

Kansas Register

Ron Thornburgh, Secretary of State

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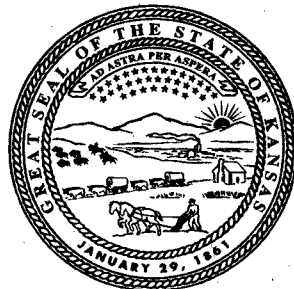
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State of Kansas

Commission on Veterans' Affairs**Notice of Meeting**

The Kansas Commission on Veterans' Affairs will meet at 1:30 p.m. Friday, May 29, in the State Banking Department's conference room, third floor, Jayhawk Tower, 700 S.W. Jackson, Topeka. The public is invited to attend.

Don A. Myer
Executive Director

Doc. No. 022470

State of Kansas

Board of Emergency Medical Services**Notice of Meeting**

The Board of Emergency Medical Services will meet at 9 a.m. Friday, June 5, at the Pozez Education Center, Stormont-Vail Medical Center, 1500 S.W. 10th, Topeka. Agenda items include committee reports and a strategic planning session.

All meetings of the board are open to the public. For more information, contact the administrator at 109 S.W. 6th, Topeka, 66603, (785) 296-7296.

Bob McDanel
Administrator

Doc. No. 022462

State of Kansas

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

The Kansas Department of Health and Environment is posting its annual notice to allow public input on the state plan of operations for the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) and the Commodity Supplemental Food Program (CSFP).

These programs are designed to improve the nutritional status of pregnant and breastfeeding women, infants and children up to age six who would not otherwise have a balanced diet. WIC/CSFP provides supplemental food and nutrition education as a component to good health care during times of growth and development.

Comments on the following areas will be helpful: 1) affirmative action; 2) outreach; 3) nutrition education; 4) program services; and 5) food delivery system.

All interested parties are encouraged to provide input into the state plan of operations for WIC and CSFP. Anyone wishing to comment is requested to send written comments by 5 p.m. June 19 to Patti Artzer, Office Supervisor, WIC/CSF Programs, Bureau for Children, Youth and Families, Kansas Department of Health and Environment, Landon State Office Building, 10th Floor, 900 S.W. Jackson, Topeka, 66612-1290.

Gary R. Mitchell
Secretary of Health and Environment

Doc. No. 022466

State of Kansas

Social and Rehabilitation Services**Division of Services for the Blind Advisory Committee****Notice of Meeting**

The Division of Services for the Blind Advisory Committee will meet from 9 a.m. to 1 p.m. Friday, June 5, in the Rehabilitation Center for the Blind conference room, 2516 S.W. 6th Ave., Topeka.

S.A. Erhart
Director

Doc. No. 022464

State of Kansas

State Employees Health Care Commission**Request for Proposals**

The Kansas State Employees Health Care Commission is issuing a request for proposals (RFP #33104) for a fully insured, voluntary statewide student health insurance plan for students at Kansas Regents institutions (University of Kansas Medical Center, University of Kansas, and Kansas State, Emporia State, Pittsburg State, Wichita State and Fort Hays State universities).

If interested in receiving a copy of the RFP, contact the Kansas Department of Administration, Health Benefits Administration, Attn: Terry Bernatis, Room 951-S, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1251, (785) 296-6280, fax (785) 368-7180.

Terry D. Bernatis
Health Benefits Administrator

Doc. No. 022460

State of Kansas

Social and Rehabilitation Services**Notice of Hearing**

A public hearing on the 1999 Social Service Block Grant (SSBG) State Plan and the Low Income Energy Assistance Program (LIEAP) Block Grant Plan has been scheduled at 9 a.m. Tuesday, June 2, in Room 481-W, Docking State Office Building, 915 S.W. Harrison, Topeka, and by teleconference at the SRS area offices located in Chanute, Emporia, Garden City, Hays, Hutchinson, Kansas City, Lawrence, Manhattan, Olathe, Salina, Topeka and Wichita. Following the public hearing, there will be formal public testimony and a participant brainstorming session on the SRS budget for FY 2000. Any organization or individual wishing to participate at the meeting or obtain a copy of the block grant summaries should contact Jackie Aubert at (785) 296-6216.

Rochelle Chronister
Secretary of Social and Rehabilitation Services

Doc. No. 022463

State of Kansas

Workforce Investment Partnership Council**Notice of Executive Committee Meeting**

The Kansas Workforce Investment Partnership Council's Executive Committee will meet at 9:30 a.m. Thursday, May 21, at 1430 S.W. Topeka Blvd., second floor conference room, Topeka. The meeting is open to the public. For more information, contact Deann Schmitz at (785) 296-3974.

David Thomas
Chair

Doc. No. 022467

State of Kansas

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

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. IBP, Inc. has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to install a boiler. Emissions of nitrogen oxides and sulfur oxides were evaluated during the permit review process.

IBP, Inc. owns and operates the stationary source located at 210 W. 6th, Emporia, at which the boiler is to be installed.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during review of the permit application is available for public inspection during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE southeast district office, 1500 W. 7th, Chanute. To obtain or review the proposed permit and supporting documentation, contact Shawn Howell, (785) 296-1993, at the KDHE central office, or Lynn Ranabargar, (316) 431-2390, at the KDHE southeast district office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Shawn Howell, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business June 22.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business June 22 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 022441

State of Kansas

**Board of Adult Care Home
Administrators****Notice of Meeting**

The Board of Adult Care Home Administrators will meet at 9:30 a.m. Friday, June 5, in Classrooms A and B, Wheatland Habilitation Center, Kansas Neurological Institute, 3108 S.W. 21st, Topeka.

Lesa Bray, Director
Health Occupations Credentialing

Doc. No. 022469

State of Kansas

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

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Tony's Pizza Service has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to replace an oven. Emissions of volatile organic compounds (VOC) were evaluated during the permit review process.

Tony's Pizza Service owns and operates the stationary source located at 3019 Scanlan Ave., Salina, at which the oven is to be replaced.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during review of the permit application is available for public inspection during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE north central district office, 2501 Market Place, Suite D, Salina. To obtain or review the proposed permit and supporting documentation, contact Douglas S. Warren, (785) 296-6281, at the KDHE central office, or Scott Murrison, (785) 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 Douglas S. Warren, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business June 22.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business June 22 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 022439

State of Kansas

Board of Technical Professions

Notice of Meetings

The Kansas State Board of Technical Professions will conduct a regular board meeting Friday, May 29, at the Shawnee Country Club, 913 S.E. 29th, Topeka. The Professional Engineer and Land Surveyor Committee will meet in the President's Room at 8:30 a.m., and the Architect and Landscape Architect Committee will meet in the PDR West Room at 10 a.m. The full board will meet at approximately 11 a.m. (at the conclusion of the committee meetings) in the President's Room. All meetings are open to the public.

Betty L. Rose
Executive Director

Doc. No. 022458

State of Kansas

Department of Health
and Environment

Notice Concerning Kansas Water
Pollution Control Permits

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

Public Notice No. KS-AG-98-76

Name and Address of Applicant	Legal Description	Receiving Water
Joe Hall, d/b/a Hall Farm, Inc. 2732 N.W. 60th Newton, KS 67114	SE4 of Sec. 27, T22S, R1W, Harvey County	Little Arkansas River Basin

Kansas Permit No. A-LAHV-H002 Federal Permit No. KS-0094331

This facility is being re-noticed due to incomplete notification of residential property owners within the required separation distance.

This is a new facility for 3,000 head (1,200 animal units) of swine.

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

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. A plan shall be submitted to the department within three months after issuance of this permit. The approved plan will become part of this permit. A minimum of 29 acres shall be available for application of waste.

Public Notice No. KS-98-054/055

Name and Address of Applicant	Waterway	Type of Discharge
City of Garden Plain P.O. Box 336 Garden Plain, KS 67050	Ninnescah River via Clearwater Creek via Pole Cat Creek	Treated domestic wastewater

Kansas Permit No. M-AR35-0001 Federal Permit No. KS0116386
Legal: SE¼, S31, T27S, R3W, Sedgwick County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing mechanical wastewater treatment system. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
City of LaCrosse P.O. Box 339 LaCrosse, KS 67548	Walnut Creek via Sand Creek	Treated domestic wastewater

Kansas Permit No. M-UA23-0001 Federal Permit No. KS0024643
Legal: SE¼, S34, T17S, R18W, Rush County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing mechanical wastewater treatment system. The permit requirements are pursuant to the 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 Dorothy Geisler for agricultural permits or to the permit clerk for all other permits, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, J Street and 2 North, Forbes Field, Building 283, Topeka, 66620.

All comments postmarked or received on or before June 20 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-98-76, KS-98-054/055) and the name of applicant as listed when preparing comments.

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

The applications, proposed permits, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 283, Forbes Field, Topeka, from 8 a.m. to 5 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 022442

State of Kansas

**Department of Administration
Division of Purchases**

Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, Landon State Office Building, 900 S.W. Jackson, Room 102, Topeka, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 296-2377 for additional information:

Monday, June 1, 1998

- 33120
Statewide—Basic clothing
- 33122
Kansas State University—Uniform shirts with logos
- 33126
Department of Social and Rehabilitation Services—DRG reimbursement rate setting
- 7594
University of Kansas—Light fixtures and poles
- 7642
Kansas State University—Tabletop sterilizer
- 7650
Kansas State University—RGB scan converter
- 7651
Kansas State University—Furnish and install an integrated N/L editing system

Tuesday, June 2, 1998

- 33121
Statewide—Seasonal clothing
- 7595
Wichita State University—RS/6000 workstations and desk subsystems
- 7596
Larned Correctional Mental Health Facility—ADA-equipped transit bus
- 7597
University of Kansas—Verticle milling machine
- 7598
Department of Transportation—Lathe, Chanute
- 7600
Kansas Highway Patrol—Rechargeable flashlights and accessories, Salina
- 7601
Kansas State University—Innerspring mattresses
- 7602
Larned State Hospital—Passenger bus
- 7645
Kansas State University—Multimedia projector
- 7647
Emporia State University—Furnish and install stage curtains
- 7648
Kansas State University—Visual presenter
- 7649
Kansas State University—Multimedia LCD projector
- 7652
Kansas State University—Digital video equipment

Wednesday, June 3, 1998

- 33117
University of Kansas Medical Center—Cardiac catheter supplies

33127

- Kansas Department of Wildlife and Parks—Commercial fishing, rough fish removal, various
- 7603
Department of Transportation—Truck
- 7604
Department of Transportation—Arrowboard, various locations
- 7607
University of Kansas—Flatbed scanners
- 7608
Emporia State University—Scanners and imaging system software
- 7609
Department of Transportation—Automatic traffic classifiers
- 7610
University of Kansas—Lounge furniture
- 7611
Ellsworth Correctional Facility—Token ring hub
- 7612
Kansas State University—Switch gear
- 7614
University of Kansas—Pumps and control mechanisms
- 7615
University of Kansas—Wood doors, metal frames
- Thursday, June 4, 1998**
- A-8147
Wichita State University—Resurface tennis courts, Heskett Center
- A-8302
Parsons State Hospital and Training Center—Roof replacement, laundry building
- A-8496(A)
University of Kansas Medical Center—Center for Health and Aging, Phase 1, demolition and site development
- 7617
Kansas Highway Patrol—Service body truck
- 7618
Department of Transportation—Trailers, various locations
- 7621
Fort Hays State University—Innerspring mattresses and box springs
- 7622
Department of Revenue—Outdoor cardboard, Wichita
- 7623
Lansing Correctional Facility—"Used" buses
- 7627
University of Kansas—Ruggedized field computers
- 7628
Kansas Correctional Industries—Painting system
- 7630
Fort Hays State University—Furnish and install floor tile and carpet
- 7632
Kansas School for the Visually Handicapped—All labor and materials for pool work
- 7643
Department of Transportation—Emergency vehicle sirens

7646

Kansas State University—Band uniforms

Friday, June 5, 1998

7638

Division of Printing—NT server and high speed laser copier

7639

University of Kansas—Furnish and install boiler controls

7640

University of Kansas—Remove and reinstall light panels on greenhouse

7641

Kansas State University—HP 2500C plotter

7644

Lansing Correctional Facility—"Used" box truck

7653

Kansas Correctional Industries—Bus

7654

Department of Transportation—Water tank, Norton

Monday June 8, 1998

33114

Department of Transportation—Rock salt for ice and snow removal, various locations

Wednesday, June 10, 1998

A-8424

Department of Social and Rehabilitation Services—Restroom renovation, Chanute Office

33101

Statewide—Radiographic supplies (Class 013)

Thursday, June 11, 1998

A-8308

Topeka Juvenile Correctional Facility—Electrical modifications, school building

A-8312-Rebid

Atchison Juvenile Correctional Facility—Remodel, social services and swimming pool buildings

A-8526

University of Kansas—Parking pavement improvements, Lots 112 and 127

A-8546

Kansas Neurological Institute—Upgrade fire alarm system, Cottonwood Lodge

Thursday, June 18, 1998

A-8529

Department of Administration—Memorial Hall renovation

Tuesday, June 23, 1998

A-8317(F)

University of Kansas—Athletic facilities enhancement, Memorial Stadium renovations, pressbox package

Request for Proposals

Tuesday, June 16, 1998

33118

Solid waste public education and awareness campaign for the Department of Health and Environment

Monday, June 22, 1998

33125

Juvenile justice information system for the Juvenile Justice Authority

John T. Houlihan
Director of Purchases

Doc. No. 022451

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment has received and reviewed a permit application from Asphalt Sales Company, Inc. for a construction/demolition (C/D) landfill permit in Johnson County. KDHE is providing public notice of its intent to issue a C/D landfill permit to Asphalt Sales Company, Inc. The landfill will be located at 23200 W. 159th St., which is in the NE¼, Section 16, Township 14S, Range 23E, southwest of Olathe, Kansas. The total area of the disposal site will be approximately 87 acres. The site will be developed in three phases; the first phase will be 24.5 acres.

A copy of the administrative record, which includes the draft permit and all information regarding this permit action, is available for public review until June 22 during normal business hours, Monday through Friday, at the following locations:

Kansas Department of Health and Environment
Permits Section
Bureau of Waste Management
Forbes Field, Building 740
Topeka, 66620
Contact: Stacey Baalman
(785) 296-3970

Johnson County Environmental Department
Pollution Control Division
Southlake Tech Center Bldg. #4
11180 Thompson Ave.
Lenexa, 66219
Contact: Philip Askey, Environmental Specialist
(913) 492-0402

Anyone wishing to comment on the draft permit information should submit written statements postmarked not later than June 22 to Stacey Baalman (KDHE). After consideration of all comments received, the director of the Division of Environment will make a final decision on whether to issue the permit. Notice of the decision will be given to anyone who submitted written comments during the comment period and to those who requested notice of the final permit decision.

Gary R. Mitchell
Secretary of Health and Environment

Doc. No. 022440

State of Kansas

Wildlife and Parks Commission

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted by the Wildlife and Parks Commission at 7 p.m. Thursday, June 25, at the General Education Building, Room 333, Johnson County Community College, Overland Park, to consider the approval and adoption of one proposed exempt regulation of the Department of Wildlife and Parks. The notice of public hearing for two additional permanent regulations that will also be considered at that time was published in the Kansas Register April 23, 1998.

A workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m. June 25 at the same location. The meeting will recess at 5 p.m., then resume at 7 p.m. at the same location for the regulatory hearing. There will be public comment periods at the beginning of the afternoon and evening meetings for any issues not on the agenda, and additional comment periods will be available during the meeting on agenda items. Old and new business also may be discussed at this time. If necessary to complete the hearing or other business matters, the commission will reconvene at 9 a.m. June 26 at the same location.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Cindy Baugh, commission secretary, at (316) 672-5911. Persons with a hearing impairment may call the TDD service at (800) 766-3777 to request special accommodations.

This 30-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed administrative regulation.

All interested parties may submit written comments prior to the hearing to the chairman of the commission, Kansas Department of Wildlife and Parks, Suite 502, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

The exempt regulation that will be heard during the regulatory hearing portion of the meeting is as follows:

K.A.R. 115-25-9. This proposed exempt regulation establishes hunting bag limits, application periods and season dates for the 1998 firearm and archery deer seasons. Other modifications to the regulation have previously been approved by the commission in the 1998 calendar year. The proposed additional change to the regulation would allow nonresident permit holders to purchase game tags. Flexibility for the added change was included in legislation passed at the end of the legislative session.

Economic Impact Summary: Because the number of game tags that would be purchased by nonresident permit holders is uncertain, the economic impact of this proposed change is uncertain. However, if 400 game tags are purchased by nonresidents, the department would receive \$4,000 of additional revenue.

Copies of the complete text of the regulation and its respective economic impact statement may be obtained by contacting the chairman of the commission at the address above or by calling (785) 296-2281.

John R. Dykes
Chairman

Doc. No. 022445

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, June 4, in the conference room in the offices of Kansas Development Finance Authority, Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, on the proposal for the Kansas Development Finance Authority to issue its Agricultural Development Revenue Bonds for the projects numbered below in the respective maximum principal amount. Each bond will be issued to assist the respective borrower named below (who will be the owner and operator of the respective project) to finance the cost in the amount of the bond of acquiring the respective project or for the purpose of refunding a bond previously issued to finance the respective project. Each project shall be located as shown:

Project No. 000378, Maximum Principal Amount: \$135,000. Owner/Operator: Craig R. and Cheri R. Renner. Description: Acquisition of 320 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. Location: Sections 18 and 19, Orange Township, Norton County, Kansas; approximately 6 miles south on Highway 83, 3 miles west on county road L and 3 miles south on county road 14 from Norton.

Project No. 000379, Maximum Principal Amount: \$67,150. Owner/Operator: Steven D. and Faith K. Penner. Description: Acquisition of 79 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. Location: Section 20, Rockville Township, Rice County, Kansas; approximately ½ mile south of Windom to Highway 56, ½ mile west to Plum Street, 4 miles south to Avenue O, ¼ mile west on north side of road.

Project No. 000380, Maximum Principal Amount: \$30,000. Owner/Operator: Brian Hilger. Description: Acquisition of 80 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. Location: Section 7, Springdale Township, Sumner County, Kansas; approximately 2 miles west and 1½ miles south of Conway Springs.

Project No. 000381, Maximum Principal Amount: \$120,000. Owner/Operator: Joseph P. and Jill E. Hilger. Description: Acquisition of 160 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. Location: Section 34, Eden Township, Sumner County, Kansas; approximately 5 miles west of Conway Springs.

Project No. 000382, Maximum Principal Amount: \$112,000. Owner/Operator: Steven M. and Shirley J. McGee. Description: Acquisition of 139.5 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. Location: Section 16, Township 15, Ellsworth County, Kansas; approximately 12 miles east of Ellsworth on south side of Highway 140, east of 27th Road.

Project No. 000383, Maximum Principal Amount: \$66,000. Owner/Operator: Tom and Cindy Summers. Description; Acquisition of 240 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. Location: Sections 17 and 20, Moore Township, Barber County, Kansas; approximately 2 miles west of Kiowa on Highway 2 then 4 miles north on Northstar Road.

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

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

Any individual affected by any of the above described projects may, at or prior to the hearing, file a written request with the Authority that a local hearing be held on the proposal to issue a bond to finance said project. A local hearing, if requested, would be conducted in the county where the project in question is located.

Rebecca E. Floyd
General Counsel

Doc. No. 022459

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, June 4, in the conference room of Kansas Development Finance Authority, Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, on the proposal for the Kansas Development Finance Authority to issue its Industrial Development Revenue Bond for the project numbered below, in the respective maximum principal amount. The bond will be issued to assist the respective borrower named below (who will be the owner and operator of the respective project) to finance the cost in the amount of the bond of acquiring the respective project or for the purpose of refunding a bond previously issued to finance the respective project. The project shall be located as shown:

Project No. 00003, Maximum Principal Amount: \$200,050. Owner/Operator: Kiowa Locker Systems, L.L.C. (Rick and Bill Hitchcock). Description: Various acquisitions and renovations including the separation of the business office from the processing area, purchase of a new cooler for separation of fresh and cured products, addition of dry storage and restroom facilities, extension of the processing area, rebuilding of freezer to improve cooling efficiency, installation of new livestock pens and new roofing of pens, and various equipment including refrigeration units and related equipment to be used by the owner/operator for small meat processing. Location: 128 S. 6th, Kiowa, Barber County, Kansas.

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

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

Any individual affected by the above described project may, at or prior to the hearing, file a written request with the Authority that a local hearing be held on the proposal to issue a bond to finance said project. A local hearing, if requested, would be conducted in the county where the project in question is located.

Rebecca E. Floyd
General Counsel

Doc. No. 022438

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of May 25 through June 7:

Date	Room	Time	Committee	Agenda
May 26	522-S	10:30 a.m.	Joint Committee on Computers and Telecommunications	Review of KPERS Imaging/Workflow Project; other matters previously considered.
May 26	531-N	10:30 a.m.	Joint Committee on Corrections and Juvenile Justice Oversight	Juvenile Justice Authority update. Dept. of Corrections review of new legislation.
May 27	519-S	9:00 a.m.	Legislative Post Audit	Legislative matters.

Jeffrey M. Russell
Director of Legislative
Administrative Services

Doc. No. 022444

State of Kansas

Office of Judicial Administration
Court of Appeals
Summary Calendar—No Oral Argument Docket
June 8-9, 1998

Before Brazil, C.J.; Lewis and Knudson, JJ.

Case No.	Case Name	Attorneys	County
78,135	State of Kansas, Appellee, v. George E. Anthony, Appellant.	Attorney General James A. Brown, Asst. D.A. Jessica R. Kunen, Chief A.D.	Shawnee
78,830	State of Kansas, Appellee, v. Luegene Robinson, Appellant.	Attorney General Christopher L. Schneider, Asst. D.A. Jessica R. Kunen, Chief A.D.	Wyandotte
78,929	State of Kansas, Appellee, v. Brian Keith Tribble, Appellant.	Attorney General Gary D. Stone, Asst. D.A. Jessica R. Kunen, Chief A.D.	Wyandotte
79,497	Gerald W. Ross, Appellee, v. Day & Zimmermann, Inc., and Liberty Mutual Ins. Co., Appellants.	Patrick C. Smith Jeffrey L. Jack	Work Comp
79,854	In the Interest of R.L.O. and D.L.O.	D. Tiday Sheryl A. Bussell, Asst. D.A.	Wyandotte
78,767	State of Kansas, Appellee, v. Anthony Dryden, Appellant.	Attorney General Daniel Cahill, Asst. D.A. Jessica R. Kunen, Chief A.D.	Wyandotte
78,816	State of Kansas, Appellee, v. Chad A. Messinger, Appellant.	Attorney General Jacqueline J. Spradling, Asst. D.A. Denise M. Anderson	Johnson
78,898	State of Kansas, Appellee, v. Garry L. Sammons, Appellant.	Attorney General Christopher L. Schneider, Asst. D.A. Jessica R. Kunen, Chief A.D.	Wyandotte
79,148	Loren Evans, Appellant, v. Charles E. Simmons, <i>et al.</i> , Appellees.	Cheryl A. Marquardt Jeffrey L. Cowger	Leavenworth
79,217	Patrick A. Shaw, Appellant, v. State of Kansas, Appellee.	Patrick A. Shaw, pro se Attorney General Terra D. Morehead, Asst. D.A.	Wyandotte

78,402	State of Kansas, Appellee, v. Donna C. Fleenor, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D.	Johnson
78,540	State of Kansas, Appellee, v. Carlos H. Smith, Appellant.	Attorney General Mary Stephenson Hosack, Asst. D.A. Jessica R. Kunen, Chief A.D.	Johnson
78,776	State of Kansas, Appellee, v. David A. Waldron, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D.	Johnson
78,899	Aaron C. Shaad, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General Linda E. Monroe, Asst. D.A.	Wyandotte
79,097	Clifton Taylor, #39614, Appellant, v. David R. McKune, Appellee.	Bruce C. Hedrick Jeffrey L. Cowger	Leavenworth

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

Case No.	Case Name	Attorneys	County
78,491	Rolly O. Kinnell, Appellant, v. Harold Coleman, Bourbon County Sheriff, <i>et al.</i> , Appellees.	Rolly O. Kinnell, pro se Scott M. Adams Billy E. Newman	Bourbon
78,492	Rolly O. Kinnell, Appellant, v. June Wright, <i>et al.</i> , Appellees.	Rolly O. Kinnell, pro se John R. Dowell, Asst. A.G.	Bourbon
78,617	Rolly O. Kinnell, Appellant, v. James L. Harris/Codes Director, Appellee.	Rolly O. Kinnell, pro se Robert L. Farmer	Bourbon
78,618	Rolly O. Kinnell, Appellant, v. June Wright, Jerry Wright, Shaun West, Chief of Police, Appellees.	Rolly O. Kinnell, pro se Daniel F. Meara	Bourbon
78,619	Rolly O. Kinnell, Appellant, v. Shaun West/Police Dept., <i>et al.</i> , Appellees.	Rolly O. Kinnell, pro se Robert L. Farmer	Bourbon
78,824	Betty M. Vines, Appellant, v. State of Kansas, and State Self Insurance Fund, and Workers Compensation Fund, Appellees.	Terry E. Beck Jeffrey K. Cooper Matthew S. Crowley	Work Comp
78,570	State of Kansas, Appellant, v. Larry D. Hileman, Appellee.	Attorney General County Attorney Jessica R. Kunen, Chief A.D.	Saline
80,324	In the Interest of J.H., S.V.H., L.L.H., R.H., C.G.H., D.G., and M.A.G.	Tamara S. Hicks, Asst. C.A. Richard Hodson Ricklin R. Pierce	Finney
76,750	State of Kansas, Appellee, v. Louis A. Beans, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D.	Sedgwick

(continued)

75,518	State of Kansas, Appellee, v. Tomas Vega-Fuentes, Appellant.	Attorney General County Attorney Jessica R. Kunen, Chief A.D.	Finney
78,869	Clayton A. Brommer, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General County Attorney	Ford
80,558	In the Interest of J.V. and T.F.	John Eyer Robert A. Walsh, C.A. Lawrence R. Uri, Jr.	Cloud
79,010	Okmar Oil Company and Berexo, Inc., Kansas Corps., Appellees, v. Lloyd Oswald and Irma Oswald, Appellants.	Donald F. Hoffman Don C. Staab	Ellis
78,926	State of Kansas, Appellee, v. Markeith Pringle, Appellant.	Attorney General Marc Bennett, Asst. C.A. Jessica R. Kunen, Chief A.D.	Geary
78,602	State of Kansas, Appellee, v. Edgar J. Searcy, Appellant.	Attorney General Michael L. Leyba, Asst. C.A. Edgar Searcy, pro se	Barton

Before Rulon, P.J.; Gernon and Royse, JJ.

Case No.	Case Name	Attorneys	County
79,999	State of Kansas, Appellee, v. Chauncey E. Bell, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D.	Sedgwick
77,228	State of Kansas, Appellee, v. Brian P. McClellan, Appellant.	Attorney General Jan Satterfield, Deputy C.A. Jessica R. Kunen, Chief A.D.	Butler
78,446	State of Kansas, Appellee, v. Glenn Alan White, Appellant.	Attorney General James T. Pringle, Jr., C.A. Jessica R. Kunen, Chief A.D.	Cowley
78,697	State of Kansas, Appellee, v. Anthony W. Washington, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D.	Sedgwick
78,440	State of Kansas, Appellee, v. Dale E. Schriener, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Kiehl Rathbun	Sedgwick
78,682	State of Kansas, Appellee, v. Ralph Napoli, Appellant.	Attorney General Thomas R. Stanton, Asst. C.A. Jessica R. Kunen, Chief A.D.	Saline

Before Gernon, P.J.; Royse and Green, JJ.

Case No.	Case Name	Attorneys	County
79,746	In the Interest of M.A.F., dob: 08/16/88 T.S.F., dob: 08/14/91 D.K.F., dob: 02/27/96	Roger Batt Richard L. Dickson Timothy H. Henderson	Sedgwick
79,159	Danford R. Wheeler, Jr., Appellant, v. Boeing Company, and Kemper Insurance Co., Appellees, and The Kansas Workers Compensation Fund.	Robert R. Lee Frederick L. Haag Marvin R. Appling	Work Comp

78,349	William J. Haynes, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General Debra S. Peterson, Asst. D.A.	Sedgwick
80,038	In the Interest of T.L.J., dob: 12/10/86 T.K.H., dob: 07/24/91 Minor Children Under 18 Years of Age.	Jeanne M. Andersen Timothy H. Henderson Alma A. Heckler	Sedgwick
77,855	State of Kansas, Appellee, v. Thomas McKay, Appellant.	Attorney General James T. Pringle, Jr., C.A. Jessica R. Kunen, Chief A.D.	Cowley
78,252	State of Kansas, Appellee, v. Deriek D. Thomas, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D.	Sedgwick

Before Royse, P.J.; Rulon and Green, JJ.

Case No.	Case Name	Attorneys	County
78,861	Everett I. Hoyle and Imogene Hoyle, Individually and as Co-Trustees of the Imogene Hoyle Trust, Appellants, v. Flويد R. McCord, Appellee.	Thomas D. Herlocker Orvel Mason	Cowley
78,766	David G. Chandler, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General Jeffrey A. Bullins, Asst. C.A.	Butler
80,325	In the Interest of D.C.C., K.L.C., and K.L.C.	Michael S. Boohar Marjorie Moyers-Phares	Sedgwick
78,101	Max Hundley, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General Debra S. Peterson, Asst. D.A.	Sedgwick
80,206	In the Interest of D.H.S., dob: 04/23/95, Minor Child Under 18 Years of Age.	Timothy H. Henderson Alma A. Heckler Becky C. Hurtig	Sedgwick

Before Green, P.J.; Rulon and Gernon, JJ.

Case No.	Case Name	Attorneys	County
78,538	Cheryl K. Masters, Appellant, v. Kansas Dept. of Revenue, Appellee.	Kiehl Rathbun Brian Cox	Sedgwick
79,065	Douglas Lamar, Appellant, v. Stone Masons, Inc., and Northwestern National Casualty, Appellees.	W. Walter Craig James A. Cline	Work Comp
78,809	Garry L. Sammons, Appellee, v. Charles E. Simmons, <i>et al.</i> , Appellants.	Michael G. Coash Julie Riddle	Butler

Carol G. Green
Clerk of the Appellate Courts

State of Kansas

Kansas Council on Developmental Disabilities

Request for Proposals

The Kansas Council on Developmental Disabilities (KCDD) announces the availability, pending Congressional action, of developmental disabilities funding totaling \$445,000 to be distributed by state plan activities. Approximate funding amounts available for each competition are listed in the parentheses following the program. Unless indicated, only one grant will be funded.

- I. For state plan goal activities that focus on community living in the following areas: Rural Housing Initiatives (two projects of up to \$25,000 each); Election Participation (several projects up to \$5,000 each); and Innovative Transportation Initiatives (up to six projects, up to \$150,000 total).
- II. For state plan goal activities that focus on self-determination in the following areas: Quality Assurance Training (\$25,000); and Rural Self-Determination (two projects up to \$50,000 each).
- III. For state plan goal activities that focus on health in the following area: Medical Research (\$25,000).
- IV. For state plan goal activities that focus on employment in the following area: Expanding Employment Options (several projects of up to \$80,000 total).

Application Process

To receive an application containing forms, instructions and information, contact the Kansas Council on Developmental Disabilities, Room 141, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1570, (785) 296-2608, e-mail kaberne@midusa.net.

General Requirements

Eligible Applicants: State, public, private profit or nonprofit organizations, institutions or agencies.

Project Duration: Except where noted, the projected duration for these projects is one year, beginning October 1, 1998 and ending September 30, 1999.

Council Share of the Project Cost: The maximum KCDD contribution cannot exceed 75 percent of the annual project budget.

Matching Requirement: Successful applicants must contribute at least 25 percent or one-fourth of the actual annual project budget.

Evaluation and Selection

Completed applications will be given a project number, analyzed by a review committee and evaluated based on the following content: narrative, methodology, budget, qualifications of the applicant, and adherence to specific criteria included in the application. Additionally, applicants should be aware that the KCDD and review committee will note whether the application addresses the needs of diverse populations and/or rural Kansans with developmental disabilities.

Grant project awards will depend upon the availability of federal developmental disability funding. Final decisions for grant project awards will be made by the KCDD.

Deadline

Completed applications will be accepted at the KCDD office until 5 p.m. Monday, July 6. No handwritten, faxed or single-spaced documents will be accepted. Completed applications received after the deadline will not be considered or returned.

Applicants will be notified of the KCDD decision by September 1.

Jane Rhys, Ph.D.
Executive Director

Doc. No. 022461

State of Kansas

Secretary of State

Executive Appointments

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. A complete listing of Kansas state agencies, boards and commissions are included in the Kansas Directory, published by the Secretary of State. The following appointments, which are effective immediately unless otherwise specified, were recently filed with the Secretary of State:

State Representative, 64th District

Kathe Lloyd, 2421 7th St., Clay Center, 67432. Term expires when a successor is elected and qualifies according to law. Succeeds Steve Lloyd, deceased.

Sedgwick County Register of Deeds

William D. Meek, 525 N. Main, 4th Floor, Wichita, 67203. Term expires when a successor is elected and qualifies according to law. Succeeds Larry Consolver, resigned.

Consumer Credit Commissioner

David R. Brant, Acting Commissioner, Suite 1001, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603. Serves at the pleasure of the Governor. Succeeds William F. Caton.

State Board of Pharmacy

Lou Greenhaw, 508 S. Ash, P.O. Box DD, Hillsboro, 67063. Term expires April 30, 2001. Succeeds Karla Kneebone.

Barry J. Sarvis, 414 Poyntz, Manhattan, 66502. Term expires April 30, 2001. Reappointed.

Workforce Investment Partnership Council

Jerry L. Hiatt, 1450 N. Chambers, Wichita, 67212. Serves at the pleasure of the Governor. Succeeds Bill Quattlebaum, resigned.

