effective date of this act, the expenditure limitation established by the state finance council on the medicare fund—federal is hereby increased from \$1,671,770 to \$1,921,770.

(m) On July 1, 1996, the expenditure limitation established by section 91(b) of 1996 Senate Bill No. 95 on the medicare fund—federal is hereby increased from \$1,476,390 to \$1,726,390.

(n) On the effective date of this act, the expenditure limitation established by the state finance council on the insurance statistical plan fund is hereby decreased from \$483,188 to \$247,016.

(o) On July 1, 1996, the expenditure limitation established by section 91(b) of 1996 Senate Bill No. 95 on the insurance statistical plan fund is hereby decreased from \$550,575 to \$355,062.

(p) On the effective date of this act, the expenditure limitation established by the state finance council on the commodity supplemental food program fund is hereby increased from \$339,913 to \$375,913.

(q) On July 1, 1996, the position limitation established by section 94 of 1996 Senate Bill No. 95 for the above agency is hereby decreased from 807.6 to 806.6.

Sec. 58.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures	
For the fiscal year ending June 30, 1997	\$43,648
Kansas humanities council	
For the fiscal year ending June 30, 1997	\$25,000

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

EDIF Adair cabin restoration project fund	
For the fiscal year ending June 30, 1997	\$45,000

Provided, That no expenditures shall be made from the EDIF Adair cabin restoration project fund except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed by subsection (c) of K.S.A. 75-3711c and amendments thereto: *Provided, however,* That, if the secretary of the state historical society has entered into a signed agreement with a responsible party that would transfer from the state the future daily operation and maintenance of the Adair cabin historical site, then the state finance council shall approve expenditures from this fund for the Adair cabin restoration project.

(c) On July 15, 1996, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$45,000 from the Kansas economic development endowment account of the state economic development initiatives fund of the department of commerce and housing to the EDIF Adair cabin restoration project fund of the state historical society.

Sec. 59.

STATE CORPORATION COMMISSION

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

Abandoned oil and gas well fund	
For the fiscal year ending June 30, 1997	\$1,200,000

(b) On July 1, 1996, the expenditure limitation established by section 78(b) of 1996 Senate Bill No. 95 on the aggregate expenditures from the public service regulation fund, the motor carrier license fees fund and the conservation fee fund is hereby increased from \$11,667,890 to \$11,867,890.

(c) On July 1, 1996, the position limitation established by section 86 of 1996 Senate Bill No. 95 for the above agency is hereby increased from 209.0 to 213.0.

Sec. 60.

KANSAS HIGHWAY PATROL

(a) In addition to the other purposes for which expenditures may be made by the above agency from the motor carrier inspection fund for the fiscal year ending June 30, 1996, as authorized by section 5(b) of chapter 223 of the 1995 Session Laws of Kansas, expenditures may be made by the above agency for fiscal year 1997 from any unencumbered balance as of June 30, 1996, in the following capital improvement account of the motor carrier inspection fund: Addition to patrol garage in Topeka: *Provided,* That expenditures from the unencumbered balance in such account shall not exceed the unencumbered balance in such account on June 30, 1996: *Provided further,* That all expenditures from such account shall be in addition to any expenditure limitation imposed on the motor carrier inspection fund for fiscal year 1997.

(b) In addition to the other purposes for which expenditures may be made by the above agency from the mobile command center shed account of the federal forfeiture fund for the fiscal year ending June 30, 1997, as authorized by section 26(e) of 1996 Senate Bill No. 588, expenditures may be made by the above agency from the mobile command center shed account of the federal forfeiture fund for fiscal year 1997 for the addition to patrol garage in Topeka: *Provided,* That expenditures for such purpose from the federal forfeiture fund for fiscal year 1997 shall not exceed \$32,973: *Provided further,* That all expenditures from such account shall be in addition to any expenditure limitation imposed on the federal forfeiture fund for fiscal year 1997.

(c) No expenditures for the capital improvement project for the addition to patrol garage in Topeka shall be made except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed by subsection (c) of K.S.A. 75-3711c and amendments thereto: *Provided, however,* That, prior to approval by the state finance council of expenditures for such capital improvement project, a plan for expenditures shall be reviewed by the joint committee on state building construction and a recommendation made to the state finance council regarding such project.

Sec. 61.

KANSAS ARTS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Arts programming grants and challenge grants	
For the fiscal year ending June 30, 1997	\$134,000

Provided, That notwithstanding the provisions of section 127(a) of 1996 Senate Bill No. 95 expenditures may be made from the arts programming grants and challenge grants account for state operations: *Provided, however,* That expenditures from this account for state operations shall not exceed \$13,400: *Provided further,* That expenditures from this account, other than expenditures for state operations, shall be made only for the purpose of matching an equal or greater amount of federal grant moneys or local grant moneys, or both, for arts programming: *And provided further,* That expenditures from this account shall be made in a manner to benefit the maximum number of Kansas communities in the development of Kansas talent and art.

Sec. 62.

LARNED STATE HOSPITAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures	
For the fiscal year ending June 30, 1996	\$664

(continued)

Sec. 63.

OSAWATOMIE STATE HOSPITAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures	
For the fiscal year ending June 30, 1996	\$710

Sec. 64.

RAINBOW MENTAL HEALTH FACILITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures	
For the fiscal year ending June 30, 1996	\$1,000

Sec. 65.

TOPEKA STATE HOSPITAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures	
For the fiscal year ending June 30, 1996	\$818

Sec. 66.

PARSONS STATE HOSPITAL AND TRAINING CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures	
For the fiscal year ending June 30, 1996	\$559

Sec. 67.

KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures	
For the fiscal year ending June 30, 1997	\$33,738

(b) On July 1, 1996, the position limitation established by section 86 of 1996 Senate Bill No. 95 for the above agency is hereby increased from 8.0 to 9.0.

Sec. 68.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Evaluation of closure of state hospitals	
For the fiscal year ending June 30, 1997	\$30,000

Any unencumbered balance in the Kansas public employees retirement system actuarial audit account in excess of \$100 as of June 30, 1996, is hereby reappropriated to the Kansas public employees retirement system postretirement benefit increase actuarial review account, which is hereby created, for fiscal year 1997.

Sec. 69.

OMBUDSMAN OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Adult corrections oversight	
For the fiscal year ending June 30, 1997	\$120,000

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

Inmate benefit fund—operating expenditures	
For the fiscal year ending June 30, 1997	\$50,000

(c) On July 1, 1996, the director of accounts and reports shall transfer \$50,000 from the state of Kansas—department of corrections inmate benefit fund of the department of corrections to the inmate benefit fund—operating expenditures of the ombudsman of corrections.

(d) The number of full-time and regular part-time positions equated to full-time, paid from appropriations for fiscal year 1997, made in this or other appropriation act of the 1996 regular session of the legislature for the ombudsman of corrections shall not exceed 4.0 positions.

Sec. 70. (a) There is hereby appropriated from the state general fund for the state finance council, for the fiscal year ending June 30, 1997, the sum of \$240,670 to be used for the purpose of paying the proportionate share of the additional cost to the state general fund of overtime pay pursuant to K.S.A. 1995 Supp. 75 5537, as amended by section 7 of 1996 Senate Bill No. 492.

(b) To pay the proportionate share of the additional cost to the state general fund of each state agency for overtime pay pursuant to K.S.A. 1995 Supp. 75 5537, as amended by section 7 of 1996 Senate Bill No. 492, including associated employer contributions, upon recommendation of the director of the budget, the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation

and subject to the guidelines proscribed in subsection (c) of K.S.A. 75-3711e and amendments thereto, except paragraph (3) of such subsection (c), is hereby authorized and directed to approve the transfer of moneys from the appropriation under subsection (a) to the proper accounts created by state general fund appropriations for the fiscal year ending June 30, 1997.

(c) Upon recommendation of the director of the budget, the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines proscribed in subsection (c) of K.S.A. 75-3711e and amendments thereto, except paragraph (3) of such subsection (c), is hereby authorized to approve increases in expenditure limitations on special revenue funds and accounts established for the fiscal year ending June 30, 1997, for the purpose of paying from such funds or accounts the proportionate share of the cost to such funds or accounts, including associated employer contributions, of overtime pay pursuant to K.S.A. 1995 Supp. 75 5537, as amended by section 7 of 1996 Senate Bill No. 492.

(d) The attorney general—Kansas bureau of investigation, department of wildlife and parks, state fire marshal, department of revenue, Kansas highway patrol, department of corrections, department of transportation and department of social and rehabilitation services shall prepare and submit a budget estimate for the additional cost of overtime pay pursuant to K.S.A. 1995 Supp. 75 5537, as amended by section 7 of 1996 Senate Bill No. 492, and all amendments and revisions of such estimates, to the director of the budget on forms proscribed by the director of the budget. At the same time as each state agency submits such estimate, and all amendments and revisions thereof, each state agency shall submit a copy of such estimate, and all amendments and revisions thereof, directly to the legislative research department.

Sec. 71.

GOVERNOR'S DEPARTMENT

(a) On and after December 15, 1996, in addition to the other purposes for which expenditures may be made by the above agency from the governor's department account of the state general fund for the fiscal year ending June 30, 1997, expenditures shall be made by the above agency from the governor's department account of the state general fund for fiscal year 1997 for an additional amount of biweekly compensation for the governor equal to \$77.25 per biweekly pay period: Provided, That expenditures for such purpose shall be made in the same manner and at the same times that biweekly compensation is payable to the governor for the biweekly pay periods which commence on or after December 15, 1996, and which are chargeable to fiscal year 1997.

Sec. 72.

LIEUTENANT GOVERNOR

(a) On and after December 15, 1996, in addition to the other purposes for which expenditures may be made by the above agency from the operations account of the state general fund for the fiscal year ending June 30, 1997, expenditures shall be made by the above agency from the operations account of the state general fund for fiscal year 1997 for an additional amount of biweekly compensation for the lieutenant governor equal to \$21.85 per biweekly pay period: Provided, That expenditures for such purpose shall be made in the same manner and at the same times that biweekly compensation is payable to the lieutenant governor for the biweekly pay periods which commence on or after December 15, 1996, and which are chargeable to fiscal year 1997.

Sec. 73.

LEGISLATIVE COORDINATING COUNCIL

(a) In addition to the other purposes for which expenditures may be made by the above agency from the legislative coordinating council—operations account of the state general fund for the fiscal year ending June 30, 1997, expenditures shall be made by the above agency from the legislative coordinating council—operations account of the state general fund for fiscal year 1997 for an additional amount of per diem compensation equal to \$1.63 per calendar day for each member of the legislative coordinating council for any calendar day occurring on or after February 27, 1997, for which per diem compensation is payable from appropriations for the legislative coordinating council under K.S.A. 46-1209 and amendments thereto to such member as provided in K.S.A. 75-3212 and amendments thereto at the rate proscribed by subsection (a) of K.S.A. 46-137a and amendments thereto: Provided, That expenditures for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislative coordinating council for the biweekly pay periods for which such per diem compensation is payable for calendar days occurring on or after February 27, 1997, and which are chargeable to fiscal year 1997.

Sec. 74.

DIVISION OF POST AUDIT

(a) In addition to the other purposes for which expenditures may be made by the above agency from the operations (including legislative post audit committee) account of the state general fund for the fiscal year ending June 30, 1997, expenditures shall be made by the above agency from the operations (including legislative post audit committee) account of the state general fund for fiscal year 1997 (1) for an additional amount of per diem compensation equal to \$1.63 per calendar day for each member of the legislative post audit committee for any calendar day occurring on or after February 27, 1997, for which per diem compensation is payable from appropriations for the division of post audit under K.S.A. 46-1104 and amendments thereto to such member as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and (2) for an additional amount of per diem compensation equal to \$1.63 per calendar day for each member of the contract audit committee for any calendar day occurring on or after February 27, 1997, for which per diem compensation is payable from appropriations for the division of post audit under K.S.A. 46-1120 and amendments thereto to such member as provided in K.S.A. 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto: *Provided*, That expenditures for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislative post audit committee or contract audit committee for the bi-weekly pay periods for which such per diem compensation is payable for calendar days occurring on or after February 27, 1997, and which are chargeable to fiscal year 1997.

Sec. 75.

JUDICIAL COUNCIL

(a) In addition to the other purposes for which expenditures may be made by the above agency from the operating expenditures account of the state general fund for the fiscal year ending June 30, 1997, expenditures shall be made by the above agency from the operating expenditures account of the state general fund for fiscal year 1997 for an additional amount of per diem compensation equal to \$1.63 per calendar day for each member of the judicial council and for each regularly appointed member of a special committee of the judicial council who is not a member of the judicial council for any calendar day occurring on or after February 27, 1997, for which per diem compensation is payable to such member of the judicial council or a special committee thereof under K.S.A. 20-2206 and amendments thereto at the rate of compensation as provided in K.S.A. 75-3212 and amendments thereto: *Provided*, That expenditures for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the judicial council or special committees thereof for the biweekly pay periods for which such per diem compensation for calendar days occurring on or after February 27, 1997, is payable and which are chargeable to fiscal year 1997.

Sec. 76. (a) In addition to the other purposes for which expenditures may be made by each state agency from appropriations made for the fiscal year ending June 30, 1997, expenditures shall be made by each state agency from the appropriations made for fiscal year 1997 for an additional amount of per diem compensation equal to \$1.63 per calendar day for each member of a board for any calendar day occurring on or after February 27, 1997, for which per diem compensation is payable to such member of a board under K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto: *Provided*, That expenditures for such purpose shall be made in the same manner and at the same times that per diem compensation is payable to such member of a board for the biweekly pay periods for which such per diem compensation for calendar days occurring on or after February 27, 1997, is payable and which are chargeable to fiscal year 1997.

(b) As used in this section, (1) "state agency" means any state agency of the executive branch of state government (A) which has appropriations made for the fiscal year ending June 30, 1997, by chapter 224 of the 1995 Session Laws of Kansas, 1996 Senate Bill No. 95, this act or any other appropriation act of the 1996 regular session of the legislature, and (B) which is, or which makes expenditures for, any board; and

(2) "board" means any board, commission, committee, task force, panel or other body in the executive branch of state government, including any advisory body, having one or more members who are entitled to receive per diem compensation for attendance at meetings of such body,

or attendance at meetings authorized by such body of a subcommittee or other subsidiary group of such body, as provided in K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto.

