

Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

Board of Nursing

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 1 p.m. Tuesday, August 11, in Room 106, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed changes in existing rules and regulations.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to the executive administrator of the Board of Nursing, Room 551-S, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612. There also will be an open telephone line for testimony from 1:15 to 1:45 p.m. (785-296-0445). All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Request for accommodation should be made at least five working days in advance of the hearing by contacting the Board of Nursing at (785) 296-5752.

Copies of the regulations and their economic impact statements may be obtained from the Board of Nursing.

A summary of the proposed regulations and their economic impact follows.

K.A.R. 60-15-101. Definitions. The definitions in this regulation relate to registered professional nurses delegating nursing tasks or procedures to unlicensed individuals. The revisions in the regulation update the language. The definition of procedure has been added.

K.A.R. 60-15-102. Delegation procedures. The specific procedure to be followed has changed only slightly. One change will not require a registered professional nurse to write a nursing plan for medication administration except for a student with a long-term chronic health condition.

K.A.R. 60-15-103. Supervision of delegated tasks or procedures. This regulation was revised to clarify some language. There is no content change.

K.A.R. 60-15-104. Administration of medications in the school setting. The Board of Nursing has made a minor change in the language for delegation of administration of medications to unlicensed persons to make it more flexible.

Economic Impact: The revisions of these four regulations should have no economic impact on nurses, schools or the Board of Nursing. Except for a couple of minor content changes, most of the revisions were for clarity.

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

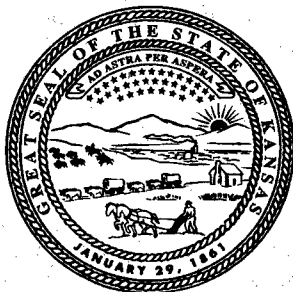
Doc. No. 022489

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Room 233-N, State Capitol
(785) 296-3489
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(Published in the Kansas Register May 28, 1998.)

Heartland Works, Inc.**Request for Proposals**

Heartland Works, Inc. is accepting bids for the purchase of health, life and disability insurance. All interested companies are welcome to bid. To receive a "Request for Proposal," including all specifications, contact Heartland Works, Inc., 117 S.W. 10th, Topeka, 66612, (785) 234-0500. Bids must be received by 3 p.m. June 12.

Kris Kitchen
Executive Director

Doc. No. 022476

State of Kansas**Attorney General****Notice of Available Grant Funding**

Grant funds are available from the Federal Victims of Crime Act (VOCA) for the federal year of October 1, 1998 through September 30, 1999. The purpose of this grant program is to fund public and private nonprofit agencies that provide direct assistance to crime victims. For the purposes of this grant program, a crime victim is a person who has suffered physical, sexual and emotional harm as a result of the commission of a crime. Direct services are defined as efforts that (1) respond to the emotional and physical needs of crime victims; (2) assist primary and secondary victims of crime to stabilize their lives after a victimization; (3) assist victims to understand and participate in the criminal justice system; and (4) provide victims of crime with a measure of safety such as boarding-up windows and replacing or repairing locks, etc.

Priority shall be given to victims of sexual assault, spousal abuse and child abuse. Thus, a minimum of 10 percent of each federal fiscal year grant (30 percent total) will be allocated to each of these categories of crime victims. An additional 10 percent of each VOCA grant will be allocated to victims of violent crime (other than "priority" category victims) who were "previously underserved." VOCA crime victim assistance grant funds can be used to enhance or expand services and cannot be used to supplant state and local funds that would otherwise be available for crime victim services.

There is a match requirement of a minimum of 20 percent cash or in-kind match of the total VOCA project (VOCA grant award plus match), with the exception of subrecipients that are Native American tribes/organizations located on reservations. Whether new or existing, their match requirement is 5 percent cash or in-kind match of the total VOCA project (VOCA grant award plus match).

Applications can be obtained by contacting the Office of Attorney General, 2nd Floor, Kansas Judicial Center, 301 W. 10th, Topeka, 66612-1597, (785) 368-7063 or (800) 828-9745.

All grant applications are to be postmarked by June 26. No applications will be accepted after that date.

Carla J. Stovall
Attorney General

Doc. No. 022497

State of Kansas**Attorney General****Notice of Available Grant Funding**

Grant funds are available from the Federal S.T.O.P. Violence Against Women Grant Program for the fiscal year October 1, 1998 through September 30, 1999. The purpose of this grant program is to fund units of state or local government and private not-for-profit organizations to develop strategies to combat violent crimes against women.

The allocation of grant awards must reflect that 25 percent of each federal fiscal year grant award will be allocated to each of the following areas: law enforcement, prosecution/courts, nonprofit victim service providers and discretionary funds. Federal S.T.O.P. Violence Against Women grant funds cannot be used to supplant state and local funds that would otherwise be available for targeting violent crimes against women.

Applications can be obtained by contacting the Office of Attorney General, 2nd Floor, Kansas Judicial Center, 301 S.W. 10th, Topeka, 66612-1597, (785) 368-7063 or (800) 828-9745.

All grant applications are to be postmarked by July 10. No applications will be accepted after that date.

Carla J. Stovall
Attorney General

Doc. No. 022498

State of Kansas**Kansas Arts Commission****Notice of Meeting**

The Kansas Arts Commission will convene its quarterly business meeting at 9 a.m. Wednesday, June 17, at the Lindsborg Arts Council office, 106 S. Main, Lindsborg.

During their business meeting, the commissioners will vote upon the recommendations of advisory panels to award grants for fiscal year 1999 (July 1, 1998-June 30, 1999). The commissioners also will adopt the FY 99 Individual Artist Guidelines, which include instructions for artists to apply to receive the 1999 Kansas Artist Fellowships and Mini-Fellowships and to join the Kansas Touring Program roster of performing artists.

The commission will break from 11:30 a.m. to noon for a tour of the late Lester Raymer's Red Barn Studio, 212 S. Main, maintained by the Raymer Society for the Arts as part of its operations.

Meetings of the Kansas Arts Commission, a state agency, and its funding advisory panels are open to public observation in accessible locations. Persons with special needs are asked to request accommodations to meet those needs at least one week before the meeting.

For more information, contact the Kansas Arts Commission, Suite 1004, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603-3761, (785) 296-3335. Persons with special communication needs may utilize the Kansas Relay Center at (800) 766-3777.

Eric Hayashi
Executive Director

Doc. No. 022487

State of Kansas

**Department of Corrections
Kansas Correctional Industries**

Notice to Bidders

Sealed bids for State of Kansas surplus property (Quotation 980001) will be received by State Surplus Property, Building 344, Forbes Industrial Park, P.O. Box 19226, Topeka, 66619-0226, until 4:30 p.m. Wednesday, July 8, and then will be publicly opened at 8 a.m. Thursday, July 9. Interested bidders may call (785) 296-2334 for additional information.

Steven R. Magee
Director, State Surplus Property

Doc. No. 022485

State of Kansas

**Department of Health
and Environment**

**Notice of Proposed Changes to the Kansas
Ambient Air Monitoring Network**

The Kansas Department of Health and Environment is proposing changes to the Kansas ambient air quality monitoring network. The proposed changes include the addition of PM_{2.5} (particulate matter less than two and one-half microns in aerodynamic diameter) monitors to the network. These changes are being made in order to facilitate implementation of the new National Ambient Air Quality Standards for particulate matter, especially PM_{2.5}, as promulgated in *Federal Register*/Vol. 62, No. 138/Friday, July 18, 1997: National Ambient Air Quality Standards for Particulate Matter: Final Rule. This notice is provided for the purpose of informing the public of this activity and to present an opportunity for interested parties to offer additional relevant information to the Kansas Department of Health and Environment.

Information related to these changes in the Kansas ambient air quality monitoring network can be obtained by contacting Scott Weir, Kansas Department of Health and Environment, Bureau of Air and Radiation, at (785) 291-3272. Information provided by the public should be addressed to the Kansas Department of Health and Environment, Bureau of Air and Radiation, Forbes Field, Building 283, Topeka, 66620, Attention: Scott Weir. Relevant information must be received by the Bureau of Air and Radiation not later than the close of business June 29 to assure full consideration prior to the implementation of the network changes.

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 022491

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:

Cherokee County Sheriff

Darrell Goff, Route 2, Box 498, Galena, 66739. Term expires when a successor is elected and qualifies according to law. Succeeds Pat Collins.

Kiowa County Register of Deeds

June Smith, 418 W. Wisconsin, Greensburg, 67054. Term expires when a successor is elected and qualifies according to law. Succeeds Vickie Huckreide.

**Kansas Statewide Independent
Living Council**

Sanford Alexander, 5321 Plaza Lane, Wichita, 67208. Term expires August 17, 2000. Reappointed.