Shirley A. Smith, 100 E. 9th, Lawrence, 66044. Serves at the pleasure of the Governor. Succeeds Paul D'Agostino, resigned.

Ron Thornburgh
Secretary of State

Doc. No. 022468

State of Kansas

University of Kansas Medical Center

Notice to Bidders

Sealed bids for the items listed below will be received by the University of Kansas Medical Center, Purchasing Department, 3901 Rainbow Blvd., Kansas City, KS 66160-7162, until 4 p.m. on the date indicated and then will be publicly opened. Interested bidders may call Peggy Davis at (913) 588-1115 for additional information.

Monday, June 1, 1998

728132

Remodel Rieke Auditorium ceiling

728133

Provide and install acoustical sound panels in Battenfield Auditorium

728097a

Automatic sliding door project, School of Medicine—Wichita

Barbara Lockhart
Purchasing Director

Doc. No. 022473

State of Kansas

Kansas Council on
Developmental Disabilities

Call for Investments

The Kansas Council on Developmental Disabilities (KCDD) is issuing a call for investments (CFI) in the area of transportation. KCDD hopes to invest in up to six projects for up to \$150,000 total per year. KCDD is wishing to attract both urban and rural communities. The project's target is making system changes that increase the number of people with developmental disabilities effectively utilizing public transportation. KCDD's assumption is that communities can meet the needs of their populations of elderly persons, persons with disabilities and persons getting off welfare by more effective use of all transportation resources for all populations. Applications are due in the KCDD office by July 6.

A CFI informational and training meeting will be held from 10 a.m. to 4 p.m. Wednesday, May 27, in Topeka to discuss and explain the application and the new target plan process. Due to the different style and outcome focus of this CFI, which may be unfamiliar to some applicants, KCDD strongly encourages key people from their respective organization who will be responsible for the initiative to attend. In addition, limited technical assistance will be available by phone.

For more information or to sign up for the informational session, call Craig Kaberline, (785) 296-2608 (Voice/TDD), fax (785) 296-2861, e-mail kaberlne@midusa.net.

Jane Rhys, Ph.D.
Executive Director

Doc. No. 022437

(Published in the Kansas Register May 21, 1998.)

Summary Notice of Bond Sale
City of Lenexa, Kansas

\$5,000,000

General Obligation Bonds, Series 1998
(General obligation bonds payable from unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated May 20, 1998, sealed bids will be received by the city clerk of Lenexa, Kansas, on behalf of the governing body at City Hall, 12350 W. 87th St. Parkway, until 11 a.m. June 2, 1998, for the purchase of \$5,000,000 principal amount of General Obligation Bonds, Series 1998. No bid of less than the entire par value of the bonds, except a discount of not greater than .50 percent of the par value of the bonds, and accrued interest 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, 1998, and will become due on September 1 in the years as follows:

Maturity September 1	Principal Amount
1999	\$410,000
2000	425,000
2001	445,000
2002	465,000
2003	485,000
2004	505,000
2005	530,000
2006	555,000
2007	575,000
2008	605,000

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

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States or a financial surety bond in a form that complies with the requirements set forth in the notice of sale in the amount of \$100,000 (2 percent of the principal amount of the bonds).

Delivery

The city 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 30, 1998, at the offices of the Depository Trust Company, New York, New York, as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations as of June 1, 1998, is \$578,880,132. The total general obligation indebtedness of

(continued)

the city as of the date of the bonds, including the bonds being sold, is \$45,530,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Logan Riley Carson & Kaup, L.C., Overland Park, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the city clerk, (913) 477-7518, or from bond counsel, Logan Riley Carson & Kaup, L.C., 9200 Indian Creek Parkway, Suite 230, Overland Park, KS 66210, (913) 661-0399.

Dated May 13, 1998.

City of Lenexa, Kansas
By Sandy Howell, City Clerk
City Hall
12350 W. 87th St. Parkway
Lenexa, KS 66215

Doc. No. 022465

(Published in the Kansas Register May 21, 1998.)

Summary Notice of Bond Sale \$12,050,000

Unified School District No. 428
Barton County, Kansas (Great Bend)
General Obligation School Bonds, Series 1998-A
(General obligation bonds payable from
unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated May 11, 1998, sealed bids will be received by the clerk of Unified School District No. 428, Barton County, Kansas (Great Bend) (the issuer), on behalf of the governing body at 201 Patton Road, Great Bend, KS 67530-4613, until 1 p.m. June 8, 1998, for the purchase of \$12,050,000 principal amount of General Obligation School Bonds, Series 1998-A. 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, 1998, and will become due on September 1 in the years as follows:

Year	Principal Amount
2000	\$295,000
2001	405,000
2002	430,000
2003	455,000
2004	485,000
2005	515,000
2006	535,000
2007	560,000
2008	590,000

2009	615,000
2010	645,000
2011	675,000
2012	710,000
2013	750,000
2014	790,000
2015	830,000
2016	875,000
2017	920,000
2018	970,000

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

Book-Entry-Only System

The bonds will be registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$241,000 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about June 25, 1998, at DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1997 is \$110,198,946. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$21,800,000.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (316) 793-1500, or from the financial advisor, George K. Baum & Company, Twelve Wyandotte Plaza, 120 W. 12th, Kansas City, MO 64105, Attention: David Arteberry, (816) 474-1100.

Dated May 11, 1998.

Unified School District No. 428
Barton County, Kansas
(Great Bend)

Doc. No. 022471

(Published in the Kansas Register May 21, 1998.)

**Summary Notice of Bond Sale
\$200,000**

**City of Andale, Kansas
General Obligation Internal Improvement Bonds**

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

Details of the Sale

Subject to the terms and conditions of the complete official notice of bond sale dated May 18, 1998, of the City of Andale, Kansas, in connection with the city's General Obligation Internal Improvement Bonds, Series A, 1998, hereinafter described, sealed, written bids shall be received at the office of the city clerk at City Hall, 304 N. Main, Andale, Kansas, until 7 p.m. Tuesday, June 2, 1998, for the purchase of the bonds. All bids shall be publicly opened, read aloud and tabulated on said date and at said time and shall thereafter be immediately considered and acted upon by the governing body of the city.

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

Bids shall be accepted only on the official bid form that has been prepared for the public bidding on these bonds, which may be obtained from the city clerk or from the city's financial advisor. Bids may be submitted by mail or delivered in person, and must be received at the place and not later than the date and time hereinbefore specified. Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located within the United States and made payable to the order of the city, and shall be in an amount equal to 2 percent of the principal amount of the bonds.

Details of the Bonds

The bonds to be sold are in the aggregate principal amount of \$200,000, and shall bear a dated date of July 1, 1998. The bonds shall be issued as fully registered bonds in the denomination of \$5,000, or any integral multiple thereof not exceeding the principal amount of bonds maturing in any year. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds. The bonds are *not* subject to redemption prior to their maturities.

Interest on the bonds shall be payable semiannually on March 1 and September 1 in each year, commencing March 1, 1999, and the bonds shall mature serially on September 1 in each of the years and principal amounts as follows:

Principal Amount	Maturity Date
\$ 5,000	2000
10,000	2001
10,000	2002
10,000	2003
15,000	2004
15,000	2005
15,000	2006
15,000	2007
15,000	2008
15,000	2009
15,000	2010
20,000	2011

20,000
20,000

2012
2013

Payment of Principal and Interest

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

Security for the Bonds

The bonds and the interest thereon shall constitute general obligations of the city, and the full faith, credit and resources of the city shall be pledged to the payment thereof. The city is obligated to levy ad valorem taxes without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city for the purpose of paying the bonds and the interest thereon. (Reference is made to the official notice of bond sale and the preliminary official statement for a complete discussion of security for the bonds.)

Delivery of the Bonds

The bonds, duly printed, executed and registered, shall be furnished and delivered at the expense of the city to the successful bidder, or at its direction, on or about July 1, 1998, at such bank or trust company or other qualified depository in the State of Kansas or Kansas City, Missouri, or New York, New York, as may be specified by the successful bidder. Delivery elsewhere shall be made at the expense of the successful bidder.

Legal Opinion

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

Financial Matters

The city's current equalized assessed tangible valuation for computation of bonded debt limitations during calendar year 1998 is \$3,116,753. The city's outstanding general obligation bonded indebtedness at July 1, 1998, totals the principal amount of \$887,780, including the bonds described herein but excluding \$190,000 of temporary notes, which will be redeemed and paid from the proceeds of the bonds and other available funds.

Official Statement

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

(continued)

sonable number may be ordered by the successful bidder at its expense.

Continuing Disclosure

Securities and Exchange Commission Rule 15c2-12, as amended effective July 3, 1995, provides that brokers, dealers and municipal securities dealers must comply with certain requirements before acting as an underwriter in a primary offering of municipal securities with an aggregate principal amount of \$1,000,000 or more.

The bonds described herein will be offered in a primary offering with an aggregate principal amount of less than \$1,000,000. Accordingly, in the opinion of bond counsel, the offering and sale of the bonds described herein does not constitute an offering as defined by the rule, and the requirements of the rule do not apply to brokers, dealers and municipal securities dealers acting as underwriters in connection with the bonds described herein.

Additional Information

For additional information regarding the city, the bonds and the public sale, interested parties are invited to request copies of the complete official notice of bond sale and official bid form and the city's preliminary official statement for the bonds, all of which may be obtained from the city clerk at the address and telephone number shown below, or from the city's financial advisor, Brian E. Corrigan, Cooper Malone McClain, Inc., 7701 E. Kellogg, Suite 700, Wichita, KS 67207, (316) 685-5777.

Shirley J. Stuever, City Clerk
City Hall, 304 N. Main
Andale, KS 67001
(316) 444-2351

Doc. No. 022472

State of Kansas

Consumer Credit Commissioner

Permanent Administrative Regulations

Article 6.—UNIFORM CONSUMER CREDIT CODE

75-6-24. Adjustment in dollar amounts. (a) The dollar amounts of \$300 and \$1,000 in K.S.A. 16a-2-401(2) and any amendments thereto shall be changed to \$860 and \$2,860.

(b) This regulation shall be effective on and after July 1, 1998. (Authorized by and implementing K.S.A. 1997 Supp. 16a-2-401a; effective, E-79-9, April 20, 1978; effective May 1, 1979; amended, E-81-15, June 25, 1980; amended May 1, 1981; amended, T-83-16, July 1, 1982; amended May 1, 1983; amended, T-85-18, July 1, 1984; amended May 1, 1985; amended, T-87-14, July 6, 1986; amended May 1, 1987; amended, T-89-22, May 27, 1988; amended Oct. 1, 1988; amended July 23, 1990; amended July 20, 1992; amended July 1, 1998.)

David R. Brant
Acting Commissioner

Doc. No. 022452

State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

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

Effective 5-18-98 through 5-24-98

Term	Rate
1-89 days	5.64%
3 months	5.28%
6 months	5.50%
9 months	5.55%
12 months	5.59%
18 months	5.60%
24 months	5.62%

Clyde Graeber
Acting Chairman

Doc. No. 022456

State of Kansas

Kansas Lottery

Temporary Administrative Regulations

Article 2.—LOTTERY RETAILERS

111-2-2b. Definitions. The following definitions shall apply to accessibility to retailer locations authorized by contract to sell Kansas lottery products:

(a) "Accessibility of the applicant's place of business to the public" means a location where a significant number of customers will frequent the business and will thereby be exposed to the availability of lottery games. It also means that a person with a disability will be able to purchase lottery products at that location.

(b) "ADA" means the Americans with disabilities act of 1990, 42 United States Code, §§12101 - 12213 (July 1, 1995) and 47 United States Code, §225 and §611 (March 1, 1991).

(c) "KAASA" means the Kansas architectural accessibility standards act, K.S.A. 58-1301 et seq. and amendments thereto.

(d) "Applicant" means a person who has filed an application to become a lottery retailer.

(e) "Executive director" means the executive director of the Kansas lottery, or the person designated by the executive director.

(f) "Disability" with respect to an individual means a physical or mental impairment that substantially limits one or more of the major life activities of such individual; or, having had a record of such an impairment; or, being regarded as having such an impairment.

(g) "Enforcement authority" means the United States department of justice or other federal agency having jurisdiction pursuant to 28 C.F.R. §35.171, and the Kansas secretary of administration or the person or governmental entity designated pursuant to K.S.A. 58-1304 as being responsible for enforcement.

(h) "Lottery game" means any game established and operated by the Kansas lottery.

(i) "Lottery retailer facility" means a place which is operated by an applicant to become a lottery retailer, including all or any portion of buildings, structures, sites, complexes, equipment, walks, passageways, parking lots, or other real or personal property including the site where the building, property, structure, or equipment is located, to the extent used in the conduct of the sale of lottery products to the public.

(j) "Lottery retailer" or "retailer" means any person with whom the Kansas lottery has entered a contract authorizing the sale of Kansas lottery products to the public.

(k) "Lottery product" means a lottery ticket or other tangible evidence of participation used in lottery games or gaming systems. (Authorized by and implementing K.S.A. 1997 Supp. 74-8710; effective, T-111-11-22-95, Nov. 17, 1995; amended, T-111-5-5-98, April 17, 1998.)

111-2-2d. Contract issuance and renewal. When a person applies for a contract to sell lottery products, the Kansas lottery will conduct a survey of the applicant's business location to determine whether that location complies with the ADA requirements for accessibility.

(a) Only persons whose completed survey reflects compliance will be eligible for a contract.

(b) The Kansas lottery will not issue a new contract to a retailer at a new lottery location who fails to satisfy the compliance requirements addressed in the survey.

(c) Any applicant initially failing to satisfy compliance requirements which modifies its premises or business operation to comply with ADA requirements may reapply and a follow-up survey will be conducted by the lottery.

(d) Any former retailer who modifies the retailer premises to comply with ADA requirements, may request a follow-up survey. (Authorized by and implementing K.S.A. 1997 Supp. 74-8710; effective, T-111-11-22-95, Nov. 17, 1995; amended, T-111-5-5-98, April 17, 1998.)

111-2-2e. Enforcement provisions. (a) Enforcement of this provision shall be pursuant to the ADA and KAASA. If it is determined that a lottery retailer is not in compliance with the ADA, KAASA, and this rule, the retailer shall immediately report any notice of non-compliance from the enforcement authority to the lottery.

(b) Upon receipt of such notification of non-compliance, the Kansas lottery shall determine the basis for non-compliance and require that the program offered by the lottery is accessible to individuals with disabilities at the retailer location specified. The lottery retailer may be authorized to continue sales at the cited retail location for up to 30 days to allow it to get into compliance with the requirements of the ADA. If a cited lottery retailer fails to comply with the requirements of the ADA within 60 days, its lottery contract(s) shall be suspended or terminated by the executive director and no further lottery sales shall occur at the cited location until the retailer is determined to be in compliance. (Authorized by and implementing K.S.A. 1997 Supp. 74-8710; effective, T-111-11-22-95, Nov. 17, 1995; amended, T-111-5-5-98, April 17, 1998.)

111-2-62. Outstanding sales achievement awards. (a) Beginning with the calendar year starting January 1,

and ending December 31, each year the 10 Kansas lottery retailer locations with the highest total lottery ticket sales shall become a member of the "Director's Club." Following the end of each calendar year, qualifying members shall receive the following:

(1) A framed certificate or plaque recognizing the retailer as a member of the "Director's Club."

(2) Lottery promotional items for employees at the retailer location, up to a maximum of 20 per location.

(3) The retailer will be featured in an issue of the lottery's retailer publication.

(b) All lottery retailer locations in Kansas are eligible for membership in the "Director's Club" on an annual basis which entitles the retailer location and employees to the above awards. (Authorized by K.S.A. 1996 Supp. 74-8710; implementing K.S.A. 74-8708 and K.S.A. 1996 Supp. 74-8710; effective, T-111-7-3-97, June 13, 1997; amended, T-111-5-5-98, April 17, 1998.)

111-2-74. Independent retailers' winner awareness "Starburst" promotion. (a) In addition to compensation specified in K.A.R. 111-2-4 and 111-2-6, the Kansas lottery shall also conduct a test "Starburst" promotion to enhance winner awareness to the following retailers:

District Manager	Name of Retailer	Location	Retailer Number
202	Stafford Ampride	Stafford	13787
202	Prime Time Stores 122	Pratt	12659
202	Pic Quick No. 9	Hutchinson	10169
202	T & E Oil No. 6	Hutchinson	10321
202	T & E Oil No. 12	Nickerson	10328
203	Butterfield, Inc. 1	Ness City	11530
203	Wheat Lands Country Store	Garden City	10621
203	Satanta Quick and Easy, Inc.	Satanta	12953
203	DK Liquor	Ulysses	13594
203	Ladder Creek Quick Shop	Tribune	13668
204	Klema IGA, Inc.	Russell	10962
204	Walnut Bowl	Great Bend	14413
204	Corner Cupboard	Osborne	13681
204	Lucky Bucks Bingo Hall	Hays	13989
204	Cross Convenience Corner	Ellis	13886
205	R & C Quinter	Quinter	14149
205	The Bowladium Lanes, Inc.	Goodland	13259
205	Colby Corner	Colby	14361
205	R & C WaKeeney	WaKeeney	14156
205	R & C Norton	Norton	14154
206	Eastside Oil Company, Inc.	Bennington	14029
206	Rod's Texaco	Salina	12451
206	Town Pump Station	Salina	10981
206	Pump Mart 5	Salina	11110
206	Taylor's Yukon of McPherson	McPherson	13853
208	E-Z Stop	Kinsley	10650
208	Benagains	Liberal	13832
208	Corner Store, Inc.	Minneola	11797
208	River Stop	Dodge City	13711
208	Hitch'n Post Travel Plaza, Inc.	Dodge City	13610

(b) The winner awareness sales promotion will commence at 6:00 a.m. on Friday, May 1, 1998, and end at the end of the business day as defined at K.A.R. 111-6-1 on Monday, June 1, 1998.

(c) Beginning May 1, 1998, and concluding June 1, 1998, the lottery will conduct a "Starburst" promotion in the Great Bend region. The six lottery district managers identified by number in subsection (a) will call upon one of

(continued)

the five retailers identified in subsection (a) on each day of the week on Monday through Friday to assist the retailer in placing a starburst decal on a visible wall or counter for every winning instant or on-line ticket that is sold or claimed by that retailer. Each starburst placed should contain, where possible, the name of the winner, the amount won, and the ticket itself.

(d) For every 10 winning starbursts placed in a visible location at the retail establishment, the retailer will receive a t-shirt, with a maximum of 10 t-shirts per store. For every 25 winning starbursts placed in a visible location at the retail establishment, that retailer will be entered into a drawing for a prize. The grand prize is a CD player, second prize is a \$25 gift certificate, and third prize is a \$15 gift certificate.

(e) During the week preceding the start of the promotion, an information sheet will be provided for all participating retailers so that they may all start on the same day. Starbursts will be provided by the lottery. The drawing for the grand prize, second prize, and third prize will be conducted at the Great Bend regional office on June 8, 1998. (Authorized by and implementing K.S.A. 1997 Supp. 74-8710; effective, T-111-5-5-98, April 17, 1998.)

Article 4.—INSTANT GAME RULES

111-4-1194. Definitions. The following definitions shall apply to the "Cash Reward" instant lottery game:

(a) "Game symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the game symbols are printed in black ink in 10 point WGI font with matching captions in WGI Cap font. A game symbol appears in each of the 11 play spots within the play area. Each game symbol for this instant game is one of the following: FREE - \$1. - \$2. - \$5. - 10. - 50. - \$500\$ - \$1000 - \$5000 - symbols of "BAD GUYS": Tex, Jake, Joe, Colonel, Bart, Cal, Roy, Kid, and Billy.

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

Game Symbol	Game Symbol Caption
FREE	FREE
\$1.	ONE\$
\$2.	TWO\$
\$5.	FIVE\$
10.	TEN\$
50.	FIFTY
\$500\$	FIVE-HUN
\$1000	ONETHOU
\$5000	FIVETHOU
Symbol of "BAD GUY" Tex	TEX
Symbol of "BAD GUY" Jake	JAKE
Symbol of "BAD GUY" Joe	JOE
Symbol of "BAD GUY" Colonel	COLONEL
Symbol of "BAD GUY" Bart	BART
Symbol of "BAD GUY" Cal	CAL
Symbol of "BAD GUY" Roy	ROY
Symbol of "BAD GUY" Kid	KID

Symbol of "BAD GUY" Billy

BILLY

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

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

(e) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer. In this instant game, the retailer validation code is a three-letter code printed and appearing in three of eight varying locations among the game symbols. The codes and their meanings are as follows: FRE = Free Ticket; ONE = \$1.00; TWO = \$2.00; FIV = \$5.00; TEN = \$10.00; FTY = \$50.00.

(f) "Bar code" means the 16-digit bar-coded number appearing on the back of each ticket. (Authorized by and implementing K.S.A. 1997 Supp. 74-8710; effective, T-111-3-13-98, Feb. 20, 1998; amended, T-111-5-5-98, April 17, 1998.)

**RULES FOR INSTANT GAME NO. 55
"FUN FOR THE MONEY"**

111-4-1223. Name of game. The Kansas lottery shall conduct an instant winner lottery game entitled "Fun for the Money" commencing on or after April 20, 1998. The specific rules for the "Fun for the Money" game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1223 through 111-4-1226. (Authorized by and implementing K.S.A. 1997 Supp. 74-8710; effective, T-111-5-5-98, April 17, 1998.)

111-4-1224. Definitions. The following definitions shall apply to the "Fun for the Money" instant lottery game:

(a) "Game symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the game symbols are printed in black ink in 10 point WGI font with matching captions in WGI Cap font. A game symbol appears in each of seven play spots within the play area. Each game symbol for this instant game is one of the following: FREE TICKET - \$1.⁰⁰ - \$2.⁰⁰ - \$5.⁰⁰ - 10.⁰⁰ - 25.⁰⁰ - 50.⁰⁰ - \$100\$ - \$500\$ - \$1500 - \$3000 - \$\$ - TRY AGAIN - GOOD LUCK.

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

Game Symbol	Game Symbol Caption
FREE	TICKET
\$1. ⁰⁰	ONE\$
\$2. ⁰⁰	TWO\$
\$5. ⁰⁰	FIVE\$
10. ⁰⁰	TEN\$
25. ⁰⁰	TWEN-FIV
50. ⁰⁰	FIFTY
\$100\$	ONE-HUN
\$500\$	FIV-HUN
\$1500	FIFTHUN
\$3000	THRTHOU
\$	DOUBLER
TRY AGAIN	
GOOD LUCK	

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

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

(e) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer. In this instant game, the retailer validation code is a three letter code printed and appearing in three of six varying locations among the game symbols. The codes and their meanings are as follows: FRE = Free Ticket; ONE = \$1.00; TWO = \$2.00; FOR = \$4.00; FIV = \$5.00; TEN = \$10.00; TWF = \$25.00; FTY = \$50.00; HUN = \$100.00; FHN = \$500.00.

(f) "Bar code" means the 16-digit bar-coded number appearing on the back of each ticket. (Authorized by and implementing K.S.A. 1997 Supp. 74-8710; effective, T-111-5-5-98, April 17, 1998.)

111-4-1225. Determination of instant prize winners. An instant prize winner is determined for this instant game when the player removes or "scratches off" the removable layer of material covering the play area to reveal the seven game symbols and captions. Game 1 is a match three of six dollar amount game or match two dollar amounts plus a ((\$) doubler symbol to win double the prize amount. If three of the six concealed prize amounts match, the player wins the amount shown. If two of the six concealed prize amounts match and a ((\$) doubler symbol is found, the player wins double the prize amount. Game 2 is an instant win game. The player removes the latex from Game 2 and if a prize amount is revealed, the player wins that prize amount. This game will feature two separate chances to win. (Authorized by K.S.A. 1997 Supp. 74-8710(b), (c) and (i); implementing

K.S.A. 1997 Supp. 74-8710(b), (c) and (i), and K.S.A. 74-8720(b) and (d); effective, T-111-5-5-98, April 17, 1998.)

111-4-1226. Number and value of instant prizes.

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

Match	Game 1	Game 2	Prizes	Expected Number of Prizes in Game	Expected Value in Game
	3 FREES		FREE	180,000	\$0
		\$1.00	\$1	126,000	126,000
	3 - \$1.00's	\$1.00	\$2	84,000	168,000
		\$2.00	\$2	39,000	78,000
	2 - \$1.00's & ((\$)	\$2.00	\$2	21,000	42,000
	3 - \$2.00's	\$2.00	\$4	19,800	79,200
	3 - \$5.00's		\$5	21,000	105,000
		\$5.00	\$5	18,600	93,000
	2 - \$5.00's & ((\$)		\$10	5,400	54,000
	3 - \$5.00's	\$5.00	\$10	3,800	36,000
	3 - \$10.00's		\$10	2,400	24,000
		\$10.00	\$10	1,200	12,000
	3 - \$25.00's		\$25	750	18,750
		\$25.00	\$25	660	16,500
	2 - \$25.00's & ((\$)		\$50	300	15,000
	2 - \$50.00's & ((\$)		\$100	150	15,000
	3 - \$100.00's		\$100	150	15,000
	3 - \$500.00's		\$500	18	9,000
	2 - \$1,500's & ((\$)		\$3,000	6	18,000
	3 - \$3,000's		\$3,000	3	9,000
				<u>344,037</u>	<u>\$933,450</u>

(b) The executive director may terminate the sale of tickets prior to the complete sale of all tickets. In this event, the number and value of prizes will be approximately proportional to the number of tickets actually sold. The odds of winning a prize in this game are one in 5.23.

(c) All prizes are subject to deductions provided by law.

(d) Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets and the same odds as were contained in the initial ticket order. (Authorized by K.S.A. 1997 Supp. 74-8710(b), (c) and (f); implementing K.S.A. 1997 Supp. 74-8710(b), (c) and (f), and K.S.A. 74-8720; effective, T-111-5-5-98, April 17, 1998.)

**RULES FOR INSTANT GAME NO. 56
"SHOOTIN' GALLERY"**

111-4-1227. Name of game. The Kansas lottery shall conduct an instant winner lottery game entitled "Shootin' Gallery" commencing on or after April 20, 1998. The specific rules for the "Shootin' Gallery" game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1227 through 111-4-1230. (Authorized by and implementing K.S.A. 1997 Supp. 74-8710; effective, T-111-5-5-98, April 17, 1998.)

111-4-1228. Definitions. The following definitions shall apply to the "Shootin' Gallery" instant lottery game:

(a) "Game symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the game symbols are printed in black ink in 10 point WGI font with matching captions in WGI Cap font. A game symbol appears in each of six play spots within the play area. Each game symbol for this instant game is one of the following: \$1.⁰⁰ - \$2.⁰⁰ - \$4.⁰⁰ - 12.00 - 30.00 - \$100\$ - \$1000.

(b) "Game symbol captions" are the words or portions of words, letters or numbers printed beneath each game

(continued)

symbol in the play area and are used to repeat or explain the game symbol. The game symbol caption associated with each game symbol is as follows:

Game Symbol	Game Symbol Caption
\$1. ⁰⁰	ONE\$
\$2. ⁰⁰	TWO\$
\$4. ⁰⁰	FOUR\$
12.00	TWELVE
30.00	THIRTY
\$100\$	ONE-HUN
\$1000	ONETHOU

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

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

(e) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer. In this instant game, the retailer validation code is a three-letter code printed and appearing in three of six varying locations among the game symbols. The codes and their meanings are as follows: ONE = \$1.00; TWO = \$2.00; FOR = \$4.00; TWL = \$12.00; TRY = \$30.00; HUN = \$100.00.

(f) "Bar code" means the 16-digit bar-coded number appearing on the back of each ticket. (Authorized by and implementing K.S.A. 1997 Supp. 74-8710; effective, T-111-5-5-98, April 17, 1998.)

111-4-1229. Determination of instant prize winners. This is a match three of six game. An instant prize winner is determined for this instant game when the player removes or "scratches off" the removable layer of material covering the play area to reveal the six duck symbols with an associated prize amount. If three of the duck symbol/prize amounts match, the player wins the amount shown. No ticket will be eligible to win more than one prize. (Authorized by K.S.A. 1997 Supp. 74-8710(b), (c) and (i); implementing K.S.A. 1997 Supp. 74-8710(b), (c) and (i), and K.S.A. 74-8720(b) and (d); effective, T-111-5-5-98, April 17, 1998.)

111-4-1230. Number and value of instant prizes. (a) There will be approximately 1,800,000 tickets ordered initially for this instant game. The expected number and value of the instant prizes are as follows:

Match	Prizes	Expected Number of Prizes in Game	Expected Value in Game
3 - \$1	\$1	180,000	\$180,000
3 - \$2	\$2	75,000	150,000

3 - \$4	\$4	61,200	244,800
3 - \$12	\$12	19,800	237,600
3 - \$30	\$30	6,000	180,000
3 - \$100	\$100	180	18,000
3 - \$1,000	\$1,000	36	36,000
		<u>342,216</u>	<u>\$1,046,400</u>

(b) The executive director may terminate the sale of tickets prior to the complete sale of all tickets. In this event, the number and value of prizes will be approximately proportional to the number of tickets actually sold. The odds of winning a prize in this game are one in 5.26.

(c) All prizes are subject to deductions provided by law.

(d) Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets and the same odds as were contained in the initial ticket order. (Authorized by K.S.A. 1997 Supp. 74-8710(b), (c) and (f); implementing K.S.A. 1997 Supp. 74-8710(b), (c) and (f), and K.S.A. 74-8720; effective, T-111-5-5-98, April 17, 1998.)

**RULES FOR INSTANT GAME NO. 58
"SIZZLING SEVENS"**

111-4-1231. Name of game. The Kansas lottery shall conduct an instant winner lottery game entitled "Sizzling Sevens" commencing on or after April 20, 1998. The specific rules for the "Sizzling Sevens" game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1231 through 111-4-1234. (Authorized by and implementing K.S.A. 1997 Supp. 74-8710; effective, T-111-5-5-98, April 17, 1998.)

111-4-1232. Definitions. The following definitions shall apply to the "Sizzling Sevens" instant lottery game:

(a) "Game symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the game symbols are printed in black ink in 15 point WGI font with matching captions in WGI Cap font. A game symbol appears in each of ten play spots within the play area. Each game symbol for this instant game is one of the following: FREE - \$2.⁰⁰ - \$4.⁰⁰ - \$7.⁰⁰ - 17.⁰⁰ - 70.⁰⁰ - \$777\$ - 7 - X.

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

Game Symbol	Game Symbol Caption
FREE	TICKET
\$2. ⁰⁰	TWO\$
\$4. ⁰⁰	FOUR\$
\$7. ⁰⁰	SEVN\$
17. ⁰⁰	SEVTEEN
70. ⁰⁰	SEVENTY
\$777\$	SVSVTSEV
7	SEVN
X	XXXX

(c) "Ticket validation number" means a unique number appearing on each ticket which is used to validate winning tickets. For this instant game, the ticket valida-

tion number is an 11-digit number which appears on the front of each instant ticket and will be covered by latex.

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

(e) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer. In this instant game, the retailer validation code is a three-letter code printed and appearing in three of six varying locations among the game symbols. The codes and their meanings are as follows: FRE = Free Ticket; TWO = \$2.00; FOR = \$4.00; SEV = \$7.00; STN = \$17.00; STY = \$70.00.

(f) "Bar code" means the 16-digit bar-coded number appearing on the back of each ticket. (Authorized by and implementing K.S.A. 1997 Supp. 74-8710; effective, T-111-5-5-98, April 17, 1998.)

111-4-1233. Determination of instant prize winners. An instant prize winner is determined for this instant game when the player removes or "scratches off" the removable layer of material covering the play area to reveal the ten game symbols and captions. This will be a match three of six in a "Row, Column or Diagonal" game with a prize box. If the player matches three "7" symbols in the same row, the same column or the same diagonal in a straight line, the player wins the amount shown in the "PRIZE" box. No ticket will be eligible to win more than one prize. (Authorized by K.S.A. 1997 Supp. 74-8710(b), (c) and (i); implementing K.S.A. 1997 Supp. 74-8710(b), (c) and (i), and K.S.A. 74-8720(b) and (d); effective, T-111-5-5-98, April 17, 1998.)

111-4-1234. Number and value of instant prizes. (a) There will be approximately 1,800,000 tickets ordered initially for this instant game. The expected number and value of the instant prizes are as follows:

Match	Prizes	Expected Number of Prizes in Game	Expected Value in Game
FREE	FREE TICKET	210,000	\$0
\$2	\$2	66,000	132,000
\$4	\$4	38,400	153,600
\$7	\$7	18,000	126,000
\$17	\$17	6,600	112,200
\$70	\$70	4,320	302,400
\$777	\$777	120	93,240
		<u>343,440</u>	<u>\$919,440</u>

(b) The executive director may terminate the sale of tickets prior to the complete sale of all tickets. In this event, the number and value of prizes will be approximately proportional to the number of tickets actually sold. The odds of winning a prize in this game are one in 5.24.

(c) All prizes are subject to deductions provided by law.

(d) Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets and the same odds as were contained in the initial ticket order. (Authorized by K.S.A. 1997 Supp. 74-8710(b), (c) and (f); implementing K.S.A. 1997 Supp. 74-8710(b), (c) and (f), and K.S.A. 74-8720; effective, T-111-5-5-98, April 17, 1998.)

**RULES FOR INSTANT GAME NO. 64
"WINNER TAKE ALL"**

111-4-1235. Name of game. The Kansas lottery shall conduct an instant winner lottery game entitled "Winner Take All" commencing on or after April 20, 1998. The specific rules for the "Winner Take All" game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1235 through 111-4-1238. (Authorized by and implementing K.S.A. 1997 Supp. 74-8710; effective, T-111-5-5-98, April 17, 1998.)