(c) In addition to the other purposes for which expenditures may be made by the Kansas turnpike authority for the period commencing February 27, 1997, and ending June 30, 1997, expenditures shall be made by the Kansas turnpike authority for such period for an additional amount of per diem compensation equal to \$1.63 per calendar day for each member of Kansas turnpike authority for any calendar day occurring on or after February 27, 1997, for which per diem compensation is payable to such member under K.S.A. 68-2003 and amendments thereto who is entitled, in accordance with K.S.A. 75-3223 and amendments thereto, to receive such per diem compensation as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto: *Provided*, That expenditures for such purpose shall be made in the same manner and at the same times that per diem compensation is payable to such member of the Kansas turnpike authority for the appropriate pay periods for which such per diem compensation for calendar days occurring on or after February 27, 1997, and prior to July 1, 1997, is payable by the Kansas turnpike authority.

Sec. 77. (a) On the effective date of this act, the office of the state bank commissioner is hereby authorized and directed to pay the following amount from the moneys appropriated in the bank commissioner fee fund for fiscal year 1996 for reimbursement for attorney fees incurred as a result of civil service board appeals, to the following claimant:

Rebecca H. Emery, 2415 Webster, Dodge City, KS 67801, c/o William F. Ebert, Attorney at Law, 5845 SW 29th Street, Topeka, KS 66614

\$18,307.54

(b) The director of accounts and reports is hereby authorized and directed to draw a warrant on the state treasurer in favor of the claimant specified in subsection (a), upon a voucher duly executed by the state bank commissioner, for the payment of the amount specified in subsection (a) to the claimant or the claimant's legal representative or duly authorized agent, as provided by law. The director of accounts and reports shall secure prior to the payment of the amount to the claimant a written release and satisfaction of all claims and rights against the state of Kansas and any agencies, officers and employees of the state of Kansas regarding the claim.

Sec. 78. (a) On or before January 12, 1998, the department of commerce and housing in conjunction with the Kansas water office, the Kansas geological survey, the Kansas biological survey and the department of wildlife and parks shall conduct a study of the development of recreational opportunities within the existing channel of the entire Kansas river, between the banks thereof, up to the ordinary high-water mark, as already in fee title to the state of Kansas, and adjoining land fee title of which is already held by the state of Kansas, counties or municipalities, or is held by landowners who express an interest for inclusion of their land in the study and intermittent points for access thereto and use thereof and its impact on the economy and recreation of Kansas and shall submit to the legislature a report and recommendations based on their study and shall make such expenditures as may be required for such study from appropriations for fiscal years 1996, 1997 and 1998: *Provided*, That all meetings pertaining to the study shall be open to the public and the public may submit testimony: *Provided further*, That the agencies conducting the study shall provide public notice of the study along the entire Kansas river: *And provided further*, That the cost of the study will be allocated in proportion to the size of each participating agency's budget for the fiscal year or years during which expenditures are made for the study.

Sec. 79. (a) Except as specifically authorized by an act of the legislature enacted during the 1996 or 1997 regular session of the legislature, no expenditures shall be made by any state agency from any moneys appropriated for the fiscal years ending June 30, 1996, or June 30, 1997, by any appropriation act enacted by the legislature during the 1995 regular session, this act or any other appropriation act of the 1996 regular session of the legislature, or by any appropriation act enacted during the 1997 regular session of the legislature, for any expenses for the sale, exchange, or other disposition conveying title for any state property, as defined by this section and no state property, as defined by the section, shall be sold, exchanged or otherwise conveyed or disposed of by any state agency: *Provided*, That, as used in this section, "state property" means (1) all state-owned land and improvements in the city of Topeka,

(continued)

KS, which is in the area bounded by west sixth street on the south, MacVicar avenue on the east, Interstate 70 on the north and Oakley Avenue on the west, including the adjacent state-owned land west of Oakley Avenue, and (2) all state-owned land and improvements in the city of Winfield, KS, and Cowley county located in the southwest quarter of section 14, the southeast quarter of section 15 and part of the northwest quarter of section 15 east of the center of Timber Creek, all located in township 32 south, range 4 east of the 6th P.M.

Sec. 80. *Appeals to exceed position limitations.* The limitations imposed by this act on the full-time equivalent number of full-time and regular part-time positions, excluding seasonal and temporary positions, paid from appropriations made in this act or in any appropriation act of the 1995 regular session of the legislature or in any other appropriation act of the 1996 regular session of the legislature may be exceeded upon approval of the state finance council.

Sec. 81. *Appeals to exceed expenditure limitations.* Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

Sec. 82. Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or any other appropriation act of the 1996 regular session of the legislature and having an unencumbered balance as of June 30, 1996, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 1997, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

Sec. 83. Any Kansas educational building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 1996 regular session of the legislature, and having an unencumbered balance as of June 30, 1996, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 1997, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.

Sec. 84. Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 1996 regular session of the legislature, and having an unencumbered balance as of June 30, 1996, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 1997, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.

Sec. 85. Any Kansas special capital improvements fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 1996 regular session of the legislature, and having an unencumbered balance as of June 30, 1996, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 1997, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.

Sec. 86. *Savings.* Any unencumbered balance in any special revenue fund, or account thereof, which is not otherwise specifically appropriated or limited by this or any other appropriation act of the 1996 regular session of the legislature, is hereby reappropriated for the fiscal year ending June 30, 1997, for the same use and purpose as the same was heretofore appropriated.

Sec. 87. Any transfers of money during the fiscal year ending June 30, 1997, from any special revenue fund of any state agency named in this act or in any other appropriation act of the 1996 regular session of the legislature to the audit services fund of the division of post audit under K.S.A. 46-1121 and amendments thereto shall be in addition to any expenditure limitation imposed on any such fund for the fiscal year ending June 30, 1997.

Sec. 88. *Effective date.* This act shall take effect and be in force from and after its publication in the Kansas register.

State of Kansas

Office of the Governor

Message to the Senate of the State of Kansas:

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return Senate Bill 757 with my signature approving the bill, except for the items enumerated below.

Section 21(b) has been line-item vetoed in its entirety.

The Legislature added \$100,000 from the State General Fund in FY 1997 and \$155,592 in FY 1998 to finance an addition to the Iola armory. In preparation of my FY 1997 budget, I reviewed this issue and did not recommend the funding. While I believe that maintaining facilities of the National Guard is in the best interest of the State of Kansas, I also believe that public monies would be better spent by maintaining existing Guard facilities, rather than constructing new facilities or making additions to existing facilities. This is especially true given the demand for resources from the State General Fund.

Section 24 has been line-item vetoed in its entirety.

This section reduces the position limitation for the Department on Aging from 39.8 to 38.8. This reduction would delete one position more from the budget of the agency than was my intent when I amended my budget to reduce the position limitation for this agency and other agencies as part of my initiative to reduce the size of the state workforce. I veto this section to correct this technical error and maintain the position limitation for the Department on Aging at 39.8.

Section 40(b) has been line-item vetoed in its entirety.

I veto the appropriations made for the Kansas Sentencing Commission in the sections noted above. As approved by the Legislature, this section would transfer \$225,000 from the Highway Patrol's Federal Forfeiture Fund to the Sentencing Commission and increase the Sentencing Commission's State General Fund appropriations 85,000. The two amounts would be used as the state's portion to access \$1,245,000 in federal matching funds to purchase computer hardware, software, and professional services. While I support the continued improvement of the Criminal Justice Information System in Kansas, I am concerned that this legislative directive may conflict with the agreement between the U.S. Department of Justice and the Highway Patrol as to the appropriate use of asset forfeiture funds. However, I do support the \$185,000 from the State General Fund to be used as the state's portion to access as much federal matching funds as possible for the improvement of the Criminal Justice Information System.

Section 42(l) has been line-item vetoed in its entirety.

This section provides funding for life insurance payments for state employees affected by hospital closure, however, from an inappropriate source. The KPERS insurance fund is committed to paying benefits that have already been promised and earned. New benefits and new coverage must be paid from new funds. The Legislature did not provide adequate or specific funding for any other part of SB 388, therefore requiring that the en-

tire package be addressed by the 1997 Legislature. This funding should also be provided at that time.

Section 70 has been line-item vetoed in its entirety.

In my veto message on SB 492, I expressed support for continuation of the meet and confer process with law enforcement bargaining units. Consistent with my veto of that bill, I veto the appropriations made in this bill to finance the additional salary costs.

Dated May 20, 1996.

Bill Graves
Governor

(Published in the Kansas Register May 30, 1996.)

SENATE BILL No. 588

AN ACT concerning capital improvements for state agencies; making and concerning appropriations for the fiscal years ending June 30, 1996, June 30, 1997, June 30, 1998, June 30, 1999, June 30, 2000, and June 30, 2001, and authorizing certain financing, for certain capital improvement projects for the Kansas department of agriculture, state fair board, department of social and rehabilitation services, Larned state hospital, Kansas state school for the blind, Kansas state school for the deaf, department of corrections, state historical society, insurance department, department of administration, department of commerce and housing, state board of regents, Fort Hays state university, Kansas state university, Kansas state university—Salina, college of technology, Emporia state university, Pittsburg state university, university of Kansas, university of Kansas medical center, Wichita state university, department of human resources, Kansas commission on veterans affairs, attorney general—Kansas bureau of investigation, Kansas highway patrol, adjutant general, department of wildlife and parks, Kansas state university—extension systems and agriculture research programs and state conservation commission; authorizing the initiation and completion of certain capital improvement projects; and directing or authorizing certain disbursements and acts incidental to the foregoing; amending K.S.A. 76-6b02 and repealing the existing section; reviving and amending K.S.A. 1995 Supp. 76-833 and repealing the revived section.

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

Section 1. (a) For the fiscal years ending June 30, 1996, June 30, 1997, June 30, 1998, June 30, 1999, June 30, 2000, and June 30, 2001, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, disbursements and acts incidental to the foregoing are hereby directed or authorized to initiate and complete capital improvement projects as provided in this act.

(b) The agencies named in this act are hereby authorized to initiate and complete the capital improvement projects specified and authorized by this act or for which appropriations are made by this act, subject to the restrictions and limitations imposed by this act.

(c) This act shall not be subject to the provisions of subsection (a) of K.S.A. 1995 Supp. 75-6702 and amendments thereto.

Sec. 2.

KANSAS DEPARTMENT OF AGRICULTURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year or fiscal years specified, for the following capital improvement project or projects specified as follows:

Repair of air conditioning unit at division of laboratories
For the fiscal year ending June 30, 1996 \$25,473

Any unencumbered balance in excess of \$100 as of June 30, 1996, in each of the following capital improvement accounts is hereby reappropriated for fiscal year 1997: Repair of air conditioning unit at division of laboratories.

Sec. 3.

STATE FAIR BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1997, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Table with 2 columns: Fund Name and Limitation. Rows include State fair capital improvements fund, Grandstand renovation project fund, Grandstand cost of issuance fund, Grandstand principal and interest fund, Grandstand renovation reserve fund, Grandstand rebate fund, Grandstand renovation surplus fund, Grandstand contingency fund, SBSF—encampment building renovation fund.

(b) Any unencumbered balance in excess of \$100 as of June 30, 1996, in the encampment building renovation account of the state general fund is hereby reappropriated for fiscal year 1997: Provided, That the director of accounts and reports shall release moneys in the encampment building renovation account as amounts of private funding are certified by the secretary of the state fair board as available for the renovation of the 4-H encampment building: Provided further, That the director of accounts and reports shall release the funding at the rate of \$8 from the state general fund for every \$1 of private funding certified as available from other sources.

Sec. 4.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year or fiscal years specified, for the capital improvement project or projects specified as follows:

Youth center security enhancements
For the fiscal year ending June 30, 1996 \$1,000,000

Provided, That expenditures may be made from the youth center security enhancements account for (1) a needs analysis of state juvenile detention facilities, and (2) security enhancements for state-owned youth centers: Provided, however, That no expenditures may be made for the acquisition, installation or construction of security enhancements except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed by subsection (c) of K.S.A. 75-371c and amendments thereto.

Rehabilitation and repair projects

For the fiscal year ending June 30, 1997 \$4,750,000

Provided, That the secretary of social and rehabilitation services is hereby authorized to transfer moneys during fiscal year 1997 from the rehabilitation and repair projects account to a rehabilitation and repair account for any institution, as defined by K.S.A. 76-12a01 or 76-12a18 and amendments thereto, for projects approved by the secretary of social and rehabilitation services: Provided further, That expenditures also may be made from this account during fiscal year 1997 for the purposes of rehabilitation and repair for facilities of the department of social and rehabilitation services other than any institution, as defined by K.S.A. 76-12a01 or 76-12a18 and amendments thereto.

(b) In addition to the purposes for which expenditures may be made by the above agency from the other state fees fund for the fiscal year ending June 30, 1997, expenditures may be made by the above agency from the other state fees fund for fiscal year 1997 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Area office rehabilitation and repair \$609,028

Provided, That expenditures from the area office rehabilitation and repair account shall be in addition to any expenditure limitation imposed on the other state fees fund for fiscal year 1997.

Sec. 5.

LARNED STATE HOSPITAL

(a) On July 1, 1996, any unencumbered balance as of June 30, 1996, in the following account of the state institutions building fund is hereby lapsed: Construct/equip youth center at Larned building.

Sec. 6.

KANSAS STATE SCHOOL FOR THE BLIND

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 1997, for the capital improvement project or projects specified as follows:

Rehabilitation and repair projects \$105,960
Student residence project contingency \$100,000

Sec. 7.

KANSAS STATE SCHOOL FOR THE DEAF

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 1997, for the capital improvement project or projects specified as follows:

Rehabilitation and repair projects \$75,000
Demolish and remove Emery hall, grade football field, and finish diagnostic center and parents suite \$670,600
Install air conditioning in Roth dormitories and Roberts academic building \$100,686
Repair steam tunnel and replace and insulate new piping in steam tunnel \$169,910

Sec. 8.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1997, for the capital improvement project or projects specified as follows:

Debt service payment for the revenue refunding bond issue \$5,287,000
Debt service payment for the Wichita work release facility bond issue \$162,350
Debt service payment for the Ellsworth correctional facility at Ellsworth, Kansas \$1,669,000

(continued)

(b) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 1997, for the capital improvement project or projects specified as follows:

Debt service—revenue refunding bond issue	\$2,000,000
Capital improvements—rehabilitation, remodeling, renovation and repair of correctional institutions	\$4,006,228

Provided, That the secretary of corrections is hereby authorized to transfer moneys during fiscal year 1997 from the capital improvements—rehabilitation, remodeling, renovation and repair of correctional institutions account of the correctional institutions building fund to an account or accounts of the correctional institutions building fund of any institution or facility under the jurisdiction of the secretary of corrections to be expended during fiscal year 1997 by the institution or facility for capital improvement projects, including security improvement projects, approved by the secretary of corrections.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1997, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Ellsworth correctional facility—principal and interest fund—KDFA B bonds	No limit
Ellsworth correctional facility—principal and interest fund—KDFA C bonds	No limit
Wichita work release facility—principal and interest fund—KDFA F bonds	No limit
Revenue refunding bond—principal and interest fund—KDFA L bonds	No limit

Sec. 9.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1997, for the capital improvement project or projects specified as follows:

Rehabilitation and repair projects	\$50,000
Kansas history center site improvements	\$50,000

Provided, That no expenditures shall be made from the Kansas history center site improvements account until a plan for expenditures from this account has been reviewed by the joint committee on state building construction.