Janet F. Heit, 1100 E. Wyatt Earp Blvd., Dodge City, 67801. Term expires August 17, 2000. Reappointed.

Mary Holloway, 122 S. 6th, Osage City, 66523. Term expires August 17, 2000. Reappointed.

Connie L. Hubbell, Social and Rehabilitation Services, 300 S.W. Oakley, Topeka, 66606. Serves at the pleasure of the Governor. Succeeds Hugh Sage.

Ann E. Koci, Social and Rehabilitation Services, 6th Floor, Docking State Office Building, 915 S.W. Jackson, Topeka, 66612. Serves at the pleasure of the Governor. Succeeds Joyce Cussamano.

Lonnie J. Lindquist, 745 S. Princeton, Ottawa, 66067. Term expires August 17, 2000. Succeeds Brenda Weed, resigned.

Paula McElwee, 600 Commerce Parkway, Hays, 67601. Term expires August 17, 2000. Reappointed.

David S. Rosenthal, 2609 Bond Place, Lawrence, 66049. Term expires August 17, 1998. Succeeds Robert Cooper, resigned.

State Board of Examiners in Optometry

Sharon A. Michel, 3111 W. 6th, Lawrence, 66049. Term expires April 20, 2000. Succeeds Diane Carriger.

Larry D. Stoppel, 318 C St., Box 155, Washington, 66968. Term expires April 20, 2001. Reappointed.

Pooled Money Investment Board

Clyde D. Graeber, Acting Chair, Office of the State Treasurer, Suite 201, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612.

Ron Thornburgh
Secretary of State

Doc. No. 022486

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of June 1 through June 14.

Date	Room	Time	Committee	Agenda
June 1	1st Floor Meeting Room, KCC	10:00 a.m.	Kansas Universal Service Fund Working Committee	Background information on the Kansas Universal Service Fund; introduction of committee members and planning for future meetings.
June 8	514-S	10:00 a.m.	Joint Committee on Administrative Rules and Regulations	Review of rules and regulations proposed by: Board of Pharmacy, Dept. of Wildlife and Parks, Board of Regents, Dept. of Corrections, KDHE, State Historical Society, Insurance Dept., SRS and Dept. on Aging, Board of Nursing and Dept. of Administration; and conversation with KCC commissioners.
June 9	514-S	9:00 a.m.		

Jeffrey M. Russell
Director of Legislative
Administrative Services

Doc. No. 022495

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Colorado Interstate Gas Company has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 *et seq.* The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Colorado Interstate Gas Company, Colorado Springs, Colorado, owns and operates Hugoton #5 compressor station located at S21-T26S-R39W, Hamilton County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE southwest district office, 302 W. McArtor Road, Dodge City. To obtain or review the proposed permit and supporting documentation, contact Michael Stewart, (785) 296-1994, at the KDHE central office, or Wayne Neese, (316) 225-0596, at the KDHE southwest district office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the

proposed permit to Michael Stewart, 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 29.

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

The United States Environmental Protection Agency has 45 days after receipt of the proposed Class I operating permit within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA within 60 days after the expiration of the 45-day review period to review the permit. Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Gary Schlicht, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 726 Minnesota Ave., Kansas City, KS 66101, (913) 551-7097, to determine when the 60-day petition period commences.

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 022492

(Published in the Kansas Register May 28, 1998.)

**Notice of Full Redemption
to the Holders of
City of Topeka, Kansas
Waterworks Improvement and
Refunding Revenue Bonds
Series 1977
Dated December 1, 1997**

Notice is hereby given that pursuant to Section 3 of Ordinance No. 14145 of the City of Topeka, Kansas, all of the outstanding Waterworks Improvement and Refunding Revenue Bonds, Series 1977, of the City of Topeka, Kansas, maturing July 1, 1999, and thereafter, will be redeemed and prepaid on July 1, 1998 (the redemption date), prior to their respective maturities subject to the provisions and limitations set forth herein:

Bond Numbers	Principal Amount	Maturity Date	Interest Rate
2407-2609	\$1,015,000	July 1, 1999	6.00%
2610-2825	\$1,080,000	July 1, 2000	6.00%
2826-3053	\$1,140,000	July 1, 2001	6.00%
3054-3295	\$1,210,000	July 1, 2002	6.00%
3296-3552	\$1,285,000	July 1, 2003	6.00%
3553-3824	\$1,360,000	July 1, 2004	6.00%
3825-4112	\$1,440,000	July 1, 2005	6.00%
4113-4418	\$1,530,000	July 1, 2006	6.00%
4419-4742	\$1,620,000	July 1, 2007	6.00%

The principal amount of the above described Series 1977 Bonds shall become due and payable on the redemption date, at a redemption price equal to the principal amount thereof, plus accrued interest thereon to the redemption date together with a premium equal to 3 percent of the principal amount of the Series 1977 Bonds so called for redemption and payment.

On July 1, 1998, provided that funds are on hand to pay the specified redemption price, all Series 1977 Bonds will be due and payable at the payment office of the paying agent, State Street Bank & Trust Company of Missouri, N.A., and from and after the redemption date, the interest on the Series 1977 Bonds will cease to accrue. It is requested that all Series 1977 Bonds be surrendered at least two weeks in advance of the redemption date to the following address:

State Street Bank and Trust Company
Corporate Trust Window
Two International Place, 4th Floor
Boston, MA 02110

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, as amended and codified at Section 3406(a)(1) of the Internal Revenue Code of 1986, as amended, paying agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities may be obligated to withhold a 31 percent tax from remittances to individuals who have failed to furnish the paying agent with a valid taxpayer identification number. Holders of the Series 1977 bonds who wish to avoid the imposition of the tax should submit certified taxpayer identification numbers when presenting the Series 1977 Bonds for payment.

Note: CUSIP numbers appearing herein have been included solely for the convenience of bondholders. Neither the City of Topeka, Kansas, nor State Street Bank and Trust Company of Missouri, N.A., shall be responsible for the selection or use of any such CUSIP number, nor is any representation made as to its correctness on the bonds or as indicated herein.

Dated May 28, 1998.

City of Topeka, Kansas
By: State Street Bank and Trust
Company of Missouri, N.A.
As Paying Agent

Doc. No. 022484

State of Kansas

**Department of Health
and Environment**

Request for Comments

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

Morige Manufacturing, Inc. owns and operates a lawnmower manufacturing facility located in Moundridge.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE north central district office, 2501 Market Place, Suite D, Salina. To obtain or review the proposed permit and supporting documentation, contact Michael Stewart, (785) 296-1994, 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 Michael Stewart, 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 29.

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

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 022496

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

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 8, 1998

33069

All agencies of the State of Kansas—Lamps

33112

Department of Transportation—Bituminous plant mix for I-35 repairs

33135

Department of Health and Environment—Air quality planning and photochemical modeling

7669

Kansas State University—Floor scrubber

7670

Department of Corrections—Telecommunications equipment

7676

Kansas State University—Electrofusion super system

7694

University of Kansas—Paper, printing and binding, textbooks

7709

Department of Transportation—Digital/multimedia visual equipment

Tuesday, June 9, 1998

33111

Statewide—Photo copier supplies

33128

Department of Social and Rehabilitation Services—New laser printer cartridge supplies

33129

Statewide—Anti-freeze

7663

University of Kansas—1999 Undergraduate Viewbook

7671

Larned State Hospital—UPS

7710

Kansas Highway Patrol—Photographic equipment, Salina

Wednesday, June 10, 1998

33113

Department of Transportation—Maintenance of highway lighting, Coffee, Franklin, Miami and Greenwood counties

33134

Emporia State University—Cleaning chemicals, supplies and equipment

7665

Department of Transportation—Portable roll-up traffic signs

7675

University of Kansas—Moving services

7682

Department of Transportation—Flexible delineator posts and anchors

7683

Fort Hays State University—Pumps

7684

Larned State Hospital—Plant materials (trees)

Thursday, June 11, 1998

33136

Emporia State University—Carpet

7677

Department of Transportation—Tractor truck, Garden City

7678

Department of Transportation—Truck mounted hydraulic derrick, Salina

7679

Department of Transportation—Furnish and install standby generators, various locations

7680

Department of Transportation—Repair of asphalt parking lot

7681

Department of Transportation—Trucks

7687

Kansas Highway Patrol—Rifles, Salina

7688

Kansas Highway Patrol—Riot helmets, Salina

7696

Kansas Bureau of Investigation—Gas monitoring equipment, Overland Park

7697

Kansas State University—Painting and upholstery of auditorium seating

7698

Kansas State University—Painting and upholstery of auditorium seating

(continued)

Friday, June 12, 1998

7686

Department of Transportation—Liquid chloride storage and dispensing system, various locations

7689

Emporia State University—Undergraduate catalog

7701

Department of Transportation—Bituminous plant mix, Chanute

7702

Department of Transportation—Liquid pre-wetting de-icing system, various locations