111-4-1236. Definitions. The following definitions shall apply to the "Winner Take All" instant lottery game:

(a) "Game symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the game symbols are printed in black ink in 15 point WGI font with matching captions in WGI Cap font. A game symbol appears in each of eleven play spots within the play area. Each game symbol for this instant game is one of the following: \$1. - \$2. - \$3. - \$5. - 10. - 15. - 30. - \$200\$ - \$2000 - 1 - 2 - 3 - 4 - 5 - 6 - 7 - 8 - 9 - 10 - WIN ALL.

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

Game Symbol	Game Symbol Caption
\$1.	ONES\$
\$2.	TWO\$
\$3.	THR\$
\$5.	FIVE\$
10.	TEN\$
15.	FIFTEEN
30.	THIRTY
\$200\$	TWO-HUN
\$2000	TWOTHOU
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SEV
8	EGT
9	NIN
10	TEN
WIN ALL	

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

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

(continued)

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

(e) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer. In this instant game, the retailer validation code is a three-letter code printed and appearing in three of six varying locations among the game symbols. The codes and their meanings are as follows: ONE = \$1.00; TWO = \$2.00; THR = \$3.00; FIV = \$5.00; TEN = \$10.00; FTN = \$15.00; TRY = \$30.00; THN = \$200.00.

(f) "Bar code" means the 16-digit bar-coded number appearing on the back of each ticket. (Authorized by and implementing K.S.A. 1997 Supp. 74-8710; effective, T-111-5-5-98, April 17, 1998.)

111-4-1237. Determination of instant prize winners. This is a "key number match game." An instant prize winner is determined for this instant game when the player removes or "scratches off" the removable layer of material covering the play area to reveal one "LUCKY COIN" number and five "YOUR COIN" numbers. If any of the "YOUR COIN" numbers match the "LUCKY COIN" number, the player wins the prize directly below the "YOUR COIN(s)" number(s) that match. If the player uncovers a "WIN ALL" symbol, the player wins all five prizes. A player can win up to five times on a ticket. (Authorized by K.S.A. 1997 Supp. 74-8710(b), (c) and (i); implementing K.S.A. 1997 Supp. 74-8710(b), (c) and (i), and K.S.A. 74-8720(b) and (d); effective, T-111-5-5-98, April 17, 1998.)

111-4-1238. Number and value of instant prizes. (a) There will be approximately 1,800,000 tickets ordered initially for this instant game. The expected number and value of the instant prizes are as follows:

Match	Prizes	Expected Number of Prizes in Game	Expected Value in Game
\$1	\$1	180,000	\$180,000
\$1+\$1	\$2	60,000	120,000
\$2	\$2	30,000	60,000
\$1+\$1+\$1	\$3	21,600	64,800
\$3	\$3	19,800	59,400
\$1+\$1+\$1+\$1+\$1 (WIN ALL)	\$5	11,400	57,000
\$2+\$3	\$5	10,200	51,000
\$5	\$5	9,600	48,000
\$2+\$2+\$2+\$2+\$2 (WIN ALL)	\$10	7,200	72,000
\$2+\$3+\$5	\$10	5,400	54,000
\$10	\$10	4,500	45,000
\$2+\$3+\$5+\$5	\$15	3,600	54,000
\$5+\$5+\$5	\$15	3,000	45,000
\$15	\$15	1,800	27,000
\$2+\$3+\$5+\$10+\$10 (WIN ALL)	\$30	750	22,500
\$30	\$30	600	18,000
\$200	\$200	90	18,000
\$2,000	\$2,000	24	48,000
		<u>369,564</u>	<u>\$1,043,700</u>

(b) The executive director may terminate the sale of tickets prior to the complete sale of all tickets. In this

event, the number and value of prizes will be approximately proportional to the number of tickets actually sold. The odds of winning a prize in this game are one in 4.87.

(c) All prizes are subject to deductions provided by law.

(d) Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets and the same odds as were contained in the initial ticket order. (Authorized by K.S.A. 1997 Supp. 74-8710(b), (c) and (f); implementing K.S.A. 1997 Supp. 74-8710(b), (c) and (f), and K.S.A. 74-8720; effective, T-111-5-5-98, April 17, 1998.)

**RULES FOR INSTANT GAME NO. 75
"LUCKY DOG"**

111-4-1239. Name of game. The Kansas lottery shall conduct an instant winner lottery game entitled "Lucky Dog" commencing on or after April 20, 1998. The specific rules for the "Lucky Dog" game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1239 through 111-4-1242. (Authorized by and implementing K.S.A. 1997 Supp. 74-8710; effective, T-111-5-5-98, April 17, 1998.)

111-4-1240. Definitions. The following definitions shall apply to the "Lucky Dog" instant lottery game:

(a) "Game symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the game symbols are printed in black ink in 15 point WGI font with matching captions in WGI Cap font. A game symbol appears in each of six play spots within the play area. Each game symbol for this instant game is one of the following: FREE TICKET - \$2.00 - \$4.00 - 10.00 - 20.00 - 40.00 - \$500\$ - 01¢ - 05¢ - 10¢ - 25¢ - 50¢.

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

Game Symbol	Game Symbol Caption
FREE	TICKET
\$2.00	TWO\$
\$4.00	FOUR\$
10.00	TEN\$
20.00	TWENTY
40.00	FORTY
\$500\$	FIVE-HUN
01¢	PENNY
05¢	NICKEL
10¢	DIME
25¢	QUARTER
50¢	HALF

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

(d) "Book-ticket number" means the unique number appearing on each ticket which includes the number of the book from which it was removed and the serially assigned number of the ticket within that book. For this instant game, the book-ticket number is an 8-digit book number followed by a dash and then a 3-digit ticket num-

ber. The ticket numbers in each book start with 000 and end with 299. The book-ticket number is printed in black ink on the back of each instant game ticket both above the information form and below the bar code.

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

(f) "Bar code" means the 16-digit bar-coded number appearing on the back of each ticket. (Authorized by and implementing K.S.A. 1997 Supp. 74-8710; effective, T-111-5-5-98, April 17, 1998.)

111-4-1241. Determination of instant prize winners. This is an "add up" game. An instant prize winner is determined for this instant game when the player removes or "scratches off" the removable layer of material covering the play area to reveal the five game symbols (coins) and one prize symbol. If the five coins add up to \$1.00 or more, the player wins the prize in the prize box. No ticket will be eligible to win more than one prize. (Authorized by K.S.A. 1997 Supp. 74-8710(b), (c) and (i); implementing K.S.A. 1997 Supp. 74-8710(b), (c) and (i), and K.S.A. 74-8720(b) and (d); effective, T-111-5-5-98, April 17, 1998.)

111-4-1242. Number and value of instant prizes. (a) There will be approximately 1,800,000 tickets ordered initially for this instant game. The expected number and value of the instant prizes are as follows:

Prizes	Expected Number of Prizes in Game	Expected Value in Game
FREE TICKET	216,000	\$0
\$2	72,000	144,000
\$4	42,000	168,000
\$10	12,000	120,000
\$20	7,200	144,000
\$40	6,600	264,000
\$500	150	75,000
	<u>355,950</u>	<u>\$915,000</u>

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

(c) All prizes are subject to deductions provided by law.

(d) Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets and the same odds as were contained in the initial ticket order. (Authorized by K.S.A. 1997 Supp. 74-8710(b), (c) and (f); implementing K.S.A. 1997 Supp. 74-8710(b), (c) and (f), and K.S.A. 74-8720; effective, T-111-5-5-98, April 17, 1998.)

Gregory P. Ziemak
Executive Director

State of Kansas

Secretary of State

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

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

Ron Thornburgh
Secretary of State

(Published in the Kansas Register May 21, 1998.)

SENATE BILL No. 485

AN ACT concerning the regulation of certain substances; relating to the uniform controlled substances act; defining and classifying the crime of unlawful administration of a substance; amending K.S.A. 1997 Supp. 65-4111 and repealing the existing section.

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

Section 1. K.S.A. 1997 Supp. 65-4111 is hereby amended to read as follows: 65-4111. (a) The controlled substances listed in this section are included in schedule IV and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

(b) Any material, compound, mixture or preparation which contains any quantity of the following substances including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation and having a potential for abuse associated with a depressant effect on the central nervous system:

(1) Alprazolam	2882
(2) Barbitol	2145
(3) Bromazepam	2748
(4) Camazepam	2749
(5) Chloral betaine	2460
(6) Chloral hydrate	2465
(7) Chlordiazepoxide	2744
(8) Clobazam	2751
(9) Clonazepam	2737
(10) Clorazepate	2768
(11) Clotiazepam	2752
(12) Cloxazolam	2753
(13) Delorazepam	2754
(14) Diazepam	2765
(15) Estazolam	2756
(16) Ethchlorvynol	2540
(17) Ethinamate	2545
(18) Ethyl loflazepate	2758
(19) Fludiazepam	2759
(20) Flunitrazepam	2763
(21) Flurazepam	2767
(22) Halazepam	2762
(23) Haloxazolam	2771
(24) Ketazolam	2772
(25) Loprazolam	2773
(26) Lorazepam	2885
(27) Lormetazepam	2774
(28) Mebutamate	2800
(29) Medazepam	2836
(30) Meprobamate	2820
(31) Methohexital	2264
(32) Methylphenobarbital (mephobarbital)	2250
(33) Midazolam	2884
(34) Nimetazepam	2837
(35) Nitrazepam	2834
(36) Nordiazepam	2838
(37) Oxazepam	2835
(38) Oxazolam	2839
(39) Paraldehyde	2585
(40) Petrichloral	2591
(41) Phenobarbital	2285
(42) Pinazepam	2883
(43) Prazepam	2764
(44) Quazepam	2881
(45) Temazepam	2925
(46) Tetrazepam	2886

(47) Triazolam	2887
(48) Zolpidem	2783

(c) Any material, compound, mixture, or preparation which contains any quantity of fenfluramine (1670), including its salts, isomers (whether optical, position or geometric) and salts of such isomers, whenever the existence of such salts, isomers and salts of isomers is possible. The provisions of this subsection (c) shall expire on the date fenfluramine and its salts and isomers are removed from schedule IV of the federal controlled substances act (21 United States code 812; 21 code of federal regulations 1308.14).

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Cathine ((+)-norpseudoephedrine)	1230
(2) Diethylpropion	1610
(3) Fencamfamin	1760
(4) Fenproporex	1575
(5) Mazindol	1605
(6) Mefenorex	1580
(7) Pemoline (including organometallic complexes and chelates thereof)	1530
(8) Phentermine	1640

The provisions of this subsection (d)(8) shall expire on the date phentermine and its salts and isomers are removed from schedule IV of the federal controlled substances act (21 United States code 812; 21 code of federal regulations 1308.14).

(9) Pipradrol	1750
(10) Sibutramine	1675
(10) (11) SPA((-)-1-dimethylamino-1,2-diphenylethane)	1635

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following, including salts thereof:

(1) Butorphanol (including its optical isomers)	9720
(4) (2) Pentazocine	9709

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(1) Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit	9167
(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane)	9278

(g) Butyl nitrite and its salts, isomers, esters, ethers or their salts.

(h) The board may except by rule and regulation any compound, mixture or preparation containing any depressant substance listed in subsection (b) from the application of all or any part of this act if the compound, mixture or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

New Sec. 2. (a) Unlawful administration of a substance is the intentional and knowing administration of a substance to another person without consent for the purpose of impairing such other person's physical or mental ability to appraise or control such person's conduct.

(b) "Unlawful administration of a substance" means any method of causing the ingestion by another person of a controlled substance, gamma hydroxybutyric acid, or its salts, ketamine or butyrolactone into any food, beverage or other consumable that the person knows, or should know, would be consumed by such other person.

(c) This section shall not prohibit administration of any substance described in subsection (b) for lawful medical or therapeutic treatment.

(d) Unlawful administration of a substance is a class A person misdemeanor.

Sec. 3. K.S.A. 1997 Supp. 65-4111 is hereby repealed.

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

(Published in the Kansas Register May 21, 1998.)

HOUSE BILL No. 3014

AN ACT concerning the transportation of hazardous materials; authorizing certain federal exemptions.

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

Section 1. (a) The provisions of 49 C.F.R. 173.5-agricultural operations; 49 C.F.R. 173.6-materials of trade; and 49 C.F.R. 173.8-exceptions for nonspecification packagings used in intrastate transportation, in effect on the effective date of this act, are hereby adopted.

(b) The following materials are authorized to be transported by intrastate farmers in nonspecification bulk packagings:

- (1) Agricultural products specified in 49 C.F.R. 173.5 (b)(2); and
- (2) flammable liquid petroleum distillates.

(c) Nonbulk packagings permanently secured to a transport vehicle and protected against leakage or damage in the event of an overturn, having a capacity of less than 450 liters (119 gallons) or less are authorized for the transportation of flammable liquid petroleum distillates.

(d) Except as authorized in subsections (b) and (c), the packagings must otherwise comply with the applicable requirements of 49 C.F.R. 171 through 180.

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

(Published in the Kansas Register May 21, 1998.)

HOUSE BILL No. 2868

AN ACT concerning wildlife; relating to certain big game permits and tags; relating to total licensed acreage for controlled shooting areas in a county; amending K.S.A. 32-945 and K.S.A. 1997 Supp. 32-937 and repealing the existing sections.

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

Section 1. K.S.A. 1997 Supp. 32-937 is hereby amended to read as follows: 32-937. (a) When used in this section:

(1) "Landowner" means a resident owner of farm or ranch land of 80 acres or more located in the state of Kansas.

(2) "Tenant" means a resident of this state who is actively engaged in the agricultural operation of 80 acres or more of Kansas farm or ranch land for the purpose of producing agricultural commodities or livestock and who: (A) Has a substantial financial investment in the production of agricultural commodities or livestock on such farm or ranch land and the potential to realize substantial financial benefit from such production; or (B) is a bona fide manager having an overall responsibility to direct, supervise and conduct such agricultural operation and has the potential to realize substantial benefit from such production in the form of salary, shares of such production or some other economic incentive based upon such production.

(3) "Regular season" means a statewide big game hunting season authorized annually which may include one or more seasons restricted to specific types of equipment.

(4) "Special season" means a big game hunting season in addition to a regular season authorized on an irregular basis or at different times of the year other than the regular season.

(5) "General permit" means a big game hunting permit available to Kansas residents not applying for big game permits as a landowner or tenant.

(6) "Nonresident landowner" means a nonresident of the state of Kansas who owns farm or ranch land of 80 acres or more which is located in the state of Kansas.

(7) "Nonresident permit" means a big game hunting permit available to individuals who are not Kansas residents.

(b) Except as otherwise provided by law or rules and regulations of the secretary and in addition to any other license, permit or stamp required by law or rules and regulations of the secretary, a valid big game permit and game tags are required to take any big game in this state.

(c) The fee for big game permits and game tags shall be the amount prescribed pursuant to K.S.A. 32-988, and amendments thereto.

(d) A big game permit and game tags are valid throughout the state or such portion thereof as provided by rules and regulations adopted by the secretary in accordance with K.S.A. 32-805 and amendments thereto.

(e) Unless otherwise provided by law or rules and regulations of the secretary, a big game permit and game tags are valid from the date of issuance and shall expire at the end of the season for which issued.

(f) The secretary may adopt, in accordance with K.S.A. 32-805, and amendments thereto, rules and regulations for each regular or special big game hunting season and for each management unit regarding big game permits and game tags. The secretary is hereby authorized to issue big game permits and game tags pertaining to the taking of big game. Separate big game permits and game tags may be issued for each species of big game. No big game permits or game tags shall be issued until the secretary has established, by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto, a regular or special big game hunting season.

(g) The secretary may authorize, by rule and regulation adopted in accordance with K.S.A. 32-805, and amendments thereto, landowner or tenant hunt-on-your-own-land big game permits. Such permits and applications may contain provisions and restrictions as prescribed by rule and regulation adopted by the secretary in accordance with K.S.A. 32-805, and amendments thereto.

(h) The secretary may authorize, by rule and regulation adopted in accordance with K.S.A. 32-805 and amendments thereto, special landowner or tenant hunt-on-your-own-land deer permits. Such special permits shall not be issued to landowners or tenants in possession of a hunt-on-your-own-land deer permit as authorized in subsection (g). The special permits shall be transferable to any immediate family member of the landowner or tenant, whether or not a Kansas resident, or the permit may be retained for use by the landowner or tenant. The special permits shall be transferable through the secretary at the request of the landowner or tenant and by paying the required fee for a general deer permit and the additional payment of the permit transfer fee. The special permits and applications may contain provisions and restrictions as prescribed by rule and regulation adopted by the secretary in accordance with K.S.A. 32-805 and amendments thereto. For the purposes of this subsection, "member of the immediate family" means lineal or collateral ascendants or descendants, and their spouses.

(i) Fifty percent of the big game permits authorized for a regular season in any management unit shall be issued to landowners or tenants, provided that a limited number of big game permits have been authorized and landowner or tenant hunt-on-your-own-land big game permits for that unit have not been authorized. A landowner or tenant is not eligible to apply for a big game permit as a landowner or as a tenant in a management unit other than the unit or units which includes such landowner's or tenant's land. Any big game permits not issued to landowners or tenants within the time period prescribed by rule and regulation may be issued without regard to the 50% limitation.

(j) Members of the immediate family who are domiciled with a landowner or tenant may apply for a big game permit as a landowner or as a tenant, but the total number of permits issued to a landowner or tenant and a landowner's or tenant's immediate family shall not exceed one permit for each 80 acres owned by such landowner or operated by such tenant. The secretary may require proof of ownership or tenancy from individuals applying for a big game permit as a landowner or as a tenant.

(k) The secretary may issue permits for deer or turkey to nonresident landowners, but any such permit shall be restricted to hunting only on lands owned by the nonresident landowner.

(l) The secretary may issue turkey hunting permits to nonresidents in turkey management units with unlimited turkey hunting permits available.

(m) The secretary may issue deer hunting permits to nonresidents, subject to the following limitations:

(1) The total number of nonresident deer firearm permits of each type specified by rules and regulations that may be issued for a deer season in a management unit shall not exceed 5% of the total number of resident deer firearm permits of such type authorized for such season in such management unit; and

(2) the total number of nonresident deer archery permits of each type specified by rules and regulations that may be issued for a deer season in a management unit shall not exceed 5% of the total number of resident deer archery permits of such type authorized for such season in such management unit.

Nonresident deer archery permits may be restricted to a particular deer species without regard to resident deer archery permit species restrictions, or lack thereof.

If an unlimited number of resident deer permits is authorized for a deer season or management unit, the percentage limitations of subsections (m)(1) and (m)(2) shall be based upon the total number of resident firearm permits and the total number of archery permits, respectively,

issued in the management unit during the most recent preceding similar season. *Notwithstanding the foregoing provisions of this subsection, nonresident firearm deer permits of a particular type and nonresident archery deer permits of a particular type may be issued in a firearms management unit only if resident firearm permits of such type remained unissued after the close of the previous year's first permit selection process in that management unit. If in a management unit there are an unlimited number of game tags available to residents, the secretary, in the secretary's discretion and in accordance with rules and regulations, may authorize the issuance of an unlimited number of deer tags for such unit to nonresidents.*

(n) Any nonresident deer hunting permits authorized under subsection (m) that remain unissued due to an insufficient number of nonresident applications as of a deadline determined by the secretary, shall be made available to residents.

(o) No big game permit issued to a person under 14 years of age shall be valid until such person reaches 14 years of age, except that a person who is 12 years or 13 years of age and has been issued a certificate of completion of an approved hunter education course may be issued: (1) A deer archery permit if the person submits to the secretary evidence, satisfactory to the secretary, of completion of a bow hunting safety education course; or (2) a wild turkey firearm permit. Such deer archery permit or turkey firearm permit shall be valid only while the individual is hunting under the immediate supervision of an adult who is 21 years of age or older.

(p) A big game permit shall state the species, number and sex of the big game which may be killed by the permittee. The secretary may furnish an informational card with any big game permit and, at the conclusion of the open season, each permittee receiving such card shall return the card to the department, giving such information as is called for on the card.

(q) The permittee shall permanently affix the game tag to the carcass of any big game immediately after killing and thereafter, if required by rules and regulations, the permittee shall immediately take such killed game to a check station as required in the rules and regulations, where a check station tag shall be affixed to the game carcass if the kill is legal. The tags shall remain affixed until the carcass is consumed or processed for storage.

(r) The provisions of this section do not apply to big game animals sold in surplus property disposal sales of department exhibit herds or big game animals legally taken outside this state.

Sec. 2. K.S.A. 32-945 is hereby amended to read as follows: 32-945.

(a) Upon receipt of an application for a license to operate a controlled shooting area, the secretary shall cause an inspection to be made of:

- (1) The proposed licensed area described in such application;
- (2) the premises and facilities where game birds are to be propagated, raised and liberated;
- (3) the cover for game birds on such area; and
- (4) the ability of the applicants to operate a controlled shooting area.

(b) If the secretary finds that the area contains not less nor more than the number of acres required by K.S.A. 32-944 and amendments thereto, is contiguous and has the proper requirements and facilities for the operation of a controlled shooting area and that the issuing of the license will otherwise be in the public interest, the secretary may approve the application and issue the controlled shooting area license.

(c) A controlled shooting area license expires on June 30 of the operational year for which issued.

(d) The secretary shall limit controlled shooting areas so that the total acreage licensed as controlled shooting areas in a county does not exceed 2% 3% of the total acreage of such county.

Sec. 3. K.S.A. 32-945 and K.S.A. 1997 Supp. 32-937 are hereby repealed.

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

(Published in the Kansas Register May 21, 1998.)

HOUSE BILL No. 2612

AN ACT concerning audit; relating to audits of the Kansas public employees retirement system; concerning the pooled money investment board; amending K.S.A. 46-1106, 75-4222 and 75-4234 and K.S.A. 1997 Supp. 74-4921 and repealing the existing sections; also repealing K.S.A. 75-627.

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

Section 1. On and after July 1, 1998, K.S.A. 1997 Supp. 74-4921 is hereby amended to read as follows: 74-4921. (1) There is hereby created in the state treasury the Kansas public employees retirement fund. All employee and employer contributions shall be deposited in the state treasury to be credited to the Kansas public employees retirement fund. The fund is a trust fund and shall be used solely for the exclusive purpose of providing benefits to members and member beneficiaries and defraying reasonable expenses of administering the fund. Investment income of the fund shall be added or credited to the fund as provided by law. All benefits payable under the system, refund of contributions and overpayments, purchases or investments under the law and expenses in connection with the system unless otherwise provided by law shall be paid from the fund. The director of accounts and reports is authorized to draw warrants on the state treasurer and against such fund upon the filing in the director's office of proper vouchers executed by the chairperson or the executive secretary of the board. As an alternative, payments from the fund may be made by credits to the accounts of recipients of payments in banks, savings and loan associations and credit unions. A payment shall be so made only upon the written authorization and direction of the recipient of payment and upon receipt of such authorization such payments shall be made in accordance therewith. Orders for payment of such claims may be contained on (a) a letter, memorandum, telegram, computer printout or similar writing, or (b) any form of communication, other than voice, which is registered upon magnetic tape, disc or any other medium designed to capture and contain in durable form conventional signals used for the electronic communication of messages.

(2) The board shall have the responsibility for the management of the fund and shall discharge the board's duties with respect to the fund solely in the interests of the members and beneficiaries of the system for the exclusive purpose of providing benefits to members and such member's beneficiaries and defraying reasonable expenses of administering the fund and shall invest and reinvest moneys in the fund and acquire, retain, manage, including the exercise of any voting rights and disposal of investments of the fund within the limitations and according to the powers, duties and purposes as prescribed by this section.

(3) Moneys in the fund shall be invested and reinvested to achieve the investment objective which is preservation of the fund to provide benefits to members and member beneficiaries, as provided by law and accordingly providing that the moneys are as productive as possible, subject to the standards set forth in this act. No moneys in the fund shall be invested or reinvested if the sole or primary investment objective is for economic development or social purposes or objectives.

(4) In investing and reinvesting moneys in the fund and in acquiring, retaining, managing and disposing of investments of the fund, the board shall exercise the judgment, care, skill, prudence and diligence under the circumstances then prevailing, which persons of prudence, discretion and intelligence acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims by diversifying the investments of the fund so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so, and not in regard to speculation but in regard to the permanent disposition of similar funds, considering the probable income as well as the probable safety of their capital.

(5) Notwithstanding subsection (4): (a) Total investments in common stock may be made in the amount of up to 60% of the total book value of the fund;

(b) the board may invest or reinvest moneys of the fund in alternative investments if the following conditions are satisfied:

(i) The total of such alternative investments does not exceed more than 5% of the total investment assets of the fund. If the total of such alternative investments exceeds more than 5% of the total investment assets of the fund on the effective date of this act, the board shall not invest or reinvest any moneys of the fund in alternative investments until the total of such alternative investments is less than 5% of the total investment assets of the fund subject to the 5% limitation contained in this subsection. Nothing in this subsection requires the board to liquidate or

sell the system's holdings in any alternative investment held by the system on the effective date of this act, unless such liquidation or sale would be in the best interest of the members and beneficiaries of the system and be prudent under the standards contained in this section. The 5% limitation contained in this section shall not have been violated if the total of such alternative investments exceeds 5% of the total investment assets of the fund as a result of market forces acting to increase the value of such alternative investments relative to the rest of the system's investments; however, the board shall not invest or reinvest any moneys of the fund in alternative investments until the total of such alternative investments is less than 5% of the total investment assets of the fund subject to the 5% limitation contained in this subsection;

(ii) if in addition to the system, there are at least two other sophisticated investors, as defined by section 301 of the securities and exchange act of 1933;

(iii) the system's share in any individual alternative investment is limited to an investment representing not more than 20% of any such individual alternative investment;

(iv) the system has received a favorable and appropriate recommendation from a qualified, independent expert in investment management or analysis in that particular type of alternative investment;

(v) the alternative investment is consistent with the system's investment policies and objectives as provided in subsection (6);

(vi) the individual alternative investment does not exceed more than 2.5% of the total alternative investments made under this subsection. If the alternative investment is made pursuant to participation by the system in a multi-investor pool, the 2.5% limitation contained in this subsection is applied to the underlying individual assets of such pool and not to investment in the pool itself. The total of such alternative investments made pursuant to participation by the system in any one individual multi-investor pool shall not exceed more than 20% of the total of alternative investments made by the system pursuant to this subsection. Nothing in this subsection requires the board to liquidate or sell the system's holdings in any alternative investments made pursuant to participation by the system in any one individual multi-investor pool held by the system on the effective date of this act, unless such liquidation or sale would be in the best interest of the members and beneficiaries of the system and be prudent under the standards contained in this section. The 20% limitation contained in this subsection shall not have been violated if the total of such investment in any one individual multi-investor pool exceeds 20% of the total alternative investments of the fund as a result of market forces acting to increase the value of such a multi-investor pool relative to the rest of the system's alternative investments; however, the board shall not invest or reinvest any moneys of the fund in any such individual multi-investor pool until the value of such individual multi-investor pool is less than 20% of the total alternative investments of the fund;

(vii) the board has received and considered the investment manager's due diligence findings submitted to the board as required by subsection (6)(c); and

(viii) prior to the time the alternative investment is made, the system has in place procedures and systems to ensure that the investment is properly monitored and investment performance is accurately measured.

For purposes of this act, "alternative investment" means nontraditional investments outside the established nationally recognized public stock exchanges and government securities market. Alternative investments shall include, but not be limited to, private placements, venture capital, partnerships, limited partnerships and leveraged buyout partnerships;

(c) except as otherwise provided, the board may invest or reinvest moneys of the fund in real estate investments if the following conditions are satisfied:

(i) If, in addition to the system, there are at least two other sophisticated investors, as defined by section 301 of the securities and exchange act of 1933;

(ii) the system's share in any individual real estate investment is limited to an investment representing not more than 20% of any such individual real estate investment;

(iii) the system has received a favorable and appropriate recommendation from a qualified, independent expert in investment management or analysis in that particular type of real estate investment;

(iv) the real estate investment is consistent with the system's investment policies and objectives as provided in subsection (6);

(v) the total of such real estate investments made pursuant to participation by the system in any one individual multi-investor pool shall not

exceed more than 20% of the total of real estate investments made by the system pursuant to this subsection. Nothing in this subsection requires the board to liquidate or sell the system's holdings in any real estate investments made pursuant to participation by the system in any one individual multi-investor pool held by the system on the effective date of this act, unless such liquidation or sale would be in the best interest of the members and beneficiaries of the system and be prudent under the standards contained in this section. The 20% limitation contained in this subsection shall not have been violated if the total of such investment in any one individual multi-investor pool exceeds 20% of the total real estate investments of the fund as a result of market forces acting to increase the value of such a multi-investor pool relative to the rest of the system's real estate investments; however, the board shall not invest or reinvest any moneys of the fund in any such individual multi-investor pool until the value of such individual multi-investor pool is less than 20% of the total real estate investments of the fund;

(vi) the board has received and considered the investment manager's due diligence findings submitted to the board as required by subsection (6)(c);

(vii) prior to the time the real estate investment is made, the system has in place procedures and systems to ensure that the investment is properly monitored and investment performance is accurately measured; and

(viii) the provisions of this subsection shall not apply to any real estate investment held by the system on July 1, 1992; and

(d) the board shall not invest or reinvest moneys of the fund in any banking institution, savings and loan association or credit union which positions the system as a shareholder or owner of such banking institution, savings and loan association or credit union.

(6) Subject to the objective set forth in subsection (3) and the standards set forth in subsections (4) and (5) the board shall formulate policies and objectives for the investment and reinvestment of moneys in the fund and the acquisition, retention, management and disposition of investments of the fund. Such policies and objectives shall include:

(a) Specific asset allocation standards and objectives;

(b) establishment of criteria for evaluating the risk versus the potential return on a particular investment;

(c) a requirement that all investment managers submit such manager's due diligence findings on each investment to the board or investment advisory committee for approval or rejection prior to making any alternative investment;

(d) a requirement that all investment managers shall immediately report all instances of default on investments to the board and provide the board with recommendations and options, including, but not limited to, curing the default or withdrawal from the investment; and

(e) establishment of criteria that would be used as a guideline for determining when no additional add-on investments or reinvestments would be made and when the investment would be liquidated.

The board shall review such policies and objectives, make changes considered necessary or desirable and readopt such policies and objectives on an annual basis.

(7) The board may enter into contracts with one or more persons whom the board determines to be qualified, whereby the persons undertake to perform the functions specified in subsection (2) to the extent provided in the contract. Performance of functions under contract so entered into shall be paid pursuant to rates fixed by the board subject to provisions of appropriation acts and shall be based on specific contractual fee arrangements. The system shall not pay or reimburse any expenses of persons contracted with pursuant to this subsection, except that after approval of the board, the system may pay approved investment related expenses subject to provisions of appropriation acts. The board shall require that a person contracted with to obtain commercial insurance which provides for errors and omissions coverage for such person in an amount to be specified by the board, provided that such coverage shall be at least the greater of \$500,000 or 1% of the funds entrusted to such person up to a maximum of \$10,000,000. The board shall require a person contracted with to give a fidelity bond in a penal sum as may be fixed by law or, if not so fixed, as may be fixed by the board, with corporate surety authorized to do business in this state. Such persons contracted with the board pursuant to this subsection and any persons contracted with such persons to perform the functions specified in subsection (2) shall be deemed to be agents of the board and the system in the performance of contractual obligations.

(8) (a) In the acquisition or disposition of securities, the board may

rely on the written legal opinion of a reputable bond attorney or attorneys, the written opinion of the attorney of the investment counselor or managers, or the written opinion of the attorney general certifying the legality of the securities.

(b) 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.

(9) (a) Except as provided in subsection (7) and this subsection, the custody of money and securities of the fund shall remain in the custody of the state treasurer, except that the board may arrange for the custody of such money and securities as it considers advisable with one or more member banks or trust companies of the federal reserve system or with one or more banks in the state of Kansas, or both, to be held in safekeeping by the banks or trust companies for the collection of the principal and interest or other income or of the proceeds of sale. The services provided by the banks or trust companies shall be paid pursuant to rates fixed by the board subject to provisions of appropriation acts.

(b) The state treasurer and the board shall collect the principal and interest or other income of investments or the proceeds of sale of securities in the custody of the state treasurer and pay same when so collected into the fund.

(c) The principal and interest or other income or the proceeds of sale of securities as provided in clause (a) of this subsection (9) shall be reported to the state treasurer and the board and credited to the fund.

(10) The board shall with the advice of the director of accounts and reports establish the requirements and procedure for reporting any and all activity relating to investment functions provided for in this act in order to prepare a record monthly of the investment income and changes made during the preceding month. The record will reflect a detailed summary of investment, reinvestment, purchase, sale and exchange transactions and such other information as the board may consider advisable to reflect a true accounting of the investment activity of the fund.

(11) The board shall provide for an examination of the investment program annually. The examination shall include an evaluation of current investment policies and practices and of specific investments of the fund in relation to the objective set forth in subsection (3), the standard set forth in subsection (4) and other criteria as may be appropriate, and recommendations relating to the fund investment policies and practices and to specific investments of the fund as are considered necessary or desirable. The board shall include in its annual report to the governor as provided in K.S.A. 74-4907, and amendments thereto, a report or a summary thereof covering the investments of the fund.

(12) (a) The legislative post auditor shall conduct an annual financial-compliance audit of the system, including any performance audit subjects which are directed to be included in such annual audit by the legislative post audit committee, performance audits of the system as prescribed by this section and under the Kansas governmental operations law, and such other audits as are directed by the legislative post audit committee under the Kansas legislative post audit act shall be conducted. The annual financial-compliance audit shall include, but not be limited to, a review of alternative investments of the system with any estimates of permanent impairments to the value of such alternative investments reported by the system pursuant to K.S.A. 74-4907, and amendments thereto.