Sec. 10.

INSURANCE DEPARTMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1997, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Insurance building principal and interest payment fund	No limit
Insurance department rehabilitation and repair fund	No limit

Sec. 11.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1997, for the capital improvement project or projects specified as follows:

Energy conservation improvements—debt service	\$1,785,007
Rehabilitation and repair—statehouse, judicial center and governor's residence	\$259,000
Roof repair at center section and rotunda—statehouse	\$50,000

Any unencumbered balance in excess of \$100 as of June 30, 1996, in each of the following capital improvement accounts is hereby reappropriated for fiscal year 1997: Rehabilitation and repair—statehouse, judicial center and governor's residence; fire and safety alarms—statehouse; planning for memorial hall renovation.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1997, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Energy conservation improvements fund	No limit
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(c) In addition to the other purposes for which expenditures may be made from the state budget stabilization fund for fiscal year 1997, expenditures may be made by the above agency from the unencumbered balance as of June 30, 1996, in each of the following capital improvement accounts of the state budget stabilization fund: Rehabilitation and repair—statehouse, judicial center and governor's residence; ADA capital improvement projects for state agencies; fire and safety alarms—statehouse; roof replacement and scupper installation—judicial center: *Provided*, That expenditures for fiscal year 1997 from the unencumbered balance in any such account shall not exceed the amount of the unencumbered balance in such account as of June 30, 1996: *Provided further*, That all expenditures for fiscal year 1997 from such unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on total expenditures from the state budget stabilization fund for fiscal year 1997.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the building and ground fund for fiscal year 1997, expenditures may be made by the above agency from the following capital improvement account of the building and ground fund for fiscal year 1997 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Parking lot rehabilitation and repair	\$32,000
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(e) In addition to the other purposes for which expenditures may be made by the above agency from the building and ground fund for fiscal year 1997, expenditures may be made by the above agency from any unencumbered balance as of June 30, 1996, in each of the following capital improvement accounts of the building and ground fund: Parking lot rehabilitation and repair: *Provided*, That expenditures for fiscal year 1997 from the unencumbered balance in any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 1996: *Provided further*, That all expenditures for fiscal year 1997 from such unencumbered balance in any such account of the building and ground fund shall be in addition to any expenditure limitation imposed on the building and ground fund for fiscal year 1997.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 1997, expenditures may be made by the above agency from the following capital improvement account or accounts of the state buildings depreciation fund during fiscal year 1997 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Special maintenance, repairs and improvements—state office buildings	\$246,400
Docking roof drainline replacement	\$193,000
Landon cooling tower replacement	\$88,300
Docking loading dock replacement	\$187,600
Convert chillers to HCFC refrigerants	\$372,800
Replace roof of Landon state office building	\$80,000
Docking renovation debt service	\$161,964

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the state buildings depreciation fund for fiscal year 1997.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 1997, expenditures may be made by the above agency from the state buildings depreciation fund from the unencumbered balance as of June 30, 1996, in each capital improvement account of the state buildings depreciation fund for one or more projects approved for prior fiscal years: *Provided*, That expenditures from the unencumbered balance in any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 1996: *Provided further*, That all expenditures from any such account shall be in addition to any expenditure limitation imposed on the state buildings depreciation fund for fiscal year 1997.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings operating fund for fiscal year 1997, expenditures may be made by the above agency from the following capital improvement account or accounts of the state buildings operating fund during fiscal year 1997 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Landon state office building debt service	\$1,462,877
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Provided, That all expenditures by the above agency from the state buildings operating fund for fiscal year 1997 for Landon state office building debt service shall be in addition to any expenditure limitation imposed on the state buildings operating fund for fiscal year 1997.

Sec. 12.

DEPARTMENT OF COMMERCE AND HOUSING

(a) In addition to the other purposes for which expenditures may be made from the Kansas economic development endowment account of the state economic development initiatives fund for fiscal year 1997, moneys may be expended by the above agency from the Kansas economic development endowment account of the state economic development initiatives fund during the fiscal year 1997 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair—travel information centers	\$35,000
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(b) Expenditures may be made from the construct Olathe travel information center subaccount of the Kansas economic development endowment account of the state economic development initiatives fund during the fiscal year ending June 30, 1997: *Provided*, That such expenditures

shall not exceed the amount of the unencumbered balance in such subaccount on June 30, 1996: *Provided further*, That all expenditures from the unencumbered balance of such subaccount shall be in addition to any expenditure limitation imposed on the total expenditures from the Kansas economic development endowment account of the state economic development initiatives fund for fiscal year 1997.

Sec. 13.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the Kansas educational building fund for the fiscal year or fiscal years and for the capital improvement project or projects specified as follows:

Rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education	
For the fiscal year ending June 30, 1997	\$4,000,000
For the fiscal year ending June 30, 1998	\$5,000,000
For the fiscal year ending June 30, 1999	\$5,000,000
For the fiscal year ending June 30, 2000	\$5,000,000
For the fiscal year ending June 30, 2001	\$5,000,000

Provided, That the state board of regents is hereby authorized to transfer moneys from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account to an account or accounts of the Kansas educational building fund of any institution under the control and supervision of the state board of regents to be expended by the institution for projects approved by the state board of regents: *Provided, however*, That no expenditures shall be made from any such account until the proposed projects have been reviewed by the joint committee on state building construction.

(b) On July 15, 1996, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$138,736 from the state general fund to the Kansas educational building fund.

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

Comprehensive rehabilitation and repair fund	
For the fiscal year ending June 30, 1997	No limit
For the fiscal year ending June 30, 1998	No limit
For the fiscal year ending June 30, 1999	No limit
For the fiscal year ending June 30, 2000	No limit

Provided, That the state board of regents is hereby authorized to transfer moneys from the comprehensive rehabilitation and repair fund of the state board of regents to any account or accounts of a comprehensive rehabilitation and repair fund of any state educational institution under the control and supervision of the state board of regents for expenditure by the institutions for one or more capital improvement projects for major remodeling and new construction approved by the state board of regents or for payment of debt service on revenue bonds issued to finance such projects: *Provided further*, That the state board of regents may make expenditures from this fund for the payment of debt service on revenue bonds issued to finance such projects: *And provided further*, That the state board of regents shall first advise and consult with the joint committee on state building construction as required by subsection (b) of K.S.A. 75-3717b and amendments thereto regarding each such capital improvement project which has been approved by the state board of regents for an institution before making the first transfer from this fund to any account or accounts of a comprehensive rehabilitation and repair fund of such institution for such project: *And provided further*, That such capital improvement projects are hereby approved for the state board of regents and for such state educational institutions for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of one or more series of revenue bonds by the Kansas development finance authority in accordance with that statute: *And provided further*, That the aggregate amount of all such revenue bonds issued shall not exceed the amount that may be repaid with amounts appropriated for the fiscal years during the period from July 1, 1997, through June 30, 2012, that do not exceed the amount of \$14,000,000 for the fiscal year ending June 30, 1998, and the amount of \$15,000,000 for any fiscal year thereafter during such period, excluding any reapportionment of any such amount: *And provided further*, That all moneys received from issuance of any such bonds shall be deposited in the state treasury and credited to this fund.

(d) There is appropriated for the above agency from the Kansas educational building fund for the fiscal year or fiscal years specified and for the capital improvement project or projects specified as follows:

Debt service—revenue bonds issued for major remodeling and new construction projects at state educational institutions	
For the fiscal year ending June 30, 1998	\$14,000,000
For the fiscal year ending June 30, 1999	\$15,000,000
For the fiscal year ending June 30, 2000	\$15,000,000

(e) The appropriations made by this section shall not be subject to the provisions of K.S.A. 46-155 and amendments thereto.

Sec. 14. On the first day of fiscal year 1998 and on the first day of each fiscal year thereafter through fiscal year 2012, moneys in the Kansas educational building fund which are appropriated for such fiscal year for debt service for capital improvement projects pursuant to subsection (d) of section 13 of 1996 Senate Bill No. 588 or pursuant to future appropriation acts shall be transferred by the director of accounts and reports to the comprehensive rehabilitation and repair fund of the state board of

regents established pursuant to subsection (c) of section 13 of 1996 Senate Bill No. 588.

Sec. 15.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1997, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Student union annex fund	No limit
Housing system—maintenance and equipment reserve fund	No limit
Housing system bond and interest sinking fund	No limit
Physical education building construction—bond and interest sinking fund	No limit
Physical sciences building—federal grant fund	No limit
Lewis field renovation—bond and interest sinking fund	No limit
Lewis field renovation—revenue fund	No limit
Sternberg museum gift fund	No limit
Wiest hall—project revenue fund	No limit
Wiest hall—bond and interest sinking fund	No limit
Wiest hall—maintenance and equipment reserve fund	No limit
McMindes hall—project revenue fund	No limit
McMindes hall—bond and interest sinking fund	No limit
McMindes hall—maintenance and equipment reserve fund	No limit
Agnew hall—project revenue fund	No limit
Agnew hall—bond and interest sinking fund	No limit
Agnew hall—maintenance and equipment reserve fund	No limit
McGrath hall—project revenue fund	No limit
McGrath hall—bond and interest sinking fund	No limit
McGrath hall—maintenance and equipment reserve fund	No limit
Residence hall renovation revenue fund	No limit

(b) During the fiscal year ending June 30, 1997, Fort Hays state university is hereby authorized to make expenditures to raze McGrath hall.

Sec. 16.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the Kansas educational building fund for the fiscal year ending June 30, 1997, for the capital improvement project or projects as follows:

Farrell library renovation	\$1,630,000
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(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1997, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Student fee project reserve fund	No limit
Student fee bonds principal and interest fund	No limit

Provided, That expenditures may be made from the student fee bonds principal and interest fund for debt service, financing costs and required reserves for the capital improvement project to renovate Van Zile hall, Putnam hall and Boyd hall pursuant to section 17(e) of chapter 25 of the 1989 Session Laws of Kansas.

Student fee bonds repair, equipment and improvement fund	No limit
Federal construction funds fund	No limit
Bond construction funds fund	No limit
Coliseum repair, equipment and improvement fund	No limit
Housing system project revenue fund	No limit
Housing system bond and interest sinking fund	No limit
Haymaker hall bond and interest sinking fund	No limit
Student union annex I bond and interest sinking fund	No limit
Jardine terrace III bond and interest sinking fund	No limit
Student recreational building bond and interest sinking fund	No limit
Plan, construct and equip plant science building—phase II—federal fund	No limit
Plant science building—phase II—special revenue fund	No limit
Chester E. Peters recreation complex expansion and restoration fee fund	No limit

Provided, That Kansas state university may make expenditures from the Chester E. Peters recreation complex expansion and restoration fee fund for the capital improvement project to expand and renovate the Chester E. Peters recreation complex in an amount of not more than the total of \$7,600,000 plus all amounts required for cost of bond issuance, cost of interest on the bonds during the construction of the project and required reserves for the payment of principal and interest on the bonds: *Provided further*, That such capital improvement project is hereby approved for Kansas state university for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

Student union renovation and expansion fund	No limit
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Provided, That Kansas state university may make expenditures from the student union renovation and expansion fund for the capital improvement project to renovate and expand the student union in an amount of not more than \$9,200,000, plus all amounts required for cost of bond issuance, cost of interest on the bonds during the construction of the project and required reserves for the payment of principal and interest on the bonds: *Provided further*, That such capital improvement project is hereby approved for Kansas state university for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance

(continued)

with that statute: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

Student coliseum bond fee fund No limit

(c) On or before July 10, 1996, and on or before the 10th day of each month thereafter during fiscal year 1997, the director of accounts and reports shall transfer from the state general fund to the student coliseum bond fee fund the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to July 10, 1996, and prior to the 10th day of each month thereafter during fiscal year 1997, the pooled money investment board shall certify to the director of accounts and reports an amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding month, pursuant to K.S.A. 75-4210a and amendments thereto, that is attributable to moneys in the student coliseum bond fee 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 student coliseum bond fee fund during the preceding month as certified to the board by the president of Kansas state university 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 July 5, 1996, and on or before the fifth day of each month thereafter during fiscal year 1997, the president of Kansas state university shall certify to the pooled money investment board the average daily balance of moneys in the student coliseum bond fee fund during the preceding month.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the restricted fees fund for the fiscal year ending June 30, 1997, expenditures may be made by the above agency from the appropriate account or accounts of the restricted fees fund during fiscal year 1997 for the following capital improvement projects, subject to the expenditure limitations prescribed therefor:

Renovate motor pool garage No limit
Asphalt overlay—Vanier parking lot No limit
Asphalt overlay—endzone access road No limit

(e) In addition to the other purposes for which expenditures may be made by the above agency from the housing system operations fund for the fiscal year ending June 30, 1997, expenditures may be made by the above agency from the housing system operations fund during fiscal year 1997 for costs associated with the construction of a portable metal storage building near the Jardine building.

Sec. 17.

KANSAS STATE UNIVERSITY—SALINA,
COLLEGE OF TECHNOLOGY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1997, for the capital improvement project or projects specified as follows:

Lease payment—aeronautical center (including aeronautical laboratory center) \$189,466

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1997, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

New dormitory construction fund No limit

Provided, That expenditures may be made from the new dormitory construction fund to construct and equip a student dormitory for the above agency on the campus at Salina, Kansas: *Provided further*, That the capital improvement project to construct and equip a dormitory at the Kansas state university—Salina, college of technology is hereby approved for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *And provided further*, That all moneys received from the issuance of such bonds, local sales tax proceeds and any other source to construct and equip such dormitory shall be deposited in the state treasury to the credit of this fund.