7703

Department of Transportation—Salt brine production system, various locations

7704

Department of Transportation—Liquid direct application, anti-ice system, various locations

Monday, June 15, 1998

7705

Kansas Department of Wildlife and Parks—Mid-mount riding mowers, various locations

7706

Department of Transportation—Pavement temperature sensors, various locations

7707

Department of Transportation—Weigh-in-motion system

7708

Department of Transportation—Pull-type pothole patcher, various locations

Tuesday, June 16, 1998

A-8498

Kansas State University—Electrical service upgrade, Phase I, Waters Hall

A-8500

Department of Corrections—Fuel system improvements, Norton and Hutchinson Correctional Facilities

A-8548

University of Kansas—Upgrade Woodruff Auditorium, Kansas Union

Request for Proposals

Wednesday, June 10, 1998

7666

Self-propelled flat face rollers for the Department of Transportation, Norton

7667

Articulating wheel loader for the Department of Transportation, Hutchinson

7668

Motorgraders for the Department of Transportation, various locations

John T. Houlihan
Director of Purchases

Doc. No. 022488

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 5-25-98 through 5-31-98

Term	Rate
1-89 days	5.43%
3 months	5.29%
6 months	5.49%
9 months	5.57%
12 months	5.57%
18 months	5.62%
24 months	5.63%

Clyde Graeber
Acting Chairman

Doc. No. 022474

State of Kansas

Board of Healing Arts

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 10 a.m. Thursday, July 30, at the office of the Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, to consider the adoption of two proposed amended rules and regulations and the adoption of one new rule and regulation.

The proposed rules and regulations relate to the release of patient records, patient record storage, and the minimal requirements that constitute a patient record.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the rules and regulations. All interested parties may submit comments prior to the hearing to the Board of Healing Arts, 235 S. Topeka Blvd., Topeka, 66603. All interested parties will be given a reasonable opportunity to present their views, orally or in writing, concerning the adoption of the proposed regulations during the hearing. In order to give all persons an opportunity to present their views, it may be necessary to request each participant to limit any oral presentations to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Marsha Schrempp at (785) 296-8962. Handicapped parking is located at the west end of the Hutton Building, and the northwest entrance to the building is accessible.

A summary of the proposed rules and regulations to be considered for amendment and adoption are as follows:

K.A.R. 100-22-1. Release of records. This regulation, if amended, would allow a patient or a patient's legally des-

igned representative to request and receive a copy of the written patient record except when to do so would, in the licensee's opinion, cause harm to the patient.

K.A.R. 100-24-1. Adequacy; minimal requirements. This regulation, if amended, would allow a record not maintained in the licensee's own handwriting but authenticated by the licensee's signature, written initials or computer entry, to be considered as meeting the minimal requirements to constitute a patient record. Additionally, the regulation would permit an electronic record to be deemed a written record as long as the electronic record could not be altered.

K.A.R. 100-24-2. Patient record storage. This new regulation would allow a licensee to store patient records by an electronic data system, microfilm, or similar photographic means. Additionally, if the stored record can be reproduced without alteration from the original, the licensee may destroy the original paper records.

Copies of the proposed regulations and the associated economic impact statements may be obtained by contacting Betty Johnson, Kansas State Board of Healing Arts, (785) 296-3680.

Lawrence T. Buening, Jr.
Executive Director

Doc. No. 022500

(Published in the Kansas Register May 28, 1998.)

**Summary Notice of Bond Sale
\$4,100,000**

Atchison County, Kansas

General Obligation Sales Tax Bonds, Series 1998-A

(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 clerk of Atchison County, Kansas (the issuer), on behalf of the governing body at the Atchison County Courthouse, 423 N. 5th, Atchison, KS 66002-1861, until 11 a.m. June 10, 1998, for the purchase of \$4,100,000 principal amount of General Obligation Sales Tax 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 15, 1998, and will become due on September 1 in the years as follows:

Year	Principal Amount
1999	\$140,000
2000	195,000
2001	205,000
2002	220,000
2003	235,000
2004	250,000
2005	260,000

2006	275,000
2007	285,000
2008	300,000
2009	315,000
2010	330,000
2011	345,000
2012	365,000
2013	385,000

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 \$82,000 (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 July 2, 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 \$88,804,816. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$5,430,000.

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, (913) 367-1653, or from the financial advisor, George K. Baum & Company, Twelve Wyandotte Plaza, 120 W. 12th, Kansas City, MO 64105, Attention: David G. Arteberry, (816) 474-1100.

Dated May 20, 1998.

Atchison County, Kansas

Doc. No. 022494

(Published in the Kansas Register May 28, 1998.)

**Summary Notice of Bond Sale
\$4,900,000**

**Unified School District No. 358
Sumner County, Kansas (Oxford)**

General Obligation School Building Bonds, Series 1998

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

Sealed Bids

Subject to the notice of bond sale dated May 27, 1998, sealed bids will be received by the clerk of Unified School District No. 358, Sumner County, Kansas (Oxford) (the issuer), on behalf of the governing body at the office of the Board of Education, 301 E. Maple, Oxford, KS 67119, until 6:30 p.m. June 8, 1998, for the purchase of \$4,900,000 principal amount of General Obligation School Building Bonds, Series 1998. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

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

Year	Principal Amount
1999	\$ 55,000
2000	105,000
2001	160,000
2002	170,000
2003	180,000
2004	190,000
2005	200,000
2006	210,000
2007	220,000
2008	235,000
2009	245,000
2010	260,000
2011	275,000
2012	290,000
2013	305,000
2014	320,000
2015	340,000
2016	360,000
2017	380,000
2018	400,000

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

Optional Book-Entry-Only System

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

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a

bank located in the United States or a qualified financial surety bond in the amount of \$98,000 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before June 30, 1998, at DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1997 is \$12,410,322. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$4,900,000.

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) 455-2227, or from the financial advisor, Ranson & Associates, Inc., 250 N. Rock Road, Suite 150, Wichita, KS 67206, Attention: Stephen E. Shogren, (316) 681-3123.

Dated May 27, 1998.

Unified School District No. 358
Sumner County, Kansas (Oxford)

Doc. No. 022490

State of Kansas

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the Bureau of Construction and Maintenance, KDOT, Topeka, or at the Ramada Inn Downtown, Topeka, until 2 p.m. June 17, and then publicly opened:

District One—Northeast

Brown—7 C-3466-01—Various locations in Brown County, signing. (state funds)

Douglas—23 U-1704-01—14th and Massachusetts in Lawrence, intersection improvement. (state funds)

Jackson—16-43 K-6645-01—K16, culvert 519, 3 miles (4.8 kilometers) east of Holton, culvert improvement. (state funds)

Leavenworth—52 C-3281-01—Leavenworth Road, 1.5 miles (2.4 kilometers) west of Basehor, 1 mile (1.6 kilometers), surfacing. (federal funds)

Shawnee—470-89 K-6712-01—Southbound I-470/U.S. 75 exit ramp at 29th Street in Topeka, ramp improvement. (federal funds)

Shawnee—70-89 K-7195-01—Bridge 026, Polk-Quincy Viaduct in Topeka, bridge repair. (state funds)

Shawnee-Wabaunsee—70-106 K-7191-01—I-70, from mile post 317.5 east to the Wabaunsee-Shawnee county line, 12.6 miles (25.4 kilometers), overlay. (state funds)

Johnson—46 N-0112-01—Shawnee Mission Parkway and Monticello, 0.3 mile (0.5 kilometer), grading and surfacing. (federal funds)

District Two—Northcentral

Dickinson—15-21 K-5876-01—Intersection of K-15 and 14th Street in Abilene, 0.18 mile (0.3 kilometer), intersection improvement. (state funds)

District Two—106 K-5926-98—Various locations in District Two, signing. (state funds)

Jewell—45 C-3339-01—County road 3.1 miles (5 kilometers) north and 3.7 miles (6 kilometers) east of Montrose, 0.19 mile (0.32 kilometer), grading and bridge. (federal funds)

Ottawa—81-72 K-6005-01—Safety rest area, 0.24 mile (0.4 kilometer) north of the Saline-Ottawa county line, safety rest area improvements. (state funds)

Washington—101 C-3441-01—County road 0.1 mile (0.16 kilometer) east and 0.2 mile (0.32 kilometers) north of Haddam, 0.2 mile (0.32 kilometer), grading and bridge. (state funds)

District Three—Northwest

Ellis—183-26 K-6623-01—U.S. 183, bridge 052, Saline River, bridge repair. (state funds)

Norton—36-69 K-7001-01—U.S. 36, from the west city limits of Norton east and southeast to the Norton-Phillips county line, 14.9 miles (24 kilometers), sealing. (state funds)