(b) Except as otherwise provided by In accordance with this subsection (12), the legislative post auditor shall conduct annual financial-compliance audit may include one or more performance audits, audit subjects as directed by the legislative post audit committee, which shall include, but not be limited to, one or more of the following subjects: An evaluation of the performance of investment managers; an evaluation of the rates of return of investments reported by the system; an evaluation of the total compensation received for the planned year by investment managers by individual investment classification; and a comparison of the system's investment practices and performance with the investment practices and performance of other state pension programs by asset type, including all asset types described as alternative investments in subsection (5)(b). In considering performance audit subjects to be included in any financial-compliance audit conducted pursuant to this subsection (12), the legislative post audit committee shall consider recommendations and requests for performance audits, relating to the system or the management thereof, by the joint committee on pensions, investments and benefits or by any other committee or individual member of the legislature. Commencing

(continued)

with the performance financial-compliance audit for the fiscal year ending June 30, 1994 1998, the legislative post audit committee shall specify which of the if one or more performance audit subjects listed in this subsection shall be included in each performance the financial-compliance audit conducted pursuant to this subsection (12), in addition to such other subjects as may be directed to be included in the performance financial-compliance audit by the legislative post audit committee. Except as otherwise determined by the legislative post audit committee pursuant to this subsection (12), commencing with the performance financial-compliance audit for the fiscal year ending June 30, 1994, each of the 1998, one or more performance audit subjects listed in this subsection specified by the legislative post audit committee shall be included at least once every two fiscal years in a performance financial-compliance audit conducted pursuant to this subsection; excluding any fiscal year during which the system and the board are subject to review and evaluation by the legislature under the Kansas governmental operations accountability law (12). Except as otherwise directed by the legislative post audit committee, no performance audit shall be conducted pursuant to this subsection during any fiscal year when the system and the board are subject to a performance audit and to review and evaluation under the Kansas governmental operations accountability law. The legislative post audit committee may direct that one or more performance audit subjects are to be included in a financial-compliance audit conducted pursuant to this subsection (12) not more than once during a specific period of three fiscal years, in lieu of once every two fiscal years.

(c) The auditor to conduct any the financial-compliance audit required pursuant to this subsection (12) shall be specified in accordance with K.S.A. 46-1122, and amendments thereto. If the legislative post audit committee specifies under such statute that a firm, as defined by K.S.A. 46-1112, and amendments thereto, is to perform all or part of the audit work of such audit, such firm shall be selected and shall perform such audit work as provided in K.S.A. 46-1123, and amendments thereto, and K.S.A. 46-1125 through 46-1127, and amendments thereto. The audits required pursuant to this subsection (12) shall be conducted in accordance with generally accepted governmental auditing standards. The audits financial-compliance audit required pursuant to this subsection (12) shall be conducted as soon after the close of the fiscal year as practicable, but shall be completed no later than six months after the close of the fiscal year. The post auditor shall annually compute the reasonably anticipated cost of providing the financial-compliance audit pursuant to this section subsection (12), subject to review and approval by the contract audit committee established by K.S.A. 46-1120, and amendments thereto. Upon such approval, the system shall reimburse the division of post audit for the amount approved by the contract audit committee. The furnishing of the financial-compliance audit pursuant to this section subsection (12) shall be a transaction between the legislative post auditor and the system and shall be settled in accordance with the provisions of K.S.A. 75-5516, and amendments thereto.

(d) Any internal assessment or examination of alternative investments of the system performed by any person or entity employed or retained by the board which evaluates or monitors the performance of alternative investments shall be reported to the legislative post auditor so that such report may be reviewed in accordance with the annual financial-compliance audits provided in conducted pursuant to this subsection (12)(a) (12).

Sec. 2. K.S.A. 46-1106 is hereby amended to read as follows: 46-1106. (a) A financial-compliance audit shall be conducted each year of the general purpose financial statements prepared by the division of accounts and reports for its annual financial report. This audit shall be conducted in accordance with generally accepted governmental auditing standards. The resulting written audit report shall be issued as soon after the end of the fiscal year as is practicable. In addition, separate written audit reports on the financial management practices of the office of the state treasurer and the pooled money investment board shall be prepared addressing the adequacy of financial management practices and compliance with applicable state laws. Copies of this report such reports shall be furnished to the governor, director of accounts and reports, director of the budget, each state agency, the legislative post audit committee and other persons or agencies as may be required by law or by the specifications of the audit. Any additional costs associated with preparing the separate additional reports on the office of the state treasurer and the pooled money investment board shall be borne by the office of the state treasurer and the pooled money investment board in accordance with K.S.A. 46-1121, and amendments thereto.

(b) Including financial-compliance audit work conducted as part of

the audit conducted pursuant to subsection (a), financial-compliance audit work shall be conducted at each state agency at least once every three years as directed by the legislative post audit committee. Written reports on the results of such auditing shall be furnished to the governor, director of accounts and reports, director of the budget, the state agency which is audited, the legislative post audit committee and such other persons or agencies as may be required by law or by the specifications of the audit.

(c) Books and accounts of the state treasurer and the director of accounts and reports, including the bond register of the state treasurer, may be examined monthly if the legislative post audit committee so determines, and such examination may include detailed checking of every transaction or test checking.

Any person receiving tax information under the provisions of subsection (a) or (b) shall be subject to the same duty of confidentiality imposed by law upon the personnel of the department of revenue and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality.

(d) The post auditor shall report immediately in writing to the legislative post audit committee, governor and attorney general whenever it appears in the opinion of the post auditor that there may have occurred any violation of penal statutes or any instances of misfeasance, malfeasance or nonfeasance by a public officer or employee disclosed by any audit or audit work conducted under the legislative post audit act. The post auditor shall furnish the attorney general all information in the possession of the post auditor relative to any report referred to the attorney general. The attorney general shall institute and prosecute civil proceedings against any such delinquent officer or employee, or upon such officer or employee's official bond, or both, as may be needed to recover for the state any funds or other assets misappropriated. The attorney general shall also prosecute such ouster and criminal proceedings as the evidence in the case warrants. Any person receiving tax information under the provisions of this subsection shall be subject to the same duty of confidentiality imposed by law upon the personnel of the department of revenue and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality.

(e) The post auditor shall immediately report to the committee on surety bonds and insurance when any audit or audit work conducted under the legislative post audit act discloses a shortage in the accounts of any state agency, officer or employee.

(f) In the discharge of the duties imposed under the legislative post audit act, the post auditor may require state agencies to preserve and make available their accounts, records, documents, vouchers, requisitions, payrolls, canceled checks or vouchers and coupons, and other evidence of financial transactions.

(g) In the discharge of the duties imposed under the legislative post audit act, the post auditor or firm conducting a financial-compliance audit or conducting other financial-compliance audit work shall have access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, of any person or state agency subject to the legislative post audit act or in the custody of any such person or state agency. Except as otherwise provided in this subsection, the post auditor or firm conducting a financial-compliance audit or other financial-compliance audit work and all employees and former employees of the division of post audit or firm performing a financial-compliance audit or other financial-compliance audit work shall be subject to the same duty of confidentiality imposed by law on any such person or state agency with regard to any such books, accounts, records, files, documents and correspondence, and any information contained therein, and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality. The duty of confidentiality imposed on the post auditor and on firms conducting financial-compliance audits or other financial-compliance audit work and all employees of the division of post audit and all employees of such firms shall be subject to the provisions of subsection (d), and the post auditor may furnish all such books, accounts, records, files, documents and correspondence, and any information contained therein to the attorney general pursuant to subsection (d). Upon receipt thereof, the attorney general and all assistant attorneys general and all other employees and former employees of the office of attorney general shall be subject to the same duty of confidentiality with the exceptions that any such information contained therein may be disclosed in civil proceedings, ouster proceedings and criminal proceedings which may be instituted and prosecuted by the attorney general in accordance with subsection (d), and any such books, accounts, records, files, documents and correspondence furnished to the attorney general in accordance with sub-

section (d) may be entered into evidence in any such proceedings. Nothing in this subsection shall be construed to supersede any requirement of federal law.

(h) Any firm or firms which develop information in the course of conducting a financial-compliance audit or other financial-compliance audit work which the post auditor is required to report under subsection (d) or (e) shall immediately report such information to the post auditor. The post auditor shall then make the report required in subsection (d) or (e).

New Sec. 3. Commencing on or before June 30, 1999, and at least every two years thereafter, a comparative investment performance review and an audit of the investment program of the pooled money investment board shall be conducted. Such review and audit shall include an evaluation of current investment policies and practices and of specific investments of the pooled money investment portfolio and recommendations relating to the investment policies and practices and to specific investments of the portfolio as are considered necessary or desirable. The firm or individual to perform the work required by this subsection shall be selected in accordance with K.S.A. 75-37,102, and amendments thereto. The cost of such comparative investment performance review and such audit of the investment program of the pooled money investment board shall be borne by the pooled money investment board.

Sec. 4. K.S.A. 75-4222 is hereby amended to read as follows: 75-4222. (a) It shall be unlawful for the pooled money investment board to award a state bank account to any depository bank in which any member of the board is interested as a stockholder or officer, except upon the unanimous vote of the other members of the board.

(b) The board shall appoint a director of investments who shall be in the unclassified service under the Kansas civil service act. The board may appoint investment officers and investment analysts, who shall be in the unclassified service of the Kansas civil service act. In addition the board may appoint such employees as may be needed who shall be in the classified service of the Kansas civil service act.

(c) From and after the effective date of this act, all current employees of the office of the state treasurer performing any responsibilities, powers, duties or functions related to the municipal investment pool fund are hereby transferred to the pooled money investment board. All such employees shall retain all retirement benefits and all rights of civil service which such employees had before the effective date of this act and their service shall be deemed to have been continuous. All such transfers shall be in accordance with civil service laws and rules and regulations.

(d) From and after the effective date of this act, the liability for all accrued compensation, wages or salaries of employees who, immediately prior to such date, were engaged in the performance of responsibilities, powers, duties or functions relating to the municipal investment pool fund in the office of the state treasurer and who are transferred to the pooled money investment board pursuant to subsection (c), shall be assumed and paid from appropriations to the state treasurer for operations of the municipal investment pool fund and operations of the pooled money investment board.

(e) The employees working for the pooled money investment board shall have access at all times to all papers, documents and property in the custody or possession of the state treasurer that relate to duties of the board, and the state treasurer shall take such steps as may be necessary to make this provision of law effective for such purposes as the pooled money investment board may indicate.

(f) On and after the effective date of this act, the state treasurer shall provide the pooled money investment board office space, services, equipment, materials and supplies, and all purchasing and related management functions required by the pooled money investment board in the exercise of the powers, duties and functions imposed or authorized upon such board. The portion of the state treasurer's budget relating to the operations of the pooled money investment board shall be approved by the pooled money investment board prior to submission to the director of the budget.

(g) The director of investments shall keep and preserve a written record of the board's proceedings.

(h) The board shall make an annual report to the legislature of the investments by the board of all moneys under the jurisdiction and control of the board, by filing a copy of the report with the chief clerk of the house of representatives and with the secretary of the senate no later than the 10th calendar day of each regular session of the legislature.

(i) The board shall provide for an audit of the investment program at

least every two years. Such audit shall be conducted by a firm as defined in K.S.A. 46-1112, and amendments thereto. Such audit shall be conducted in accordance with generally accepted governmental auditing standards. Such audit shall include an evaluation of current investment policies and practices and of specific investments of the pooled money investment portfolio and recommendations relating to the investment policies and practices and to specific investments of the portfolio as are considered necessary or desirable. The resulting written audit report shall be issued as soon after the end of the fiscal year as is practicable. Copies of this report shall be furnished to the governor, director of accounts and reports, director of the budget and the legislative post audit committee. A copy of the report shall be filed with the chief clerk of the house of representatives and with the secretary of the senate no later than the 10th calendar day of the regular session of the legislature following completion of such audit. The cost of such audit work shall be borne by the pooled money investment board.

Sec. 5. K.S.A. 75-4234 is hereby amended to read as follows: 75-4234. (a) Except as provided in subsection (d) (c), all moneys in the state treasury shall be invested as a single portfolio which is hereby designated as the pooled money investment portfolio. The portfolio shall be invested in accordance with article 42 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto. The director of investments shall compute daily the earnings of the portfolio, including realized gains and losses. The pooled money investment board by written policy may provide for allocation of unrealized gains or losses. The director of investments shall calculate on a daily basis and shall deduct from earnings an administrative fee which shall be set by the board and applied as a fixed percentage of moneys in the pooled money investment portfolio. The administrative fee shall not exceed .25% annually on moneys deposited in the municipal investment pool and .10% annually on other moneys in the pooled money investment portfolio. The director of investments shall deposit the administrative fee in accordance with K.S.A. 75-4235, and amendments thereto. The gross earnings, after deduction of the administrative fee, shall be designated as the net earnings of the pooled money investment portfolio.

(b) A comparative investment performance review of the pooled money investment portfolio shall be contracted for periodically by the pooled money investment board. The costs of such review shall be paid from moneys appropriated to the state treasurer for operations of the pooled money investment board.

(c) The pooled money investment board shall may contract for the services of an external investment advisor to provide advisory services concerning the investment policies and practices of the pooled money investment portfolio. Such investment advisor shall not be the person or firm contracted with under subsection (b) section 3.

(d) (c) Moneys in the employment security fund established by K.S.A. 44-712, and amendments thereto, shall not be invested in the pooled money investment portfolio except as may be authorized by the secretary of human resources pursuant to subsection (e) of K.S.A. 44-712, and amendments thereto.

(e) (d) For moneys in funds designated in this subsection that are in the pooled money investment portfolio and which are not invested in the municipal investment pool, interest is to be paid on such moneys based on the average daily balance in the fund for each month and the net earnings rate of the pooled money investment portfolio for such month. This subsection shall apply to the state highway fund and funds for bonds and other debt instruments of state agencies and authorities.

(f) (e) Moneys in funds designated in this subsection shall not be invested in investment options of the municipal investment pool fund for which the minimum term of such investment is less than 21 days. This subsection shall apply to state moneys, other than moneys of municipalities as described in subsection (a) of K.S.A. 12-1675, and amendments thereto.

Sec. 6. K.S.A. 46-1106, 75-627, 75-4222 and 75-4234 are hereby repealed.

Sec. 7. On and after July 1, 1998, K.S.A. 1997 Supp. 74-4921 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 21, 1998.)

SENATE BILL No. 5

AN ACT concerning state government; relating to development, management, coordination and planning for the utilization of the state's information technology resources; abolishing and establishing certain councils, offices and positions; relating to state civil service; concerning certain committees of the legislature; relating to certain state agency purchases of and contracts for supplies, materials, equipment and services; amending K.S.A. 46-1604, 46-1701, 46-2101, 46-2102, 68-2003, 75-2935, 75-3739, 75-4703, 75-4707, 75-4709, 75-5147, 75-6301 and 76-3,100 and K.S.A. 1997 Supp. 46-2201 and 65-34,154; also repealing K.S.A. 75-4706, 75-4740, 75-4741, 75-4742, 75-4743 and 75-4744.

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

New Section 1. As used in sections 1 through 12, and amendments thereto:

(a) "Cumulative cost" means the total expenditures, from all sources, for any information technology project by one or more state agencies to meet project objectives from project start to project completion or the date and time the project is terminated if it is not completed.

(b) "Executive agency" means any state agency in the executive branch of government.

(c) "Information technology project" means a project for a major computer, telecommunications or other information technology improvement with an estimated cumulative cost of \$250,000 or more and includes any such project that has proposed expenditures for: (1) New or replacement equipment or software; (2) upgrade improvements to existing equipment and any computer systems, programs or software upgrades therefor; or (3) data or consulting or other professional services for such a project.

(d) "Information technology project change or overrun" means any of the following:

(1) Any change in planned expenditures for an information technology project that would result in the total authorized cost of the project being increased above the currently authorized cost of such project by more than either \$1,000,000 or 10% of such currently authorized cost of such project, whichever is lower;

(2) any change in the scope of an information technology project, as such scope was presented to and reviewed by the joint committee or the chief information technology officer to whom the project was submitted pursuant to section 9 and amendments thereto; or

(3) any change in the proposed use of any new or replacement information technology equipment or in the use of any existing information technology equipment that has been significantly upgraded.

(e) "Joint committee" means the joint committee on information technology.

(f) "Judicial agency" means any state agency in the judicial branch of government.

(g) "Legislative agency" means any state agency in the legislative branch of government.

(h) "Project" means a planned series of events or activities that is intended to accomplish a specified outcome in a specified time period, under consistent management direction within a state agency or shared among two or more state agencies, and that has an identifiable budget for anticipated expenses.

(i) "Project completion" means the date and time when the head of a state agency having primary responsibility for an information technology project certifies that the improvement being produced or altered under the project is ready for operational use.

(j) "Project start" means the date and time when a state agency begins a formal study of a business process or technology concept to assess the needs of the state agency, determines project feasibility or prepares an information technology project budget estimate under section 9 and amendments thereto.

(k) "State agency" means any state office or officer, department, board, commission, institution or bureau, or any agency, division or unit thereof.

New Sec. 2. (a) There is hereby established the information technology executive council which shall be attached to the department of administration for purposes of administrative functions.

(b) The council shall be composed of 17 voting members as follows: The secretary of administration; two cabinet agency heads; one noncabinet agency head; the director of the budget; the executive chief information technology officer; the legislative chief information technology officer; the judicial chief information technology officer and the judicial administrator of the Kansas supreme court; the executive director of the Kansas board of regents; the commissioner of education; one represen-

tative of cities; one representative of counties the network manager of the information network of Kansas (INK); and three representatives from the private sector who are chief executive officers or chief information technology officers. The chief information technology architect shall be a nonvoting member of the council. The two cabinet agency heads, the noncabinet agency head, the representative of cities, the representative of counties and the representatives from the private sector shall be appointed by the governor for a term not to exceed 18 months. Upon expiration of an appointed member's term, the member shall continue to hold office until the appointment of a successor. Nonappointed members shall serve *ex officio*.

(c) The secretary of administration shall serve as the chairperson of the council.

(d) The council shall hold meetings and hearings in the city of Topeka or at such other places as the council designates, on call of the chairperson or on request of four or more members.

(e) Members of the council may not appoint an individual to represent them on the council and only members of the council may vote.

(f) Members of the council shall not be eligible for compensation, subsistence allowances, mileage or other expenses as provided in K.S.A. 75-3223 and amendments thereto for attendance at any meeting of the council or any subcommittee meeting authorized by the council, except that agencies may pay subsistence, mileage and other expenses to their representatives on the council.

New Sec. 3. (a) The information technology executive council is hereby authorized to adopt such policies and rules and regulations as necessary to implement, administer and enforce the provisions of this act.

(b) The council shall:

(1) Adopt: (A) Information technology resource policies and procedures and project management methodologies for all state agencies; (B) an information technology architecture, including telecommunications systems, networks and equipment, that covers all state agencies; (C) standards for data management for all state agencies; and (D) a strategic information technology management plan for the state;

(2) provide direction and coordination for the application of the state's information technology resources;

(3) designate the ownership of information resource processes and the lead agency for implementation of new technologies and networks shared by multiple agencies in different branches of state government; and

(4) perform such other functions and duties as necessary to carry out the provisions of this act.

New Sec. 4. (a) There is hereby established, within and as a part of the department of administration, the office of chief information technology architect, the head of which shall be the chief information technology architect. Under the supervision of the secretary of administration, the chief information technology architect shall administer the office of the chief information technology architect. The chief information technology architect shall be in the unclassified service under the Kansas civil service act, shall be appointed by the secretary of administration, subject to approval of the governor and shall receive compensation in an amount fixed by the secretary of administration, subject to approval of the governor.

(b) The chief information technology architect shall:

(1) Propose to the information technology executive council: (A) Information technology resource policies and procedures and project management methodologies for all state agencies; (B) an information technology architecture, including telecommunications systems, networks and equipment, that covers all state agencies; (C) standards for data management for all state agencies; and (D) a strategic information technology management plan for the state;

(2) serve as secretary to the information technology executive council; and

(3) perform such other functions and duties as provided by law or as directed by the secretary of administration.

New Sec. 5. (a) There is hereby established within and as a part of the department of administration the position of executive chief information technology officer. The executive chief information technology officer shall be in the unclassified service under the Kansas civil service act, shall be appointed by the secretary of administration, subject to approval of the governor, and shall receive compensation in an amount fixed by the secretary of administration, subject to approval of the governor.

The executive chief information technology officer shall maintain a presence in any cabinet established by the governor and shall report to both the governor and the secretary of administration.

(b) The executive chief information technology officer shall:

(1) Review and consult with each executive agency regarding information technology plans, deviations from the state information technology architecture, information technology project estimates and information technology project changes and overruns submitted by such agency pursuant to section 9 and amendments thereto to determine whether the agency has complied with: (A) The information technology resource policies and procedures and project management methodologies adopted by the information technology executive council; (B) the information technology architecture adopted by the information technology executive council; (C) the standards for data management adopted by the information technology executive council; and (D) the strategic information technology management plan adopted by the information technology executive council;

(2) report to the chief information technology architect all deviations from the state information architecture that are reported to the executive information technology officer by executive agencies;

(3) submit recommendations to the division of the budget as to the technical and management merit of information technology project estimates and information technology project changes and overruns submitted by executive agencies pursuant to section 9 and amendments thereto, based on the determinations made pursuant to subsection (b)(1);

(4) monitor executive agencies' compliance with: (A) The information technology resource policies and procedures and project management methodologies adopted by the information technology executive council; (B) the information technology architecture adopted by the information technology executive council; (C) the standards for data management adopted by the information technology executive council; and (D) the strategic information technology management plan adopted by the information technology executive council;

(5) coordinate implementation of new information technology among executive agencies and with the judicial and legislative chief information technology officers;

(6) designate the ownership of information resource processes and the lead agency for implementation of new technologies and networks shared by multiple agencies within the executive branch of state government; and

(7) perform such other functions and duties as provided by law or as directed by the secretary of administration.

New Sec. 6. (a) There is hereby established within and as a part of the office of the state judicial administrator the position of judicial chief information technology officer. The judicial chief information technology officer shall be appointed by the judicial administrator, subject to approval of the chief justice, and shall receive compensation determined by the judicial administrator, subject to approval of the chief justice.

(b) The judicial chief information technology officer shall:

(1) Review and consult with each judicial agency regarding information technology plans, deviations from the state information technology architecture, information technology project estimates and information technology project changes and overruns submitted by such agency pursuant to section 9 and amendments thereto to determine whether the agency has complied with: (A) The information technology resource policies and procedures and project management methodologies adopted by the information technology executive council; (B) the information technology architecture adopted by the information technology executive council; (C) the standards for data management adopted by the information technology executive council; and (D) the strategic information technology management plan adopted by the information technology executive council;

(2) report to the chief information technology architect all deviations from the state information architecture that are reported to the judicial information technology officer by judicial agencies;

(3) submit recommendations to the judicial administrator as to the technical and management merit of information technology project estimates and information technology project changes and overruns submitted by judicial agencies pursuant to section 9 and amendments thereto, based on the determinations pursuant to subsection (b)(1);

(4) monitor judicial agencies' compliance with: (A) The information technology resource policies and procedures and project management methodologies adopted by the information technology executive council;

(B) the information technology architecture adopted by the information technology executive council; (C) the standards for data management adopted by the information technology executive council; and (D) the strategic information technology management plan adopted by the information technology executive council;

(5) coordinate implementation of new information technology among judicial agencies and with the executive and legislative chief information technology officers;

(6) designate the ownership of information resource processes and the lead agency for implementation of new technologies and networks shared by multiple agencies within the judicial branch of state government; and

(7) perform such other functions and duties as provided by law or as directed by the judicial administrator.

New Sec. 7. (a) There is hereby established the position of legislative chief information technology officer under the legislative coordinating council.

(b) The legislative chief information technology officer shall be appointed by the legislative coordinating council. The joint committee may recommend one or more persons for consideration by the legislative coordinating council in making the appointment.

(c) The legislative chief information technology officer shall receive such compensation as determined by the legislative coordinating council and may be removed by a vote of five members of the legislative coordinating council taken at any regular meeting of the council.

(d) The legislative chief information technology officer shall receive expenses and allowances for in-state and out-of-state travel as is provided by law for members of the legislature. The provisions of K.S.A. 75-3208 and amendments thereto shall not apply to any such travel.

(e) The legislative chief information technology officer shall be in the unclassified service under the Kansas civil service act.

New Sec. 8. The legislative chief information technology officer shall:

(a) Review and consult with each legislative agency regarding information technology plans, deviations from the state information technology architecture, information technology project estimates and information technology project changes and overruns submitted by such agency pursuant to section 9 and amendments thereto to determine whether the agency has complied with: (1) The information technology resource policies and procedures and project management methodologies adopted by the information technology executive council; (2) the information technology architecture adopted by the information technology executive council; (3) the standards for data management adopted by the information technology executive council; and (4) the strategic information technology management plan adopted by the information technology executive council;

(b) report to the chief information technology architect all deviations from the state information architecture that are reported to the legislative information technology officer by legislative agencies;

(c) submit recommendations to the legislative coordinating council as to the technical and management merit of information technology project estimates and information technology project changes and overruns submitted by legislative agencies pursuant to section 9 and amendments thereto, based on the determinations pursuant to subsection (a);

(d) monitor legislative agencies' compliance with: (1) The information technology resource policies and procedures and project management methodologies adopted by the information technology executive council; (2) the information technology architecture adopted by the information technology executive council; (3) the standards for data management adopted by the information technology executive council; and (4) the strategic information technology management plan adopted by the information technology executive council;

(e) coordinate implementation of new information technology among legislative agencies and with the executive and judicial chief information technology officers;

(f) designate the ownership of information resource processes and the lead agency for implementation of new technologies and networks shared by multiple agencies within the legislative branch of state government;

(g) serve as staff of the joint committee; and

(h) perform such other functions and duties as provided by law or as directed by the legislative coordinating council or the joint committee.

(continued)

New Sec. 9. (a) Whenever an agency proposes an information technology project, such agency shall prepare and submit to the chief information technology officer of the branch of state government of which the agency is a part of a project budget estimate therefor, and for each amendment or revision thereof, in accordance with this section. Each information technology project budget estimate shall be in such form as required by the director of the budget, in consultation with the chief information technology architect, and by this section. In each case, the agency shall prepare and include as a part of such project budget estimate a plan consisting of a written program statement describing the project. The program statement shall:

(1) Include a detailed description of and justification for the project, including: (A) An analysis of the programs, activities and other needs and intended uses for the additional or improved information technology; (B) a statement of project scope including identification of the organizations and individuals to be affected by the project and a definition of the functionality to result from the project; and (C) an analysis of the alternative means by which such information technology needs and uses could be satisfied;

(2) describe the tasks and schedule for the project and for each phase of the project, if the project is to be completed in more than one phase;

(3) include a financial plan showing: (A) The proposed source of funding and categorized expenditures for each phase of the project; and (B) cost estimates for any needs analyses or other investigations, consulting or other professional services, computer programs, data, equipment, buildings or major repairs or improvements to buildings and other items or services necessary for the project; and

(4) include a cost-benefit statement based on an analysis of qualitative as well as financial benefits.

(b) (1) Before one or more state agencies proposing an information technology project begin implementation of the project, the project plan, including the architecture and the cost-benefit analysis, shall be approved by the head of each state agency proposing the project and by the chief information technology officer of each branch of state government of which the agency or agencies are a part. Approval of those projects that involve telecommunications services shall also be subject to the provisions of K.S.A. 75-4709, 75-4710 and 75-4712, and amendments thereto.

(2) All specifications for bids or proposals related to an approved information technology project of one or more state agencies shall be reviewed by the chief information technology officer of each branch of state government of which the agency or agencies are a part.

(c) Annually at the time specified by the chief information technology officer of the branch of state government of which the agency is a part, each agency shall submit to such officer:

(1) A copy of a three-year strategic information technology plan that sets forth the agency's current and future information technology needs and utilization plans for the next three ensuing fiscal years, in such form and containing such additional information as prescribed by the chief information technology officer; and

(2) any deviations from the state information technology architecture adopted by the information technology executive council.

(d) The provisions of this section shall not apply to the information network of Kansas (INK).

New Sec. 10. (a) Not later than July 1 of each year, the executive, judicial and legislative chief information technology officers shall submit to the joint committee and to the legislative research department all information technology project budget estimates and amendments and revisions thereto, all three-year plans and all deviations from the state information technology architecture submitted to such officers pursuant to section 9 and amendments thereto. The legislative chief information technology officer shall review all such estimates and amendments and revisions thereto, plans and deviations and shall make recommendations to the joint committee regarding the merit thereof and appropriations therefor.

(b) The executive and judicial chief information technology officers shall report to the legislative chief information technology officer, at times agreed upon by the three officers:

(1) Progress regarding implementation of information technology projects of state agencies within the executive and judicial branches of state government; and

(2) all proposed expenditures for such projects, including all revisions to such proposed expenditures, for the current fiscal year and for ensuing fiscal years.

New Sec. 11. (a) The legislative chief information technology officer, under the direction of the joint committee, shall monitor state agency execution of information technology projects and, at times agreed upon by the three chief information technology officers, shall report progress regarding the implementation of such projects and all proposed expenditures therefor, including all revisions to such proposed expenditures for the current fiscal year and for ensuing fiscal years.

(b) The head of a state agency with primary responsibility for an information technology project may authorize or approve, without prior consultation with the joint committee, any change in planned expenditures for an information technology project that would result in the total cost of the project being increased above the currently authorized cost of such project but that increases the total cost of such project by less than the lower of either \$1,000,000 or 10% of the currently authorized cost, and any change in planned expenditures for an information technology project involving a cost reduction, other than a change in the proposed use of any new or replacement information technology equipment or in the use of any existing information technology equipment that has been significantly upgraded.

(c) The head of a state agency with primary responsibility for an information technology project shall not authorize or approve, without first advising and consulting with the joint committee any information technology project change or overrun. The joint committee shall report all such changes and overruns to the senate standing committee on ways and means and the house standing committee on appropriations.

New Sec. 12. (a) The Kansas information resources council established by K.S.A. 75-4740 and the office of the chief information architect established by K.S.A. 75-4742 are hereby abolished.

(b) The unexpended budgeted balance of any appropriation for the Kansas information resources council as a result of any abolishment by this section shall be and is hereby transferred to the information technology executive council created by this act. The unexpended budgeted balance of any appropriation for the position of chief information architect as a result of any abolishment by this section shall be and is hereby transferred to the legislative coordinating council — operations account.

(c) Whenever the Kansas information resources council is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the information technology executive council created by this act. Whenever the position of chief information architect or the office of the chief information architect is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the position of chief information technology architect or the office of the chief information technology architect created by this act or to the position of executive chief information technology officer, as determined appropriate in accordance with the provisions of this act.

(d) The information technology executive council created by this act shall succeed to all property and records that were used for, or pertain to, the performance of the powers, duties and functions of the Kansas information resources council abolished by this act. The office of the chief information technology architect created by this act shall succeed to all property and records that were used for, or pertain to, the performance of the powers, duties and functions of the office of the chief information architect abolished by this act. Any conflict as to the proper disposition of such property or records arising under this section and resulting from the transfer or abolishment of any existing state agency, or the powers, duties and functions thereof, shall be determined by the governor, whose decision shall be final.

(e) Any conflict as to the disposition of any power, function or duty as a result of any abolishment, transfer, attachment or other change made by this act, or under authority of this act, shall be resolved by the governor, and the decision of the governor shall be final.

(f) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or that could have been commenced, by or against the Kansas information resources council, or by or against the office of the chief information architect or the chief information architect in the chief information architect's official capacity or in relation to the discharge of official duties, shall abate by reason of the provisions of this act. The court may allow any such suit, action or other proceeding to be maintained by or against the information technology executive council, the office of the chief information technology architect or the chief information technology architect.

(g) No criminal action commenced or that could have been commenced by the state shall abate by the taking effect of this act.

Sec. 13. K.S.A. 46-2101 is hereby amended to read as follows: 46-2101. (a) There is hereby established the joint committee on computers and telecommunications information technology which shall be within the legislative branch of state government and which shall be composed of three senators and three members of the house of representatives. One of the senate members shall be appointed by the president of the senate, one of the senate members shall be appointed by the minority leader of the senate and one of the senate members shall be appointed by the chairperson of the committee on ways and means of the senate. One of the representative members shall be appointed by the speaker of the house of representatives, one of the representative members shall be appointed by the minority leader of the house of representatives and one of the representative members shall be appointed by the chairperson of the committee on appropriations of the house of representatives. *The members of the joint committee on information technology and the chairperson and vice-chairperson serving in such capacities on the effective date of this act shall continue serving as members and in such capacities, respectively, subject to the other provisions of this section.*

(b) All members of the joint committee on computers and telecommunications information technology shall serve for terms ending on the first day of the regular legislative session in odd-numbered years. The joint committee shall organize annually and elect a chairperson and vice-chairperson in accordance with this subsection. *After June 30 The chairperson and vice-chairperson serving on the effective date of this act shall continue to serve in such capacities through June 30, 1998. On and after July 1, 1998, and until the first day of the 1999 regular legislative session, the chairperson shall be one of the senate members of the joint committee elected by the members of the joint committee and the vice-chairperson shall be one of the representative members of the joint committee elected by the members of the joint committee. Thereafter, on and after the first day of the regular legislative session in odd-numbered years, the chairperson shall be one of the representative members of the joint committee elected by the members of the joint committee and the vice-chairperson shall be one of the senate members elected by the members of the joint committee. After June 30 and, after the first day of the regular legislative session in even-numbered years, the chairperson shall be one of the senate members of the joint committee elected by the members of the joint committee and the vice-chairperson shall be one of the representative members of the joint committee elected by the members of the joint committee. The chairperson and vice-chairperson of the joint committee shall serve in such capacities until July 1 of the first day of the regular legislative session in the ensuing year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. If a vacancy occurs in the office of chairperson or vice-chairperson, a member of the joint committee, who is a member of the same house as the member who vacated the office, shall be elected by the members of the joint committee to fill such vacancy.*

(c) A quorum of the joint committee on computers and telecommunications information technology shall be four. All actions of the joint committee shall be taken by a majority of all of the members of the joint committee.