Site improvements fund No limit

Provided, That expenditures may be made from the site improvements fund to construct new roads and sidewalks and make other site improvements for the above agency on the campus at Salina, Kansas: *Provided further*, That all moneys received from local sales tax proceeds or any other source for site improvements shall be deposited in the state treasury to the credit of this fund.

Technology center addition fund No limit

Provided, That expenditures may be made from the technology center addition fund to construct an addition to the technology center for the above agency on the campus at Salina, Kansas: *Provided further*, That all moneys received from local sales tax proceeds or any other source for the technology center addition shall be deposited in the state treasury to the credit of this fund.

College center construction fund No limit

Provided, That expenditures may be made from the college center construction fund to construct a college center for the above agency on the campus at Salina, Kansas: *Provided*

further, That all moneys received from local sales tax proceeds or any other source for construction of a college center shall be deposited in the state treasury to the credit of this fund.

Sec. 18.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1997, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Men's dormitory No. 1—project revenue fund No limit
Men's dormitory No. 1—bond and interest sinking fund No limit
Men's dormitory No. 1—building maintenance and equipment reserve fund No limit
Men's dormitory No. 2—project revenue fund No limit
Men's dormitory No. 2—bond and interest sinking fund No limit
Men's dormitory No. 2—maintenance and equipment reserve fund No limit
Women's dormitory No. 2—project revenue fund No limit
Women's dormitory No. 2—bond and interest sinking fund No limit
Women's dormitory No. 2—maintenance and equipment fund No limit
Women's dormitory No. 3 and student apartments—project revenue fund No limit
Women's dormitory No. 3 and student apartments—bond and interest sinking fund No limit
Women's dormitory No. 3 and student apartments—maintenance and equipment reserve fund No limit
Women's dormitory No. 4—project revenue fund No limit
Women's dormitory No. 4—bond and interest sinking fund No limit
Women's dormitory No. 4—maintenance and equipment reserve fund No limit
Student union bond and interest sinking fund No limit
Student union refurbishing fund No limit
Bond construction funds fund No limit
Student union addition bond and interest sinking fund No limit
Men's dormitory No. 3—project revenue fund No limit
Men's dormitory No. 3—bond and interest sinking fund No limit
Men's dormitory No. 3—maintenance and equipment reserve fund No limit
Residence hall renovation revenue fund No limit

Sec. 19.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1997, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

1962 dormitory and student apartments sinking fund No limit
1962 dormitory and student apartments revenue fund No limit
1962 dormitory and student apartment repair and replacement fund No limit
East campus apartments and Shirk hall revenue fund No limit
East campus apartments and Shirk hall bond and interest sinking fund No limit
East campus apartments and Shirk hall repair and replacement fund No limit
Married student housing and men's dormitory—bond and interest sinking fund No limit
Married student housing and men's dormitory project revenue fund No limit
Married student housing and men's dormitory repair and replacement fund No limit
Suspense fund No limit
Kansas technology center federal fund No limit
Kansas technology center gifts and donations fund No limit
Jack C. Overman student center renovation fund No limit

(b) On July 15, 1996, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,000,000 from the state general fund to the Kansas technology center gifts and donations fund.

(c) On July 15, 1996, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,000,000 from the Kansas economic development endowment account of the state economic development initiatives fund of the department of commerce and housing to the Kansas technology center gifts and donations fund of Pittsburg state university.

Sec. 20.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1997, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Plan and construct human development center—gift fund No limit
Student union renovation revenue fund No limit
Student union renovation bond and interest sinking fund No limit
Student union renovation bond reserve fund No limit
Student health facility maintenance, repair, and equipment fee fund No limit
Provided, That expenditures may be made from the student health facility maintenance, repair and equipment fee fund for the capital improvement project for the addition to and renovation of the student health facility.
Housing system revenue fund No limit
Housing system bond and interest sinking fund No limit

Parking facilities surplus fund—KDFA A bonds, 1988	No limit
Regents center revenue fund—KDFA D bonds, 1990	No limit
Regents center bond reserve fund—KDFA D bonds, 1990	No limit
Regents center surplus fund	No limit
Regents center rebate fund	No limit
Regents center project fund—KDFA D bonds, 1990	No limit
Biosciences research center—federal fund	No limit
Student union renovation rebate fund (phase I)	No limit
Student union renovation principal and interest—KDFA C bonds, 1992	No limit
Student union renovation bond reserve—KDFA C bonds, 1992	No limit
Student union renovation surplus fund—KDFA C bonds, 1992	No limit
Student union renovation rebate fund—KDFA C bonds, 1992	No limit
Student union renovation project fund—KDFA C bonds, 1992	No limit
Energy conservation—university project account—KDFA G bond, 1992	No limit
Bioscience research center project fund—KDFA series Q bonds, 1992	No limit
Bioscience research center rebate fund—KDFA series Q bonds, 1992	No limit
Bioscience research center project account—KDFA A bonds, 1994	No limit
Bioscience research center principal and interest payment account—KDFA A bonds, 1994 fund	No limit
Bioscience research center cost of issuance account—KDFA A bonds, 1994 fund	No limit
Bioscience research center reserve account—KDFA A bonds, 1994 fund	No limit
Bioscience research center rebate account—KDFA A bonds, 1994 fund	No limit
Parking facilities refunding bonds principal and interest fund—KDFA G bonds, 1993	No limit
Parking facilities refunding bonds reserve fund—KDFA G bonds, 1993	No limit
Parking facilities refunding bonds rebate fund—KDFA G bonds, 1993	No limit
Energy conservation KU project account fund—KDFA L bonds, 1993	No limit
Student health facility addition revenue fund	No limit

Provided, That the university of Kansas may make expenditures from the student health facility addition revenue fund for the capital improvement project for the addition to and the renovation of the student health facility. *Provided further*, That the capital improvement project to add to and to renovate the student health facility is hereby approved for the university of Kansas for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

Biosciences research center—special revenue fund	No limit
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Provided, That the university of Kansas may make expenditures from the biosciences research center—special revenue fund for the capital improvement project to construct and equip a biosciences research center in addition to the expenditure of other moneys appropriated therefor: *Provided, however*, That expenditures from this fund for such capital improvement project shall not exceed \$4,053,000 plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for such capital improvement project and any required reserves for payment of principal and interest on any bond: *Provided further*, That all gifts and grants received for the capital improvement project to construct and equip a biosciences research center, other than those received from the federal government for such capital improvement project, shall be deposited in the state treasury to the credit of this fund: *And provided further*, That the above agency may transfer moneys for fiscal year 1997 from the sponsored research overhead fund and from appropriate accounts of the restricted fees fund to this fund for such capital improvement project or for debt service for such capital improvement project: *And provided further*, That all transfers of moneys for fiscal year 1997 from the sponsored research overhead fund to this fund shall be in addition to any expenditure limitation imposed on the sponsored research overhead fund for fiscal year 1997: *And provided further*, That such capital improvement project is hereby approved for the university of Kansas for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

Law enforcement training center improvements special revenue fund	No limit
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Provided, That the university of Kansas may make expenditures from the law enforcement training center improvements special revenue fund for a capital improvement project for planning and construction—phase II—for law enforcement training center improvements: *Provided, however*, That expenditures from this fund for such capital improvement project shall not exceed \$5,436,000: *Provided further*, That the above agency may transfer moneys for fiscal year 1997 from the law enforcement training center fund to this fund for such capital improvement project: *And provided further*, That all transfers of moneys for fiscal year 1997 from the law enforcement training center fund to this fund shall be in addition to any expenditure limitation imposed on the law enforcement training center fund for fiscal year 1997.

Sunflower research landfill remediation fund	No limit
SBSF—Plan, construct, reconstruct and equip Hoch auditorium	No limit

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

Renovate Templin hall—special revenue fund	No limit
For the fiscal year ending June 30, 1996	No limit
For the fiscal year ending June 30, 1997	No limit

Provided, That the university of Kansas may make expenditures from the renovate Templin hall—special revenue fund for the capital improvement project to renovate the Templin hall building in addition to the expenditure of other moneys appropriated therefor: *Provided, however*, That expenditures from this fund for such capital improvement project shall not exceed \$5,835,000 plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for such capital improvement project and any required reserves for payment of principal and interest on any bond: *And provided further*, That the above agency may transfer moneys for fiscal year 1996 and fiscal year 1997 from appropriate accounts of the housing system operations fund to this fund for such capital improvement project or for debt service for such capital improvement project: *And provided further*, That such capital improvement project is hereby approved for the university of Kansas for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

(c) During the fiscal years ending June 30, 1996, and June 30, 1997, the university of Kansas is hereby authorized to make expenditures to raze the jayhawker towers parking garage.

Sec. 21.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1997, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking facility KDFA principal and interest fund	No limit
Parking facility KDFA bond reserve fund	No limit
Parking facility KDFA surplus fund	No limit
Medical library bond and interest sinking fund	No limit
Parking facility revenue fund	No limit
Parking facility bond and interest sinking fund	No limit
Parking facility refunding interest and sinking fund	No limit
Parking facility refunding repair and construction fund	No limit
Hospital refunding bond reserve fund	No limit

Sec. 22.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1997, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

1960 dormitory bond and interest sinking fund	No limit
1960 dormitory repair and replacement reserve fund	No limit
1976 dormitory bond and interest sinking fund	No limit
1976 dormitory bond reserve fund	No limit
1976 dormitory maintenance reserve fund	No limit
On-campus parking construction and maintenance fund	No limit
Stadium maintenance reserve fund	No limit
1984 academic and service building surplus fund	No limit
1971 academic and service building maintenance fund	No limit
McKinley hall—ventilation improvements fund	No limit
Plan, construct, equip—science building fund	No limit

Sec. 23.

DEPARTMENT OF HUMAN RESOURCES

(a) In addition to the other purposes for which expenditures may be made by the above agency from the special employment security fund for fiscal year 1997, expenditures may be made by the above agency from the unencumbered balance as of June 30, 1996, in each of the following capital improvement accounts of the special employment security fund for fiscal year 1997: Handicapped accessibility upgrades at existing buildings used by department of human resources: *Provided*, That expenditures from the unencumbered balance of any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 1996: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the special employment security fund for fiscal year 1997.

(b) In addition to the other purposes for which expenditures may be made by the above agency from the employment security administration fund for the fiscal year ending June 30, 1997, expenditures may be made by the above agency from the employment security administration fund from moneys made available to the state under section 903 of the federal social security act, as amended, during fiscal year 1997: *Provided*, That expenditures from this fund during fiscal year 1997 of moneys made available to the state under section 903 of the federal social security act, as amended, shall be made only for the following capital improvement purposes: (1) For major maintenance of existing buildings used by the de-

(continued)

partment of human resources for employment security purposes; (2) for paving, landscaping and acquiring fixed equipment as may be required for the use and operation of such buildings; or (3) for any combination of these purposes: *Provided further*, That expenditures from this fund during fiscal year 1997 of moneys made available to the state under section 903 of the federal social security act, as amended, for such capital improvement purposes shall not exceed \$84,800 plus the amounts of unencumbered balances on June 30, 1996, for capital improvement projects approved for fiscal years prior to fiscal year 1997: *And provided further*, That all expenditures from this fund for such capital improvement purposes or projects shall be in addition to any expenditure limitation imposed on the employment security administration fund for fiscal year 1997.

(c) For the fiscal years ending June 30, 1996, and June 30, 1997, the above agency may make expenditures for the purpose of selling the following described property:

Lot One (1), Block Eighty-six (86), original city of Coffeyville, Montgomery County, Kansas, and;

Lot Two (2), Block Eighty-six (86), original city addition of Coffeyville, Montgomery County, Kansas.

Sec. 24.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 1997, for the capital improvement project or projects specified as follows:

Repair and rehabilitation projects	\$100,000
Power plant replacement	\$394,920

(b) In addition to the other purposes for which expenditures may be made by the above agency from the soldiers' home fee fund for fiscal year 1997, expenditures may be made by the above agency from the unencumbered balance as of June 30, 1996, in each of the following capital improvement accounts of the soldiers' home fee fund for fiscal year 1997: Life safety improvements: *Provided*, That expenditures for fiscal year 1997 from the unencumbered balance in any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 1996: *Provided further*, That all expenditures for fiscal year 1997 from the unencumbered balance in any such account shall be in addition to any expenditure limitation imposed on the soldiers' home fee fund for fiscal year 1997.

Sec. 25.

ATTORNEY GENERAL—KANSAS BUREAU OF INVESTIGATION

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1997, for the capital improvement project or projects specified as follows:

Rehabilitation and repair—headquarters building	\$15,000
Debt service principal payment—headquarters building	\$145,000

Sec. 26.

KANSAS HIGHWAY PATROL

(a) In addition to the other purposes for which expenditures may be made from the highway patrol training center fund for fiscal year 1997, expenditures may be made by the above agency from the highway patrol training center fund for fiscal year 1997 to make debt service payments for the Kansas highway patrol training center at Salina for the bonds issued for such project pursuant to subsection (b) of section 6 of chapter 326 of the 1992 Session Laws of Kansas.

(b) In addition to the other purposes for which expenditures may be made from the highway patrol training center fund for the fiscal year ending June 30, 1997, moneys may be expended by the above agency from the highway patrol training center fund for fiscal year 1997 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Training center—remodeling, rehabilitation and repair projects	\$20,000
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Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the highway patrol training center fund for fiscal year 1997.

(c) In addition to other purposes for which expenditures may be made by the above agency from the motor carrier inspection fund for the fiscal year ending June 30, 1997, moneys may be expended by the above agency from the motor carrier inspection fund during fiscal year 1997 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Remodeling, rehabilitation and repair projects	\$20,000
Area office acquisition	\$96,500

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the motor carrier inspection fund for fiscal year 1997.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the motor carrier inspection fund for fiscal year 1997, expenditures may be made by the above agency from the unencumbered balance as of June 30, 1996, in each of the following capital improvement accounts of the motor carrier inspection fund for fiscal year 1997: Replacement of Caney Trailer: *Provided*, That expenditures for fiscal year 1997 from the unencumbered balance in any such account shall not exceed the unencumbered balance in such account on June 30, 1996: *Provided further*, That all expenditures for fiscal year 1997 from the unencumbered balance in any such account shall be in addition to any expenditure limitation imposed on the motor carrier inspection fund for fiscal year 1997.