Osborne—24-71 K-6626-01—U.S. 24, bridges 001 and 005, south fork Solomon River drainage, bridge overlay. (state funds)

Phillips—36-74 K-6624-01—U.S. 36, bridge 014, Turner Creek, bridge overlay. (state funds)

Rawlins—77 C-3380-01—County road 1.2 miles (2 kilometers) south of McDonald, 0.5 mile (0.8 kilometer), grading. (federal funds)

Smith—92 C-3422-01—County road 4 miles (6.4 kilometers) east and 4 miles (6.4 kilometers) south of Gaylord, 0.4 mile (0.6 kilometer), grading and bridge. (federal funds)

Smith—36-92 K-6621-01—U.S. 36, bridge 013 (Spring Creek) and bridge 014 (CRI&P Railroad), bridge overlay. (state funds)

Smith—8-92 K-6625-01—K-8, bridge 031, Middle Bear Creek, bridge overlay. (state funds)

Wallace—100 C-3442-01—Countywide signing project, signing. (federal funds)

Wallace—27-100 K-6622-01—K-27, bridge 017, Smoky Hill River, bridge overlay. (state funds)

District Four—Southeast

Anderson—2 C-3412-01—County road 8.5 miles (13.7 kilometers) east of Harris, 0.2 mile (0.32 kilometer), grading and bridge. (federal funds)

Districtwide—106 K-6254-98—Various locations in District Four, 246.9 miles (397.3 kilometers), signing. (state funds)

Hodgeman—156-42 K-6644-01—K-156, bridge 010, Buckner Creek drainage, bridge repair. (state funds)

Labette—59-50 K-6631-01—U.S. 59, bridge 008, Labette Creek, bridge overlay. (state funds)

Miami—69-61 K-5760-01—U.S. 69, 5.9 miles (9.5 kilometers) north of K-68 north to the Miami-Johnson county line, 2.3 miles (3.7 kilometers), surfacing and bridge. (federal funds)

Montgomery—63 C-3366-01—County road 1.2 miles (2 kilometers) south of Bolton, 0.1 mile (0.3 kilometer), grading, bridge and surfacing. (federal funds)

Neosho—169-67 K-5387-02—U.S. 169, 0.4 mile (0.6 kilometer) northeast of the Labette-Neosho county line northeast to the south city limits of Thayer, 6.8 miles (10.9 kilometers), surfacing. (federal funds)

Neosho—59-67 K-6629-01—U.S. 59, bridge 004 Neosho River 2.4 miles (3.9 kilometers) north of the south junction of K-57, bridge repair. (state funds)

District Five—Southcentral

Reno—50-78 K-6435-01—U.S. 50 at the east junction of K-61 in the City of Hutchinson, 0.12 mile (0.2 kilometer), intersection improvement. (state funds)

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

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

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

E. Dean Carlson
Secretary of Transportation

Doc. No. 022475

State of Kansas

Law Enforcement Training Commission

Notice of Meeting

The Kansas Law Enforcement Training Commission will meet at 1 p.m. Wednesday, June 10, at the Ramada Hotel Conference Center, Golden Harvest Room, 1440 N. Lorraine, Hutchinson. The meeting is open to the public.

Darrell Wilson
Chairperson

Doc. No. 022483

State of Kansas

Board of Nursing

Permanent Administrative
RegulationsArticle 16.—INTRAVENOUS FLUID THERAPY FOR
LICENSED PRACTICAL NURSE

60-16-101. Definitions. (a) "Administration of intravenous fluid therapy" means the therapeutic infusion or injection of substances through the venous system, which includes, but is not limited to, the following nursing activities:

- (1) Initiating;
- (2) monitoring;
- (3) discontinuing;
- (4) maintaining;
- (5) regulating;
- (6) adjusting;
- (7) documenting;
- (8) assessing;
- (9) intervening; and
- (10) evaluating.

(b) "Competency examination" means a written examination and demonstration of mastery of clinical components of intravenous fluid therapy.

(c) "Titration of medication" means an adjustment of the dosage of a medication to the amount required to bring about a given reaction in the individual receiving the medication. (Authorized by and implementing K.S.A. 1997 Supp. 65-1136; effective Nov. 21, 1994; amended June 12, 1998.)

60-16-102. Scope of practice for licensed practical nurse and intravenous fluid therapy. (a) A licensed practical nurse under the supervision of a registered professional nurse may engage in a limited scope of intravenous fluid treatment, including the following:

- (1) Monitoring intravenous infusions;
- (2) maintaining the calculated flow rate of intravenous infusions;
- (3) discontinuing intravenous infusions and removing peripheral lines;
- (4) changing intravenous dressings;
- (5) observing and reporting subjective and objective signs of adverse reactions to intravenous administration; and
- (6) documenting observations and procedures performed.

(b) Any licensed practical nurse who has met one of the requirements under K.S.A. 65-1136 subsection (c), and amendments thereto, may perform, in addition to the functions set out in subsection (a) of this regulation, the following procedures relating to the expanded administration of intravenous fluid therapy under the supervision of a registered professional nurse:

- (1) Calculating the rate of intravenous fluid infusions;
- (2) adding parenteral solutions to existing patent intravenous lines;
- (3) changing intravenous tubing;
- (4) inserting intravenous fluid therapy cannulas that meet these conditions:

(A) Do not exceed three inches in length; and

(B) are located in peripheral sites only;

(5) adding designated premixed medications to existing patent intravenous lines via intravenous piggyback, either by continuous or intermittent methods;

(6) maintaining the patency of intravenous lines with heparin or normal saline;

(7) administering continuous intravenous drip analgesics and antibiotics;

(8) performing the following procedures in a general or rehabilitation hospital, or hospital-based skilled care unit:

(A) Mixing intravenous medications after passing a course approved by the specific institution's pharmacy and nurse administrator; and

(B) administering by direct intravenous push analgesics, antibiotics, antiemetics, and diuretics.

(c) A licensed practical nurse shall not perform any of the following:

(1) Administer any of the following:

(A) Blood and blood products;

(B) investigational medications;

(C) anesthetics, antianxiety agents, biological therapy: serums, hemostatics, immunosuppressants, muscle relaxants, human plasma fractions, oxytocics, sedatives, tocolytics, thrombolytics, anticonvulsants, cardiovascular preparations, antineoplastics agents, hematopoietics, autonomic drugs, and respiratory stimulants;

(D) intravenous fluid therapy in the home health setting, with the exception of the approved scope of practice authorized in subsection (a);

(E) intravenous fluid therapy to any patient under the age of 12 or any patient less than 80 pounds, with the exception of the approved scope of practice authorized in subsection (a);

(2) initiate total parenteral nutrition or lipids;

(3) titrate medications; or

(4) remove a central intravenous catheter.

(d) This regulation shall limit the scope of licensed practical nurse practice only with respect to intravenous fluid therapy and shall not restrict a licensed practical nurse's authority to care for patients receiving this therapy. (Authorized by and implementing K.S.A. 1997 Supp. 65-1136; effective Nov. 21, 1994; amended Dec. 13, 1996; amended June 12, 1998.)

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

Doc. No. 022493

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 28, 1998.)

Substitute for SENATE BILL No. 675

AN ACT concerning economic development; relating to certain projects of statewide as well as local importance; authorizing the issuance of bonds by the Kansas development finance authority therefor; prescribing certain other provisions therefor; amending K.S.A. 74-8907, 79-3603 and 79-3703 and K.S.A. 1997 Supp. 12-189, 12-192, 12-195, 12-1771 as amended by section 1 of 1998 House Bill No. 3036, 74-8902 and 74-8905 and repealing the existing sections.

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

Section 1. K.S.A. 1997 Supp. 74-8902 is hereby amended to read as follows: 74-8902. The following words or terms used in this act shall have the following meanings unless a different meaning clearly appears from the context:

- (a) "Act" means the Kansas development finance authority act.
- (b) "Authority" means the Kansas development finance authority created by K.S.A. 74-8903, and amendments thereto.
- (c) "Agricultural business enterprises" means facilities supporting or utilized in the operation of farms, ranches and other agricultural, aquacultural or silvicultural commodity producers and services provided in conjunction with the foregoing.
- (d) "Board of directors" means the board of directors of the authority created by K.S.A. 74-8903, and amendments thereto.
- (e) "Bonds" means any bonds, notes, debentures, interim certificates, grant and revenue anticipation notes, interest in a lease, lease certificate of participation or other evidences of indebtedness, whether or not the interest on which is subject to federal income taxation, issued by the authority pursuant to this act.
- (f) "Capital improvements" means any physical public betterment or improvement or any preliminary plans, studies or surveys relative thereto; land or rights in land, including, without limitations, leases, air rights, easements, rights-of-way or licenses; and any furnishings, machinery, vehicles, apparatus or equipment for any public betterment or improvement.
- (g) "Construct" means to acquire or build, in whole or in part, in such manner and by such method as the authority shall determine to be in the public interest and necessary to accomplish the purposes of and authority set forth in this act.
- (h) "Loans" means loans made for the purposes of financing any of the activities authorized within this act, including loans made to financial institutions for funding or as security for loans made for accomplishing any of the purposes of this act and reserves and expenses appropriate or incidental thereto.
- (i) "Educational facilities" means real, personal and mixed property of any and every kind intended by an educational institution in furtherance of its educational program.
- (j) "Facilities" means any real property, personal property or mixed property of any and every kind.
- (k) "Health care facilities" means facilities for furnishing physical or mental health care.
- (l) "Housing development" means any work or undertaking, whether new construction or rehabilitation, which is designed and financed pursuant to the provisions of this act for the primary purpose of providing dwelling accommodations for elderly persons and families of low income in need of housing.
- (m) "Industrial enterprise" means facilities for manufacturing, producing, processing, assembling, repairing, extracting, warehousing, dis-

tributing, communications, computer services, transportation, corporate and management offices and services provided in connection with any of the foregoing, in isolation or in any combination, that involve the creation of new or additional employment or the retention of existing employment.