(d) The joint committee on computers and telecommunications information technology may meet at any time and at any place within the state on the call of the chairperson.

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

(f) 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 computers and telecommunications information technology.

(g) The joint committee on computers and telecommunications information technology may introduce such legislation as it deems necessary in performing its functions.

(h) (1) *On the effective date of this act the joint committee on computers and telecommunications shall be and is hereby officially designated as the joint committee on information technology.*

(2) *On and after the effective date of this act, whenever the joint committee on computers and telecommunications, or words of like effect, is referred to or designated by a statute, contract or other document,*

created before the effective date of this act, the reference or designation shall mean and apply to the joint committee on information technology.

(3) *Nothing in this act shall be construed as abolishing or reestablishing the joint committee on computers and telecommunications.*

Sec. 14. K.S.A. 46-2102 is hereby amended to read as follows: 46-2102. In addition to other powers and duties authorized or prescribed by law or by the legislative coordinating council, the joint committee on computers and telecommunications information technology shall:

(a) Study the use by state agencies and institutions of computers, telecommunications and other information technologies;

(b) review new governmental computer hardware and software acquisition, information storage, transmission, processing and telecommunications technologies proposed by state agencies and institutions, including budget estimates for implementation of the same, and make recommendations thereon and the implementation plans therefor, including all information technology project budget estimates and three-year strategic information technology plans that are submitted to the joint committee pursuant to section 10 and amendments thereto;

(c) make recommendations on all such implementation plans, budget estimates and three-year plans to the ways and means committee of the senate and the committee on appropriations of the house of representatives;

(d) study the progress and results of all newly implemented governmental computer hardware and software, information storage, transmission, processing and telecommunications technologies of state agencies and institutions including all information technology projects for state agencies which have been authorized or for which appropriations have been approved by the legislature; and

(e) make an annual report to the legislative coordinating council as provided in K.S.A. 46-1207 and amendments thereto and such special reports to committees of the house of representatives and senate as are deemed appropriate by the joint committee.

Sec. 15. K.S.A. 75-4703 is hereby amended to read as follows: 75-4703. The secretary of administration may adopt rules and regulations as provided in K.S.A. 75-3706, and amendments thereto, relating to the following:

(a) Establishment of rates and charges for services performed by the division of information systems and communications for any other division, department, state agency or governmental unit. Such rates and charges shall be maintained by a cost system in accordance with generally accepted accounting principles. In determining cost rates for billing to agencies or governmental units, overhead expenses shall include but not be limited to light, heat, power, insurance, labor and depreciation. Billings shall include direct and indirect costs and shall be based on the foregoing cost accounting practices.

(b) For determination of priorities for services performed by the division of information systems and communications, including authority to decline new projects under specified conditions.

(c) Specification of standards for submission of data to be processed by the division of information systems and communications and the programs for processing the data, including authority to decline to process computer programs and projects not conforming to published standards. *Such standards shall be consistent with the standards and policies adopted by the information technology executive council under section 3 and amendments thereto.*

(d) Specification of standards and measures relating to security, confidentiality and availability of data processed by the division of information systems and communications. *Such standards and measures shall be consistent with the standards and policies adopted by the information technology executive council under section 3 and amendments thereto.*

Sec. 16. K.S.A. 75-4707 is hereby amended to read as follows: 75-4707. Notwithstanding the provisions of K.S.A. 75-3738 and 75-3739 and amendments thereto, state agencies using information processing equipment under lease are hereby authorized to enter into contracts with leasing service companies for purchase by the agency of such equipment with nonstate funds furnished by such leasing service companies and transfer of title to such equipment by the agency to such leasing service company for lease back to the agency. Any such contract shall first be approved by the chief information architect under the supervision of the Kansas information resources council.

(continued)

Sec. 17. K.S.A. 75-4709 is hereby amended to read as follows: 75-4709. (a) The secretary of administration shall provide for and coordinate all telecommunications services for all divisions, departments and agencies of the state pursuant to policies established by the Kansas information resources information technology executive council. The secretary of administration shall have the authority to control the acquisition, retention and use of all telecommunications services for all divisions, departments and agencies of the state, and to develop and review plans and specifications for telecommunications services throughout the state.

(b) The secretary of administration, when feasible, may enter into agreements with any entity defined in this subsection extending to such entity the use of state intercity telecommunications facilities and services under the control of the secretary.

As used in this subsection, an "entity" means:

(1) Any governmental unit, including any state agency, taxing subdivision of the state or municipality; or

(2) any hospital or nonprofit corporation which the secretary determines to be performing any state function on an ongoing basis through agreement or otherwise, or any function which will assist a governmental unit in attaining an objective or goal, bearing a valid relationship to powers and functions of such unit.

(c) Every record made, maintained or kept by the secretary of administration or the division of information systems and communications, or any agency or instrumentality thereof, which relates to the acquisition, retention or use of telecommunications services provided to any division, department or agency of the state, state officer or governmental unit and which pertains to individually identifiable individuals using such telecommunication services shall constitute for purposes of the open records act a record of the division, department or agency of the state, state officer or governmental unit to which such records relate. The official custodian of such records for the purposes of the open records act shall be the official custodian of the records of such division, department or agency of the state, state officer or governmental unit.

Sec. 18. K.S.A. 75-5147 is hereby amended to read as follows: 75-5147. The secretary of revenue is hereby authorized to enter into contracts to acquire automated tax systems, including computer hardware and software therefor, for use in the registration of taxpayers, processing of remittances and returns, and collection of delinquent taxes and any interest and penalties thereon. Any contracts entered into between the secretary of revenue and vendors of automated tax systems shall provide (1) for payment of fees for the automated tax system on the basis of a percentage of the increase in the amount of taxes, interest and penalties collected which is attributable to the implementation of the automated tax systems as specified by the joint consensus of the director of the budget and the director of the legislative research department under this section or (2) for payment of fees for the automated tax system on a fixed fee contract basis, such fees to be paid from the increase in the amount of taxes, interest and penalties collected which is attributable to the implementation of the automated tax systems as specified by the joint consensus of the director of the budget and the director of the legislative research department under this section. All contracts entered into under this section shall be entered into pursuant to procurement negotiating committee procedures as provided in K.S.A. 75-37,102 and amendments thereto. Prior to publishing or distributing a request for proposal, such request for proposal shall be reviewed by the joint committee on computers and telecommunications information technology. During each regular session of the legislature, the secretary of revenue shall submit a report to the committee on ways and means of the senate and the committee on appropriations of the house of representatives. Such report shall include detailed information on the costs and benefits of implementing automated tax systems during the fiscal year immediately preceding the submission of the report. The report required hereunder shall be made annually until two complete fiscal years have elapsed following full implementation of automated tax systems by the secretary of revenue. In addition, the director of the budget and the director of the legislative research department shall prepare annually a joint consensus on the amount of increased tax, interest and penalty collections which are attributable to the automated tax system and shall report their findings during each regular session of the legislature to the committee on ways and means of the senate and the committee on appropriations of the house of representatives. Nothing in this section shall prohibit the secretary of revenue from acquiring any goods or services through appropriations for any department of revenue function or program not specifically included in any contract entered into pursuant to this section.

Sec. 19. K.S.A. 76-3,100 is hereby amended to read as follows: 76-3,100. Each acquisition of data processing hardware or software by the university of Kansas medical center for the university hospital information systems shall be exempt from the provisions of K.S.A. 75-4705, 75-4706, 75-4707, 75-4709 and 75-3739 and amendments thereto and shall not be subject to approval under any statute other than those contained in article 3 or article 7 of chapter 76 of the Kansas Statutes Annotated. In addition to other procedures, the university of Kansas medical center is hereby authorized to acquire data processing hardware and software for the university hospital information systems by sole source negotiation. The university of Kansas medical center shall file with the director of purchases of the department of administration and shall update periodically a plan for future acquisitions under this section. The university of Kansas medical center shall submit a written report in each calendar quarter to the secretary of administration, to the chairpersons of the senate committee on ways and means and the house of representatives committee on appropriations; and to the joint committee on computers and telecommunications information technology on all contracts for acquisition of data processing hardware and software entered into under this section during such calendar quarter.

Sec. 20. K.S.A. 75-2935 is hereby amended to read as follows: 75-2935. The civil service of the state of Kansas is hereby divided into the unclassified and the classified services.

(1) The unclassified service comprises positions held by state officers or employees who are:

(a) Chosen by election or appointment to fill an elective office;

(b) members of boards and commissions, heads of departments required by law to be appointed by the governor or by other elective officers, and the executive or administrative heads of offices, departments, divisions and institutions specifically established by law;

(c) except as otherwise provided under this section, one personal secretary to each elective officer of this state, and in addition thereto, 10 deputies, clerks or employees designated by such elective officer;

(d) all employees in the office of the governor;

(e) officers and employees of the senate and house of representatives of the legislature and of the legislative coordinating council and all officers and employees of the office of revisor of statutes, of the legislative research department, of the division of legislative administrative services, of the division of post audit and the legislative counsel;

(f) chancellor, president, deans, administrative officers, student health service physicians; pharmacists, teaching and research personnel, health care employees and student employees in the institutions under the state board of regents, the executive officer of the board of regents and the executive officer's employees other than clerical employees, and, at the discretion of the state board of regents, directors or administrative officers of departments and divisions of the institution and county extension agents, except that this subsection (1)(f) shall not be construed to include the custodial, clerical or maintenance employees, or any employees performing duties in connection with the business operations of any such institution, except administrative officers and directors; as used in this subsection (1)(f), "health care employees" means employees of the university of Kansas medical center who provide health care services at the university of Kansas medical center and who are medical technicians or technologists or respiratory therapists, who are licensed professional nurses or licensed practical nurses, or who are in job classes which are designated for this purpose by the chancellor of the university of Kansas upon a finding by the chancellor that such designation is required for the university of Kansas medical center to recruit or retain personnel for positions in the designated job classes; and employees of any institution under the state board of regents who are medical technologists;

(g) operations, maintenance and security personnel employed to implement agreements entered into by the adjutant general and the federal national guard bureau, and officers and enlisted persons in the national guard and the naval militia;

(h) persons engaged in public work for the state but employed by contractors when the performance of such contract is authorized by the legislature or other competent authority;

(i) persons temporarily employed or designated by the legislature or by a legislative committee or commission or other competent authority to make or conduct a special inquiry, investigation, examination or installation;

(j) officers and employees in the office of the attorney general and special counsel to state departments appointed by the attorney general, except that officers and employees of the division of the Kansas bureau

of investigation shall be in the classified or unclassified service as provided in K.S.A. 75-711 and amendments thereto;

- (k) all employees of courts;
 - (l) client, patient and inmate help in any state facility or institution;
 - (m) all attorneys for boards, commissions and departments;
 - (n) the secretary and assistant secretary of the Kansas state historical society;
 - (o) physician specialists, dentists, dental hygienists, pharmacists, medical technologists and long term care workers employed by the department of social and rehabilitation services;
 - (p) physician specialists, dentists and medical technologists employed by any board, commission or department or by any institution under the jurisdiction thereof;
 - (q) student employees enrolled in public institutions of higher learning;
 - (r) administrative officers, directors and teaching personnel of the state board of education and the state department of education and of any institution under the supervision and control of the state board of education, except that this subsection (1)(r) shall not be construed to include the custodial, clerical or maintenance employees, or any employees performing duties in connection with the business operations of any such institution, except administrative officers and directors;
 - (s) all officers and employees in the office of the secretary of state;
 - (t) one personal secretary and one special assistant to the following: The secretary of administration, the secretary of aging, the secretary of agriculture, the secretary of commerce and housing, the secretary of corrections, the secretary of health and environment, the superintendent of the Kansas highway patrol, the secretary of human resources, the secretary of revenue, the secretary of social and rehabilitation services, the secretary of transportation and the secretary of wildlife and parks;
 - (u) one personal secretary and one special assistant to the chancellor and presidents of institutions under the state board of regents;
 - (v) one personal secretary and one special assistant to the executive vice chancellor of the university of Kansas medical center;
 - (w) one public information officer and one chief attorney for the following: The department of administration, the department on aging, the department of agriculture, the department of commerce and housing, the department of corrections, the department of health and environment, the department of human resources, the department of revenue, the department of social and rehabilitation services, the department of transportation and the Kansas department of wildlife and parks;
 - (x) civil service examination monitors;
 - (y) one executive director, one general counsel and one director of public affairs and consumer protection in the office of the state corporation commission;
 - (z) specifically designated by law as being in the unclassified service; and
 - (aa) all officers and employees of Kansas, Inc. and the Kansas technology enterprise corporation; and
 - (bb) any position that is classified as a position in the information resource manager job class series, that is the chief position responsible for all information resources management for a state agency, and that becomes vacant on or after the effective date of this act. Nothing in this section shall affect the classified status of any employee in the classified service who is employed on the date immediately preceding the effective date of this act in any position that is a classified position in the information resource manager job class series and the unclassified status as prescribed by this subsection shall apply only to a person appointed to any such position on or after the effective date of this act that is the chief position responsible for all information resources management for a state agency.
- (2) The classified service comprises all positions now existing or hereafter created which are not included in the unclassified service. Appointments in the classified service shall be made according to merit and fitness from eligible pools which so far as practicable shall be competitive. No person shall be appointed, promoted, reduced or discharged as an officer, clerk, employee or laborer in the classified service in any manner or by any means other than those prescribed in the Kansas civil service act and the rules adopted in accordance therewith.
- (3) For positions involving unskilled, or semiskilled duties, the secretary of administration, as provided by law, shall establish rules and regulations concerning certifications, appointments, layoffs and reemployment which may be different from the rules and regulations established concerning these processes for other positions in the classified service.

(4) Officers authorized by law to make appointments to positions in the unclassified service, and appointing officers of departments or institutions whose employees are exempt from the provisions of the Kansas civil service act because of the constitutional status of such departments or institutions shall be permitted to make appointments from appropriate pools of eligibles maintained by the division of personnel services.

Sec. 21. K.S.A. 75-6301 is hereby amended to read as follows: 75-6301. (a) There is hereby established the office of the securities commissioner of Kansas. The office shall be administered by the securities commissioner of Kansas who shall be in the unclassified service under the Kansas civil service act and shall serve at the pleasure of the governor. The securities commissioner shall be appointed by the governor, with the consent of subject to confirmation by the senate as provided in K.S.A. 75-4315b and amendments thereto, shall have special training and qualifications for such position and shall receive such compensation as may be fixed by the governor. ~~The securities commissioner shall employ, and fix the compensation of, such assistants or clerks as the securities commissioner may from time to time deem necessary.~~

(b) The securities commissioner may appoint directors within the office of the securities commissioner as determined necessary by the securities commissioner to effectively carry out the mission of the office. All directors appointed after the effective date of this act shall be in the unclassified service under the Kansas civil service act, shall have special training and qualifications for such positions, shall serve at the pleasure of the securities commissioner and shall receive compensation fixed by the securities commissioner and approved by the governor.

(c) Nothing in subsection (b) shall affect the classified status of any person employed in the office of the securities commissioner on the day immediately preceding the effective date of this act. The provisions of this subsection shall not be construed to limit the powers of the securities commissioner pursuant to K.S.A. 75-2948 and amendments thereto.

Sec. 22. K.S.A. 46-1604 is hereby amended to read as follows: 46-1604. (a) There is hereby created the joint committee on economic development 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 commerce of the senate, or a member of such committee appointed by the chairperson, two members of such committee appointed by the president and two members of such committee appointed by the minority leader. The eight representative members shall be the chairperson of the standing committee on economic development of the house of representatives, or a member of such committee appointed by the chairperson, four members of such committee appointed by the speaker and three members of such committee appointed by the minority leader.

(b) All members of the joint committee on economic development shall serve for terms ending on the first day of the regular legislative session in odd-numbered years. After June 30 ~~The chairperson and vice-chairperson serving on the effective date of this act will continue to serve in such capacities through June 30, 1998. On and after July 1, 1998, and until the first day of the 1999 regular legislative session, 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 selected by the speaker. Thereafter, on and after the first day of the regular legislative session in odd-numbered years, the chairperson shall be one of the representative members of the joint committee selected by the speaker and the vice-chairperson shall be one of the senate members selected by the president. After June 30 and, on and after the first day of the regular legislative session 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 first day of the regular legislative session in 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 economic development may meet at any time and at any place within the state on the call of the chairperson.

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

(continued)

(e) 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 economic development.

(f) The joint committee on economic development may introduce such legislation as it deems necessary in performing its functions.

Sec. 23. K.S.A. 46-1701 is hereby amended to read as follows: 46-1701. (a) There is hereby created the joint committee on state building construction which shall be within the legislative branch of state government and which shall be composed of three senators and three members of the house of representatives. The three senate members shall be the chairperson of the committee on ways and means of the senate, or a member of the committee on ways and means of the senate appointed by the chairperson, a senator appointed by the president and a senator appointed by the minority leader. The three representative members shall be the chairperson of the committee on appropriations of the house of representatives, or a member of the committee on appropriations of the house of representatives appointed by the chairperson, a representative appointed by the speaker and a representative appointed by the minority leader.

(b) All members of the joint committee on state building construction shall serve for terms ending on the first day of the regular legislative session in odd-numbered years. The joint committee shall organize annually and elect a chairperson and vice-chairperson in accordance with this subsection. *After June 30 The chairperson and vice-chairperson serving on the effective date of this act will continue to serve in such capacities through June 30, 1998. On and after July 1, 1998, and until the first day of the 1999 regular legislative session, the chairperson shall be one of the senate members of the joint committee elected by the members of the joint committee, and the vice-chairperson shall be one of the representative members of the joint committee elected by the members of the joint committee. Thereafter, on and after the first day of the regular legislative session in odd-numbered years, the chairperson shall be one of the representative members of the joint committee elected by the members of the joint committee and the vice-chairperson shall be one of the senate members elected by the members of the joint committee. After June 30 and on and after the first day of the regular legislative session in even-numbered years, the chairperson shall be one of the senate members of the joint committee elected by the members of the joint committee and the vice-chairperson shall be one of the representative members of the joint committee elected by the members of the joint committee. The chairperson and vice-chairperson of the joint committee shall serve in such capacities until July 1 of the first day of the regular legislative session in the ensuing year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. If a vacancy occurs in the office of chairperson or vice-chairperson, a member of the joint committee, who is a member of the same house as the member who vacated the office, shall be elected by the members of the joint committee to fill such vacancy. Within 30 days after the effective date of this act, the joint committee shall reorganize and elect a chairperson and a vice-chairperson in accordance with the provisions of this act.*

(c) A quorum of the joint committee on state building construction shall be four. All actions of the joint committee shall be taken by a majority of all of the members of the joint committee.

(d) The joint committee on state building construction may meet at any time and at any place within the state on the call of the chairperson.

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

(f) 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 state building construction.

(g) The joint committee on state building construction may introduce such legislation as it deems necessary in performing its functions.

Sec. 24. K.S.A. 1997 Supp. 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 com-

mittee 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 The chairperson and vice-chairperson serving on the effective date of this act will continue to serve in such capacities through June 30, 1998. On and after July 1, 1998, and until the first day of the 1999 regular legislative session, 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 selected by the speaker. Thereafter, on and after the first day of the regular legislative session in odd-numbered years, the chairperson shall be one of the representative members of the joint committee selected by the speaker and the vice-chairperson shall be one of the senate members selected by the president. After June 30 and on and after the first day of the regular legislative session 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 first day of the regular legislative session in 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 refunding 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. 25. K.S.A. 1997 Supp. 65-34,154 is hereby amended to read as follows: 65-34,154. On or before the first day of the regular legislative session each year, the secretary shall submit to the members of the standing committees on energy and natural resources of the house of representatives and the senate and to the members of the standing committee on environment of the house of representatives a report regarding:

- (a) Receipts of the fund during the preceding calendar year and the sources of the receipts;
- (b) disbursements from the fund during the preceding calendar year and the purposes of the disbursements;
- (c) the extent of corrective action taken under this act during the preceding calendar year; and
- (d) the prioritization of sites for expenditures from the fund.

Sec. 26. K.S.A. 68-2003 is hereby amended to read as follows: 68-2003. There is hereby created a body politic and corporate to be known as the Kansas turnpike authority. The authority is hereby constituted a public instrumentality and the exercise by the authority of the powers conferred by this act in the construction, operation and maintenance of turnpike projects shall be deemed and held to be the performance of an essential governmental function.

The Kansas turnpike authority shall consist of five members. Two members shall be appointed by the governor for terms of four years. The members appointed by the governor shall be residents of the state and shall each year be owners of revenue bonds issued by the Kansas turnpike authority. One member of the authority shall be the secretary of transportation. One member shall be the chairperson of the committee on transportation and utilities tourism of the senate, and one member shall be a member of the committee on transportation of the house of representatives and shall be appointed by the speaker of the house of representatives. Any person appointed by the governor to fill a vacancy on the authority shall be appointed to serve only for the unexpired term, and a member of the authority shall be eligible for reappointment. A member of the authority may be removed by the governor for misfeasance, malfeasance or willful neglect of duty, but only after reasonable notice and a public hearing conducted in accordance with the provisions of the Kansas administrative procedure act. Each member of the authority, before entering upon the member's duties, shall take and subscribe an oath or affirmation as required by law.

The authority shall elect one member as chairperson of the authority and another as vice-chairperson. The authority shall also elect a secretary-treasurer who need not be a member of the authority. The chairperson, vice-chairperson and secretary-treasurer shall serve as officers at the pleasure of the authority. Three members of the authority shall constitute a quorum and the affirmative vote of three members shall be necessary for any action taken by the authority. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

Members of the Kansas turnpike authority attending meetings of such authority, or attending a subcommittee meeting thereof authorized by such authority, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223 and amendments thereto.

Sec. 27. K.S.A. 75-3739 is hereby amended to read as follows: 75-3739. In the manner as provided in this act and rules and regulations established thereunder:

(a) All contracts for construction and repairs, and all purchases of and contracts for supplies, materials, equipment and contractual services to be acquired for state agencies shall be based on competitive bids, except that competitive bids need not be required in the following instances:

- (1) For contractual services, supplies, materials, or equipment when, in the judgment of the director of purchases, no competition exists; or
- (2) when, in the judgment of the director of purchases, chemicals and other material or equipment for use in laboratories or experimental studies by state agencies are best purchased without competition, or where rates are fixed by law or ordinance; or
- (3) when, in the judgment of the director of purchases, an agency emergency requires immediate delivery of supplies, materials or equipment, or immediate performance of services; or

(4) when any statute authorizes another procedure or provides an exemption from the provisions of this section;

(5) when compatibility with existing contractual services, supplies, materials or equipment is the overriding consideration;

(6) when a used item becomes available and is subject to immediate sale; or

(7) when, in the judgment of the director of purchases and the head of the acquiring state agency, not seeking competitive bids is in the best interest of the state.

When the director of purchases approves a purchase of or contract for supplies, materials, equipment, or contractual services in any instance specified in this subsection, the director may delegate authority to make the purchase or enter the contract under conditions and procedures prescribed by the director.

The director of purchases shall make prepare a detailed report at least once in each calendar quarter to the legislative coordinating council and the chairpersons of the senate committee on ways and means and the house of representatives committee on appropriations of all contracts for goods, supplies, materials, equipment or contractual services over \$5,000 entered into without competitive bids under subsections (a)(1), (a)(2), (a)(3) or (g) subsection (a)(1), (2), (3), (5), (6) or (7). The director shall submit the report to the legislative coordinating council, the chairperson of the committee on ways and means of the senate, the chairperson of the committee on appropriations of the house of representatives and the chairperson of the Kansas performance review board.

(b) (1) If the amount of the purchase is estimated to exceed approximately \$10,000 \$50,000, sealed bids shall be solicited by notice published once in the Kansas register not less than 10 days before the date stated therein in the notice for the opening of such the bids. The director of purchases may waive this publication of notice requirement when the director determines that a more timely procurement is in the best interest of the state. The director of purchases also may designate a trade journal for such the publication. The director of purchases also shall solicit such bids by sending notices by mail to prospective bidders and by posting the notice on a public bulletin board for at least 10 business days before the date stated in the notice for the opening of the bids unless otherwise provided by law. All bids shall be sealed when received and shall be opened in public at the hour stated in the notice.

(2) The director of purchases shall make prepare a detailed report at least once in each calendar quarter to the legislative coordinating council and the chairpersons of the senate committee on ways and means and the house of representatives committee on appropriations of all cases when the instances in which the director waived publication of the notice of bid solicitations in the Kansas register have been waived under as provided in this subsection. The director shall submit the report to the legislative coordinating council, the chairperson of the committee on ways and means of the senate, the chairperson of the committee on appropriations of the house of representatives and the chairperson of the Kansas performance review board.

(c) All purchases estimated to exceed approximately \$5,000 \$25,000 but not more than \$10,000 \$50,000, shall be made after receipt of sealed bids following at least three days' notice posted on a public bulletin board in the office of the director of purchases. The director of purchases also may solicit sealed bids by mail in such cases in like manner as provided in subsection (b).

(d) All purchases estimated to be less more than \$5,000, but less than \$25,000, may be made after the receipt of three or more bid solicitations by telephone and after receipt of, telephone facsimile or sealed bids bid, following at least three days' notice posted on a public bulletin board in the office of the director of purchases. Such bids shall be recorded as provided in subsection (e) of K.S.A. 75-3740 and amendments thereto. Any purchase that is estimated to be less than \$5,000 may be purchased under conditions and procedures prescribed by the director of purchases. Purchases made in compliance with such conditions and procedures shall be exempt from other provisions of this section.

(e) With the approval of the secretary of administration, the director of purchases may delegate authority to any state agency to make purchases of less than \$10,000 either on the open market or \$25,000 under certain prescribed conditions and procedures. The director of purchases shall make prepare a report at least once in each calendar quarter to the legislative coordinating council and the chairpersons of the senate committee on ways and means and the house of representatives committee on appropriations of all current and existing delegations of authority un-

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SUBSTITUTE FOR HOUSE BILL No. 2609

AN ACT concerning the state board of cosmetology; persons and practices regulated by the board; amending K.S.A. 65-1904a, 65-1904b, 65-1905, 65-1906, 65-1909, 74-2703 and 74-2704 and K.S.A. 1997 Supp. 65-1901, 65-1902, 65-1903, 65-1904, 65-1907, 65-1908, 65-1912 and 74-2701 and repealing the existing sections.

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

Section 1. K.S.A. 1997 Supp. 65-1901 is hereby amended to read as follows: 65-1901. As used in K.S.A. 65-1901 through 65-1912, and amendments thereto:

(a) "Apprentice" means any person engaged in learning the practice of cosmetology, ~~manicuring~~ *nail technology*, esthetics or electrology in a school of cosmetology, nail technology, esthetics or electrology licensed by the board, except until such time as an electrology school is established in this state apprenticeship of electrology will be subject to approval by the board in a clinic or establishment.

(b) "Board" means the state board of cosmetology.

(c) "Cosmetologist" means any person, other than a manicurist or esthetician, who practices the profession of cosmetology for compensation.

(d) "Cosmetology" means the profession of:

(1) Arranging, dressing, permanently curling, curling, waving, ~~singeing~~, cleansing, ~~dyeing temporarily or permanently coloring, conditioning or bobbing cutting~~ the hair;

(2) massaging, cleansing, stimulating, manipulating or performing similar work on the scalp, face, neck, arms or hands, by use of either the hands or mechanical or electrical appliances;

(3) removing superfluous hair from the face or any part of the body by use of either the hands or mechanical or electrical appliances other than electric needles;

(4) (5) using cosmetic preparations, antiseptics, lotions, creams or other preparations in performing any of the practices described in provisions (d)(1), (2) and (3);

(5) (6) manicuring, pedicuring or sculpturing nails; or

(6) performing any other beautifying process on any person

(7) performing any other beautifying process on any person.

(e) "Esthetician" means any person who, for compensation practices the profession of cosmetology only to the following extent:

(1) Performing facials, skin care and eyebrow and eyelash services; or

(2) removing superfluous hair from the face or body, using either the hands or mechanical or electrical appliances other than electric needles.

(f) "Manicurist" means any person who, for compensation practices the profession of cosmetology only to the extent of manicuring, pedicuring and sculpturing nails.

(g) "Nail technology" means the information related to manicuring, pedicuring and sculpturing nails.

(h) "Electrologist" means any person who, for compensation removes hair from, or destroys hair on, the human body for beautification by use of an electric needle only.

(i) "Person" means any individual, corporation, partnership, association or other entity.

Sec. 2. K.S.A. 1997 Supp. 65-1902 is hereby amended to read as follows: 65-1902. (a) Except as provided in subsection (b), no person shall:

(1) Engage in practice of cosmetology, esthetics, ~~manicuring~~ *nail technology* or electrology unless the person holds a valid license, issued by the board, to engage in that practice;

(2) conduct a school for teaching cosmetology unless the person holds a valid license, issued by the board, to conduct the school;

(3) teach cosmetology in a licensed school unless the person holds a valid cosmetology instructor's license issued by the board;

(4) conduct a school for teaching nail technology unless the person holds a valid license, issued by the board, to conduct the school;

(5) teach nail technology in a licensed school unless the person holds a valid cosmetology or manicuring instructor's license issued by the board;

(6) conduct a school for teaching electrology unless the person holds a valid license, issued by the board, to conduct the school;

(7) teach electrology in a licensed school or clinic unless the person holds a valid electrology instructor's license issued by the board;

(8) conduct a school for teaching esthetics unless the person holds a valid license, issued by the board, to conduct the school; or

der to state agencies as provided in this subsection to state agencies. The director shall submit the report to the legislative coordinating council, the chairperson of the committee on ways and means of the senate, the chairperson of the committee on appropriations of the house of representatives and the chairperson of the Kansas performance review board.

(e) (f) Subject to the provisions of subsection (d) (e), contracts and purchases shall be based on specifications approved by the director of purchases. When deemed applicable and feasible by the director of purchases, such specifications shall include either energy efficiency standards or appropriate life cycle cost formulas, or both, for all supplies, materials, equipment and contractual services to be purchased by the state. The director of purchases may reject a contract or purchase on the basis that a product is manufactured or assembled outside the United States. No such specifications shall be fixed in a manner to effectively exclude any responsible bidder offering comparable supplies, materials, equipment or contractual services.

(f) (g) Notwithstanding anything herein to the contrary, all contracts with independent construction concerns for the construction, improvement, reconstruction and maintenance of the state highway system and the acquisition of rights-of-way for state highway purposes shall be advertised and let as now or hereafter provided by law.

(g) The director of purchases (h) The director of purchases may authorize state agencies to contract for services and materials with other state agencies, or with federal agencies, political subdivisions of Kansas, agencies of other states or subdivisions thereof, or private nonprofit educational institutions, without competitive bids.

(i) The director of purchases may participate in, sponsor, conduct, or administer a cooperative purchasing agreement or consortium for purchases of supplies, materials, equipment, and contractual services with federal agencies or agencies of other states or local units of government. Cooperative purchasing agreements entered into under this subsection shall not be subject to K.S.A. 75-3739 through 75-3740a, and amendments thereto. Nothing in this subsection shall allow federal grant moneys to be handled differently from any other moneys of the state unless the requirements of the applicable federal grant specifically require such federal moneys to be handled differently.

(j) The director of purchases may delegate authority to any state agency to make purchases under certain prescribed conditions and procedures when the acquisition is funded, in whole or in part, from a grant. Purchases made in compliance with such conditions and procedures shall be exempt from other provisions of this section. As used in this subsection the term "grant" means a disbursement made from federal or private funds, or a combination of these sources, to a state agency.

(k) The director of purchases shall prepare a detailed report at least once each calendar quarter of all contracts for services, supplies, materials or equipment entered into pursuant to subsection (h), (i) or (j) and submit it to the legislative coordinating council, the chairperson of the committee on ways and means of the senate, the chairperson of the committee on appropriations of the house of representatives and the chairperson of the Kansas performance review board.

(h) (l) Except as otherwise specifically provided by law, no state agency shall enter into any lease of real property without the prior approval of the secretary of administration. Such a state agency shall submit to the secretary of administration such information relating to any such proposed lease of real property as the secretary may require. The secretary of administration shall either approve, modify and approve or reject any such proposed lease.

(m) The director of purchases shall require all bidders on state contracts to disclose all substantial interests held by the bidder in the state.

Sec. 28. K.S.A. 46-1604, 46-1701, 46-2101, 46-2102, 68-2003, 75-2935, 75-3739, 75-4703, 75-4706, 75-4707, 75-4709, 75-4740, 75-4741, 75-4742, 75-4743, 75-4744, 75-5147, 75-6301 and 76-3,100 and K.S.A. 1997 Supp. 46-2201 and 65-34,154 are hereby repealed.

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

(9) teach esthetics in a licensed school unless the person holds a valid cosmetology or esthetics instructor's license issued by the board;

(10) own or operate a school, salon or clinic where cosmetology, esthetics, nail technology or electrology is taught or practiced unless the person holds a valid school, salon or clinic license issued by the board; or

(11) teach or practice cosmetology, esthetics, nail technology or electrology in a school, salon or clinic unless the owner or operator of the school, salon or clinic holds a valid school, salon or clinic license issued by the board.

(b) The provisions of this act shall not apply to:

(1) Any person licensed as a barber or apprentice barber;

(2) any person licensed to practice medicine and surgery, chiropractic, optometry, nursing or dentistry, while engaged in that practice;

(3) any person who is a registered physical therapist or certified physical therapist assistant while engaged in that practice; or

(4) any teacher while engaged in instructing elementary or secondary school students in the proper care of their own persons.

(c) A person holding a license as a cosmetology technician on the day immediately preceding the effective date of this act shall continue to be a licensed cosmetology technician and perform the functions of a cosmetology technician, as such term was defined immediately prior to the effective date of this act, and may renew such license subject to the payment of fees and other conditions and limitations on the renewal of licenses under article 19 of chapter 65 of the Kansas Statutes Annotated and acts amendatory of the provisions thereof.