(e) In addition to other purposes for which expenditures may be made by the above agency for the federal forfeiture fund for the fiscal year ending June 30, 1997, moneys may be expended by the above agency from the federal forfeiture fund during fiscal year 1997 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Mobile command center shed	\$32,973
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Sec. 27.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1997, for the capital improvement project or projects specified as follows:

Rehabilitation and repair projects	\$200,000
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(b) On July 1, 1996, any unencumbered balance in excess of \$100 as of June 30, 1996, in each of the following capital improvement accounts of the state general fund is hereby reappropriated for fiscal year 1997: Rehabilitation and repair projects.

Sec. 28.

DEPARTMENT OF WILDLIFE AND PARKS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1997, for the capital improvement project or projects specified as follows:

Flood damage repair	\$385,000
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Provided, That any unencumbered balance in the flood damage repair account in excess of \$100 as of June 30, 1996, is hereby reappropriated for fiscal year 1997.

Handicapped accessibility renovation	\$115,000
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(b) Any unencumbered balance in excess of \$100 as of June 30, 1996, in the following capital improvement account of the state general fund is hereby reappropriated for fiscal year 1997: Rails to trails SCF match.

(c) Any unencumbered balance as of June 30, 1996, in each of the following capital improvement accounts of the state general fund is hereby lapsed: Campground development; rehabilitation and repair.

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1997, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Department access road fund	No limit
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(e) On July 1, 1996, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,350,000 from the state highway fund of the department of transportation to the department access road fund of the department of wildlife and parks.

Sec. 29.

KANSAS STATE UNIVERSITY — EXTENSION SYSTEMS AND AGRICULTURE RESEARCH PROGRAMS

(a) In addition to the other purposes for which expenditures may be made by the above agency from the restricted fees fund for the fiscal year ending June 30, 1997, expenditures may be made by the above agency from the appropriate account or accounts of the restricted fees fund during fiscal year 1997 for the following capital improvement project or projects:

Renovate lath houses	No limit
Disassemble barn—Colby experiment station	No limit

(b) During the fiscal years ending June 30, 1996, and June 30, 1997, Kansas state university — extension systems and agriculture research programs is hereby authorized to make expenditures to raze and reconstruct the barn, building number 808, at the Colby experiment station.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the restricted fees fund for the fiscal year

ending June 30, 1997, expenditures may be made by the above agency from the appropriate account or accounts of the restricted fees fund during fiscal year 1997 for the following capital improvement projects, subject to the expenditure limitations prescribed therefor:

Equipment/pesticide storage building No limit

(d) During the fiscal year ending June 30, 1997, Kansas state university extension systems and agriculture research programs may make expenditures to raze three residences in Garden City, Kansas, and to raze a shed in Hays, Kansas.

Sec. 30.

STATE CONSERVATION COMMISSION

(a) In addition to the other purposes for which expenditures may be made by the state conservation commission from the water plan special revenue fund for fiscal year 1996 and for fiscal year 1997, expenditures shall be made by the above agency from the unencumbered balance as of the effective date of this act in the for the capital improvement project for Bone Creek lake, which was approved for the multipurpose small lakes program, for fiscal year 1996 and for fiscal year 1997: *Provided*, That the expenditures from the Bone Creek lake account for such capital improvement project for fiscal year 1996 and for fiscal year 1997 shall include amounts for appropriate interest costs and other costs related to any acquisition or construction costs for such capital improvement project, as approved by the state conservation commission upon recommendation of the executive director of the state conservation commission: *Provided, however*, That total expenditures from the unencumbered balance of the Bone Creek lake account for such capital improvement project for fiscal year 1996 and for fiscal year 1997 shall not exceed the amount of the unencumbered balance in such account on the effective date of this act.

Sec. 31. *Appeals to exceed limitations*. Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

Sec. 32. *Savings*. Any unencumbered balance as of June 30, 1996, in any special revenue fund, or account thereof, which is not otherwise specifically appropriated or limited by this or other appropriation act of the 1996 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 1997, for the same use and purpose as the same was heretofore appropriated.

Sec. 33. Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 1996 regular session of the legislature, and having an unencumbered balance as of June 30, 1996, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 1997, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.

Sec. 34. Any Kansas educational building fund appropriation heretofore appropriated to any institution named in this or other appropriation act of the 1996 regular session of the legislature and having an unencumbered balance as of June 30, 1996, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 1997, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

Sec. 35. Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 1996 regular session of the legislature and having an unencumbered balance as of June 30, 1996, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 1997, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

Sec. 36. Any Kansas special capital improvements fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 1996 regular session of the legislature, and having an unencumbered balance as of June 30, 1996, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 1997, for the same use and purpose as originally appropriated unless specific provision is made for lapsing such appropriation.

Sec. 37. On July 1, 1996, K.S.A. 76-6b02 is hereby amended to read as follows: 76-6b02. (a) All moneys received by the state treasurer under K.S.A. 76-6b01, and amendments thereto, shall be credited to the Kansas educational building fund to be appropriated by the legislature as needed used for the construction, reconstruction, equipment and repair of buildings and grounds at the state educational institutions under the control and supervision of the state board of regents and for payment of debt

service on revenue bonds issued to finance such projects, all subject to appropriation by the legislature.

(b) Subject to any restrictions imposed by appropriation acts, the state board of regents is authorized to pledge funds appropriated to it from the Kansas educational building fund or from any other source and transferred to a special revenue fund of the state board of regents specified by statute for the payment of debt service on revenue bonds issued for the purposes set forth in subsection (a). Subject to any restrictions imposed by appropriation acts, the state board of regents is also authorized to pledge any funds appropriated to it from the Kansas educational building fund or from any other source and transferred to a special revenue fund of the state board of regents specified by statute as a priority for the payment of debt service on such revenue bonds. Neither the state or the state board of regents shall have the power to pledge the faith and credit or taxing power of the state of Kansas for such purposes and any payment by the state board of regents for such purposes shall be subject to and dependent on appropriations being made from time to time by the legislature. Any obligation of the state board of regents for payment of debt service on revenue bonds and any such revenue bonds issued for the purposes set forth in subsection (a) shall not be considered a debt or obligation of the state for the purpose of section 6 of article 11 of the constitution of the state of Kansas.

Sec. 38. On July 1, 1996, K.S.A. 76-6b02 is hereby repealed.

Sec. 39. K.S.A. 1995 Supp. 76-833 is hereby revived and amended to read as follows: 76-833. (a) As used in this act:

(1) "Capital improvement project" means a project which has a total cost of \$500,000 or less.

(2) "Private moneys" means moneys from nongovernmental sources.

(b) The university of Kansas medical center is authorized to construct buildings and facilities on state-owned property of the university of Kansas medical center from private moneys granted or given to such institution if the capital improvement projects for such buildings and facilities have received prior approval by the state board of regents and the plans and specifications for such projects have received prior approval by the secretary of administration. Such capital improvement projects shall be inspected by the division of architectural services. Such capital improvement projects financed totally from private moneys shall be exempt from the provisions of K.S.A. 75-3739, 75-3740, 75-3740a, 75-3741, 75-3741a, 75-3741b, 75-3742, 75-3743 and 75-3744, and amendments thereto. Such capital improvement projects shall be totally financed from private moneys and the buildings and facilities constructed shall become the property of the state of Kansas upon completion and acceptance by the secretary of administration. No such capital improvement project for a building or facility shall be approved by the state board of regents without having first advised and consulted with the joint committee on state building construction.

(c) The university of Kansas medical center is authorized to repair, remodel or renovate state buildings and facilities of the university of Kansas medical center from private moneys granted or given to such institution if the capital improvement projects for such repairs, remodeling or renovations have received prior approval by the state board of regents and the plans and specifications of such projects have received prior approval by the secretary of administration. Such capital improvement projects shall be inspected by the division of architectural services. Such capital improvement projects financed totally from private moneys shall be exempt from the provisions of K.S.A. 75-3739, 75-3740, 75-3740a, 75-3741, 75-3741a, 75-3741b, 75-3742, 75-3743 and 75-3744, and amendments thereto. Such capital improvement projects shall be totally financed from private moneys and the improvements shall become the property of the state of Kansas upon completion and acceptance by the secretary of administration. No such capital improvement project to repair, remodel or renovate any such state building or facility shall be approved by the state board of regents without having first advised and consulted with the joint committee on state building construction.

(d) The provisions of this section shall expire on June 30, 1995 2001.

Sec. 40. K.S.A. 1995 Supp. 76-833, as revived by this act, is hereby repealed.

Sec. 41. 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 1995 Supplement to the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

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1-1-1	Amended	V. 15, p. 703
1-1-2	Revoked	V. 15, p. 704
1-1-3	Revoked	V. 15, p. 704
1-1-4	Revoked	V. 15, p. 704
1-2-1	Revoked	V. 14, p. 1441
1-2-4	Amended	V. 14, p. 1441
1-2-5	Revoked	V. 14, p. 1441
1-2-8	New	V. 14, p. 1441
1-2-9	Amended	V. 14, p. 1441
1-2-11	Revoked	V. 14, p. 1441
1-2-14	New	V. 14, p. 1441
1-2-17	Amended	V. 14, p. 1441
1-2-20	New	V. 14, p. 172, 483
1-2-26	Revoked	V. 14, p. 1441
1-2-27	Revoked	V. 14, p. 1441
1-2-29	Revoked	V. 14, p. 1441
1-2-31	Amended	V. 14, p. 1441
1-2-35	Amended	V. 14, p. 1441
1-2-37	Revoked	V. 14, p. 1441
1-2-39	Revoked	V. 14, p. 1441
1-2-42	New	V. 14, p. 1441
1-2-42a	New	V. 14, p. 1441
1-2-43	Revoked	V. 14, p. 1442
1-2-44	New	V. 14, p. 1442
1-2-46	Amended	V. 14, p. 1442
1-2-47	Revoked	V. 14, p. 1442
1-2-48	Amended	V. 14, p. 1442
1-2-49	Revoked	V. 14, p. 1442
1-2-50	Amended	V. 14, p. 1442
1-2-51	Amended	V. 14, p. 1442
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1-2-54	New	V. 14, p. 1442
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1-2-67	Amended	V. 14, p. 1442
1-2-68	New	V. 14, p. 1443
1-2-70	New	V. 14, p. 1443
1-2-71	Amended	V. 14, p. 1443
1-2-72	Amended	V. 15, p. 704
1-2-73	Amended	V. 14, p. 1443
1-2-75	Revoked	V. 14, p. 1443
1-2-79	Amended	V. 14, p. 1443
1-2-83	Revoked	V. 14, p. 1443
1-2-84	Amended	V. 14, p. 1443
1-2-85	Amended	V. 14, p. 1443
1-2-86	New	V. 14, p. 1443
1-2-88	Amended	V. 15, p. 704
1-2-91	Revoked	V. 14, p. 1443
1-2-95	Revoked	V. 14, p. 1443
1-3-1	Revoked	V. 15, p. 704
1-3-2	Amended	V. 14, p. 1443
1-3-3	Revoked	V. 15, p. 704
1-3-4	Revoked	V. 15, p. 704
1-4-1	Amended	V. 14, p. 1444
1-4-2	Amended	V. 15, p. 704
1-4-6	Revoked	V. 15, p. 704
1-4-7	Amended	V. 14, p. 1444
1-5-1	Amended	V. 15, p. 704
1-5-2	Revoked	V. 15, p. 704
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1-5-4	Amended	V. 14, p. 1444
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1-5-6	Revoked	V. 15, p. 704
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1-5-12	Amended	V. 15, p. 705
1-5-15	Amended	V. 15, p. 705
1-15-18	Revoked	V. 14, p. 1448
1-5-19b	Amended	V. 14, p. 1448
1-5-19c	Amended	V. 14, p. 1448
1-5-20	Amended	V. 14, p. 1448
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1-5-22	Amended	V. 15, p. 706
1-5-23	Revoked	V. 14, p. 1449
1-5-24	Amended	V. 15, p. 706
1-5-26	Amended	V. 15, p. 707
1-5-28	Amended	V. 14, p. 1450
1-5-29	Amended	V. 14, p. 1450
1-5-30	Amended	V. 14, p. 1430
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1-6-2	Amended	V. 14, p. 1451
1-6-3	Amended	V. 14, p. 1451
1-6-4	Revoked	V. 14, p. 1452
1-6-5	Revoked	V. 14, p. 1452
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1-6-7	Amended	V. 14, p. 1452
1-6-8	Amended	V. 14, p. 1452
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1-6-20	Revoked	V. 14, p. 1452
1-6-21	Amended	V. 14, p. 1452
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1-6-23	Amended	V. 15, p. 708
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1-8-1	Revoked	V. 15, p. 709
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1-9-7c	Amended	V. 14, p. 1465
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1-9-9	Revoked	V. 15, p. 709
1-9-12	Amended	V. 14, p. 1465
1-9-13	Amended	V. 14, p. 1466
1-9-15	Revoked	V. 15, p. 709
1-9-16	Revoked	V. 15, p. 709
1-9-18	Amended	V. 14, p. 1466
1-9-19a	Amended	V. 15, p. 709
1-9-22	Amended	V. 14, p. 1466
1-9-23	Amended	V. 15, p. 710
1-9-25	New	V. 14, p. 173, 484
1-9-26	New	V. 14, p. 175, 487
1-9-27	New	V. 15, p. 711
1-10-6	Amended	V. 15, p. 713
1-10-8	Revoked	V. 15, p. 713
1-10-9	Revoked	V. 15, p. 713
1-11-1	Amended	V. 15, p. 713
1-13-1a	Amended	V. 15, p. 713
1-13-2	Revoked	V. 15, p. 714
1-13-3	Revoked	V. 15, p. 714
1-13-4	Revoked	V. 15, p. 714
1-14-6	Revoked	V. 15, p. 714
1-14-7	Amended	V. 15, p. 714
1-14-8	Amended	V. 14, p. 1470
1-14-10	Amended	V. 15, p. 715
1-14-11	Amended	V. 15, p. 715
1-16-18	Amended	V. 14, p. 1376
1-16-18a	Amended	V. 15, p. 317
1-18-1a	Amended	V. 14, p. 971, 1018

Reg. No.	Action	Register
1-21-1	Amended	V. 14, p. 1472
1-21-2	Amended	V. 14, p. 1472
1-21-4	Amended	V. 14, p. 1472
1-24-1	Amended	V. 14, p. 1472

Reg. No.	Action	Register
5-25-1	Amended	V. 15, p. 410-412

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
7-19-4	Amended	V. 14, p. 1154
7-36-1 through 7-36-6	Amended	V. 14, p. 982, 1102

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-19-4	Amended	V. 14, p. 1154
7-36-1 through 7-36-6	Amended	V. 14, p. 982, 1102