(n) "Political subdivision" means political or taxing subdivisions of the state, including municipal and quasi-municipal corporations, boards, commissions, authorities, councils, committees, subcommittees and other subordinate groups or administrative units thereof, receiving or expending and supported, in whole or in part, by public funds.

(o) "Pooled bonds" means bonds of the authority, the interest on which is subject to federal income taxation, which are issued for the purpose of acquiring bonds issued by two or more political subdivisions.

(p) "Project of statewide as well as local importance" means a project as to which the secretary of commerce and housing has made a finding that at least: (i) Capital improvements costing not less than \$300,000,000 or, if constructed in a county which according to the 1990 decennial census contained a population of 25,000 or less, costing not less than \$5,000,000 will be built in the state for such project; (ii) not less than 1,500 or, if created in a county which according to the 1990 decennial census contained a population of 25,000 or less, not less than 150 permanent and seasonal employment positions as defined by K.S.A. 74-50,114, and amendments thereto, will be created in the state by such project; (iii) is to be located outside the city limits of any city; and (iv) is to be located at a site designated as a federal enclave as of January 1, 1998.

(q) "State" means the state of Kansas.

(r) "State agency" means any office, department, board, commission, bureau, division, public corporation, agency or instrumentality of this state.

Sec. 2. K.S.A. 1997 Supp. 74-8905 is hereby amended to read as follows: 74-8905. (a) The authority is hereby authorized and empowered to issue bonds, either for a specific activity or on a pooled basis for a series of related or unrelated activities or projects duly authorized by a political subdivision or group of political subdivisions of the state in such amounts as shall be determined by the authority for the purpose of financing projects of statewide as well as local importance as defined pursuant to K.S.A. 12-1744 and amendments thereto, capital improvement facilities, educational facilities, health care facilities and housing developments. Nothing in this act shall be construed to authorize the authority to issue bonds or use the proceeds thereof to (1) purchase, condemn, or otherwise acquire a utility plant or distribution system owned or operated by a regulated public utility or (2) finance any capital improvement facilities, educational facilities, or health care facilities which are authorized under the laws of the state to be financed by the issuance of general obligation or utility revenue bonds of a political subdivision, except that the acquisition by the authority of general obligation or utility revenue bonds issued by political subdivisions with the proceeds of pooled bonds shall not violate the provisions of the foregoing. Nothing in this subsection (a) shall prohibit the issuance of bonds by the authority when any statute specifically authorizes the issuance of bonds by the authority or approves any activity or project of a state agency for purposes of authorizing any such issuance of bonds in accordance with this section and provides an exemption from the provisions of this subsection (a).

(b) The authority is hereby authorized and empowered to issue bonds for activities and projects of state agencies as requested by the secretary of administration. No bonds may be issued pursuant to this act for any activity or project of a state agency unless the activity or project either has been approved by an appropriation or other act of the legislature or has been approved by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto. When requested to do so by the secretary of administration, the authority is further authorized and empowered to issue bonds for the purpose of refunding, whether at maturity or in advance of maturity, any outstanding bonded indebtedness of any state agency. The revenues of any state agency which are pledged as security for any bonds of such state agency which are refunded by refunding bonds of the authority may be pledged to the authority as security for the refunding bonds.

(c) The authority is hereby authorized and empowered to issue bonds for the purpose of financing industrial enterprises, agricultural business

(continued)

enterprises, educational facilities, health care facilities and housing developments, or any combination of such facilities, or any interest in facilities, including without limitation leasehold interests in and mortgages on such facilities. No less than 30 days prior to the issuance of any bonds authorized under this act with respect to any project or activity which is to be undertaken for the direct benefit of any person or entity which is not a state agency or a political subdivision, written notice of the intention of the authority to provide financing and issue bonds therefor shall be given by the president of the authority to the governing body of the city in which the project or activity is to be located, or, if the project or activity is not proposed to be located within a city, such notice shall be given to the governing body of the county. No bonds for the financing of the project or activity shall be issued by the authority for a one-year period if, within 15 days after the giving of such notice, the governing body of the political subdivision in which the project or activity is proposed to be located shall have duly enacted an ordinance or resolution stating express disapproval of the project or activity and shall have notified the president of the authority of such disapproval.

(d) The authority is hereby authorized and empowered to issue bonds for the purpose of establishing and funding one or more series of venture capital funds in such principal amounts, at such interest rates, in such maturities, with such security, and upon such other terms and in such manner as is approved by resolution of the authority. The proceeds of such bonds not placed in a venture capital fund or used to pay or reimburse organizational, offering and administrative expenses and fees necessary to the issuance and sale of such bonds shall be invested and reinvested in such securities and other instruments as shall be provided in the resolution under which such bonds are issued. Moneys in a venture capital fund shall be used to make venture capital investments in new, expanding or developing businesses, including, but not limited to, equity and debt securities, warrants, options and other rights to acquire such securities, subject to the provisions of the resolution of the authority. The authority shall establish an investment policy with respect to the investment of the funds in a venture capital fund not inconsistent with the purposes of this act. The authority shall enter into an agreement with a management company experienced in venture capital investments to manage and administer each venture capital fund upon terms not inconsistent with the purposes of this act and such investment policy. The authority may establish an advisory board to provide advice and consulting assistance to the authority and the management company with respect to the management and administration of each venture capital fund and the establishment of its investment policy. All fees and expenses incurred in the management and administration of a venture capital fund not paid or reimbursed out of the proceeds of the bonds issued by the authority shall be paid or reimbursed out of such venture capital fund.

(e) *The authority is hereby authorized and empowered to issue bonds in one or more series for the purpose of financing a project of statewide as well as local importance in connection with a redevelopment plan that is approved by the authority in accordance with sections 4 and 5, and amendments thereto.*

(e)(f) The authority is hereby authorized and empowered to use the proceeds of any bond issues herein authorized, together with any other available funds, for venture capital investments or for purchasing, leasing, constructing, restoring, renovating, altering or repairing facilities as herein authorized, for making loans, purchasing mortgages or security interests in loan participations and paying all incidental expenses therewith, paying expenses of authorizing and issuing the bonds, paying interest on the bonds until revenues thereof are available in sufficient amounts, purchasing bond insurance or other credit enhancements on the bonds, and funding such reserves as the authority deems necessary and desirable. All moneys received by the authority, other than moneys received by virtue of an appropriation, are hereby specifically declared to be cash funds, restricted in their use and to be used solely as provided herein. No moneys of the authority other than moneys received by appropriation shall be deposited with the state treasurer.

(f)(g) Any time the authority is required to publish a notification pursuant to the tax equity and fiscal responsibility act of 1982, the authority shall further publish such notification in the Kansas register.

(g)(h) Any time the authority issues bonds pursuant to this section, the authority shall publish notification of such issuance of bonds 14 days prior to any bond hearing in the official county newspaper where such bonds will be used and in the Kansas register.

Sec. 3. K.S.A. 74-8907 is hereby amended to read as follows: 74-8907. (a) The bonds may be sold in such manner, either at public or private sale, and upon such terms as the authority shall determine to be reasonable and expedient for effectuating the purposes for which the authority was created. The bonds may be sold at such price as the authority may accept, including sale at discount or premium.

(b) The bonds shall be executed by manual or facsimile signatures of the chairperson of the board of directors and the president of the authority or of any other director or officer of the authority authorized to make such signature by resolution of the board of directors. In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before delivery of such bonds or coupons, their signatures, nevertheless, shall be valid and sufficient for all purposes. The authority shall adopt and use a seal in the execution and issuance of the bonds, and each bond shall be impressed or imprinted with the seal of the authority.