Sec. 3. K.S.A. 1997 Supp. 65-1903 is hereby amended to read as follows: 65-1903. (a) Licensed schools may be established and maintained in this state where the profession of cosmetology may be taught or acquired, under the following conditions and regulations:

(1) Any person may apply to the board for a license for conducting a school for the teaching of the profession of cosmetology. The license shall be granted by the board upon proper and sufficient showing of competency of the applicant and assurance of compliance by the applicant with the requirements of this act, all reasonable rules and regulations adopted by the board for the proper conduct of the school and all applicable sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148 and amendments thereto. Prior to issuance of the license, the applicant shall pay to the board the *nonrefundable license application fee* established under K.S.A. 65-1904 and amendments thereto. School licenses shall be renewed before July 1 of each year by submitting an application and payment of the *nonrefundable license renewal fee* established under K.S.A. 65-1904 and amendments thereto. No license fee shall be required of schools operating under the state board of regents or any tax-supported school. Nothing in this act shall prohibit any person who is a licensed electrologist, while acting as owner and manager of the person's clinic or establishment, from teaching electrology in the regular course of the person's business, but at no time shall any clinic or establishment have more than one apprentice or charge tuition for its teaching services.

(2) Each school licensed under this subsection (a) shall remain under the constant supervision of the board. Each licensed school at all times shall employ and maintain a sufficient number of instructors, duly licensed in the practices they teach, to provide at least one instructor for every 25 students. Each licensed school shall provide a course of training requiring not less than 1,500 clock hours of instruction and practice in preparation for the profession of cosmetology covering a period of not less than nine nor more than 12 months of training for full-time students. In addition, the school may provide a course of training of 350 clock hours of instruction and practice in the profession of *manicuring nail technology*, and a course of training of 650 clock hours of instruction and practice in the profession of esthetics. Such course of training shall include the practices of cosmetology for all major ethnic groups residing in the state, and the board shall require by rules and regulations that each school shall provide instruction for part-time students who are unable to attend a full schedule of classes each week because of part-time employment; enrollment in an accredited public or private school of secondary education by a student who is pursuing a course of study leading to a diploma from such school; enrollment in a cooperative industrial training program, approved by the division of vocational education of the state department of education, by a student who is working toward an occupational objective; or the principles or tenets of the student's religion preventing full-time attendance. Instruction of a part-time student shall be completed by the student within 18 months after the student's enrollment in the school.

(b) Any person who teaches the profession of cosmetology in a licensed school of cosmetology shall be required to obtain a cosmetology instructor's license from the board. To qualify for a cosmetology instructor's license, the applicant must (1) be licensed as a cosmetologist under this act, (2) have practiced as a cosmetologist for one year prior to licensure, with 300 hours of instructor training, or have obtained 600 hours of instructor training; (3) pass a cosmetology instructor exam, administered by the board or the board's designee, and (4) pay the *nonrefundable instructor license application fee* established by K.S.A. 65-1904 and amendments thereto. A cosmetology instructor license shall be renewed every two years by furnishing satisfactory evidence that the applicant, *except the first renewal period following licensure for applicants not holding a cosmetology instructor license on the effective date of this act*, has completed an additional 20 clock hours of continuing education approved by the board in the practice of cosmetology and teaching of cosmetology skills and methods, and by paying the *nonrefundable license renewal fee* established by K.S.A. 65-1904 and amendments thereto.

(c) Licensed schools may be established and maintained in this state where nail technology may be taught or acquired, under the following conditions and regulations:

(1) Any person may apply to the board for a license for conducting a school for the teaching of nail technology. The license shall be granted by the board upon proper and sufficient showing of competency of the applicant and assurance of compliance by the applicant with the requirements of this act, all reasonable rules and regulations adopted by the board for the proper conduct of the school and all applicable sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148 and amendments thereto. Prior to issuance of the license, the applicant shall pay to the board the *nonrefundable license application fee* established under K.S.A. 65-1904 and amendments thereto. School licenses shall be renewed before July 1 of each year by submitting an application and payment of the *nonrefundable license renewal fee* established under K.S.A. 65-1904 and amendments thereto. No license fee shall be required of schools operating under the state board of regents or any tax-supported school.

(2) Each school licensed under this subsection (c) shall remain under the constant supervision of the board. Each licensed school at all times shall employ and maintain a sufficient number of instructors, duly licensed in the practices they teach, to provide at least one instructor for every 25 students. Each licensed school shall provide a course of training requiring not less than 350 clock hours of instruction and practice in preparation for the profession of manicurist. The board shall require by rules and regulations that each school shall provide instruction for part-time students who are unable to attend a full schedule of classes each week because of part-time employment; enrollment in an accredited public or private school of secondary education by a student who is pursuing a course of study leading to a diploma from such school; enrollment in a cooperative industrial training program, approved by the division of vocational education of the state department of education, by a student who is working toward an occupational objective; or the principles or tenets of the student's religion preventing full-time attendance. Instruction of a part-time student *all students* shall be completed by the student within six months after the student's enrollment in the school.

(d) Any person who teaches nail technology in a licensed school of cosmetology or nail technology shall be required to obtain a manicuring instructor's license from the board, unless the person holds a valid cosmetology instructor's license issued under subsection (b). To qualify for a manicuring instructor's license, the applicant must (1) be licensed as a cosmetologist or manicurist under this act, (2) have practiced as a manicurist or cosmetologist for one year prior to licensure, with 300 hours of instructor training, or have obtained 600 hours of instructor training; (3) pass a manicuring instructor exam, administered by the board or the board's designee and (4) pay an *nonrefundable instructor license application fee* established by K.S.A. 65-1904 and amendments thereto. A manicuring instructor license shall expire every two years and shall be renewed by furnishing satisfactory evidence that the applicant, *except the first renewal period following licensure for applicants not holding a manicuring instructor license on the effective date of this act*, has completed an additional 20 clock hours of continuing education, approved by the board, in the practice of manicuring and teaching of *manicuring skills and methods* and paying the *nonrefundable license renewal fee* established by K.S.A. 65-1904 and amendments thereto.

(e) Licensed schools may be established and maintained in this state

(continued)

where the profession of esthetics may be taught or acquired, under the following conditions and regulations:

(1) Any person may apply to the board for a license for conducting a school for the teaching of the profession of esthetics. The license shall be granted by the board upon proper and sufficient showing of competency of the applicant and assurance of compliance by the applicant with the requirements of this act, all reasonable rules and regulations adopted by the board for proper conduct of the school and all applicable sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148 and amendments thereto. Prior to issuance of the license, the applicant shall pay to the board the *nonrefundable license application fee* established under K.S.A. 65-1904 and amendments thereto. School licenses shall be renewed before July 1 of each year by submitting an application and payment of the *nonrefundable license renewal fee* established under K.S.A. 65-1904 and amendments thereto. No license fee shall be required of schools operating under the state board of regents or any tax-supported school.

(2) Each school licensed under this subsection (e) shall remain under the constant supervision of the board. Each licensed school at all times shall employ and maintain a sufficient number of instructors, duly licensed in the practices they teach, to provide at least one full-time instructor for every 25 students. Each licensed school shall provide a course of training requiring not less than 650 clock hours of instruction and practice in esthetics.

(f) Any person who teaches esthetics in a licensed school of cosmetology or esthetics shall be required to obtain an esthetics instructor's license from the board, unless the person holds a valid cosmetology instructor's license issued under subsection (b). To qualify for an esthetics instructor's license, the applicant must (1) be licensed as a cosmetologist or esthetician under this act, (2) have practiced as an esthetician or cosmetologist for one year prior to licensure, with 300 hours of instructor training, or have obtained 600 hours of instructor training; (3) pass an esthetician instructor exam, administered by the board or the board's designee and (4) pay a *nonrefundable license application fee* established by K.S.A. 65-1904 and amendments thereto. An esthetics instructor license shall expire every two years and shall be renewed by furnishing satisfactory evidence that the applicant, *except the first renewal period following licensure for applicants not holding an esthetics instructor license on the effective date of this act*, has completed an additional 20 clock hours of continuing education, approved by the board, in the practice of esthetics and teaching of esthetics skills and methods and by paying the *nonrefundable license renewal fee* established by K.S.A. 65-1904 and amendments thereto.

(g) Licensed schools may be established and maintained in this state where the profession of electrology may be taught or acquired, under the following conditions and regulations:

(1) Any person may apply to the board for a license for conducting a school for the teaching of the profession of electrology. The license shall be granted by the board upon proper and sufficient showing of competency of the applicant and assurance of compliance by the applicant with the requirements of this act, all reasonable rules and regulations adopted by the board for the proper conduct of the school and all applicable sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148 and amendments thereto. Prior to issuance of the license, the applicant shall pay to the board the *nonrefundable license application fee* established under K.S.A. 65-1904 and amendments thereto. School licenses shall be renewed before July 1 of each year by submitting an application and payment of the *nonrefundable license renewal fee* established under K.S.A. 65-1904 and amendments thereto. No license fee shall be required of schools operating under the state board of regents or any tax-supported school. Nothing in this act shall prohibit any person who is a licensed instructor of electrology or who is and has been for at least three years a licensed electrologist, while acting as owner and manager of the person's salon, clinic or establishment, from teaching electrology in the regular course of the person's business, but at no time shall any salon, clinic or establishment have more than one apprentice or charge tuition for its teaching services.

(2) Each school licensed under this subsection (e) shall remain under the constant supervision of the board. Each licensed school at all times shall employ and maintain a sufficient number of instructors, duly licensed in the practices they teach, to provide at least one full-time instructor for every four students. Each licensed school shall provide a course of training requiring not less than 500 clock hours of instruction and practice in electrology covering a period of not less than four months

of training for full-time students and not less than eight months of training for part-time students.

(h) Any person who teaches electrology in a licensed school of cosmetology or electrology shall be required to obtain an electrology instructor's license from the board. To qualify for an electrology instructor's license, the applicant must (1) be licensed as an electrologist under this act, (2) have practiced as an electrologist for one year prior to licensure, with 300 hours of instructor training, or have obtained 600 hours of instructor training; (3) pass an electrology instructor exam, administered by the board or the board's designee and (4) pay a *nonrefundable instructor license application fee* established under K.S.A. 65-1904 and amendments thereto. Electrology instructor licenses shall expire every two years and may be renewed by furnishing satisfactory evidence that the applicant, *except the first renewal period following licensure for applicants not holding an electrology instructor license on the effective date of this act*, has completed an additional 20 clock hours of continuing education, approved by the board, in the practice and teaching of electrology and paying the *nonrefundable license renewal fee* established under K.S.A. 65-1904 and amendments thereto. To teach in a licensed salon, the electrologist is issued a license for the period of training for the student. To qualify they must: (1) Be a licensed practicing electrologist for a three-year period and (2) pay a *nonrefundable instructor license application fee* established under K.S.A. 65-1904 and amendments thereto.

(i) All instructors holding a valid instructor's license on December 31, 1995, upon expiration of their instructor's license, shall have their instructor's license renewed, without examination, by paying the renewal fee for that renewal period and furnishing satisfactory evidence that the applicant has completed an additional 100 clock hours of continuing education, approved by the board, in the practice and teaching of cosmetology, manicuring or electrology as appropriate for the instructor's license held by the applicant.

(j) The board may adopt through rules and regulations a curriculum for cosmetology, manicuring nail technology, esthetics and electrology instructor training to be provided in a licensed school of cosmetology.

(k) The board may provide by rules and regulations that instructor licenses may expire less than two years from the date of issuance in order for the expiration date of the instructor license to correspond with the expiration date of the individual's license to practice cosmetology, nail technology, esthetics or electrology. In each case in which an instructor license is issued for a period of time of less than two years, the board shall prorate the instructor license application fee from the month of the date of application to the month of the date of expiration of the license to practice cosmetology, nail technology, esthetics or electrology.

Sec. 4. K.S.A. 1997 Supp. 65-1904 is hereby amended to read as follows: 65-1904. (a) Unless revoked for cause, all licenses of cosmetologists, cosmetology technicians, estheticians, electrologists and manicurists issued or renewed by the board shall expire on the expiration dates established by rules and regulations adopted by the board under this section. Subject to the other provisions of this subsection, each such license, other than the three-year senior cosmetologist license, shall be renewable on a biennial basis upon the filing of a renewal application prior to the expiration of the license, payment of the *nonrefundable license renewal fee* established under this section and, except for an apprentice license, the electrologist license and the senior cosmetologist license, for licenses renewed on and after July 1, 1997, furnishing evidence satisfactory to the board of the completion of a minimum of five clock hours annually of continuing education on health and safety related issues in the practice of cosmetology approved by the board in the license category in which the licensee holds a license or if the licensee holds a license in more than one category, in the category specified by rules and regulations of the board for licensees holding more than one license. Applicants for renewal of an electrologist license shall furnish with the biennial renewal application evidence satisfactory to the board of the completion of 10 clock hours annually of continuing education on health and safety related issues in electrologist practice approved by the board. In order to provide for the establishment of a system of biennial renewal of licenses issued by the board, the board may provide by rules and regulations that licenses issued or renewed may expire less than two years from the date of issuance or renewal. In each case in which a license is issued or renewed for a period of time of less than two years, the board shall prorate to the nearest whole month the license or renewal fee established under this section and with renewal applications filed on and after July 1, 2000, the filing of a successfully completed written renewal

examination prescribed by the board under this subsection. For renewal applications filed on and after July 1, 2000, the board shall prescribe a written renewal examination for each classification of licensee under this subsection which will test the applicant's understanding of the laws relating to the practice for which the applicant holds a license, will test the applicant's understanding of health and sanitation matters relating to the practice for which the applicant holds a license and will test the understanding of the applicant about safety matters relating to the practice for which the applicant holds a license. The board shall fix the score for the successful completion of a written renewal examination. The board shall develop an information booklet to be sent to an applicant for renewal of a license along with the written renewal examination. The information booklet shall contain information on the subjects to be tested on the written renewal examination and shall be provided to the applicant along with the written renewal examination at least 30 days prior to the date on which the renewal application is to be filed. The written renewal examination may be prepared by the applicant with the use of the information booklet. The board shall report to the 1999 session of the legislature the progress made by the board in developing an information booklet and a written renewal examination.

(b) Any cosmetologist's, cosmetology technician's, esthetician's, electrologist's or manicurist's license may be renewed by the applicant within 90 days six months after the date of expiration of the applicant's last license upon submission of proof, satisfactory to the board, of the applicant's qualifications to renew practice as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist, including the completion of any applicable continuing education requirements and payment of the applicable nonrefundable renewal fee and delinquent fee prescribed pursuant to this section. Any applicant whose license as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist has expired for more than one year prior to application for renewal six months may obtain a license in the same manner and on payment of the same nonrefundable fees as provided for an applicant for an original license on and after July 1, 1996, and upon proof that such applicant has satisfactorily completed a program of continuing education required by the board for applicants whose licenses have expired.

(c) At the time of application for license renewal, a cosmetologist licensed in this state may apply to the board and qualify for a three-year senior cosmetologist license by:

- (1) Paying the fee required by this section;
- (2) showing evidence satisfactory to the board of having been actually employed in a licensed salon or licensed school for not less than 120 days during the preceding three years;
- (3) on and after July 1, 1996, furnishing evidence satisfactory to the board of the completion of a minimum of 15 clock hours triennially of continuing education on health and safety related issues in the practice of cosmetology approved by the board; and
- (4) furnishing evidence satisfactory to the board of attendance of 40 clock hours of courses of instruction in cosmetology approved by the board.

(d) (c) Any applicant for a license other than a renewal license shall make a verified application to the board on such forms as the board may require and, upon payment of the license application fee and the examination fee shall be examined by the board or their appointees and shall be issued a license, if found to be duly qualified to practice the profession of cosmetologist, esthetician, electrologist or manicurist.

(e) (1) Except as otherwise provided in this section, the board shall require every licensee in the active practice of cosmetology within the state to submit evidence of satisfactory completion of a program of continuing education required under this section. Such evidence shall be made in writing in a form required by the board. The board shall require every licensee in the active practice of cosmetology within the state to remit a continuing education fee to the board in an amount fixed by the board. The board shall adopt rules and regulations establishing the program of continuing education in accordance with this section as soon as possible after the effective date of this act. In establishing such requirements the board shall consider any existing programs of continuing education currently being offered to licensees of the board.

(2) To qualify as an approved provider of continuing education offerings, persons, organizations or institutions proposing to provide such continuing education offerings shall apply to the board for approval and submit evidence that the applicant is prepared to meet the standards and requirements established by the rules and regulations of the board for

such continuing education offerings. Initial applications shall be made in writing on forms supplied by the board and shall be submitted to the board together with the application fee fixed by the board. Qualification as an approved provider of continuing education offerings shall expire five years after the granting of such approval by the board. An approved provider of continuing education offerings shall submit annually to the board the continuing education program approval fee established by rules and regulations, along with an annual report of its educational programs for the previous fiscal year. Applications for renewal as an approved provider of continuing education offerings and annual reports shall be made in writing on forms supplied by the board and shall be submitted to the board together with the application fee fixed by the board.

(3) The board shall establish an inactive license category and may waive the continuing education requirements for the renewal of a license and place a licensee on inactive status if a licensee is not engaged in or has retired from practice or has become temporarily or permanently disabled and the licensee files with the board a certificate stating either of the following:

- (A) A retiring licensee certifies to the board that the licensee:
 - (i) Has retired from the active practice of cosmetology service; or
 - (ii) is not engaged in the provision of any cosmetology service as defined by the statutes of the state of Kansas; or
- (B) a disabled licensee certifies to the board that such licensee is no longer engaged in the provision of any cosmetology service as defined by the statutes of the state of Kansas by reason of any physical disability, whether permanent or temporary; and shall describe the nature of such disability. The waiver of continuing education under this subsection shall continue so long as the retirement or physical disability exists. Prior to returning to active practice for which a person holds an inactive license, such person shall complete 20 clock hours of continuing education approved by the board in the license category in which the licensee holds a license or if the licensee holds a license in more than one category, in the category specified by rules and regulations of the board for licensees holding more than one license. The board shall establish by rules and regulations a procedure to activate an inactive license.

(4) (d) The board is hereby authorized to adopt rules and regulations fixing the amount of nonrefundable fees for the following items and to charge and collect the amounts so fixed, subject to the following limitations:

Active Cosmetologist license or renewal application fee, for two years— not more than	\$60
Inactive cosmetologist license or renewal, for two years—not more than	30
Cosmetologist license renewal fee	60
Delinquent cosmetologist license renewal fee	4 25
Cosmetology technician license renewal fee, for two years—not more than	30 35
Delinquent cosmetology technician renewal fee	25
Electrologist license or renewal application fee, for two years—not more than	30 35
Electrologist license renewal fee	35
Delinquent electrologist license renewal fee	4 25
Senior cosmetologist license or renewal, for three years—not more than	45
Manicurist license renewal or renewal application fee, for two years—not more than	24 30
Manicurist license renewal fee	30
Delinquent manicurist license renewal fee	4 25
Esthetician license or renewal application fee, for two years—not more than	30 30
Esthetician license renewal fee	30
Delinquent esthetician license renewal fee	4 25
Any apprentice license application fee—not more than	12 15
Additional training license—not more than	12
New school license application fee	100 150
School license renewal fee—not more than	50 75
Delinquent school license fee—not more than	40 50
New cosmetology services salon or electrology clinic license application fee—not more than	30 50
Cosmetology services salon or electrology clinic license renewal fee—not more than	20 30
Delinquent cosmetology services salon or electrology clinic license re- newal fee	6 30
Transfer of salon or electrology clinic license—not more than	15
Cosmetologist's examination—not more than	25 50
Cosmetology technician's examination—not more than	25
Electrologist's examination—not more than	25 50
Manicurist's examination—not more than	25 50
Esthetician examination—not more than	25 50

(continued)

Instructor's examination—not more than.....	50 75
Out-of-state examinations Reciprocity application fee—not more than.....	35 50
Out-of-state affidavits Verification of licensure.....	2 20
Any duplicate of license.....	2 25
Instructor's license or renewal application fee, for two years—not more than.....	50 75
Renewal of instructor's license fee.....	50 75
Delinquent instructor's license renewal fee—not more than.....	50 75
Cosmetologist continuing education registration fee.....	40
Continuing education program application fee.....	100
Continuing education program approval fee.....	100
Temporary permit fee.....	15
Statutes and regulations book.....	5

(g) (e) Whenever the board determines that the total amount of revenue derived from the fees collected pursuant to this section is insufficient to carry out the purposes for which the fees are collected, the board may amend its rules and regulations to increase the amount of the fee, except that the amount of the fee for any item shall not exceed the maximum amount authorized by this subsection. Whenever the amount of fees collected pursuant to this section provides revenue in excess of the amount necessary to carry out the purposes for which such fees are collected, it shall be the duty of the board to decrease the amount of the fee for one or more of the items listed in this subsection by amending the rules and regulations which fix the fees.

(h) (f) Any person who failed to obtain a renewal license while in the armed forces of the United States shall be entitled to a renewal license upon filing application and paying the nonrefundable renewal fee for the current year during which the person has been discharged on and after July 1, 1996; and upon proof that such applicant has satisfactorily completed a program of continuing education required by the board for applicants under this subsection.

(g) Any person who was formerly licensed as a cosmetologist, a cosmetology technician, an esthetician, an electrologist or a manicurist and whose license expired on or after July 1, 1996, and was not renewed may obtain reinstatement of the license until July 1, 1999, upon application to the board and upon payment of the applicable delinquent renewal fee.

(h) Any person who is currently licensed as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist on inactive status shall be deemed licensed on active status. Upon application for renewal of the license as provided in rules and regulations, the person shall be issued a license which does not indicate inactive status. Prior to application for renewal of the license and upon request to the board, such person may obtain a license which does not indicate inactive status.

(i) From and after the effective date of this act, there shall be no continuing education requirement imposed by the board upon any person who was formerly or is currently licensed as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist as a condition of reinstatement or renewal of the person's license to practice.

Sec. 5. K.S.A. 65-1904a is hereby amended to read as follows: 65-1904a. Any licensed cosmetologist, esthetician, electrologist, manicurist, or person desiring to establish a salon or clinic shall make application, on a form provided, to the Kansas state board of cosmetology, accompanied by the new salon or clinic license fee established under K.S.A. 65-1904 and amendments thereto. Upon filing of the application, the board shall inspect the equipment as to safety and sanitary condition of the premises and if the equipment and premises are found to comply with the rules and regulations of the secretary of health and environment and the rules and regulations of the Kansas state board of cosmetology, the board shall issue a new salon or clinic license. Nothing herein contained shall be construed as preventing any licensed person from practicing cosmetology or electrology in a private home or residence if the home or residence complies with rules and regulations of the secretary and the state board. Licensed salons and clinics may be reinspected in accordance with a schedule determined by the board by rules and regulations or upon a complaint made to the board that such salon or clinic is not being maintained in compliance with rules and regulations of the board. The license shall expire on June 30 following its issuance. Any such license may be renewed upon application accompanied by the salon or clinic license renewal fee made to the board before July 1 of the year in which the license expires. Any certificate license may be renewed by the applicant within 60 days after the date of expiration of the last certificate license upon payment of a delinquent renewal fee.

Sec. 6. K.S.A. 65-1904b is hereby amended to read as follows: 65-1904b. (a) Upon application to the Kansas state board of cosmetology on a form provided for application for a cosmetologist, cosmetology techni-

cian, esthetician, electrologist or manicurist license, accompanied by the examination application fee, a person practicing as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist under the laws of another state or jurisdiction shall be granted a license entitling the person to practice in this state if:

(1) The person is not less than 17 years of age and a graduate of an accredited high school, or equivalent thereof;

(2) the person submits to the board a certified copy of the person's birth certificate verification of date of birth;

(3) the person submits to the board a written statement from a person licensed to practice medicine and surgery under the laws of any state showing that the person is free from infectious or contagious disease; and

(4) the person meets at least one of the following criteria:

(A) The person's training and qualifications, including examination requirements, are equal to the requirements for licensure in this state; or

(B) the person has been licensed in the other state for a period of at least one year immediately preceding application for licensure in this state; or a state or jurisdiction which has substantially the same requirements for licensure as this state.

(C) the person satisfactorily passes an oral examination or demonstration required by the board.

(b) The renewal of a license issued pursuant to this section shall be in the manner provided in K.S.A. 65-1904 and amendments thereto.

Sec. 7. K.S.A. 65-1905 is hereby amended to read as follows: 65-1905. (a) All examinations held or conducted by the board shall be in accordance with rules and regulations adopted by the board. The examinations shall include practical demonstrations and written and oral tests, except that examinations to qualify for an instructor's license shall be limited to written tests.

(b) Each applicant for licensure by examination shall:

(1) Be at least 17 years of age and a graduate of an accredited high school, or equivalent thereof; or be at least 25 years of age;

(2) submit to the board a certified copy of the applicant's birth certificate verification of date of birth;

(3) submit to the board a certificate written statement from a person licensed to practice medicine and surgery under the laws of any state showing that the applicant is free from contagious and infectious diseases; and

(4) have served as an apprentice for the period of time provided by K.S.A. 65-1912.

(c) Any person making application who apparently possesses the necessary qualifications to take an examination provided herein, upon application and payment of the nonrefundable temporary permit fee, may be issued a temporary permit by the board to practice cosmetology until the next regular examination conducted by the board.

Sec. 8. K.S.A. 65-1906 is hereby amended to read as follows: 65-1906. All certificates of registration, licenses and permits issued by said board, pursuant to this act, shall be kept posted in a conspicuous place in the shop, establishment or school where the holder thereof is employed or working. (a) Each licensed cosmetologist, esthetician, manicurist, electrologist and instructor shall display such person's license in a conspicuous place in the salon, clinic or school where the holder thereof is employed or working.

(b) Each holder of a salon, clinic or school license shall display the license and most recent inspection report in a conspicuous place in the salon, clinic or school.

Sec. 9. K.S.A. 1997 Supp. 65-1907 is hereby amended to read as follows: 65-1907. The chairperson, with the approval of the board, shall employ inspectors to inspect schools, salons and clinics and the inspectors shall perform all of the inspection duties of the board, as required by this act, rules and regulations of the board and sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148 and amendments thereto. The board shall provide training to the inspectors to enable the inspectors to provide current information to school, salon and clinic personnel regarding requirements of applicable statutes and regulations. It shall be the duty of the board to determine the number of hours and practice work required of students in each subject of cosmetology, nail technology, esthetics and electrology taught in a licensed school.

Sec. 10. K.S.A. 1997 Supp. 65-1908 is hereby amended to read as follows: 65-1908. (a) The state board of cosmetology may revoke any license provided for by this act, may censure, limit or condition any license

or may refuse to issue, renew or suspend any license or assess a fine, not to exceed \$1,000 per violation, for any of the following reasons:

(1) Failure to comply with the sanitary requirements prescribed by the secretary of health and environment pursuant to K.S.A. 65-1,148 and amendments thereto;

(2) failure to comply with any provision of this act, with the rules and regulations of the board of cosmetology or with any order issued by the board;

(3) habitual drunkenness or drug addiction has become a danger to the public by reason of alcohol or drug abuse;

(4) conviction of a felony; but such conviction shall not automatically operate as a bar to licensure unless the applicant or licensee is able to demonstrate to the board's satisfaction that such person has been sufficiently rehabilitated to warrant the public trust;

(5) the obtaining of, or the attempt to obtain, a license by fraudulent misrepresentation or bribery;

(6) advertising by means of false or knowingly deceptive matter or statement;

(7) failure to display the annual license or inspection report as provided for in this act; or

(8) failure, after July 1, 1996, to comply with applicable continuing education requirements while actively engaging in the practice of cosmetology; or

(9) (8) being found guilty of gross negligence or unprofessional conduct as defined by rules and regulations of the board.

(b) The board may order the remedying of any violations of rules and regulations of the board or any statutes pertaining to it provision of this act, and the board may issue a cease and desist order upon board determination that the holder of a license has violated any order of the board, any rules and regulations of the board or any provision of this act.

(c) Inspectors employed by the board shall have such powers as the board may prescribe by rules and regulations to make inspections, investigations, and inquiries, except that a permanent order for closing any establishment licensed by the board shall be issued only by the board.

(d) All proceedings under this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

Sec. 11. K.S.A. 65-1909 is hereby amended to read as follows: 65-1909. (a) No person shall:

(1) Knowingly employ an individual to engage in any activity for which a license is required pursuant to K.S.A. 65-1902 and amendments thereto unless such individual holds a currently valid such license issued to such individual;

(2) violate any order or ruling of the state board of cosmetology;

(3) fail or refuse to comply with rules and regulations prescribed by the board or applicable sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148; or

(4) violate any of the provisions of article 19 of chapter 65 of Kansas Statutes Annotated.

(b) Violation of subsection (a) is a misdemeanor punishable by a fine of not less than \$10 nor more than \$100, or by imprisonment in the county jail for not less than 10 days nor more than 90 days, or by both such fine and imprisonment.

(c) The board may bring an action to enjoin any person from practicing or teaching cosmetology, esthetics, nail technology or electrology or from operating a salon, clinic or school if such person does not hold a currently valid license. If the court finds that such person is unlawfully teaching or practicing cosmetology, esthetics, nail technology or electrology or operating a salon, clinic or school without a currently valid license, the court shall enter an injunction restraining such person from such unlawful acts.

Sec. 12. K.S.A. 1997 Supp. 65-1912 is hereby amended to read as follows: 65-1912. (a) Any person desiring to practice as an apprentice shall be required to pay to the board the fee required pursuant to K.S.A. 65-1904 and amendments thereto and obtain an apprentice license from the board. Application for an apprentice license allowing a person to practice in a licensed school shall be submitted to the board not more than 15 days after the person's enrollment in the school.

(b) (1) An applicant for examination and licensure as a cosmetologist shall be required to have practiced as an apprentice in a licensed school for not less than 1,500 clock hours.

(2) An applicant for examination and licensure as an esthetician shall be required to have practiced as an apprentice in a licensed school for not less than 650 clock hours.

(3) An applicant for examination and licensure as a manicurist shall be required to have practiced as an apprentice in a licensed school of cosmetology or nail technology for not less than 350 clock hours.

(4) An applicant for examination and licensure as an electrologist shall be required to have practiced as an apprentice in a licensed school of cosmetology or electrology for not less than 500 clock hours or in a licensed clinic or establishment for not less than 1,000 clock hours of training. The duration of practice as an apprentice in a clinic or establishment must be in the clinic or establishment in which practice was commenced, except that the board may permit, upon written application and for good cause, the transfer of the apprentice to another clinic or establishment for completion of the term of apprenticeship. Any licensed cosmetologist who is practicing electrology in a licensed clinic or establishment on July 1, 1987, may apply for and be issued an electrologist's license without examination.

(c) No apprentice shall make any charge for the apprentice's services, but a licensed school of cosmetology, electrology or nail technology or a proprietor of a licensed clinic or establishment in which an apprentice of electrology practices may charge for services of the apprentice.

(d) For purposes of subsection (b), a person is not required to have practiced as an apprentice continuously or without interruption in obtaining the required number of hours.

Sec. 13. K.S.A. 1997 Supp. 74-2701 is hereby amended to read as follows: 74-2701. (a) There is hereby created the Kansas state board of cosmetology, which shall be composed of five seven members, appointed by the governor, to regulate the practice of the profession of cosmetology in Kansas. Subject to the provisions of K.S.A. 75-4315c and amendments thereto, a member shall be appointed from each congressional district and the remainder from the state at large. Not more than three four members shall be of the same political party. Two Four members shall be licensed operators of a shop and shall also be registered cosmetologists; two members shall be registered cosmetologists; one member shall be a licensed permanent color technician and tattoo artist or a licensed body piercer; and one member two members shall represent the general public interest, except that no manufacturer, wholesaler or retailer of cosmetic supplies or equipment used by the profession of cosmetology, or any representative of such manufacturer, wholesaler or retailer, shall become a member of the board; nor shall any two members of the board be graduates of the same system or school of beauty culture.

(b) The terms of office of members of the board serving prior to the effective date of this act shall expire on the effective date of this act, but such members shall continue to serve until their successors are appointed and qualified as provided in this section. Members of the board serving prior to the effective date of this act may be reappointed as provided in this section. Of the members first appointed to the board on and after the effective date of this act, two members shall be appointed for terms of one year, two members shall be appointed for terms of two years and three members shall be appointed for terms of three years. Thereafter each member of the board shall serve be appointed for a term of three years, and until a successor is appointed and qualifies. The board shall annually select a chairperson from its membership.

(c) The board of cosmetology governor shall appoint an executive director who shall serve at the pleasure of the board governor. The executive director shall also be the treasurer of the board and shall keep a record of the proceedings and perform such other duties as the board shall direct. The executive director shall be a practicing cosmetologist and have the same educational qualifications which are required of an instructor of cosmetology.

(d) When a vacancy occurs by death or resignation, appointees to the board shall have the prescribed qualifications. All vacancies in the board shall be filled by the governor for the unexpired terms. The members of the board shall take the oath of office prescribed for public officers before entering upon the discharge of their duties.

(e) The board of cosmetology shall have an advisory member appointed by the governor who shall be qualified in the area of permanent color technology and tattooing or in the area of body piercing. Such member shall serve for a term of three years and until a successor is appointed and qualified. The advisory member may attend board meetings, but shall not be a voting member of the board.

Sec. 14. K.S.A. 74-2703 is hereby amended to read as follows: 74-2703. It shall be the duty of such board to meet at least twice each year, and at such times and places as it may deem advisable, and shall at such

(continued)

times hold examinations of such applicants as shall have applied for registration licensure.

Sec. 15. K.S.A. 74-2704 is hereby amended to read as follows: 74-2704. All fees and payments required to be paid by applicants for examinations or licenses, shall be paid to the executive director of the Kansas state board of cosmetology or the board's designee. The executive director, or the board's designee, shall remit all moneys received by or for him or her from fees, charges or penalties to the state treasurer at least monthly. Upon receipt of any such remittance the state treasurer shall deposit the entire amount thereof in the state treasury. Twenty percent (20%) of each such deposit shall be credited to the state general fund and the balance shall be credited to the cosmetology fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive director or by a person or persons designated by him or her the board.