AGENCY 10: KANSAS BUREAU OF INVESTIGATION

Reg. No.	Action	Register
10-21-1 through 10-21-6	New	V. 14, p. 1630, 1631

AGENCY 11: STATE CONSERVATION COMMISSION

Reg. No.	Action	Register
11-8-1 through 11-8-8	New	V. 14, p. 629, 630

AGENCY 16: ATTORNEY GENERAL

Reg. No.	Action	Register
16-2-1	Amended	V. 15, p. 375
16-5-1	Amended	V. 15, p. 375
16-5-4	Amended	V. 15, p. 375
16-5-5	Amended	V. 15, p. 376
16-6-1	Amended	V. 15, p. 376

AGENCY 24: KANSAS WHEAT COMMISSION

Reg. No.	Action	Register
24-1-1	Amended	V. 15, p. 703

AGENCY 25: STATE GRAIN INSPECTION DEPARTMENT

Reg. No.	Action	Register
25-1-1	Revoked	V. 15, p. 138
25-3-3	Amended	V. 15, p. 138
25-4-1	Amended	V. 14, p. 676, 720
25-4-4	Amended	V. 15, p. 742

AGENCY 26: DEPARTMENT ON AGING

Reg. No.	Action	Register
26-8-1	Amended	V. 14, p. 990
26-8-4	Amended	V. 14, p. 991
26-8-8	Amended	V. 14, p. 991
26-9-1	New	V. 14, p. 884, 970

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-1-2	Amended	V. 14, p. 1740
28-1-3	Revoked	V. 14, p. 1740
28-1-4	Amended	V. 14, p. 1740
28-1-9	Revoked	V. 15, p. 550
28-1-10	Revoked	V. 15, p. 550
28-1-18	Amended	V. 14, p. 1740
28-1-19	Revoked	V. 15, p. 550
28-1-21	Revoked	V. 15, p. 550
28-1-22	Revoked	V. 15, p. 550
28-3-5	Revoked	V. 15, p. 550
28-3-6	Revoked	V. 15, p. 550
28-4-72	Revoked	V. 15, p. 551
28-4-431	Revoked	V. 15, p. 551
28-4-506	Revoked	V. 15, p. 551
28-4-507	Revoked	V. 15, p. 551
28-4-508	Revoked	V. 15, p. 551
28-4-558	through	V. 15, p. 490-494
28-4-563	Amended	V. 15, p. 494
28-4-567	Amended	V. 15, p. 494
28-4-570	Amended	V. 15, p. 495

28-5-8	Revoked	V. 15, p. 551
28-6-1	Revoked	V. 15, p. 551
28-6-2	Revoked	V. 15, p. 551
28-7-1		
through		
28-7-9	Revoked	V. 15, p. 551
28-8-1	Revoked	V. 15, p. 551
28-10-36	Revoked	V. 15, p. 551
28-10-40	Revoked	V. 15, p. 551
28-10-41	Revoked	V. 15, p. 551
28-11-1		
through		
28-11-6	Revoked	V. 15, p. 551
28-13-10	Revoked	V. 15, p. 551
28-13-11	Revoked	V. 15, p. 551
28-16-50		
through		
28-16-54	Revoked	V. 15, p. 551
28-16-65	Revoked	V. 15, p. 551
28-16-67	Revoked	V. 15, p. 551
28-17-5	Revoked	V. 15, p. 551
28-17-8	Revoked	V. 15, p. 551
28-19-7	Amended	V. 14, p. 1580
28-19-45	Revoked	V. 15, p. 183
28-19-46	Revoked	V. 15, p. 183
28-19-47	Revoked	V. 15, p. 183
28-19-83		
through		
28-19-96	Revoked	V. 15, p. 551
28-19-98	Revoked	V. 15, p. 551
28-19-98a	Revoked	V. 15, p. 551
28-19-99		
through		
28-19-108	Revoked	V. 15, p. 552
28-19-108a	Revoked	V. 15, p. 552
28-19-109	Revoked	V. 15, p. 552
28-19-119		
to		
28-19-121a	Revoked	V. 15, p. 552
28-19-123	Revoked	V. 15, p. 552
28-19-124	Revoked	V. 15, p. 552
28-19-125	Revoked	V. 15, p. 552
28-19-127		
through		
28-19-131	Revoked	V. 15, p. 552
28-19-133		
through		
28-19-141	Revoked	V. 15, p. 552
28-19-		
149through		
28-19-162	Revoked	V. 15, p. 552
28-19-202	Amended	V. 15, p. 257
28-19-511	Amended	V. 14, p. 1589
28-19-512	Amended	V. 14, p. 1591
28-19-518	Amended	V. 14, p. 1594
28-19-645	New	V. 15, p. 183
28-19-646	New	V. 15, p. 183
28-19-647	New	V. 15, p. 183
28-19-648	New	V. 15, p. 184
28-19-800	New	V. 15, p. 257
28-19-801	New	V. 15, p. 258
28-21-3	Revoked	V. 15, p. 552
28-21-90a	Revoked	V. 15, p. 552
28-21-91a	Revoked	V. 15, p. 552
28-21-91b	Revoked	V. 15, p. 552
28-21-92a	Revoked	V. 15, p. 552
28-21-93a	Revoked	V. 15, p. 552
28-21-94a	Revoked	V. 15, p. 552
28-21-96a	Revoked	V. 15, p. 552
28-21-98a	Revoked	V. 15, p. 552
28-21-99a	Revoked	V. 15, p. 552
28-21-102		
through		
28-21-112	Revoked	V. 15, p. 552
28-23-5	Revoked	V. 15, p. 552
28-23-8	Revoked	V. 15, p. 552
28-23-14	Revoked	V. 15, p. 552
28-23-15	Revoked	V. 15, p. 552
28-23-25	Revoked	V. 15, p. 552
28-23-33	Revoked	V. 15, p. 552
28-23-60		
through		
28-23-66	Revoked	V. 15, p. 552
28-23-69	Revoked	V. 15, p. 552
28-23-72	Revoked	V. 15, p. 553

28-23-74	Revoked	V. 15, p. 553
28-23-76	Revoked	V. 15, p. 553
28-23-77	Revoked	V. 15, p. 553
28-26-80		
through		
28-26-87	Revoked	V. 15, p. 553
28-26-90a	Revoked	V. 15, p. 553
28-28-1	Revoked	V. 15, p. 553
28-28-2	Revoked	V. 15, p. 553
28-29-1	Revoked	V. 15, p. 553
28-29-83	Revoked	V. 15, p. 553
28-29-84	Amended	V. 14, p. 992
28-29-85	Amended	V. 14, p. 992
28-29-98	Amended	V. 14, p. 91
28-31-4	Amended	V. 15, p. 297
28-31-10	Amended	V. 15, p. 301
28-33-1	Revoked	V. 15, p. 495
28-33-11	Revoked	V. 15, p. 495
28-33-12	Amended	V. 15, p. 495
28-34-11	Amended	V. 15, p. 497
28-34-62a	Amended	V. 14, p. 1659
28-37-10		
through		
28-37-14	Revoked	V. 15, p. 553
28-41-1		
through		
28-41-9	Revoked	V. 15, p. 553
28-42-1	Revoked	V. 15, p. 553
28-42-3		
through		
28-42-7	Revoked	V. 15, p. 553
28-42-9		
through		
28-42-16	Revoked	V. 15, p. 553
28-49-1		
through		
28-49-8	Revoked	V. 15, p. 553

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-4-34	Amended	V. 14, p. 826
30-4-63	Amended	V. 14, p. 826
30-4-63w	Amended	V. 14, p. 827
30-4-64	Amended	V. 14, p. 828
30-4-64w	Amended	V. 14, p. 829
30-4-65w	New	V. 14, p. 830
30-4-85a	Amended	V. 15, p. 15
30-4-101	Amended	V. 14, p. 1327
30-4-120	Amended	V. 14, p. 831
30-4-120w	Amended	V. 14, p. 832
30-4-140w	Amended	V. 14, p. 833
30-5-58	Amended	V. 15, p. 188
30-5-59	Amended	V. 14, p. 168
30-5-64	Amended	V. 15, p. 194
30-5-71	Amended	V. 14, p. 988, 1017
30-5-80	Amended	V. 14, p. 1660
30-5-81a	Amended	V. 14, p. 1661
30-5-82	Amended	V. 14, p. 1661
30-5-86	Amended	V. 14, p. 1662
30-5-94	Amended	V. 14, p. 1662
30-5-95	Amended	V. 14, p. 1663
30-5-106	Amended	V. 14, p. 169
30-5-107	Amended	V. 14, p. 169
30-5-110	Amended	V. 14, p. 1663
30-5-116	Amended	V. 14, p. 920
30-5-153	New	V. 14, p. 1663
30-5-153a	New	V. 14, p. 1663
30-5-174	New	V. 14, p. 920
30-6-103	Amended	V. 14, p. 1663
30-6-103w	Amended	V. 14, p. 1664
30-6-106	Amended	V. 14, p. 1665
30-6-106w	Amended	V. 14, p. 1666
30-6-111	Amended	V. 14, p. 833
30-6-111w	Amended	V. 14, p. 834
30-10-1a	Amended	V. 14, p. 1668
30-10-1b	Amended	V. 14, p. 1671
30-10-2	Amended	V. 14, p. 1671
30-10-15a	Amended	V. 14, p. 1672
30-10-17	Amended	V. 14, p. 1673
30-10-18	Amended	V. 14, p. 1675
30-10-19	Amended	V. 14, p. 1677
30-10-20	Amended	V. 14, p. 169
30-10-23a	Amended	V. 14, p. 1677
30-10-23b	Amended	V. 14, p. 1678

30-10-24	Amended	V. 14, p. 1678
30-10-25	Amended	V. 14, p. 1680
30-10-27	Amended	V. 14, p. 1680
30-10-29	Amended	V. 14, p. 1681
30-10-218	Amended	V. 15, p. 550
30-23-1	Revoked	V. 14, p. 1682
30-23-3	Revoked	V. 14, p. 1682
30-23-6		
through		
30-23-15	Revoked	V. 14, p. 1682
30-23-17	Revoked	V. 14, p. 1682
30-26-5	Revoked	V. 14, p. 1682
30-26-6	Revoked	V. 14, p. 1682
30-44-4	New	V. 14, p. 921

AGENCY 37: KANSAS HIGHWAY PATROL

Reg. No.	Action	Register
37-1-1		
through		
37-1-5	Revoked	V. 14, p. 1633
37-1-5a	Revoked	V. 14, p. 1633
37-1-6		
through		
37-1-12	Revoked	V. 14, p. 1633

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-4-17	Amended	V. 15, p. 77
40-4-35	Amended	V. 15, p. 622
40-4-37	Amended	V. 15, p. 77
40-4-37d	Amended	V. 15, p. 78
40-4-41	New	V. 14, p. 583, 624
40-4-41a		
through		
40-4-41g	New	V. 14, p. 584-587 625-628
40-5-109	Amended	V. 15, p. 78

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

Reg. No.	Action	Register
51-9-7	Amended	V. 15, p. 345

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-11-108	Amended	V. 15, p. 115
60-11-109	Revoked	V. 15, p. 115
60-11-112	Revoked	V. 15, p. 115
60-11-114	Revoked	V. 15, p. 115
60-11-117	Revoked	V. 15, p. 115
60-12-106	Amended	V. 15, p. 115
60-12-109	Revoked	V. 15, p. 116
60-13-112	Amended	V. 15, p. 116
60-13-115	Revoked	V. 15, p. 116

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-2	Revoked	V. 14, p. 1439
63-1-3	Amended	V. 14, p. 202
63-2-2	Revoked	V. 14, p. 1439
63-2-3	Amended	V. 14, p. 202
63-2-10	Amended	V. 14, p. 1439
63-2-12	Amended	V. 14, p. 203
63-2-13	Amended	V. 14, p. 1439
63-3-9	Amended	V. 14, p. 1439
63-3-12	Amended	V. 14, p. 1439
63-3-13	Amended	V. 14, p. 1439
63-3-14	Revoked	V. 14, p. 1439
63-3-15	Amended	V. 14, p. 1439
63-3-16	Amended	V. 14, p. 1439
63-3-19	Amended	V. 14, p. 1439
63-4-1	Amended	V. 14, p. 1440
63-5-1	Amended	V. 14, p. 1440
63-5-2	Revoked	V. 14, p. 1440
63-6-1	Amended	V. 14, p. 203
63-6-2	Amended	V. 14, p. 203
63-6-3	Amended	V. 14, p. 204
63-6-4	Revoked	V. 14, p. 1440
63-6-5	Amended	V. 14, p. 1440

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-1	Amended	V. 15, p. 184
66-6-6	Amended	V. 15, p. 185

(continued)

66-7-3	Amended	V. 15, p. 185
66-8-1	Amended	V. 15, p. 185
66-10-1	Amended	V. 15, p. 185
66-12-1	Amended	V. 15, p. 185
66-14-1		
through		
66-14-12	New	V. 15, p. 186, 187

**AGENCY 67: BOARD OF HEARING
AID EXAMINERS**

Reg. No.	Action	Register
67-2-4	Amended	V. 14, p. 66

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-1a	Amended	V. 14, p. 124
68-1-1f	Amended	V. 14, p. 125
68-2-12a	Amended	V. 14, p. 125
68-2-20	Amended	V. 14, p. 125
68-7-12a	Amended	V. 14, p. 125
68-7-14	Amended	V. 14, p. 126
68-14-1	Amended	V. 14, p. 126
68-20-15a	Amended	V. 14, p. 126
68-20-18	Amended	V. 14, p. 127
68-20-19	Amended	V. 14, p. 128