(c) It shall be plainly stated on the face of each bond that it has been issued under this act, that the bonds shall be obligations only of the authority, and that, in no event, shall the bonds constitute an indebtedness of the state of Kansas or an indebtedness for which the faith and credit or taxing powers of the state of Kansas are pledged. The payment of the principal of, redemption premium, if any, or interest on the trustee's and paying agent's fees in connection with the bonds may be secured by a lien on and security interest in facilities financed by bonds issued hereunder, by lien or pledge of loans made or mortgages purchased by the authority and any collateral security received by the authority, including without limitation the authority's interest in and any revenue derived from any loan, lease or other financing agreements. It shall not be necessary to the perfection of the lien and pledge for such purposes that the trustee in connection with such bond issue or the holders of the bonds take possession of the loans, mortgages and leases or collateral security.

New Sec. 4. (a) In addition to the other requirements of this act, bonds issued by the authority under subsection (e) of K.S.A. 74-8905, and amendments thereto, shall be issued only after the authority establishes a redevelopment district and approves a redevelopment plan for a project of statewide as well as local importance in accordance with subsections (b) and (c).

(b) The authority may establish a district to be known as a "redevelopment district" within the state after the secretary of commerce and housing has certified that the district will contain a project of statewide as well as local importance.

(c) A project of statewide as well as local importance may be undertaken by the authority or a developer on behalf of the authority, in one or more phases, within a redevelopment district after the redevelopment district has been established by the authority. To establish a redevelopment district, the authority shall adopt a resolution stating its intent to establish the redevelopment district, describing the boundaries of the proposed district, identifying any proposed projects to be considered as a part of the redevelopment district, and stating the time, place, and manner that the authority will receive public written comment on the proposed redevelopment district. The resolution shall be published once each week for two consecutive weeks in a newspaper of general circulation within the county in which the redevelopment district may be established. A copy of the resolution shall be mailed to the governing bodies of the county and the school district in which the proposed redevelopment district is located. Upon conclusion of a public comment period of not less than 10 days following the second publication, the authority may adopt a resolution establishing the redevelopment district. Any addition of area to the redevelopment district shall be subject to the same procedure as the original resolution that established the redevelopment district.

(d) Any redevelopment plan undertaken within the redevelopment district may be in separate development stages. Each plan shall be adopted according to the provisions of section 5, and amendments thereto, and shall fix a date for completion. Any project constituting a part of an approved redevelopment plan shall be completed within 20 years from the date of the establishment of the redevelopment district.

(e) Subject to the provisions of section 8, and amendments thereto, 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 the redevelopment bond fund created pursuant to section 16, and amendments thereto, for the payment of the costs of

the project of statewide as well as local importance, including the payment of principal and interest on any 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 of statewide as well as local importance pursuant to this section and subsection (e) of K.S.A. 74-8905, and amendments thereto, shall not exceed 20 years from the date of establishment of the redevelopment district. 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 section 8, and amendments thereto.

(f) Before any redevelopment district is established pursuant to section 4, and amendments thereto, 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 by the developer and submitted to the secretary of commerce and housing and the authority and an agreement between the authority and the developer with respect to implementing the redevelopment plan shall have been executed. Such feasibility study shall be an open public record.

New Sec. 5. (a) If the developer proposes to undertake a project of statewide as well as local importance within a redevelopment district established pursuant to section 4, and amendments thereto, the developer shall prepare a redevelopment plan. The redevelopment plan shall include:

- (1) A summary of the feasibility study required by section 4, and amendments thereto;
- (2) a reference to the redevelopment district established under section 4;
- (3) a comprehensive description of the project of statewide as well as local importance;
- (4) a description and map of the area to be redeveloped;
- (5) a detailed description of the buildings and facilities proposed to be constructed or improved in such area; and
- (6) any other information the authority deems necessary to advise the public of the intent of the plan.

(b) A copy of the proposed redevelopment plan shall be delivered by the developer to the authority, the secretary of commerce and housing and the board of county commissioners of the county in which the redevelopment district is located, and the board of county commissioners shall determine, within 30 days after receipt of the plan, whether the plan as proposed is consistent with the comprehensive general plan for the development of the area. If the proposed redevelopment plan is not consistent with the comprehensive general plan, the board of county commissioners shall provide its comments and objections to the authority, which shall modify, approve or deny the plan. If the redevelopment plan is consistent with the comprehensive general plan of the county, then the authority may adopt the redevelopment plan by a resolution passed by a majority of the board of directors of the authority. Any substantial changes to the plan as adopted shall be made in the same manner, with notice and approval of the board of county commissioners and adoption of a resolution by the authority. A redevelopment plan may be adopted by the authority, pursuant to these procedures, at the same time that the authority establishes the redevelopment district under section 4, and amendments thereto.

(c) Under no circumstances shall the state of Kansas, any of its political subdivisions, the Kansas development finance authority or any unit of local government assume responsibility or otherwise be responsible for any environmental remediation which may be required to be performed within the redevelopment district designated through any redevelopment plan.

New Sec. 6. The authority may use the proceeds of bonds issued pursuant to subsection (e) of K.S.A. 74-8905, and amendments thereto, or any uncommitted funds derived from those sources set forth in section 7, and amendments thereto, to implement the redevelopment plan, including the payment or reimbursement of all costs of the project of statewide as well as local importance.

New Sec. 7. (a) Any bonds issued by the authority under subsection (e) of K.S.A. 74-8905, and amendments thereto, to finance the undertaking of any project of statewide as well as local importance in accordance

with the provisions of this act, shall be made payable, both as to principal and interest:

(1) From property tax increments allocated to, and paid into a special fund of the authority under the provisions of section 8, and amendments thereto;

(2) from revenues of the authority or the developer derived from or held in connection with the undertaking and carrying out of any redevelopment plan under this act;

(3) from any private sources, contributions or other financial assistance from the state or federal government;

(4) from a pledge of a portion or all of the revenue collected by the state under section 16, and amendments thereto, for a period not to exceed 20 years after the date of establishment of the redevelopment district;

(5) from a pledge of a portion or all increased revenue received by any city from franchise fees collected from utilities and other businesses using public right-of-way within the redevelopment district;

(6) from a pledge of a portion or all of the revenue received by any city from sales taxes collected pursuant to K.S.A. 12-187, and amendments thereto; or

(7) by any combination of these methods.

(b) The authority may pledge such revenue to the repayment of such bonds prior to, simultaneously with, or subsequent to the issuance of such bonds.

New Sec. 8. (a) For the purposes of this act, the term "taxing subdivision" shall include 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 "real property taxes" includes all taxes levied on an ad valorem basis upon land and improvements thereon.

(b) 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) Beginning with the first payment of taxes which are levied following the date of approval of any redevelopment district established pursuant to section 4, 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 shall be allocated and paid by the county treasurer according to specified percentages of the tax increment expressly agreed upon and consented to by the governing bodies of the county and school district in which the redevelopment district is located. The amount of the real property taxes allocated and payable to the authority under the agreement shall be paid by the county treasurer to the treasurer of the state. The remaining amount of the real property taxes not payable to the authority shall be allocated and paid in the same manner as other ad valorem taxes. Any real property taxes paid to the state treasurer under this section shall be deposited in

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the redevelopment bond finance fund of the authority which is created pursuant to section 16, and amendments thereto, to pay the costs of the project of statewide as well as local importance, including the payment of principal of and interest on any bonds issued by the authority to finance, in whole or in part, such project. When such 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 bonds and interest thereon have been paid before the completion of a project, the authority may continue to use such moneys for any purpose authorized by this act until such time as the project costs are paid or reimbursed, but for a period not to exceed 20 years from the date of the establishment of the redevelopment district.

(d) In any redevelopment plan or in the proceedings for the issuing of any bonds by the authority to finance a project of statewide as well as local importance, 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 such bonds. The authority may adopt a redevelopment plan in which only a specified percentage of the tax increment realized from taxpayers in the redevelopment district is pledged to the payment of costs of the project of statewide as well as local importance.

New Sec. 9. (a) No later than 30 days prior to a meeting of the board of directors of the authority at which a redevelopment plan that contains the provisions authorized by section 5, and amendments thereto, is to be considered by the authority, the secretary of the authority shall transmit a copy of the proposed redevelopment plan to be considered by the authority to the clerk, assessor and treasurer of the county in which the redevelopment district is located and to the governing bodies of the county and school district which levy taxes upon any property in the redevelopment district. A representative of each office or jurisdiction receiving a copy of the proposed redevelopment plan under this subsection shall have the right to be present and heard at the meeting of the board of directors of the authority at which the redevelopment plan is first considered by the authority.