Sec. 16. K.S.A. 65-1904a, 65-1904b, 65-1905, 65-1906, 65-1909, 74-2703 and 74-2704 and K.S.A. 1997 Supp. 65-1901, 65-1902, 65-1903, 65-1904, 65-1907, 65-1908, 65-1912 and 74-2701 are hereby repealed.

Sec. 17. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register May 21, 1998.)

HOUSE BILL No. 2510

AN ACT concerning racing and gaming; concerning the regulation thereof; concerning the powers and duties of certain officers and employees; amending K.S.A. 74-8809 and 74-8811 and K.S.A. 1997 Supp. 74-8802, 74-8810, 74-8816, 74-8831, 74-8836, 74-9804 and 74-9806 and repealing the existing sections; also repealing K.S.A. 1997 Supp. 74-8802, as amended by section 1 of 1998 House Bill No. 3028, 74-8802a, 74-8802b and 74-8813a.

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

Section 1. K.S.A. 1997 Supp. 74-8802 is hereby amended to read as follows: 74-8802. As used in this the Kansas parimutuel racing 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 and gaming 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) "Contract" means an agreement, written or oral, between two or more persons, partnerships, corporations or associations, or any combination thereof, which creates an obligation between the parties.

(e) "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.

(f) "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.

(g) "Executive director" means the executive director of the commission.

(h) "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.

(i) "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.

(j) "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.

(k) "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.

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

(m) "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.

(n) "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.

(o) "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.

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

(q) "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.

(r) "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.

(s) "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.

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

(u) "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.

(v) "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.

(w) "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.

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

(y) "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.

(z) "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) (aa) "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) (bb) "Race meeting" means the entire period one or more periods of time racing days during a calendar year designated by the commission 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) (cc) "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.

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

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

(hh) (ii) "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. 74-8809 is hereby amended to read as follows: 74-8809. (a) The attorney general shall appoint, with the approval of the commission, not more than two assistant attorneys general who shall be assigned to assist the commission in all matters, including the enforcement of this act, *the tribal gaming oversight act*. Such attorneys shall be in the unclassified service under the Kansas civil service act and shall receive annual salaries fixed by the attorney general, with the approval of the commission, subject to the limitations of appropriations therefor. Such salaries and any subsistence, mileage and other travel expenses of such attorneys general shall be paid from the state racing fund created by K.S.A. 74-8826 and amendments thereto, as an operating expense of the commission, subject to reimbursement from the tribal gaming fund created by K.S.A. 74-9808 and amendments thereto for that portion of any such salary and subsistence, mileage and other travel expenses attributable to work performed relating to tribal gaming matters.

(b) On or before the 15th day of each month, commencing with the month following the first month that salaries or subsistence, mileage or other travel expenses are expended for work performed relating to tribal gaming matters, the director of accounts and reports shall transfer moneys in the tribal gaming fund to the state racing fund in an amount certified monthly by the executive director and determined as equal to the salary and subsistence, mileage and other travel expenses of the commission incurred during the preceding month and attributable to work performed in tribal gaming matters by assistant attorneys general assigned to the commission.

Sec. 3. K.S.A. 1997 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 executive director or a member of the commission or during the five years immediately following such person's term as executive director or 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) (1) Except as provided in paragraph (2), 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)(A) 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)(B) enter into any business dealing, venture or contract with an owner or lessee of a racetrack facility in Kansas.

(2) This subsection shall not apply to any racing judge holding an occupation license, if such racing judge is employed at a racetrack facility and such racing judge's relative, as listed above, is a licensed owner, owner-trainer or trainer of a greyhound that races at a different racetrack facility.

(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 licensee 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.

(continued)

(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 justice code.

Sec. 4. K.S.A. 74-8811 is hereby amended to read as follows: 74-8811. The commission shall adopt rules and regulations establishing those drugs and medications, and the levels thereof, which are allowable in the blood or urine of any horse or greyhound when tested either just prior to or immediately following participation in any race conducted by an organization licensee. Animals in violation of such rules and regulations shall *may* be disqualified from the race in which the animal is entered or has participated on the day that such test was conducted.

Sec. 5. K.S.A. 1997 Supp. 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;

(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, except that, and not withstanding the provision of K.S.A. 77-512, subsection (b) of K.S.A. 77-526 and subsection (b)(3) of K.S.A. 77-530(b)(3), and amendments thereto, any order entered by a hearing officer appointed by the commission imposing such a fine or suspension shall be a final order and effective when served.

(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. 6. K.S.A. 1997 Supp. 74-8831 is hereby amended to read as follows: 74-8831. (a) There is hereby created in the state treasury the Kansas greyhound breeding development fund to which moneys shall be credited as provided by this act. Expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the commission or a person designated by the chairperson.

(b) Moneys credited to the fund shall be expended as follows:

(1) An amount equal to 15% of all moneys credited to the fund during a fiscal year shall be transferred by the director of accounts and reports on June 30 of each year to the greyhound tourism fund created by subsection (c);

(2) an amount equal to 35% of all moneys credited to the fund during a fiscal year shall be used for research conducted within the state of Kansas relating to the prevention of injury to and disease of greyhounds;

(3) subject to the provisions of subsection (e), an amount equal to 50% of all moneys credited to the fund during a fiscal year, less the amount determined by the commission pursuant to subsection (b)(4), shall be used by the racetrack facilities where derived to supplement stake races for Kansas-whelped greyhounds as approved by the commission; and

(4) an amount determined by the commission, but not to exceed \$30,000 of the moneys credited to the fund during a fiscal year, shall be

used to pay a portion of the administrative costs of the official registering agency designated by the commission pursuant to K.S.A. 74-8832 and amendments thereto; and

(5) as provided by subsection (e).

(c) Moneys credited to the Kansas greyhound breeding development fund shall be used only for the benefit of greyhounds.

(d) There is hereby created in the state treasury the greyhound tourism fund. Moneys in such fund shall be used only for the promotion of greyhound-related tourism. Expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of commerce and housing or a person designated by the secretary.

(e) If live greyhound racing ceases at a racetrack facility for a period of 60 continuous days or the commission finds that live greyhound racing is likely to cease at a racetrack facility for a period of 60 continuous days, any undisbursed moneys that would otherwise be expended pursuant to subsection (b)(3) shall be expended in accordance with the following:

(1) The commission shall compile a roster of Kansas-whelped greyhounds in each licensed kennel on the day of racing at the racetrack facility prior to the day of cessation of racing (the "census date"), except that any Kansas-whelped greyhound that has not been in residence in the kennel and on the kennel's active list for five of the 14 days immediately preceding the census date shall not be included in the roster.

(2) The undisbursed moneys shall be divided equally among the qualified Kansas-whelped greyhounds identified pursuant to the census described in subsection (e)(1).

(3) The funds awarded to each qualified Kansas-whelped greyhound shall be divided equally between the licensed owner of the Kansas-whelped greyhound and the licensed kennel owner in whose kennel the Kansas-whelped greyhound was resident. If such a greyhound or kennel has multiple owners, the owner's share and kennel owner's share shall be prorated in accordance with the ownership percentages of each part owner of such greyhound or kennel, as appears in the commission's multiple ownership or kennel registration records.

(4) Payments to Kansas-whelped greyhound owners and kennel owners pursuant to this subsection shall be made directly from the Kansas greyhound breeding development fund to such greyhound owners and kennel owners.

Sec. 7. K.S.A. 1997 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 per day per week, not less than 80% of the races on which wagers are taken by the licensee during such 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 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

(continued)

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 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, an amount equal to a percentage, to be determined by the commission, of the gross sum wagered on simulcast races 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 horse races and greyhound races, 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 horse races and greyhound races, 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. That portion of simulcast purse money determined to be used for horse purses shall be apportioned by the commission to the various horse race meetings held in any calendar year based upon the number of live horse race dates comprising such horse race meetings in the preceding calendar year.

(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. 74-882d 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.

(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 calcu-

lated 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. 8. K.S.A. 1997 Supp. 74-9804 is hereby amended to read as follows: 74-9804. (a) (1) The governor shall appoint, subject to confirmation by the senate as provided by K.S.A. 75-4315b, and amendments thereto, an executive director of the state gaming agency, to serve at the pleasure of the governor. Before appointing any person as executive director, the governor shall cause the Kansas bureau of investigation to conduct a criminal history record check and background investigation of the person.

(2) The executive director shall: (A) Be in the unclassified service under the Kansas civil service act; (B) devote full time to the executive director's assigned duties; (C) be a citizen of the United States and an actual resident of Kansas during employment as executive director; (D) not have been convicted of a felony under the laws of any state or of the United States prior to or during employment; and (E) have familiarity with gaming industries sufficient to fulfill the duties of the office of executive director.

(3) The executive director shall: (A) Determine, subject to the approval of the Kansas racing and gaming commission, the number and qualifications of employees necessary to implement and enforce the provisions of tribal-state gaming compacts and the provisions of the tribal gaming oversight act; (B) employ persons for those positions; and (C) perform such other duties as required by tribal-state gaming compacts.

(b) (1) The executive director may appoint a director of *enforcement and compliance* to serve at the pleasure of the executive director. Before appointing any person as director of *enforcement and compliance*, the executive director shall cause the Kansas bureau of investigation to conduct a criminal history record check and background investigation of the person.

(2) The director of *enforcement and compliance* shall: (A) Be in the unclassified service under the Kansas civil service act; (B) devote full time to the director's assigned duties; (C) receive such compensation as determined by the executive director, subject to the limitations of appropriations therefor; (D) be a citizen of the United States and an actual resident of Kansas during employment as director of *enforcement and compliance*; (E) not have been convicted of a felony under the laws of any state or of the United States prior to and during employment as director of *enforcement and compliance*; and (F) if vested with law enforcement powers, have been a professional law enforcement officer with a minimum of five years' experience in the field of law enforcement and at least a bachelor's degree in law enforcement administration, law, criminology or a related science or, in lieu thereof, a minimum of 10 years' experience in the field of law enforcement.

(3) The director of *enforcement and compliance* shall: (A) *Be vested with law enforcement authority*;

(B) conduct investigations relating to compliance with the provisions

of tribal-state gaming compacts and the provisions of the tribal gaming oversight act;

(B) (C) recommend proper compliance measures to tribal gaming commissions;

(C) (D) train and supervise such personnel as employed by the executive director to assist with such duties; and

(D) (E) perform such other duties as directed by the executive director.

(c) (1) The executive director may appoint *compliance inspectors enforcement agents*. Before appointing any person as a *compliance inspector enforcement agent*, the executive director shall cause the Kansas bureau of investigation to conduct a criminal history record check and background investigation of the person.

(2) Each *compliance inspector enforcement agent* shall: (A) *Be vested with law enforcement authority*;

(B) be in the classified service under the Kansas civil service act;

(B) (C) not have been convicted of a felony under the laws of any state or of the United States prior to or during employment as *compliance inspector enforcement agent*; and (C) if vested with law enforcement powers;

(D) be a professional law enforcement officer with a minimum of two years' experience in the field of law enforcement or, in lieu thereof, a bachelor's degree from an accredited university or college.

(3) *Compliance inspectors Enforcement agents* shall: (A) Conduct investigations relating to compliance with the provisions of tribal-state gaming compacts or the provisions of the tribal gaming oversight act; and (B) perform such other duties as directed by the executive director or the director of *enforcement and compliance*.

Sec. 9. K.S.A. 1997 Supp. 74-9806 is hereby amended to read as follows: 74-9806. (a) ~~Employees of the state gaming agency designated by the executive director~~ *The director of enforcement and compliance and all enforcement agents* are hereby vested with the power and authority of law enforcement officers in the execution of the duties imposed upon the state gaming agency by the provisions of the tribal gaming oversight act and tribal-state gaming compacts.

(b) ~~Employees designated pursuant to subsection (a) and~~ shall have the authority to:

(1) Make arrests, conduct searches and seizures and carry firearms while investigating violations of this act and during routine conduct of their duties as determined by the executive director;

(2) make arrests, conduct searches and seizures and generally enforce all criminal laws of the state as violations of such laws are encountered by such employees during the routine performance of their duties; and

(3) issue notices to appear pursuant to K.S.A. 22-2408, and amendments thereto.

(e) (b) No employee of the state gaming agency shall be certified to carry firearms under the provisions of this section without having first successfully completed the firearms training course or courses prescribed for law enforcement officers under subsection (a) of K.S.A. 74-5604a, and amendments thereto. The executive director may adopt rules and regulations prescribing other training required for such employees.

(d) (c) It shall be the duty of the Kansas bureau of investigation to conduct, or assist *compliance enforcement* personnel of the state gaming agency and other law enforcement agencies in conducting, investigations of violations of tribal-state gaming compacts, criminal violations of the laws of this state at tribal gaming facilities, criminal violations of the tribal gaming oversight act and other criminal activities related to tribal gaming. Such duty may be performed independently of or in conjunction with employees of the state gaming agency designated pursuant to this section or tribal gaming commission inspectors. Employees of the state gaming agency shall report immediately any criminal violations of the tribal gaming oversight act and any criminal activities or suspected criminal activities at tribal gaming facilities to the Kansas bureau of investigation. Employees of the Kansas bureau of investigation shall report any violations or suspected violations of the tribal gaming oversight act to the executive director or to employees of the state gaming agency designated pursuant to this section.

Sec. 10. K.S.A. 74-8809 and 74-8811 and K.S.A. 1997 Supp. 74-8802, 74-8802, as amended by section 1 of 1998 House Bill No. 3028, 74-8802a, 74-8802b, 74-8810, 74-8813a, 74-8816, 74-8831, 74-8836, 74-9804 and 74-9806 are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register May 21, 1998.)

HOUSE BILL No. 3036

AN ACT concerning municipalities; relating to special revenue bonds; amending K.S.A. 1997 Supp. 12-1771, as amended by section 2 of 1998 House Bill No. 2631 and 12-1775, as amended by section 4 of 1998 House Bill No. 2631, and repealing the existing sections; also repealing K.S.A. 1997 Supp. 12-1771, as amended by section 1 of 1998 Senate Bill No. 672 and 12-1775, as amended by section 2 of 1998 Senate Bill No. 672.

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

Section 1. K.S.A. 1997 Supp. 12-1771, as amended by section 2 of 1998 House Bill No. 2631, is hereby amended to read as follows: 12-1771. (a) No city shall exercise any of the powers conferred by K.S.A. 12-1770 *et seq.*, and amendments thereto, unless the governing body of such city has adopted a resolution finding that the specific project area sought to be redeveloped is a blighted area, a conservation area, a major tourism area as defined in K.S.A. 12-1774, and amendments thereto, or was designated prior to July 1, 1992, as an enterprise zone pursuant to K.S.A. 12-17,110 prior to its repeal, and the conservation, development or redevelopment of such area is necessary to promote the general and economic welfare of such city. Enterprise zones designated prior to July 1, 1992, may be enlarged by the city to an area not exceeding 25% of the city's land area upon a finding by the secretary of the department of commerce and housing that a redevelopment project proposed by the city which requires the enlargement is of statewide importance and that it will meet the criteria specified in subsection (a)(1)(D) of K.S.A. 12-1774, and amendments thereto. For the purpose of this subsection, the term "blighted area" means an area which: (1) Because of the presence of a majority of the following factors, substantially impairs or arrests the sound development and growth of the municipality or constitutes an economic or social liability or is a menace to the public health, safety, morals or welfare in its present condition and use: (A) A substantial number of deteriorated or deteriorating structures; (B) predominance of defective or inadequate street layout; (C) unsanitary or unsafe conditions; (D) deterioration of site improvements; (E) diversity of ownership; (F) tax or special assessment delinquency exceeding the fair value of the land; (G) defective or unusual conditions of title; (H) improper subdivision or obsolete platting or land uses; (I) the existence of conditions which endanger life or property by fire and other causes; or (J) conditions which create economic obsolescence; or (2) has been identified by any state or federal environmental agency as being environmentally contaminated to an extent that requires a remedial investigation, feasibility study and remediation or other similar state or federal action; or (3) previously was found by resolution of the governing body to be a slum or a blighted area under K.S.A. 17-4742 *et seq.*, and amendments thereto.

For the purpose of this subsection, conservation area means any improved area within the corporate limits of a city in which 50% or more of the structures in the area have an age of 35 years or more, which area is not yet blighted, but may become a blighted area due to the existence of a combination of two or more of the following factors: (i) Dilapidation, obsolescence or deterioration of the structures; (ii) illegal use of individual structures; (iii) the presence of structures below minimum code standards; (iv) building abandonment; (v) excessive vacancies; (vi) overcrowding of structures and community facilities; or (vii) inadequate utilities and infrastructure. Not more than 15% of the land area of a city may be found to be a conservation area.

(b) The powers conferred upon cities under the provisions of K.S.A. 12-1770 *et seq.*, and amendments thereto, shall be exercised by cities, as determined by resolution adopted pursuant to K.S.A. 12-1772, and amendments thereto, (1) in enterprise zones designated prior to July 1, 1992, including any area added to such enterprise zone after July 1, 1992, pursuant to subsection (a), (2) in blighted areas of cities and counties described by subsection (a)(2), (3) in conservation areas of cities, (4) in major tourism areas as defined in K.S.A. 12-1774 and amendments thereto or (5) in blighted areas of cities, as determined by resolution adopted pursuant to K.S.A. 17-4742 *et seq.*, and amendments thereto.

(c) Within that portion of the city described in subsection (b), the governing body of a city may establish a district to be known as a "redevelopment district". Within that portion of a city and county described in subsection (b) excluding paragraph (3) of subsection (b), the governing body of the city, upon written consent of the board of county commissioners, may establish a district inclusive of land outside the boundaries of the city to be known as a redevelopment district. In all such cases, the board of county commissioners, prior to providing written consent, shall be subject to the same procedure for public notice and hearing as is

required of a city pursuant to subsection (d) for the establishment of a redevelopment district. One or more redevelopment projects may be undertaken by a city within a redevelopment district after such redevelopment district has been established in the manner provided by subsection (d).

(d) Any city proposing to establish a redevelopment district shall adopt a resolution stating that the city is considering the establishment of a redevelopment district. Such resolution shall:

(1) Give notice that a public hearing will be held to consider the establishment of a redevelopment district and fix the date, hour and place of such public hearing;

(2) describe the proposed boundaries of the redevelopment district;

(3) describe a proposed comprehensive plan that identifies all of the proposed redevelopment project areas and that identifies in a general manner all of the buildings and facilities that are proposed to be constructed or improved in each redevelopment project area;

(4) state that a description and map of the proposed redevelopment district are available for inspection at a time and place designated;

(5) state that the governing body will consider findings necessary for the establishment of a redevelopment district.

Notice shall be given as provided in subsection (c) of K.S.A. 12-1772, and amendments thereto.

(e) Upon the conclusion of the public hearing, the governing body may adopt a resolution to make any findings required by subsection (a) and may establish the redevelopment district by ordinance. Such resolution shall contain a comprehensive plan that identifies all of the proposed redevelopment project areas and identifies in a general manner all of the buildings and facilities that are proposed to be constructed or improved in each redevelopment project area. The boundaries of such district shall not include any area not designated in the notice required by subsection (d). *Subject to the provisions of section 4 of 1998 Senate Bill No. 672, and amendments thereto*, any addition of area to the redevelopment district or any substantial change to the comprehensive plan shall be subject to the same procedure for public notice and hearing as is required for the establishment of the district. The boundaries of any such district in a major tourism area including an auto race track facility located in Wyandotte county, shall, without regard to that portion of the district pertaining to the auto race track facility, be as follows: Beginning at the intersection of Interstate 70 and Interstate 435; West along Interstate 70 to 118th Street; North along 118th Street to State Avenue; Northeasterly along proposed relocated State Avenue to 110th Street; North along 110th Street to Parallel Parkway; East along Parallel Parkway to Interstate 435; South along Interstate 435 to Interstate 70.

(f) No privately owned property subject to ad valorem taxes shall be acquired and redeveloped under the provisions of K.S.A. 12-1770 *et seq.*, and amendments thereto, if the board of county commissioners or the board of education levying taxes on such property determines by resolution adopted within 30 days following the conclusion of the hearing for the establishment of the redevelopment district required by subsection (d) that the proposed redevelopment district will have an adverse effect on such county or school district.

(g) Any redevelopment plan undertaken within the redevelopment district may be in separate development stages. Each plan shall be adopted according to the provisions of K.S.A. 12-1772, and amendments thereto, and shall fix a date for completion. Except as provided herein, any project shall be completed within 20 years from the date of the establishment of the redevelopment district of transmittal of the redevelopment plan or a revision of the plan, as authorized by section 4 of 1998 Senate Bill No. 672, and amendments thereto, to the county pursuant to K.S.A. 12-1776, and amendments thereto. Projects relating to environmental investigation and remediation under subsection (i) shall be completed within 20 years from the date a city enters into a consent decree agreement with the Kansas department of health and environment or the United States environmental protection agency. A redevelopment project in a major tourism area for an auto race track facility described in subsection (a)(1)(D) of K.S.A. 12-1774, and amendments thereto, shall be completed within 30 years from the date the secretary of commerce and housing makes the finding that the redevelopment project will create a major tourism area pursuant to subsection (a)(1)(D) of K.S.A. 12-1774, and amendments thereto.

(h) Any increment in ad valorem property taxes resulting from a redevelopment district undertaken in accordance with the provisions of this act, shall be apportioned to a special fund for the payment of the cost of the redevelopment project, including the payment of principal and inter-

est on any special obligation bonds or full faith and credit tax increment bonds issued to finance such project pursuant to this act and may be pledged to the payment of principal and interest on such bonds. The maximum maturity on bonds issued to finance projects pursuant to this act shall not exceed 20 years except that: (1) Such maximum period of special obligation bonds not payable from revenues described by subsection (a)(1)(D) of K.S.A. 12-1774, and amendments thereto, issued to finance an auto race track facility shall not exceed 30 years; and (2) such maximum period, if the governor determines and makes and submits a finding to the speaker of the house of representatives and the president of the senate that a maturity greater than 20 years, but in no event exceeding 30 years, is necessary for the economic feasibility of the financing of an auto race track facility with special obligation bonds payable primarily from revenues described by subsection (a)(1)(D) of K.S.A. 12-1774, and amendments thereto, may be extended in accordance with such determination and finding.

For the purposes of this act, "increment" means that amount of ad valorem taxes collected from real property located within the redevelopment district that is in excess of the amount which is produced from such property and attributable to the assessed valuation of such property prior to the date the redevelopment district was established, as determined under the provisions of K.S.A. 12-1775 plan or revision of the plan, as authorized by section 4 of 1998 Senate Bill No. 672, and amendments thereto, is transmitted to the county pursuant to K.S.A. 12-1776, and amendments thereto.

(i) The governing body of a city, in contracts entered into with the Kansas department of health and environment or the United States environmental protection agency, may pledge increments receivable in future years to pay costs directly relating to the investigation and remediation of environmentally contaminated areas. The provisions in such contracts pertaining to pledging increments in future years shall not be subject to K.S.A. 10-1101 *et seq.* or 79-2925 *et seq.*, and amendments thereto.

(j) Before any redevelopment project is undertaken, a comprehensive feasibility study, which shows the benefits derived from such project will exceed the costs and that the income therefrom will be sufficient to pay for the project shall be prepared. Such feasibility study shall be an open public record.

(k) If a city determines that revenues from sources other than property taxes will be sufficient to pay any special obligation bonds issued to finance a redevelopment project for an auto race track facility described in subsection (a)(1)(D) of K.S.A. 12-1774, and amendments thereto, which the secretary of commerce and housing makes a finding that such project will create a major tourism area pursuant to subsection (a)(1)(D) of K.S.A. 12-1774, and amendments thereto, all property, both real and personal property, constituting an auto race track facility described in subsection (a)(1)(D) of K.S.A. 12-1774, and amendments thereto, in such redevelopment district shall be exempt from property taxation for a period ending on the earlier of (1) the date which is 30 years after the date of the finding by the secretary of commerce and housing with respect to such major tourism area; or (2) the date on which no such special obligation bonds issued to finance such auto race track facility in a major tourism area remain outstanding.

(l) Any major tourism area may include an additional area not exceeding 400 acres of additional property, excluding roads and highways, in addition to the property necessary for the auto race track facility upon a finding by the governor that the development plan and each project within such additional area will enhance the major tourism area. For the development of each project within such additional area the city shall select qualified developers pursuant to a request for proposals in accordance with written official procedures approved by the governing body of the city. Any project within such additional area that is financed in whole or in part by special obligation bonds payable from revenues derived from subsection (a)(1)(D) of K.S.A. 12-1774, and amendments thereto, shall not be entitled to any real property tax abatements or the revenues described in K.S.A. 12-1775, and amendments thereto. Any project within such additional area must be approved by the governor and construction must be commenced by July 1, 2002. The city shall prepare and submit annually to the governor, the secretary of commerce and housing and the legislature by each October 1, commencing October 1, 1999 and continuing until October 1, 2002, a report describing the status of any projects within such additional area. Any business located in Kansas within 50 miles of a major tourism area that relocates into a major tourism area shall not receive any of the benefits of K.S.A. 12-1770 *et seq.*, and amendments thereto.

Sec. 2. K.S.A. 1997 Supp. 12-1775, as amended by section 4 of 1998 House Bill No. 2631, is hereby amended to read as follows: 12-1775. (a) For the purposes of this act, the term:

(1) "Taxing subdivision" shall include means the county, the city, the unified school district and any other taxing subdivision levying real property taxes, the territory or jurisdiction of which includes any currently existing or subsequently created redevelopment district. The term, and

(2) "real property taxes" includes means all taxes levied on an ad valorem basis upon land and improvements thereon.

(b) Except for redevelopment projects satisfying the conditions of subsection (k) of K.S.A. 12-1771 hereof, and amendments thereto, all tangible taxable property located within a redevelopment district shall be assessed and taxed for ad valorem tax purposes pursuant to law in the same manner that such property would be assessed and taxed if located outside such district, and all ad valorem taxes levied on such property shall be paid to and collected by the county treasurer in the same manner as other taxes are paid and collected. Except as otherwise provided in this section, the county treasurer shall distribute such taxes as may be collected in the same manner as if such property were located outside a redevelopment district. Each redevelopment district established under the provisions of this act shall constitute a separate taxing unit for the purpose of the computation and levy of taxes.

(c) Except for redevelopment projects satisfying the conditions of subsection (k) of K.S.A. 12-1771 hereof, and amendments thereto, beginning with the first payment of taxes which are levied following the date of approval of any redevelopment district established the redevelopment plan or revision of the plan, as authorized by section 4 of 1998 Senate Bill No. 672, and amendments thereto, to the county pursuant to K.S.A. 12-1771 12-1776, and amendments thereto, real property taxes received by the county treasurer resulting from taxes which are levied subject to the provisions of this act by and for the benefit of a taxing subdivision, as herein defined, on property located within such redevelopment district constituting a separate taxing unit under the provisions of this section, shall be divided as follows:

(1) From the taxes levied each year subject to the provisions of this act by or for each of the taxing subdivisions upon property located within a redevelopment district constituting a separate taxing unit under the provisions of this act, the county treasurer first shall allocate and pay to each such taxing subdivision all of the real property taxes collected which are produced from that portion of the current assessed valuation of such real property located within such separate taxing unit which is equal to the total assessed value of such real property on the date of the establishment of the redevelopment district.

(2) Any real property taxes produced from that portion of the current assessed valuation of real property within the redevelopment district constituting a separate taxing unit under the provisions of this section in excess of an amount equal to the total assessed value of such real property on the effective date of the establishment of the district January 1 in the year preceding transmittal of the redevelopment plan or a revision of the plan, as authorized by section 4 of 1998 Senate Bill No. 672, and amendments thereto, to the county pursuant to K.S.A. 12-1776, and amendments thereto, shall be allocated and paid by the county treasurer to the treasurer of the city and deposited in a special fund of the city to pay the cost of redevelopment projects including the payment of principal of and interest on any special obligation bonds or full faith and credit tax increment bonds issued by such city to finance, in whole or in part, such redevelopment project. When such obligation bonds and interest thereon have been paid, all moneys thereafter received from real property taxes within such redevelopment district shall be allocated and paid to the respective taxing subdivisions in the same manner as are other ad valorem taxes. If such obligation bonds and interest thereon have been paid before the completion of a project, the city may continue to use such moneys for any purpose authorized by this act until such time as the project is completed, but for not to exceed 20 years from the date of the establishment of the redevelopment district transmittal to the county of the redevelopment plan or a revision of the plan as authorized by section 4 of 1998 Senate Bill No. 672, and amendments thereto.

(d) In any redevelopment plan or in the proceedings for the issuing of any special obligation bonds or full faith and credit tax increment bonds by the city to finance a redevelopment project, the property tax increment portion of taxes provided for in paragraph (2) of subsection (c) may be irrevocably pledged for the payment of the principal of and interest on

(continued)

such obligation bonds, subject to the provisions of subsection (h) of K.S.A. 12-1771, and amendments thereto. A city may adopt a redevelopment plan in which only a specified percentage of the tax increment realized from taxpayers in the redevelopment district are pledged to the redevelopment project. The county treasurer shall allocate the specified percentage of the tax increment to the treasurer of the city for deposit in the special fund of the city to finance the cost of redevelopment projects if the city has other available revenues and pledges the revenues to the redevelopment project in lieu of the tax increment. Any portion of such tax increment not allocated to the city for the redevelopment project shall be allocated and paid in the same manner as other ad valorem taxes.

Sec. 3. K.S.A. 1997 Supp. 12-1771, as amended by section 2 of 1998 House Bill No. 2631, 12-1771, as amended by section 1 of 1998 Senate Bill No. 672, 12-1775, as amended by section 4 of 1998 House Bill No. 2631, and 12-1775, as amended by section 2 of 1998 Senate Bill No. 672, are hereby repealed.

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

(Published in the Kansas Register May 21, 1998.)

SENATE BILL No. 510

AN ACT concerning higher education; affecting residence requirements for students enrolling at the state educational institutions; providing for expiration of certain limitations upon determination of out-district tuition and state aid for community colleges; relating to subjects and courses taught by community colleges under agreements with certain state educational institutions; amending K.S.A. 76-729 and K.S.A. 1997 Supp. 71-301 and 71-609 and repealing the existing sections.

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

Section 1. On July 1, 1998, K.S.A. 76-729 shall be and is hereby amended to read as follows: 76-729. (a) Persons enrolling at the state educational institutions under the control and supervision of the state board of regents who, if such persons are adults, have not been domiciliary residents of the state of Kansas or, if such persons are minors, whose parents have not been domiciliary residents of the state of Kansas for at least 12 months prior to enrollment for any term or session at a state educational institution are nonresidents residents for fee purposes. A person who has been a resident of the state of Kansas for fee purposes and who leaves the state of Kansas to become a resident of another state or country shall retain status as a resident of the state of Kansas for fee purposes if the person returns to domiciliary residency in the state of Kansas within 12 months of departure. All other persons are nonresidents of the state of Kansas for fee purposes.

(b) The state board of regents may authorize the following persons, or any class or classes thereof, and their spouses and dependents to pay an amount equal to resident fees:

- (1) Persons who are employees of a state educational institution;
- (2) persons who are in military service;
- (3) persons who are domiciliary residents of the state, who were in active military service prior to becoming domiciliary residents of the state, who were present in the state for a period of not less than two years during their tenure in active military service, whose domiciliary residence was established in the state within 30 days of discharge or retirement from active military service under honorable conditions, but whose domiciliary residence was not timely enough established to meet the residence duration requirement of subsection (a);
- (4) persons having special domestic relations circumstances;
- (5) persons who have lost their resident status within six months of enrollment;
- (6) persons who are not domiciliary residents of the state, who have graduated from a high school accredited by the state board of education within six months of enrollment, who were domiciliary residents of the state at the time of graduation from high school or within 12 months prior to graduation from high school, and who are entitled to admission at a state educational institution pursuant to K.S.A. 72-116; and amendments thereto;
- (7) persons who are domiciliary residents of the state, whose domiciliary residence was established in the state for the purpose of accepting, upon recruitment by an employer, or retaining, upon transfer required by an employer, a position of full-time employment at a place of employment in Kansas, but the domiciliary residence of whom was not timely

enough established to meet the residence duration requirement of subsection (a), and who are not otherwise eligible for authorization to pay an amount equal to resident fees under this subsection; and

(8) persons who have graduated from a high school accredited by the state board of education within six months of enrollment and who, at the time of graduation from such a high school or while enrolled and in attendance at such a high school prior to graduation therefrom, were dependents of a person in military service within the state; if the person, whose dependent is eligible for authorization to pay an amount equal to resident fees under this provision, does not establish domiciliary residence in the state upon retirement from military service, eligibility of the dependent for authorization to pay an amount equal to resident fees shall lapse.

(c) As used in this section:

(1) "Parents" means and includes natural parents, adoptive parents, stepparents, guardians and custodians.

(2) "Guardian" has the meaning ascribed thereto by K.S.A. 59-3002, and amendments thereto.

(3) "Custodian" means a person, agency or association granted legal custody of a minor under the Kansas code for care of children.

(4) "Domiciliary resident" means a person who has present and fixed residence in Kansas where the person intends to remain for an indefinite period and to which the person intends to return following absence.

(5) "Full-time employment" means employment requiring at least 1,500 hours of work per year.

Sec. 2. On July 1, 1998, K.S.A. 71-301 shall be and is hereby amended to read as follows: 71-301. (a) The board of trustees shall charge to and collect from each student tuition at rates per credit hour enrolled which shall be established by the board of trustees.