AGENCY 69: BOARD OF COSMETOLOGY

Reg. No.	Action	Register
69-1-1	Amended	V. 15, p. 292
69-1-2	Amended	V. 15, p. 292
69-1-3	Revoked	V. 15, p. 292
69-1-4	Amended	V. 15, p. 292
69-1-7	Revoked	V. 15, p. 293
69-1-8	Amended	V. 15, p. 293
69-2-1	Revoked	V. 15, p. 293
69-3-1	Amended	V. 15, p. 293
69-3-2	Revoked	V. 15, p. 293
69-3-3	Amended	V. 15, p. 293
69-3-4	Amended	V. 15, p. 294
69-3-5	Revoked	V. 15, p. 294
69-3-6	Amended	V. 15, p. 294
69-3-7	Amended	V. 15, p. 294
69-3-8	Amended	V. 15, p. 742
69-3-9	Amended	V. 15, p. 294
69-3-10	Revoked	V. 15, p. 294
69-3-11	Revoked	V. 15, p. 294
69-3-17	Revoked	V. 15, p. 294
69-3-19	Revoked	V. 15, p. 294
69-3-22		
through		
69-3-25	Revoked	V. 15, p. 294
69-3-26	New	V. 15, p. 294
69-3-27	New	V. 15, p. 294
69-3-28	New	V. 15, p. 294
69-4-2	Amended	V. 15, p. 294
69-4-6	Revoked	V. 15, p. 295
69-4-9	Amended	V. 15, p. 295
69-4-11	Revoked	V. 15, p. 295
69-4-12	Amended	V. 15, p. 295
69-5-2	Revoked	V. 15, p. 295
69-5-6	Amended	V. 15, p. 295
69-5-10	Revoked	V. 15, p. 295
69-5-13	Revoked	V. 15, p. 295
69-5-14	New	V. 15, p. 295
69-5-15	New	V. 15, p. 295
69-5-16	New	V. 15, p. 295
69-6-1	Revoked	V. 15, p. 295
69-6-2	Amended	V. 15, p. 295
69-6-5	Amended	V. 15, p. 295
69-6-6	Revoked	V. 15, p. 296
69-6-7	Amended	V. 15, p. 296
69-8-2	Revoked	V. 15, p. 296
69-8-3	Revoked	V. 15, p. 296
69-8-4	Revoked	V. 15, p. 296
69-8-6	Revoked	V. 15, p. 296
69-11-1	Amended	V. 15, p. 296
69-11-2	Amended	V. 15, p. 296
69-13-1	Amended	V. 15, p. 296
69-13-2	Amended	V. 15, p. 296

**AGENCY 70: BOARD OF
VETERINARY MEDICAL EXAMINERS**

Reg. No.	Action	Register
70-3-1	Amended	V. 14, p. 90
70-3-2	Amended	V. 14, p. 90

70-3-4	Revoked	V. 14, p. 90
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AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-1-13	Revoked	V. 14, p. 68
71-5-1		
through		
71-5-6	New	V. 14, p. 1533, 1534

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-1-3	Amended	V. 14, p. 1736
74-4-1	Amended	V. 14, p. 1736
74-4-4	Amended	V. 14, p. 1736
74-4-5	Revoked	V. 14, p. 1736
74-4-6	Revoked	V. 14, p. 1736
74-5-2	Amended	V. 14, p. 1736
74-5-103	Amended	V. 14, p. 1737
74-5-202	Amended	V. 14, p. 1738
74-5-203	Amended	V. 14, p. 1738
74-5-406	Amended	V. 14, p. 1738
74-6-1	Amended	V. 14, p. 1739
74-6-2	Amended	V. 14, p. 1739
74-7-2	Amended	V. 14, p. 1739
74-8-2	Revoked	V. 14, p. 1739
74-8-5	Revoked	V. 14, p. 1739
74-13-1	Revoked	V. 14, p. 1739
74-13-2	Revoked	V. 14, p. 1739
74-14-1	Revoked	V. 14, p. 1739
74-14-2	Revoked	V. 14, p. 1739

**AGENCY 81: OFFICE OF THE
SECURITIES COMMISSIONER**

Reg. No.	Action	Register
81-1-1	Amended	V. 15, p. 697
81-2-1	Amended	V. 15, p. 698
81-3-1	Amended	V. 15, p. 698
81-3-4	Revoked	V. 15, p. 700
81-4-1	Amended	V. 15, p. 700
81-5-1	Revoked	V. 15, p. 701
81-5-2	Revoked	V. 15, p. 701
81-5-3	Amended	V. 15, p. 701
81-5-4	Amended	V. 15, p. 701
81-5-7	Amended	V. 15, p. 701
81-5-9	Amended	V. 15, p. 702
81-5-12	New	V. 14, p. 297
81-6-1	Amended	V. 15, p. 702
81-7-2	Amended	V. 15, p. 703
81-8-1	Revoked	V. 15, p. 703
81-9-1	Revoked	V. 15, p. 703
81-13-1	Revoked	V. 15, p. 703

**AGENCY 82: STATE CORPORATION
COMMISSION**

Reg. No.	Action	Register
82-3-101	Amended	V. 14, p. 129
82-3-103	Amended	V. 14, p. 132
82-3-106	Amended	V. 14, p. 133
82-3-115	Amended	V. 14, p. 134
82-3-115a	New	V. 14, p. 135
82-3-115b	New	V. 14, p. 135
82-3-116	Amended	V. 14, p. 136
82-3-120	Amended	V. 14, p. 136
82-3-300	Amended	V. 14, p. 137
82-5-13	Amended	V. 14, p. 1047
82-8-100		
through		
82-8-108	Revoked	V. 14, p. 1047
82-12-1		
through		
82-12-9	New	V. 14, p. 1048, 1049

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-5	Amended	V. 15, p. 598
86-1-10	Amended	V. 14, p. 1495
86-1-11	Amended	V. 14, p. 1496
86-1-12	Amended	V. 14, p. 1497
86-1-13	Amended	V. 14, p. 1497
86-1-15	Amended	V. 14, p. 1497
86-1-17	New	V. 14, p. 1497
86-1-18	New	V. 14, p. 1498
86-2-4	Revoked	V. 14, p. 1660
86-2-6	Revoked	V. 14, p. 1660
86-3-25	New	V. 14, p. 1498

**AGENCY 91: DEPARTMENT OF
EDUCATION**

Reg. No.	Action	Register
91-1-30	Amended	V. 14, p. 1704
91-1-34	Amended	V. 14, p. 1705
91-1-35	Amended	V. 14, p. 1705
91-1-36	Revoked	V. 14, p. 1706
91-1-44	Amended	V. 14, p. 1706
91-1-45	Amended	V. 14, p. 1706
91-1-46	Amended	V. 14, p. 1706
91-1-48	Amended	V. 14, p. 1706
91-1-68a		
through		
91-1-68d	Amended	V. 14, p. 677-680
91-1-68e	New	V. 14, p. 681
91-1-70a	New	V. 14, p. 682
91-1-70b	New	V. 14, p. 682
91-1-103	Revoked	V. 14, p. 1707
91-1-113b	Amended	V. 14, p. 1707
91-1-114a	Amended	V. 14, p. 1707
91-1-115a	Amended	V. 14, p. 1707
91-1-117a	Amended	V. 14, p. 1708
91-1-118a	Amended	V. 14, p. 1708
91-1-123	Revoked	V. 14, p. 1708
91-1-127a	Amended	V. 14, p. 1708
91-1-128a	Revoked	V. 14, p. 1708
91-1-145	Amended	V. 14, p. 1709
91-1-146d	Amended	V. 14, p. 1709
91-12-22	Amended	V. 15, p. 226
91-12-23	Amended	V. 14, p. 91
91-12-25	Amended	V. 14, p. 91
91-12-29	Revoked	V. 14, p. 92
91-12-34	Revoked	V. 14, p. 92
91-12-35	Amended	V. 14, p. 92
91-12-41	Amended	V. 14, p. 92
91-12-42	Amended	V. 14, p. 93
91-12-51	Amended	V. 14, p. 94
91-12-54	Amended	V. 14, p. 94
91-12-55	Amended	V. 15, p. 230
91-12-56	Amended	V. 14, p. 94
91-12-60	Amended	V. 14, p. 95
91-12-61	Amended	V. 15, p. 230
91-12-74	New	V. 14, p. 95

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-38-1	Amended	V. 14, p. 676

**AGENCY 102: BEHAVIORAL SCIENCES
REGULATORY BOARD**

Reg. No.	Action	Register
102-1-1	Amended	V. 14, p. 1014
102-1-4	Amended	V. 14, p. 488
102-1-5	Amended	V. 14, p. 488
102-1-10	Amended	V. 14, p. 1015
102-1-13	Amended	V. 14, p. 1016
102-2-3	Amended	V. 14, p. 1016
102-3-2	Amended	V. 14, p. 1016
102-4-1	Amended	V. 14, p. 489
102-4-2	Amended	V. 14, p. 1016
102-4-4	Amended	V. 14, p. 490
102-4-5	Amended	V. 14, p. 490
102-4-6	Amended	V. 14, p. 491
102-4-7	Revoked	V. 14, p. 492
102-4-10	Amended	V. 14, p. 492
102-5-2	Amended	V. 14, p. 1016
102-6-1	New	V. 14, p. 796
102-6-2	New	V. 14, p. 797
102-6-4	New	V. 14, p. 797
102-6-5	New	V. 14, p. 797
102-6-8	New	V. 14, p. 798
102-6-9	New	V. 14, p. 798
102-6-10	New	V. 14, p. 798
102-6-11	New	V. 14, p. 799
102-6-12	New	V. 14, p. 799

**AGENCY 109: BOARD OF EMERGENCY
MEDICAL SERVICES**

Reg. No.	Action	Register
109-8-1	Amended	V. 14, p. 1710
109-10-1	Amended	V. 14, p. 1242

AGENCY 111: KANSAS LOTTERY

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 13, p. 1045

111-2-1	Amended	V. 14, p. 311	111-4-105	Amended	V. 14, p. 972	111-4-341	Revoked	V. 11, p. 1473
111-2-2	Amended	V. 12, p. 1261	111-4-106	Amended	V. 14, p. 973	111-4-341a	Revoked	V. 12, p. 1372
111-2-2a			111-4-106a	Amended	V. 14, p. 974	111-4-341b	Amended	V. 12, p. 1372
through			111-4-107	Amended	V. 11, p. 978	111-4-341c	New	V. 12, p. 1664
111-2-2e	New	V. 14, p. 1633, 1634	111-4-108	Amended	V. 14, p. 974	111-4-344	Amended	V. 12, p. 1373
111-2-6	Revoked	V. 13, p. 149	111-4-110	Amended	V. 11, p. 978	111-4-346		
111-2-7	Revoked	V. 10, p. 1210	111-4-111	Amended	V. 9, p. 1366	through		
111-2-13	Revoked	V. 10, p. 881	111-4-112	Amended	V. 14, p. 974	111-4-361	New	V. 10, p. 1586-1589
111-2-14	Amended	V. 14, p. 1634	111-4-113	Amended	V. 9, p. 1366	111-4-356		
111-2-15	Revoked	V. 10, p. 881	111-4-114	Amended	V. 9, p. 1366	through		
111-2-16	Revoked	V. 10, p. 1210	111-4-153			111-4-361	Revoked	V. 14, p. 7
111-2-17	Revoked	V. 10, p. 1210	through			111-4-346		
111-2-18	Revoked	V. 11, p. 413	111-4-160	Revoked	V. 9, p. 1676, 1677	through		
111-2-19	Revoked	V. 11, p. 413	111-4-177			111-4-349	Revoked	V. 12, p. 114
111-2-20			through			111-4-362		
through			111-4-212	Revoked	V. 9, p. 1677, 1678	through		
111-2-26	Revoked	V. 13, p. 1401	111-4-213			111-4-365	Revoked	V. 12, p. 114, 115
111-2-27	Revoked	V. 14, p. 972	through			111-4-362	Amended	V. 11, p. 13
111-2-28	New	V. 12, p. 1844	111-4-220	Revoked	V. 10, p. 1213	111-4-366		
111-2-29	Revoked	V. 14, p. 972	111-4-217	Amended	V. 9, p. 986	through		
111-2-30	Amended	V. 14, p. 403	111-4-221			111-4-379	New	V. 11, p. 136-139
111-2-31	New	V. 14, p. 170	111-4-224	Revoked	V. 10, p. 1585	111-4-366		
111-2-32	New	V. 14, p. 311	111-4-225			through		
111-2-33	Amended	V. 14, p. 1741	111-4-228	Revoked	V. 10, p. 1585	111-4-369	Revoked	V. 12, p. 1373
111-2-34	Amended	V. 14, p. 722	111-4-229			111-4-370		
111-2-35	New	V. 14, p. 796	through			111-4-379	Revoked	V. 14, p. 7, 8
111-2-36	New	V. 14, p. 908	111-4-236	Revoked	V. 10, p. 1585, 1586	111-4-380		
111-2-37	New	V. 14, p. 1094	111-4-237			through		
111-2-38	New	V. 14, p. 1741	111-4-240	Revoked	V. 11, p. 413	111-4-383	Revoked	V. 12, p. 1664
111-2-39	New	V. 14, p. 1502	111-4-241			111-4-384		
111-2-40	New	V. 14, p. 1502	through			111-4-387	Revoked	V. 12, p. 1373
111-2-41	New	V. 14, p. 1742	111-4-244	Revoked	V. 12, p. 1371	111-4-388		
111-2-42	New	V. 14, p. 1742	111-4-245			through		
111-2-43	New	V. 15, p. 287	111-4-248	Revoked	V. 12, p. 1371	111-4-400	New	V. 11, p. 478-481
111-2-44	New	V. 15, p. 288	111-4-249			111-4-388		
111-2-45	New	V. 15, p. 288	through			111-4-391	Revoked	V. 12, p. 1373
111-2-46	New	V. 15, p. 624	111-4-256	Revoked	V. 12, p. 113, 114	111-4-394	Amended	V. 12, p. 520
111-3-1	Amended	V. 14, p. 908	111-4-257			through		
111-3-6	Amended	V. 12, p. 677	111-4-286	Revoked	V. 11, p. 413, 414	111-4-400	Amended	V. 12, p. 521, 522
111-3-9	Revoked	V. 11, p. 1793	111-4-287			111-4-401		
111-3-10			through			111-4-404	Revoked	V. 12, p. 1373
through			111-4-287	New	V. 10, p. 883-886	111-4-405		
111-3-31	New	V. 7, p. 201-206	111-4-290	Revoked	V. 12, p. 1371	through		
111-3-11	Amended	V. 13, p. 35	111-4-291			111-4-413	New	V. 11, p. 756, 757
111-3-12	Amended	V. 13, p. 1826	111-4-291			111-4-405	Amended	V. 14, p. 723
111-3-13	Amended	V. 11, p. 1148	111-4-300	Revoked	V. 12, p. 114	111-4-407	Amended	V. 13, p. 877
111-3-14	Amended	V. 13, p. 1826	111-4-301			111-4-408	Amended	V. 14, p. 723
111-3-16	Amended	V. 9, p. 1566	through			111-4-409	Amended	V. 14, p. 723
111-3-19			111-4-307	Revoked	V. 13, p. 1402	111-4-411	Amended	V. 14, p. 1094
through			111-4-301	Amended	V. 12, p. 1115	111-4-412	Amended	V. 11, p. 1475
111-3-22	Amended	V. 9, p. 30	111-4-303	Amended	V. 12, p. 1115	111-4-413	Amended	V. 11, p. 1475
111-3-19	Revoked	V. 13, p. 1827	111-4-304	Amended	V. 12, p. 1115	111-4-414		
111-3-20	Amended	V. 11, p. 1148	111-4-306	Amended	V. 12, p. 1115	through		
111-3-21	Amended	V. 11, p. 1148	111-4-308			111-4-428	Revoked	V. 14, p. 8
111-3-22	Amended	V. 11, p. 1148	through			111-4-414	Amended	V. 11, p. 1150
111-3-23	Revoked	V. 10, p. 883	111-4-320	New	V. 10, p. 1214, 1215	111-4-429		
111-3-25	Amended	V. 13, p. 1827	111-4-308	Amended	V. 12, p. 1261	through		
111-3-26	Amended	V. 11, p. 1149	111-4-311	Amended	V. 12, p. 1262	111-4-432	Revoked	V. 12, p. 1373
111-3-27	Amended	V. 11, p. 1149	111-4-312	Amended	V. 12, p. 1262	111-4-433		
111-3-29	Revoked	V. 11, p. 1149	111-4-313	Amended	V. 12, p. 1262	through		
111-3-31	Amended	V. 8, p. 209	111-4-318			111-4-436	Revoked	V. 12, p. 1374
111-3-32	Amended	V. 10, p. 883	111-4-321	Revoked	V. 12, p. 114	111-4-437		
111-3-33	New	V. 7, p. 1434	111-4-322			through		
111-3-34	New	V. 13, p. 149	111-4-331	New	V. 10, p. 1411-1413	111-4-444	New	V. 11, p. 1475-1477
111-3-35	Amended	V. 14, p. 909	111-4-322			111-4-440	Revoked	V. 12, p. 1374
111-3-36	New	V. 13, p. 877	111-4-327	Revoked	V. 12, p. 1371	111-4-441		
111-3-37	New	V. 13, p. 877	111-4-328			through		
111-4-1			111-4-335	Revoked	V. 12, p. 114	111-4-443	Revoked	V. 14, p. 8
through			111-4-336			111-4-445		
111-4-5	Revoked	V. 12, p. 113	through			111-4-453	New	V. 11, p. 1794-1796
111-4-5a	Revoked	V. 12, p. 113	111-4-345	New	V. 10, p. 1526-1528	111-4-445		
111-4-6			111-4-336			through		
through			111-4-340	Amended	V. 12, p. 1371, 1372	111-4-448	Revoked	V. 12, p. 1374
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. 14, p. 972						
111-4-101	Amended	V. 14, p. 972						
111-4-102	Amended	V. 12, p. 1114						
111-4-103	Amended	V. 10, p. 1211						
111-4-104	Amended	V. 14, p. 972						