(b) For any year in which taxes are to be paid to the redevelopment bond finance fund established under subsection (c)(2) of section 8, and amendments thereto, any increase in assessed valuation of taxable tangible real property within the redevelopment district in excess of an amount equal to the total assessed value of such real property on the date of the establishment of the redevelopment district shall not be considered by any taxing subdivision in computing any debt limitation or for any other purpose except for the levy of taxes and in determining the amount to be paid to such fund.

(c) The appraiser of any county in which a redevelopment district is authorized by the authority shall certify the amount of such increase in assessed valuation of real and personal property within the redevelopment district to the county clerk on or before July 1 of each year.

New Sec. 10. As used in sections 10 through 13, and amendments thereto, the following words and phrases shall have the meanings respectively ascribed to them herein:

(a) "Person" means an individual, firm, partnership, corporation, joint venture or other association of persons;

(b) "Hotel, motel or tourist court" means any structure or building which contains rooms furnished for the purposes of providing lodging, which may or may not also provide meals, entertainment or various other personal services to transient guests, and which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are sought for pay or compensation by transient or permanent guests and having more than eight bedrooms furnished for the accommodation of such guests;

(c) "Transient guest" means a person who occupies a room in a hotel, motel or tourist court for not more than 28 consecutive days;

(d) "Business" means any person engaged in the business of renting, leasing or letting living quarters, sleeping accommodations, rooms or a part thereof in connection with any motel, hotel or tourist court.

New Sec. 11. (a) Upon notification to the director of taxation that the Kansas development finance authority has established a redevelopment district pursuant to section 4, and amendments thereto, there is hereby imposed a tax at the rate of 5% upon the gross receipts derived from or paid by transient guests for sleeping accommodations, exclusive of charges for incidental services or facilities, in any hotel, motel or tourist

court located in a redevelopment district established pursuant to section 4, and amendments thereto.

(b) Any transient guest tax levied pursuant to this section shall be based on the gross rental receipts collected by any business.

(c) The taxes levied pursuant to this section shall be paid by the consumer or user to the business and it shall be the duty of each and every business to collect from the consumer or user the full amount of any such tax, or an amount equal as nearly as possible or practicable to the average equivalent thereto. Each business collecting any of the taxes levied hereunder shall be responsible for paying over the same to the state department of revenue in the manner prescribed by section 12, and amendments thereto, and the state department of revenue shall administer and enforce the collection of such taxes.

New Sec. 12. (a) The tax levied and collected pursuant to section 11, and amendments thereto, shall become due and payable by the business monthly, on or before the last day of the month immediately succeeding the month in which it is collected, but any person filing an annual or quarterly return under the Kansas retailers' sales tax act, as prescribed in K.S.A. 79-3607, and amendments thereto, shall, upon such conditions as the secretary of revenue may prescribe, pay the tax required by this act on the same basis and at the same time such person pays the retailers' sales tax. Each business shall make a true report to the department of revenue, on a form prescribed by the director of taxation, providing such information as may be necessary to determine the amounts to which any such tax shall apply for all gross rental receipts for the applicable month or months, which report shall be accompanied by the tax disclosed thereby. Records of gross rental receipts shall be kept separate and apart from the records of other retail sales made by a business in order to facilitate the examination of books and records as provided herein.

(b) The secretary of revenue or the secretary's authorized representative shall have the right at all reasonable times during business hours to make such examination and inspection of the books and records of a business as may be necessary to determine the accuracy of such reports.

(c) The director of taxation is hereby authorized to administer and collect the transient guest tax levied pursuant to this act and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement of the collection thereof. Whenever any business liable to pay any transient guest tax refuses or neglects to pay the same, the amount, including any penalty, shall be collected in the manner prescribed for the collection of the retailers' sales tax by K.S.A. 79-3617, and amendments thereto. All of the taxes collected under the provisions of this act shall be paid into the state treasury daily by the director of taxation, and all moneys shall be credited at least quarterly by the state treasurer as directed in section 16, and amendments thereto.

New Sec. 13. (a) If any taxpayer shall fail to pay the tax levied pursuant to section 11, and amendments thereto, at the time required by or under the provisions of section 12, and amendments thereto, there shall be added to the unpaid balance of the tax, interest at the rate per month prescribed by subsection (a) of K.S.A. 79-2968, and amendments thereto, from the date the tax was due until paid.

(b) If any taxpayer due to negligence or intentional disregard fails to file a return or pay the tax due at the time required by or under the provisions of section 12, and amendments thereto, there shall be added to the tax a penalty in an amount equal to 10% of the unpaid balance of tax due.

(c) If any person fails to make a return, or to pay any tax, within 30 days after notice from the director, except in the case of an extension of time granted by the director, there shall be added to the tax due a penalty equal to 25% of the amount of such tax.

(d) If any taxpayer, with fraudulent intent, fails to pay any tax or make, render or sign any return, or to supply any information, within the time required by or under the provisions of section 12, and amendments thereto, there shall be added to the tax a penalty in an amount equal to 50% of the unpaid balance of tax due.

(e) Penalty or interest applied under the provisions of subsections (a) and (d) shall be in addition to the penalty added under any other provisions of this section, but the provisions of subsections (b) and (c) shall be mutually exclusive of each other.

(f) Whenever, in the judgment of the director of taxation, the failure of the taxpayer to comply with the provisions of subsections (b) and (c) was due to reasonable causes and not willful neglect, the director of taxation may waive or reduce any of the penalties upon making a record of the reasons therefor.

(g) In addition to all other penalties provided by this section, any person who willfully fails to make a return or to pay any tax imposed under section 11, and amendments thereto or who makes a false or fraudulent return, or fails to keep any books or records necessary to determine the accuracy of the person's reports, or who willfully violates any regulations of the secretary of revenue, for the enforcement and administration of the provisions of sections 10 through 12, and amendments thereto, or who aids and abets another in attempting to evade the payment of any tax imposed by section 11, and amendments thereto, or who violates any other provision of sections 10 through 12, and amendments thereto, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000, or be imprisoned in the county jail not less than one month nor more than six months, or be both so fined and imprisoned, in the discretion of the court.

Sec. 14. K.S.A. 79-3603 is hereby amended to read as follows: 79-3603. For the privilege of engaging in the business of selling tangible personal property at retail in this state or rendering or furnishing any of the services taxable under this act, there is hereby levied and there shall be collected and paid a tax at the rate of 4.9%, and, within a redevelopment district established pursuant to section 4, and amendments thereto, there is hereby levied and there shall be collected and paid an additional tax at the rate of 1% until the earlier of the date the bonds issued to finance or refinance the redevelopment project undertaken in the district have been paid in full or 20 years after establishment of the redevelopment district, upon:

(a) The gross receipts received from the sale of tangible personal property at retail within this state;

(b) (1) the gross receipts from intrastate telephone or telegraph services and (2) the gross receipts received from the sale of interstate telephone or telegraph services, which (A) originate within this state and terminate outside the state and are billed to a customer's telephone number or account in this state; or (B) originate outside this state and terminate within this state and are billed to a customer's telephone number or account in this state except that the sale of interstate telephone or telegraph service does not include: (A) Any interstate incoming or outgoing wide area telephone service or wide area transmission type service which entitles the subscriber to make or receive an unlimited number of communications to or from persons having telephone service in a specified area which is outside the state in which the station provided this service is located; (B) any interstate private communications service to the persons contracting for the receipt of that service that entitles the purchaser to exclusive or priority use of a communications channel or group of channels between exchanges; (C) any value-added nonvoice service in which computer processing applications are used to act on the form, content, code or protocol of the information to be transmitted; (D) any telecommunication service to a provider of telecommunication services which will be used to render telecommunications services, including carrier access services; or (E) any service or transaction defined in this section among entities classified as members of an affiliated group as provided by federal law (U.S.C. Section 1504);

(c) the gross receipts from the sale or furnishing of gas, water, electricity and heat, which sale is not otherwise exempt from taxation under the provisions of this act, and whether furnished by municipally or privately owned utilities;

(d) the gross receipts from the sale of meals or drinks furnished at any private club, drinking establishment, catered event, restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public;

(e) the gross receipts from the sale of admissions to any place providing amusement, entertainment or recreation services including admissions to state, county, district and local fairs, but such tax shall not be levied and collected upon the gross receipts received from sales of admissions to any cultural and historical event which occurs triennially;

(f) the gross receipts from the operation of any coin-operated device dispensing or providing tangible personal property, amusement or other services except laundry services, whether automatic or manually operated;

(g) the gross receipts from the service of renting of rooms by hotels, as defined by K.S.A. 36-501 and amendments thereto, or by accommodation brokers, as defined by K.S.A. 12-1692, and amendments thereto;

(h) the gross receipts from the service of renting or leasing of tangible personal property except such tax shall not apply to the renting or leasing of machinery, equipment or other personal property owned by a city and purchased from the proceeds of industrial revenue bonds issued prior to