(b) The board of trustees, in accordance with rules and regulations of the state board, shall determine an amount of out-district tuition to be charged for each out-district student attending the community college. The board of county commissioners of any county charged with payment of out-district tuition shall levy a tax on all of the taxable property of the county sufficient to pay all out-district tuition charges authorized by this act. The proceeds from the tax levied under authority of this section shall be deposited in a special fund for payment of out-district tuition. Upon receiving a statement of charges for out-district tuition, the board of county commissioners shall allow and pay the same from the special fund within 45 days from the receipt of such statement. If there is insufficient or no money in the special fund, out-district tuition shall be paid from the county general fund or from the proceeds of the sale of no-fund warrants issued for the purpose of the payment of out-district tuition. If the board of county commissioners fails to pay such amount at the time required under this subsection, the board of trustees shall notify the state board of such failure to pay and shall certify to the state board the amount to be paid. Upon receipt by the state board of such notification, the amount to be paid as certified to the state board shall become an amount due and owing to the state board. The state board shall notify the board of county commissioners that this amount is now due and owing to the state board. If the board of county commissioners fails to pay such amount to the state board within 14 days of the receipt of such notification, the state board shall initiate proceedings under K.S.A. 75-6201 *et seq.* for the collection of such money. Money paid to or collected by the state board under this subsection shall be deposited in the out-district tuition suspense account which is hereby created in the state treasury. The state board shall pay moneys from this account, in accordance with rules and regulations of the state board, to the community colleges entitled to receive such money.

(c) The total out-district tuition charged by a community college shall be an amount equal to the number of duly enrolled out-district students times \$24 for each credit hour of each such student.

(d) (1) Out-district tuition shall only be charged for credit hours of out-district students if such students, as determined by the state board, have not more than 64 credit hours from any institution of postsecondary education or the students have not more than 72 credit hours and are enrolled in terminal type nursing courses or freshman-sophomore level preengineering courses.

(2) The credit hour limitations prescribed by provision (1) of this subsection do not apply to credit hours of out-district students if such students, as determined by the state board, are enrolled in an approved vocational education program at a community college for the purpose of

receiving vocational or technical training or retraining in preparation for general employment.

(3) *The provisions of this subsection shall expire on June 30, 1999.*

(e) In May of each fiscal year, the board of trustees shall notify the board of county commissioners of the approximate amount of out-district tuition which will be charged to the county in the succeeding fiscal year.

(f) Expenditures for out-district tuition shall be exempt from the budget law of this state to the extent of such payments not anticipated in the budget of the county.

Sec. 3. K.S.A. 1997 Supp. 71-609 is hereby amended to read as follows: 71-609. (a) No out-district tuition charges, no out-district state aid entitlement, no credit-hour state aid entitlement, and no general state aid entitlement shall be based upon credit hours in any subject or course the principal part of which is taught at a location outside the county of the main campus of the community college, unless the location of such subject or course is specifically authorized by the state board of education.

(b) (1) No out-district tuition charges and no out-district state aid entitlement shall be based upon credit hours in any subject or course which is taught in a county in which the main campus of a state educational institution is located, unless the teaching of such subject or course is specifically authorized by the chief executive officer of the state educational institution or by a designee of the chief executive officer. The chief executive officer of each state educational institution may designate and authorize a person or committee to act on behalf of the chief executive officer in granting the authorizations required by this subsection. No authorization required by this subsection shall be considered to be or construed in any manner as an agreement provided for by subsection (c).

(2) For the purposes of this subsection, the term "main campus of a state educational institution" as applied to Kansas state university of agriculture and applied science means and includes the campus of the university located in Riley county and the campus of the university's college of technology located in Saline county.

(3) The provisions of this subsection are subject to the provisions of subsection (c).

(c) (1) No out-district tuition charges shall be based upon credit hours in any subject or course all or the principal part of which is taught at Fort Hays state university or at Wichita state university under an agreement for the teaching of such subject or course entered into by a community college and either such university. An agreement entered into under the provisions of this subsection for the teaching of a subject or course by a community college at Fort Hays state university or at Wichita state university shall constitute the authorization required by subsection (b) for the teaching of such subject or course, and no separate authorization under subsection (b) shall be required.

(2) The provisions of this subsection shall expire on June 30, 1998 2000, unless amended by act of the legislature prior to such date.

Sec. 4. K.S.A. 1997 Supp. 71-609 is hereby repealed.

Sec. 5. On July 1, 1998, K.S.A. 76-729 and K.S.A. 1997 Supp. 71-301 shall be and are hereby repealed.

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

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. This cumulative index supplements the index to the 1997 Volumes of the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-2-8	Amended	V. 16, p. 1178
1-2-14	Amended	V. 16, p. 1178
1-2-35	Amended	V. 16, p. 1178
1-2-68	Revoked	V. 16, p. 1178
1-5-7	Amended	V. 16, p. 1665
1-5-8	Amended	V. 16, p. 1665
1-5-12	Revoked	V. 16, p. 1666
1-5-13	Amended	V. 16, p. 1666
1-5-19c	Amended	V. 16, p. 1666
1-6-2	Amended	V. 16, p. 1178
1-6-8	Amended	V. 16, p. 1179
1-6-21	Amended	V. 16, p. 1179
1-6-22	Revoked	V. 16, p. 1179
1-6-27	Amended	V. 16, p. 1179
1-6-29	Amended	V. 16, p. 1666
1-6-33	Amended	V. 16, p. 973
1-7-11	Amended	V. 16, p. 1667
1-9-2	Amended	V. 16, p. 973
1-9-7b	Amended	V. 16, p. 1668
1-9-7c	Amended	V. 16, p. 974
1-9-13	Amended	V. 16, p. 974
1-9-17	Revoked	V. 16, p. 975
1-9-26	Amended	V. 16, p. 975
1-9-27	Amended	V. 16, p. 976
1-10-7	Amended	V. 16, p. 1667
1-13-1a	Amended	V. 16, p. 977
1-14-12a	New	V. 16, p. 170
1-16-2a	Amended	V. 16, p. 1210
1-16-2b	Amended	V. 16, p. 1210
1-16-2d	Revoked	V. 16, p. 1211
1-16-2e	Amended	V. 16, p. 1211
1-16-18	Amended	V. 16, p. 1211

1-18-1a Amended V. 16, p. 1212
1-63-2 Amended V. 16, p. 978

AGENCY 4: DEPARTMENT OF AGRICULTURE

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4-7-213a	New	V. 17, p. 171
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4-16-1c	Amended	V. 16, p. 1356
4-17-1a	Amended	V. 16, p. 1357
4-17-1c	Amended	V. 16, p. 1357

AGENCY 7: SECRETARY OF STATE

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7-19-1	Amended	V. 16, p. 821
7-19-2	Amended	V. 16, p. 821
7-19-3	Amended	V. 16, p. 822
7-19-4	Amended	V. 16, p. 822
7-19-7	New	V. 16, p. 822

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9-2-32	Amended	V. 17, p. 36
9-7-3	Amended	V. 17, p. 37
9-7-10	Amended	V. 17, p. 364
9-7-12	Amended	V. 17, p. 37
9-7-14	Amended	V. 17, p. 37
9-7-15	New	V. 17, p. 37
9-7-16	New	V. 17, p. 38
9-7-17	New	V. 17, p. 38
9-7-18	New	V. 17, p. 38
9-10-33 through 9-10-39	New	V. 17, p. 364, 365
9-11-10	Amended	V. 17, p. 38
9-27-1	New	V. 17, p. 38
9-28-1	New	V. 17, p. 39
9-28-2	New	V. 17, p. 39
9-29-1 through 9-29-11	New	V. 17, p. 39-41
9-30-1	New	V. 17, p. 41
9-30-2	New	V. 17, p. 41
9-30-3	New	V. 17, p. 41

AGENCY 10: KANSAS BUREAU OF INVESTIGATION

Reg. No.	Action	Register
10-20-2	Amended	V. 16, p. 1049
10-20-3	Revoked	V. 16, p. 1049

10-20-4 Amended V. 16, p. 1049

AGENCY 16: ATTORNEY GENERAL

Reg. No.	Action	Register
16-9-1	New	V. 16, p. 1078

AGENCY 17: STATE BANKING DEPARTMENT

Reg. No.	Action	Register
17-22-1	Amended	V. 16, p. 1775

AGENCY 26: DEPARTMENT ON AGING

Reg. No.	Action	Register
26-1-7	Amended	V. 16, p. 1775
26-3-4	Amended	V. 16, p. 1776
26-3-7	Revoked	V. 16, p. 1776
26-4-1	Amended	V. 16, p. 1776
26-4-2	Revoked	V. 16, p. 1777
26-4-3	Revoked	V. 16, p. 1777
26-4-4	Revoked	V. 16, p. 1777
26-4-5 through 26-4-15	New	V. 16, p. 1777-1780
26-4a-1	New	V. 16, p. 1780
26-5-3	Amended	V. 16, p. 1780
26-5-6	Amended	V. 16, p. 1780
26-8-8	Amended	V. 16, p. 1781
26-8-9	Amended	V. 16, p. 1782
26-8-10	Revoked	V. 16, p. 1782
26-8-11	Revoked	V. 16, p. 1782
26-10-1	New	V. 16, p. 1782

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-1-2	Amended	V. 16, p. 1848
28-1-6	Amended	V. 16, p. 1354
28-1-8	Revoked	V. 16, p. 1355
28-1-13	Amended	V. 17, p. 461
28-1-18	Amended	V. 16, p. 1848
28-4-400	Amended	V. 16, p. 1420
28-4-401	Amended	V. 16, p. 1421
28-4-403	Amended	V. 16, p. 1421
28-4-404	Amended	V. 16, p. 1422
28-4-405	Amended	V. 16, p. 1422
28-4-405a	Amended	V. 16, p. 1424
28-4-405b	Amended	V. 16, p. 1424
28-4-406	Amended	V. 16, p. 1424
28-4-407	Amended	V. 16, p. 1424
28-4-408	Amended	V. 16, p. 1425
28-4-410	Amended	V. 16, p. 1425
28-4-411	Amended	V. 16, p. 1425

(continued)

40-2-24	New	V. 16, p. 482
40-2-25	New	V. 16, p. 1988
40-2-26	New	V. 16, p. 1988
40-3-5	Amended	V. 16, p. 686
40-3-26	Amended	V. 16, p. 686
40-3-27	Amended	V. 16, p. 686
40-3-49	Amended	V. 16, p. 686
40-4-36	Amended	V. 17, p. 689
40-4-41c	Amended	V. 16, p. 686
40-7-20a	Amended	V. 16, p. 483
40-7-21	Amended	V. 16, p. 484
40-8-7	Amended	V. 16, p. 687
40-10-2	Amended	V. 16, p. 1626
40-10-10	Amended	V. 16, p. 1626

AGENCY 44: DEPARTMENT OF CORRECTIONS

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

AGENCY 45: KANSAS PAROLE BOARD

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

AGENCY 47: DEPARTMENT OF HEALTH AND ENVIRONMENT (MINED-LAND CONSERVATION AND RECLAMATION)

Reg. No.	Action	Register
47-1-1	Revoked	V. 16, p. 585
47-1-3	Amended	V. 16, p. 585
47-1-4	Revoked	V. 16, p. 585
47-1-8	Amended	V. 16, p. 585
47-1-9	Amended	V. 16, p. 586
47-1-10	Revoked	V. 16, p. 586
47-1-11	Amended	V. 16, p. 586
47-2-14	Revoked	V. 16, p. 586
47-2-21	Amended	V. 16, p. 586
47-2-53	Amended	V. 16, p. 586
47-2-53a	Amended	V. 16, p. 586
47-2-58	Amended	V. 16, p. 586
47-2-64	Amended	V. 16, p. 586
47-2-67	Amended	V. 16, p. 587
47-2-74	Amended	V. 16, p. 587
47-2-75	Amended	V. 16, p. 587
47-3-1	Amended	V. 16, p. 587
47-3-2	Amended	V. 16, p. 588
47-3-3a	Amended	V. 16, p. 588
47-3-42	Amended	V. 16, p. 588
47-4-14a	Amended	V. 16, p. 590
47-4-15	Amended	V. 16, p. 595
47-4-16	Amended	V. 16, p. 598
47-4-17	Amended	V. 16, p. 598
47-5-5a	Amended	V. 16, p. 599
47-5-16	Amended	V. 16, p. 601
47-6-1	Amended	V. 16, p. 601
47-6-2	Amended	V. 16, p. 601
47-6-3	Amended	V. 16, p. 601
47-6-4	Amended	V. 16, p. 602
47-6-6	Amended	V. 16, p. 602
47-6-7	Amended	V. 16, p. 602
47-6-8	Amended	V. 16, p. 603
47-6-9	Amended	V. 16, p. 603
47-6-10	Amended	V. 16, p. 603
47-7-2	Amended	V. 16, p. 603
47-8-9	Amended	V. 16, p. 604
47-8-11	Amended	V. 16, p. 604
47-9-1	Amended	V. 16, p. 604
47-9-2	Amended	V. 16, p. 607
47-9-4	Amended	V. 16, p. 607
47-10-1	Amended	V. 16, p. 608
47-11-8	Amended	V. 16, p. 608
47-12-4	Amended	V. 16, p. 608
47-13-4	Amended	V. 16, p. 609
47-13-5	Amended	V. 16, p. 609
47-13-6	Amended	V. 16, p. 610
47-14-7	Amended	V. 16, p. 610
47-15-1a	Amended	V. 16, p. 610
47-15-3	Amended	V. 16, p. 611
47-15-4	Amended	V. 16, p. 611
47-15-7	Amended	V. 16, p. 611
47-15-8	Amended	V. 16, p. 611
47-15-15	Amended	V. 16, p. 612
47-15-17	Amended	V. 16, p. 612
47-16-1	through	
47-16-8	Amended	V. 16, p. 612-614
47-16-9	New	V. 16, p. 614
47-16-10	New	V. 16, p. 614
47-16-11	New	V. 16, p. 614

AGENCY 48: DEPARTMENT OF HUMAN RESOURCES—EMPLOYMENT SECURITY BOARD OF REVIEW

Reg. No.	Action	Register
48-1-4	Amended	V. 17, p. 628

AGENCY 49: DEPARTMENT OF HUMAN RESOURCES

Reg. No.	Action	Register
49-49-1	Amended	V. 16, p. 1120

AGENCY 50: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF EMPLOYMENT

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

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

Reg. No.	Action	Register
51-1-22	Revoked	V. 17, p. 628
51-2-4	Amended	V. 17, p. 628
51-2-5	Amended	V. 17, p. 629
51-3-1	Amended	V. 17, p. 629
51-3-5	Amended	V. 17, p. 629
51-3-5a	Amended	V. 17, p. 629
51-3-6	Amended	V. 17, p. 630
51-3-8	Amended	V. 17, p. 630
51-3-17	Revoked	V. 17, p. 631
51-4-1	Revoked	V. 17, p. 631
51-7-5	Revoked	V. 17, p. 631
51-7-6	Revoked	V. 17, p. 631
51-7-8	Amended	V. 17, p. 631
51-8-2		
51-8-7	Revoked	V. 17, p. 631
51-8-9	Revoked	V. 17, p. 631
51-8-10	Revoked	V. 17, p. 631
51-9-5	Amended	V. 17, p. 632
51-9-7	Amended	V. 16, p. 1329
51-9-10	Amended	V. 17, p. 632
51-9-11	Amended	V. 17, p. 632
51-9-12	New	V. 17, p. 632
51-9-13	New	V. 17, p. 633
51-9-14	New	V. 17, p. 634
51-10-6	Amended	V. 17, p. 634
51-12-2	New	V. 17, p. 635
51-13-1	Amended	V. 17, p. 635
51-15-2	Amended	V. 17, p. 635
51-17-2	New	V. 17, p. 635
51-18-2	Amended	V. 17, p. 636
51-18-3		
51-18-6	New	V. 17, p. 637
51-19-1	Amended	V. 17, p. 637
51-21-1	Amended	V. 17, p. 637
51-24-1	Amended	V. 17, p. 637
51-24-2	Revoked	V. 17, p. 637
51-24-7	Revoked	V. 17, p. 637

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-1-104	New	V. 16, p. 436
60-2-101	Amended	V. 16, p. 437
60-2-102		
60-2-108	New	V. 16, p. 437-440
60-3-106	Amended	V. 16, p. 440
60-3-106a	Amended	V. 17, p. 357
60-3-107	Amended	V. 17, p. 357
60-3-112	New	V. 17, p. 357
60-4-101	Amended	V. 17, p. 358
60-7-109	New	V. 17, p. 358
60-7-110	New	V. 17, p. 358
60-8-101	Amended	V. 17, p. 358
60-9-105	Amended	V. 17, p. 358
60-9-106	Amended	V. 17, p. 359
60-9-107	Amended	V. 17, p. 360
60-11-119	Amended	V. 17, p. 361
60-11-120	New	V. 17, p. 361
60-11-121	New	V. 17, p. 361

AGENCY 63: BOARD OF MORTUARY ARTS

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

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-5-6	Amended	V. 16, p. 300
65-5-9	New	V. 16, p. 249
65-5-10	New	V. 16, p. 250
65-10-1	Amended	V. 16, p. 1176

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

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

AGENCY 68: BOARD OF PHARMACY

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

AGENCY 69: BOARD OF COSMETOLOGY

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

AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS

Reg. No.	Action	Register
70-1-1	Amended	V. 16, p. 173
70-1-6	New	V. 16, p. 441
70-2-1	Revoked	V. 16, p. 173
70-2-2	Revoked	V. 16, p. 173
70-2-3	Revoked	V. 16, p. 173
70-4-1		
70-4-7	Revoked	V. 16, p. 173
70-4-8	New	V. 16, p. 441
70-4-9	New	V. 16, p. 443
70-4-10	New	V. 16, p. 443
70-5-1	Amended	V. 16, p. 173
70-7-1	New	V. 16, p. 173
70-8-1	New	V. 16, p. 174
70-9-1	New	V. 16, p. 1289
70-10-1	New	V. 16, p. 175

AGENCY 71: KANSAS DENTAL BOARD

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

AGENCY 74: BOARD OF ACCOUNTANCY

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

AGENCY 75: CONSUMER CREDIT COMMISSIONER

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

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

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

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-3-103a	Amended	V. 16, p. 1332
82-3-120	Amended	V. 16, p. 1332
82-3-120a	New	V. 16, p. 1332

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111-2-69	New	V. 16, p. 2070	111-4-291			111-4-466		
111-2-70	New	V. 17, p. 388	through			through		
111-2-71	New	V. 17, p. 389	111-4-300	Revoked	V. 12, p. 114	111-4-469	Revoked	V. 12, p. 1665
111-2-72	New	V. 17, p. 430	111-4-301			111-4-470		
111-2-73	New	V. 17, p. 467	through			through		
111-3-1	Amended	V. 17, p. 389	111-4-307	Revoked	V. 13, p. 1402	111-4-477	Revoked	V. 16, p. 452, 453
111-3-6	Amended	V. 12, p. 677	111-4-308			111-4-478		
111-3-9	Revoked	V. 11, p. 1793	through			through		
111-3-10			111-4-317	Revoked	V. 16, p. 451	111-4-492	Revoked	V. 14, p. 974, 975
through			111-4-318			111-4-493		
111-3-31	New	V. 7, p. 201-206	through			through		
111-3-11	Amended	V. 13, p. 35	111-4-321	Revoked	V. 12, p. 114	111-4-496	Revoked	V. 16, p. 453
111-3-12	Amended	V. 13, p. 1826	111-4-322			111-4-497		
111-3-13	Amended	V. 17, p. 390	through			through		
111-3-14	Amended	V. 17, p. 391	111-4-327	Revoked	V. 12, p. 1371	111-4-512	Revoked	V. 14, p. 975
111-3-16	Amended	V. 9, p. 1566	111-4-328			111-4-513		
111-3-19	Revoked	V. 13, p. 1827	through			through		
111-3-20	Amended	V. 11, p. 1148	111-4-335	Revoked	V. 12, p. 114	111-4-521	Revoked	V. 16, p. 453
111-3-21	Amended	V. 11, p. 1148	111-4-336			111-4-522		
111-3-22	Amended	V. 11, p. 1148	through			through		
111-3-23	Revoked	V. 10, p. 883	111-4-340	Revoked	V. 16, p. 451	111-4-571	Revoked	V. 14, p. 975-977
111-3-25	Amended	V. 17, p. 392	111-4-341	Revoked	V. 11, p. 1473	111-4-572		
111-3-26	Amended	V. 11, p. 1149	111-4-341a	Revoked	V. 12, p. 1372	through		
111-3-27	Amended	V. 11, p. 1149	111-4-341b	Revoked	V. 16, p. 451	111-4-585	New	V. 13, p. 878-880
111-3-29	Revoked	V. 11, p. 1149	111-4-341c	Revoked	V. 16, p. 451	111-4-572	Amended	V. 16, p. 1044
111-3-31	Amended	V. 8, p. 209	111-4-342			111-4-574	Amended	V. 16, p. 1044
111-3-32	Amended	V. 10, p. 883	through			111-4-575	Amended	V. 16, p. 1044
111-3-33	New	V. 7, p. 1434	111-4-345	Revoked	V. 16, p. 451	111-4-576	Amended	V. 16, p. 1044
111-3-34	New	V. 13, p. 149	111-4-346			111-4-577	Amended	V. 16, p. 1044
111-3-35	Amended	V. 17, p. 430	through			111-4-579	Amended	V. 16, p. 1045
111-3-36	New	V. 13, p. 877	111-4-349	Revoked	V. 12, p. 114	111-4-581	Amended	V. 16, p. 1045
111-3-37	New	V. 13, p. 877	111-4-350			111-4-582	Amended	V. 16, p. 1045
111-4-1			through			111-4-583	Amended	V. 15, p. 883
111-4-5	Revoked	V. 12, p. 113	111-4-355	Revoked	V. 16, p. 452	111-4-584	Amended	V. 16, p. 1045
111-4-5a	Revoked	V. 12, p. 113	111-4-356			through		
111-4-6			through			111-4-606	Revoked	V. 14, p. 977, 978
through			111-4-361	Revoked	V. 14, p. 7	111-4-607		
111-4-15	Revoked	V. 12, p. 113	111-4-362			through		
111-4-66			through			111-4-619	New	V. 13, p. 1436-1438
111-4-77			111-4-365	Revoked	V. 12, p. 114, 115	111-4-607		
111-4-96	New	V. 7, p. 207-209	111-4-366			through		
through			through			111-4-610	Amended	V. 16, p. 1504
111-4-114	New	V. 7, p. 1606-1610	111-4-369	Revoked	V. 12, p. 1373	111-4-611	Amended	V. 14, p. 1407
111-4-100	Amended	V. 14, p. 972	111-4-370			111-4-613	Amended	V. 14, p. 1408
111-4-101			through			111-4-616		
through			111-4-379	Revoked	V. 14, p. 7, 8	through		
111-4-106	Revoked	V. 16, p. 450	111-4-380			111-4-623	Revoked	V. 14, p. 978
111-4-106a	Revoked	V. 16, p. 450	through			111-4-624		
111-4-107			111-4-383	Revoked	V. 12, p. 1664	through		
through			111-4-384			111-4-702	Revoked	V. 16, p. 453-455
111-4-114	Revoked	V. 16, p. 450, 451	through			111-4-703		
111-4-153			111-4-387	Revoked	V. 12, p. 1373	through		
through			111-4-388			111-4-723	New	V. 14, p. 909-914
111-4-160	Revoked	V. 9, p. 1676, 1677	through			111-4-724		
111-4-177			111-4-391	Revoked	V. 12, p. 1373	through		
through			111-4-392			111-4-736	New	V. 14, p. 978-981
111-4-212	Revoked	V. 9, p. 1677, 1678	through			111-4-737		
111-4-213			111-4-400	Revoked	V. 16, p. 252	through		
through			111-4-401			111-4-749	New	V. 14, p. 1095-1098
111-4-220	Revoked	V. 10, p. 1213	through			111-4-750		
111-4-221			111-4-404	Revoked	V. 12, p. 1373	through		
through			111-4-405			111-4-757	New	V. 14, p. 1408, 1409
111-4-224	Revoked	V. 10, p. 1585	through			111-4-758		
111-4-225			111-4-413	Revoked	V. 16, p. 452	through		
through			111-4-414			111-4-761	New	V. 14, p. 1502, 1503
111-4-228	Revoked	V. 10, p. 1585	through			111-4-762		
111-4-229			111-4-428	Revoked	V. 14, p. 8	through		
through			111-4-429			111-4-778	New	V. 14, p. 1410-1414
111-4-236	Revoked	V. 10, p. 1585, 1586	through			111-4-769	Amended	V. 14, p. 1503
111-4-237			111-4-432	Revoked	V. 12, p. 1373	111-4-779		
through			111-4-433			through		
111-4-240	Revoked	V. 11, p. 413	111-4-436	Revoked	V. 12, p. 1374	111-4-791	New	V. 14, p. 1504-1507
111-4-241			111-4-437			111-4-792		
through			111-4-440	Revoked	V. 12, p. 1374	through		
111-4-244	Revoked	V. 12, p. 1371	111-4-441			111-4-803	New	V. 14, p. 1635-1638
111-4-245			through			111-4-804		
through			111-4-444	Revoked	V. 14, p. 8	through		
111-4-248	Revoked	V. 12, p. 1371	111-4-444	Revoked		111-4-816	New	V. 15, p. 116-119
111-4-249			111-4-445			111-4-817		
through			through			through		
111-4-256	Revoked	V. 12, p. 113, 114	111-4-448	Revoked	V. 12, p. 1374	111-4-824	New	V. 15, p. 289, 290
111-4-257			111-4-449			111-4-825		
through			through			through		
111-4-286	Revoked	V. 11, p. 413, 414	111-4-453	Revoked	V. 14, p. 8	111-4-838	New	V. 15, p. 449-452
111-4-287			111-4-454			111-4-839		
through			through			through		
111-4-290	Revoked	V. 12, p. 1371	111-4-465	Revoked	V. 12, p. 1664, 1665	111-4-854	New	V. 15, p. 624-627

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111-4-855 through			111-4-1197 through			111-7-33a New	V. 8, p. 300
111-4-859 New	V. 15, p. 884, 885		111-4-1222 New	V. 17, p. 467-473		111-7-44 through	
111-4-855 Amended	V. 15, p. 1181		111-5-1 through			111-7-54 Revoked	V. 13, p. 340
111-4-860 through			111-5-23 New	V. 7, p. 209-213		111-7-46 Amended	V. 11, p. 1152
111-4-872 New	V. 15, p. 1056-1059		111-5-9 through			111-7-54 Amended	V. 11, p. 1511
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111-4-873 through			111-5-21 through			111-7-63 Revoked	V. 10, p. 1217
111-4-892 New	V. 15, p. 1181-1186		111-5-22 through			111-7-60 Amended	V. 10, p. 262
111-4-881 Amended	V. 16, p. 1505		111-5-23 New	V. 11, p. 415-418		111-7-64 through	
111-4-893 through			111-5-24 Amended	V. 15, p. 291		111-7-75 New	V. 11, p. 13, 14
111-4-910 New	V. 15, p. 1441-1445		111-5-25 Amended	V. 13, p. 1438		111-7-76 Amended	V. 15, p. 1304
111-4-911 through			111-5-26 Amended	V. 16, p. 1814		111-7-66a Revoked	V. 13, p. 340
111-4-918 New	V. 15, p. 1475, 1476		111-5-27 Amended	V. 16, p. 1815		111-7-75 through	
111-4-915 Amended	V. 15, p. 1954		111-5-28 Amended	V. 16, p. 1815		111-7-78 Amended	V. 15, p. 1188
111-4-918 Amended	V. 15, p. 1954		111-5-29 Amended	V. 16, p. 1816		111-7-75 Amended	V. 16, p. 1479
111-4-919 through			111-5-30 Amended	V. 15, p. 1060		111-7-78 Amended	V. 16, p. 1479
111-4-941 New	V. 15, p. 1710-1716		111-5-31 Amended	V. 16, p. 1817		111-7-79 Revoked	V. 13, p. 340
111-4-942 through			111-5-33 Amended	V. 16, p. 1817		111-7-80 through	
111-4-965 New	V. 15, p. 1921-1926		111-5-34 New	V. 12, p. 318		111-7-83 New	V. 11, p. 1478-1480
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111-4-962 Amended	V. 16, p. 341		111-5-35 through			111-7-83 Amended	V. 15, p. 1189
111-4-963 Amended	V. 16, p. 341		111-5-38 Revoked	V. 13, p. 1439		111-7-84 through	
111-4-966 through			111-5-39 through			111-7-93 Revoked	V. 15, p. 291
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111-4-983 through			111-5-46 Amended	V. 15, p. 1186		111-7-119 through	
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111-4-1037 New	V. 16, p. 1081-1085		111-5-69 Amended	V. 17, p. 474		111-8-3 Amended	V. 10, p. 886
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111-4-1041 Amended	V. 16, p. 1473		111-6-15 Amended	V. 7, p. 393		111-8-13 New	V. 7, p. 1634
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111-4-1055 Amended	V. 17, p. 430		111-6-6 Amended	V. 11, p. 1973		111-9-12 New	V. 7, p. 1714-1716
111-4-1060 through			111-6-7 Amended	V. 16, p. 2023		111-9-1 through	
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111-4-1084 through			111-6-9 Revoked	V. 14, p. 313		111-9-6 Revoked	V. 9, p. 1680
111-4-1108 New	V. 16, p. 1809-1814		111-6-11 Revoked	V. 12, p. 1376		111-9-13 through	
111-4-1091 Amended	V. 17, p. 430		111-6-12 Amended	V. 8, p. 212		111-9-18 through	
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111-4-1184 New	V. 17, p. 392, 393		111-7-1 Amended	V. 8, p. 212		111-9-60 New	V. 12, p. 1263, 1264
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			111-7-9 Amended	V. 12, p. 1263		111-10-9 New	V. 8, p. 136-138
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AGENCY 112: KANSAS RACING AND GAMING COMMISSION

Reg. No.	Action	Register
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112-4-22	Amended	V. 17, p. 512
112-4-22a	New	V. 17, p. 512
112-4-23	Amended	V. 17, p. 590
112-4-26	New	V. 16, p. 1152
112-7-7	Amended	V. 17, p. 512
112-10-5	Amended	V. 16, p. 1664
112-10-6	Amended	V. 16, p. 379
112-12-1	Amended	V. 16, p. 1889
112-12-2	Amended	V. 16, p. 1889
112-12-4	Amended	V. 16, p. 1889
112-12-5	Amended	V. 16, p. 1890
112-12-6	Amended	V. 16, p. 1890
112-12-7	Amended	V. 16, p. 1890
112-12-8	Amended	V. 16, p. 1890
112-12-9	Amended	V. 17, p. 213
112-12-10	Amended	V. 16, p. 1891
112-12-13	Amended	V. 16, p. 1891
112-12-14	Amended	V. 16, p. 1891
112-16-6	Amended	V. 16, p. 1469
112-16-11	Amended	V. 17, p. 590
112-16-14	Amended	V. 16, p. 380
112-18-3	Amended	V. 16, p. 1152
112-18-21	Amended	V. 17, p. 60

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-1-1	Amended	V. 16, p. 1469
115-2-1	Amended	V. 16, p. 248
115-2-3	Amended	V. 17, p. 462

115-2-6	New	V. 17, p. 462
115-3-2	Amended	V. 16, p. 1471
115-4-1	Amended	V. 17, p. 463
115-4-3	Amended	V. 16, p. 824
115-4-5	Amended	V. 16, p. 825
115-4-6	Amended	V. 16, p. 826
115-4-7	Amended	V. 17, p. 464
115-4-13	Amended	V. 16, p. 829
115-9-5	Amended	V. 16, p. 1472
115-9-8	New	V. 16, p. 1989
115-14-3	Amended	V. 16, p. 1175
115-14-9	Amended	V. 16, p. 1175
115-15-3	Amended	V. 16, p. 1989
115-15-4	New	V. 16, p. 1990
115-18-7	Amended	V. 16, p. 1991
115-18-13	Amended	V. 16, p. 1472
115-18-14	Amended	V. 16, p. 1991
115-18-15	New	V. 16, p. 1991
115-30-3	Amended	V. 16, p. 249
115-30-6	Amended	V. 16, p. 249

AGENCY 117: REAL ESTATE APPRAISAL BOARD

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

AGENCY 118: KANSAS STATE HISTORICAL SOCIETY

Reg. No.	Action	Register
118-3-1 through 118-3-16	New	V. 17, p. 690-693

AGENCY 121: DEPARTMENT OF CREDIT UNIONS

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

AGENCY 122: POOLED MONEY INVESTMENT BOARD

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

AGENCY 123: JUVENILE JUSTICE AUTHORITY

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

AGENCY 124: CHILD DEATH REVIEW BOARD

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

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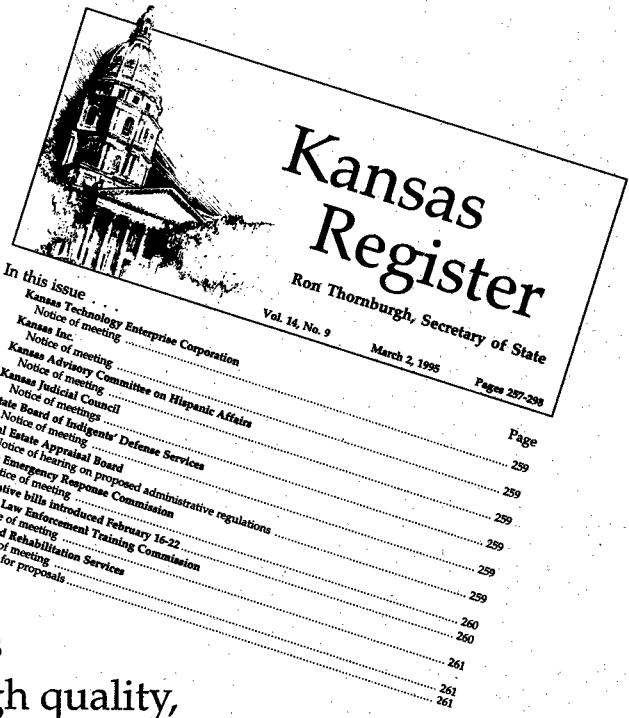
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