(continued)

111-4-449 through			111-4-695 through			111-7-1 through		
111-4-453	Revoked	V. 14, p. 8	111-4-702	New	V. 14, p. 725-727	111-7-10	New	V. 7, p. 1192, 1193
111-4-454 through			111-4-703 through			111-7-1	Amended	V. 8, p. 212
111-4-465	Revoked	V. 12, p. 1664, 1665	111-4-723	New	V. 14, p. 909-914	111-7-3	Amended	V. 11, p. 1796
111-4-466 through			111-4-724 through			111-7-3a	Revoked	V. 13, p. 340
111-4-473	New	V. 12, p. 316, 317	111-4-736	New	V. 14, p. 978-981	111-7-4	Amended	V. 9, p. 1367
111-4-466 through			111-4-737 through			111-7-5	Amended	V. 9, p. 986
111-4-473	New	V. 12, p. 316, 317	111-4-749	New	V. 14, p. 1095-1098	111-7-6	Amended	V. 9, p. 987
111-4-466 through			111-4-750 through			111-7-9	Amended	V. 12, p. 1263
111-4-469	Revoked	V. 12, p. 1665	111-4-757	New	V. 14, p. 1408, 1409	111-7-11	Amended	V. 10, p. 1475
111-4-470	Amended	V. 12, p. 522	111-4-758 through			111-7-12a through		
111-4-474 through			111-4-761	New	V. 14, p. 1502, 1503	111-7-32	New	V. 7, p. 1194-1196
111-4-488	New	V. 12, p. 522-524	111-4-762 through			111-7-33 through		
111-4-478 through			111-4-778	New	V. 14, p. 1410-1414	111-7-43	New	V. 7, p. 1197, 1198
111-4-492	Revoked	V. 14, p. 974, 975	111-4-769	Amended	V. 14, p. 1503	111-7-33a	New	V. 8, p. 300
111-4-493 through			111-4-779 through			111-7-44 through		
111-4-496	New	V. 12, p. 525	111-4-791	New	V. 14, p. 1504-1507	111-7-54	Revoked	V. 13, p. 340
111-4-497 through			111-4-792 through			111-7-46	Amended	V. 11, p. 1352
111-4-512	Revoked	V. 14, p. 975	111-4-803	New	V. 14, p. 1635-1638	111-7-54	Amended	V. 11, p. 1511
111-4-513 through			111-4-804 through			111-7-55 through		
111-4-521	New	V. 12, p. 1374, 1375	111-4-816	New	V. 15, p. 116-119	111-7-63	Revoked	V. 10, p. 1217
111-4-519	Amended	V. 14, p. 1095	111-4-817 through			111-7-60	Amended	V. 10, p. 262
111-4-522 through			111-4-824	New	V. 15, p. 289, 290	111-7-64 through		
111-4-571	Revoked	V. 14, p. 975-977	111-4-825 through			111-7-75	New	V. 11, p. 13, 14
111-4-572 through			111-4-838	New	V. 15, p. 449-452	111-7-66	Amended	V. 14, p. 1742
111-4-585	New	V. 13, p. 878-880	111-4-839 through			111-7-66a	Revoked	V. 13, p. 340
111-4-572	Amended	V. 14, p. 723	111-4-854	New	V. 15, p. 624-627	111-7-76 through		
111-4-574	Amended	V. 14, p. 724	111-5-1 through			111-7-78	New	V. 11, p. 1478-1480
111-4-575	Amended	V. 14, p. 724	111-5-23	New	V. 7, p. 209-213	111-7-79	Revoked	V. 13, p. 340
111-4-576	Amended	V. 14, p. 724	111-5-9 through			111-7-80		
111-4-577	Amended	V. 14, p. 724	111-5-19	Revoked	V. 15, p. 291	111-7-83	New	V. 11, p. 1478-1480
111-4-579	Amended	V. 14, p. 724	111-5-21 through			111-7-81	Amended	V. 14, p. 1743
111-4-581	Amended	V. 14, p. 725	111-5-33	New	V. 11, p. 415-418	111-7-84 through		
111-4-582	Amended	V. 14, p. 725	111-5-21	Revoked	V. 15, p. 291	111-7-93	Revoked	V. 15, p. 291
111-4-583	Amended	V. 14, p. 725	111-5-22	Amended	V. 13, p. 1438	111-7-94	Revoked	V. 13, p. 340
111-4-584	Amended	V. 14, p. 725	111-5-23	Amended	V. 11, p. 481	111-7-95 through		
111-4-586 through			111-5-24	Amended	V. 11, p. 983	111-7-118	Revoked	V. 15, p. 291, 292
111-4-606	Revoked	V. 14, p. 977, 978	111-5-25	Amended	V. 11, p. 482	111-8-1	New	V. 7, p. 1633
111-4-607 through			111-5-27	Amended	V. 11, p. 482	111-8-2	New	V. 7, p. 1633
111-4-619	New	V. 13, p. 1436-1438	111-5-28	Amended	V. 12, p. 317	111-8-3	Amended	V. 10, p. 886
111-4-607	Amended	V. 14, p. 1407	111-5-34	New	V. 12, p. 318	111-8-4	New	V. 7, p. 1714
111-4-609	Amended	V. 14, p. 1407	111-5-34a	Amended	V. 14, p. 1098	111-8-4a	Revoked	V. 13, p. 1406
111-4-610	Amended	V. 14, p. 1407	111-5-35 through			111-8-5 through		
111-4-611	Amended	V. 14, p. 1407	111-5-38	Revoked	V. 13, p. 1439	111-8-13	New	V. 7, p. 1634
111-4-613	Amended	V. 14, p. 1408	111-6-1 through			111-8-14	New	V. 13, p. 881
111-4-616 through			111-6-15	New	V. 7, p. 213-217	111-8-15	New	V. 13, p. 881
111-4-623	Revoked	V. 14, p. 978	111-6-1	Amended	V. 13, p. 339	111-9-1 through		
111-4-624 through			111-6-1	Amended	V. 14, p. 313	111-9-12	New	V. 7, p. 1714-1716
111-4-652	New	V. 13, p. 1828-1835	111-6-3	Amended	V. 10, p. 1413	111-9-1	Revoked	V. 9, p. 1680
111-4-640	Amended	V. 13, p. 1922	111-6-4	Amended	V. 13, p. 1405	111-9-6	Revoked	V. 9, p. 1680
111-4-652	Amended	V. 13, p. 1922	111-6-5	Amended	V. 11, p. 1973	111-9-13 through		
111-4-653 through			111-6-6	Amended	V. 11, p. 1477	111-9-18	Revoked	V. 9, p. 1680
111-4-664	New	V. 13, p. 1923-1925	111-6-7	Amended	V. 12, p. 1118	111-9-25 through		
111-4-665 through			111-6-7a	New	V. 12, p. 1263	111-9-30	New	V. 9, p. 699, 700
111-4-669	New	V. 14, p. 8, 9	111-6-8	Revoked	V. 14, p. 313	111-9-31 through		
111-4-670 through			111-6-9	Revoked	V. 12, p. 1376	111-9-36	New	V. 10, p. 262
111-4-673	New	V. 14, p. 170	111-6-11	Revoked	V. 8, p. 212	111-9-37 through		
111-4-674 through			111-6-12	Amended	V. 8, p. 299	111-9-48	New	V. 10, p. 1439, 1440
111-4-677	New	V. 14, p. 312, 313	111-6-13	Amended	V. 12, p. 677	111-9-49 through		
111-4-678 through			111-6-15	Amended	V. 10, p. 1475	111-9-54	New	V. 12, p. 318, 319
111-4-682	New	V. 14, p. 438, 439	111-6-17	Revoked	V. 13, p. 150	111-9-55 through		
111-4-683 through			111-6-19	New	V. 13, p. 340	111-9-60	New	V. 12, p. 1263, 1264
111-4-694	New	V. 14, p. 404-406	111-6-20	New	V. 13, p. 340	111-10-1 through		
			111-6-21	New	V. 13, p. 881	111-10-9	New	V. 8, p. 136-138
			111-6-22	New	V. 13, p. 881	111-10-7	Amended	V. 8, p. 301
			111-6-23	New	V. 13, p. 881			

AGENCY 112: KANSAS RACING COMMISSION

Reg. No.	Action	Register
112-3-16	Amended	V. 14, p. 751
112-3-17	Amended	V. 15, p. 182
112-3-19	Amended	V. 15, p. 222
112-4-1	Amended	V. 15, p. 223
112-4-4a	New	V. 15, p. 182
112-5-2	Amended	V. 15, p. 224
112-6-2	Amended	V. 15, p. 224
112-9-1	Amended	V. 14, p. 751
112-9-21a	Amended	V. 14, p. 751
112-10-35	Amended	V. 15, p. 599
112-10-38	New	V. 14, p. 1632
112-12-10	Amended	V. 14, p. 1102
112-12-14	Amended	V. 14, p. 1632
112-16-14	Amended	V. 14, p. 1633
112-17-1 through 112-17-13	Amended	V. 14, p. 752-756
112-17-15	Amended	V. 14, p. 756

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 14, p. 949
115-2-2	Amended	V. 14, p. 949
115-2-3	Amended	V. 14, p. 950
115-2-5	New	V. 15, p. 232
115-4-1	Amended	V. 15, p. 546
115-4-3	Amended	V. 15, p. 547
115-4-5	Amended	V. 15, p. 548
115-4-6	Amended	V. 14, p. 495
115-4-7	Amended	V. 15, p. 549
115-4-8	Amended	V. 14, p. 498
115-18-6	New	V. 14, p. 950
115-18-14	Amended	V. 14, p. 1244
115-20-1	Amended	V. 14, p. 123
115-30-3	Amended	V. 14, p. 123
115-30-11	New	V. 14, p. 950

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-1-1	Amended	V. 15, p. 489
117-2-2	Amended	V. 14, p. 533
117-3-2	Amended	V. 14, p. 534
117-4-2	Amended	V. 14, p. 534
117-6-3	Amended	V. 15, p. 489
117-8-1	Amended	V. 15, p. 490

AGENCY 121: DEPARTMENT OF CREDIT UNIONS

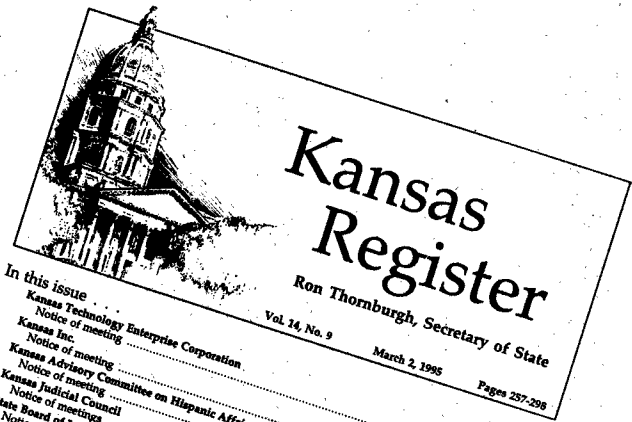
Reg. No.	Action	Register
121-1-1	New	V. 14, p. 1214

AGENCY 122: POOLED MONEY INVESTMENT BOARD

Reg. No.	Action	Register
122-1-1	New	V. 14, p. 1126, 1499
122-2-1	New	V. 14, p. 1126, 1499
122-2-2	New	V. 14, p. 1126, 1499
122-3-1 through 122-3-10	New	V. 14, p. 1127, 1128, 1499-1501
122-4-1	New	V. 14, p. 1128, 1501
122-5-1	New	V. 14, p. 1128, 1501

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