July 1, 1973, in accordance with the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, and any city or lessee renting or leasing such machinery, equipment or other personal property purchased with the proceeds of such bonds who shall have paid a tax under the provisions of this section upon sales made prior to July 1, 1973, shall be entitled to a refund from the sales tax refund fund of all taxes paid thereon;

(i) the gross receipts from the rendering of dry cleaning, pressing, dyeing and laundry services except laundry services rendered through a coin-operated device whether automatic or manually operated;

(j) the gross receipts from the rendering of the services of washing and washing and waxing of vehicles;

(k) the gross receipts from cable, community antennae and other subscriber radio and television services;

(l) the gross receipts received from the sales of tangible personal property to all contractors, subcontractors or repairmen of materials and supplies for use by them in erecting structures for others, or building on, or otherwise improving, altering, or repairing real or personal property of others;

(m) the gross receipts received from fees and charges by public and private clubs, drinking establishments, organizations and businesses for participation in sports, games and other recreational activities, but such tax shall not be levied and collected upon the gross receipts received from: (1) Fees and charges by any political subdivision, or any youth recreation organization exclusively providing services to persons 18 years of age or younger which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for participation in sports, games and other recreational activities; and (2) entry fees and charges for participation in a special event or tournament sanctioned by a national sporting association to which spectators are charged an admission which is taxable pursuant to subsection (e);

(n) the gross receipts received from dues charged by public and private clubs, drinking establishments, organizations and businesses, payment of which entitles a member to the use of facilities for recreation or entertainment;

(o) the gross receipts received from the isolated or occasional sale of motor vehicles or trailers but not including: (1) The transfer of motor vehicles or trailers by a person to a corporation solely in exchange for stock securities in such corporation; or (2) the transfer of motor vehicles or trailers by one corporation to another when all of the assets of such corporation are transferred to such other corporation; or (3) the sale of motor vehicles or trailers which are subject to taxation pursuant to the provisions of K.S.A. 79-5101 et seq., and amendments thereto, by an immediate family member to another immediate family member. For the purposes of clause (3), immediate family member means lineal ascendants or descendants, and their spouses. In determining the base for computing the tax on such isolated or occasional sale, the fair market value of any motor vehicle or trailer traded in by the purchaser to the seller may be deducted from the selling price;

(p) the gross receipts received for the service of installing or applying tangible personal property which when installed or applied is not being held for sale in the regular course of business, and whether or not such tangible personal property when installed or applied remains tangible personal property or becomes a part of real estate, except that no tax shall be imposed upon the service of installing or applying tangible personal property in connection with the original construction of a building or facility or the construction, reconstruction, restoration, replacement or repair of a bridge or highway.

For the purposes of this subsection:

(1) "Original construction" shall mean the first or initial construction of a new building or facility. The term "original construction" shall include the addition of an entire room or floor to any existing building or facility, the completion of any unfinished portion of any existing building or facility and the restoration, reconstruction or replacement of a building or facility damaged or destroyed by fire, flood, tornado, lightning, explosion or earthquake, but such term shall not include replacement, remodeling, restoration, renovation or reconstruction under any other circumstances;

(2) "building" shall mean only those enclosures within which individuals customarily live or are employed, or which are customarily used to house machinery, equipment or other property, and including the land improvements immediately surrounding such building; and

(3) "facility" shall mean a mill, plant, refinery, oil or gas well, water

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well, feedlot or any conveyance, transmission or distribution line of any cooperative, nonprofit, membership corporation organized under or subject to the provisions of K.S.A. 17-4601 et seq., and amendments thereto, or of any municipal or quasi-municipal corporation, including the land improvements immediately surrounding such facility;

(q) the gross receipts received for the service of repairing, servicing, altering or maintaining tangible personal property, except computer software described in subsection (s), which when such services are rendered is not being held for sale in the regular course of business, and whether or not any tangible personal property is transferred in connection therewith. The tax imposed by this subsection shall be applicable to the services of repairing, servicing, altering or maintaining an item of tangible personal property which has been and is fastened to, connected with or built into real property;

(r) the gross receipts from fees or charges made under service or maintenance agreement contracts for services, charges for the providing of which are taxable under the provisions of subsection (p) or (q);

(s) the gross receipts received from the sale of computer software, and the sale of the services of modifying, altering, updating or maintaining computer software. As used in this subsection, "computer software" means information and directions loaded into a computer which dictate different functions to be performed by the computer. Computer software includes any canned or prewritten program which is held or existing for general or repeated sale, even if the program was originally developed for a single end user as custom computer software. The sale of computer software or services does not include: (1) The initial sale of any custom computer program which is originally developed for the exclusive use of a single end user; or (2) those services rendered in the modification of computer software when the modification is developed exclusively for a single end user only to the extent of the modification and only to the extent that the actual amount charged for the modification is separately stated on invoices, statements and other billing documents provided to the end user. The services of modification, alteration, updating and maintenance of computer software shall only include the modification, alteration, updating and maintenance of computer software taxable under this subsection whether or not the services are actually provided; and

(t) the gross receipts received for telephone answering services, including mobile phone services, beeper services and other similar services.

Sec. 15. K.S.A. 79-3703 is hereby amended to read as follows: 79-3703. There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using, storing, or consuming within this state any article of tangible personal property. Such tax shall be levied and collected in an amount equal to the consideration paid by the taxpayer multiplied by the rate of 4.9%. *Within a redevelopment district established pursuant to section 4, and amendments thereto, there is hereby levied and there shall be collected and paid an additional tax of 1% until the earlier of: (1) The date the bonds issued to finance or refinance the redevelopment project undertaken in the district have been paid in full; or (2) twenty years after the establishment of the redevelopment district.* All property purchased or leased within or without this state and subsequently used, stored or consumed in this state shall be subject to the compensating tax if the same property or transaction would have been subject to the Kansas retailers' sales tax had the transaction been wholly within this state.

New Sec. 16. (a) Until the earlier of: (1) The date the bonds issued to finance or refinance the redevelopment undertaken in the redevelopment district have been paid in full; or (2) twenty years after the establishment of the redevelopment district, all revenues collected or received from the state transient guest tax established pursuant to sections 10 through 13, and amendments thereto, any revenue from a county or countywide retailers' sales tax levied or collected under section 20 and amendments thereto, the state retailers' sales tax pursuant to K.S.A. 79-3603, and amendments thereto, and the state compensating use tax, pursuant to K.S.A. 79-3703, and amendments thereto, which have been certified by the director of taxation to have been derived from taxpayers located in a redevelopment district shall be remitted to the state treasurer.

(b) The state treasurer shall credit all such revenues to the redevelopment bond fund which is hereby established in the state treasury. The state treasurer shall make such biannual distributions on dates mutually agreed upon by the treasurer and the authority. The authority shall use all such moneys received pursuant to this section to pay the costs of a redevelopment project of statewide as well as local importance as described in K.S.A. 74-8902, and amendments thereto.

New Sec. 17. The secretary of commerce and housing, the state treasurer, the board of county commissioners, the director of taxation, any bond trustee or fiscal agent are authorized to enter into agreements in connection with the implementation of any redevelopment project with a redevelopment district established pursuant to section 4, and amendments thereto.

Sec. 18. K.S.A. 1997 Supp. 12-189 is hereby amended to read as follows: 12-189. Except as otherwise provided by paragraph (2) of subsection (a) of K.S.A. 12-187, and amendments thereto, the rate of any class A or class C city retailers' sales tax shall be fixed in the amount of .25%, .5%, .75% or 1% which amount shall be determined by the governing body of the city. Except as otherwise provided by paragraph (2) of subsection (a) of K.S.A. 12-187, and amendments thereto, the rate of any class B city retailers' sales tax shall be fixed in the amount of .25%, .5%, .75%, 1%, 1.25%, 1.5%, 1.75% or 2%. Except as otherwise provided by paragraph (2) of subsection (a) of K.S.A. 12-187, and amendments thereto, the rate of any class D city retailers' sales tax shall be fixed in the amount of .25%, .5%, .75%, 1%, 1.25%, 1.5% or 1.75%. The rate of any countywide retailers' sales tax shall be fixed in an amount of either .25%, .5%, .75% or 1% which amount shall be determined by the board of county commissioners, except that:

(a) The board of county commissioners of Cherokee, Crawford, Saline, Seward or Wyandotte county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%, and the board of county commissioners of Barton, Jefferson or Ottawa county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%;

(b) the board of county commissioners of Jackson county, for the purposes of paragraph (3) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%;

(c) the boards of county commissioners of Finney and Ford counties, for the purposes of paragraph (4) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at .25%;

(d) the board of county commissioners of any county for the purposes of paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by a board of county commissioners on the effective date of this act plus .25%, .5%, .75% or 1%, as the case requires; or

(e) the board of county commissioners of Dickinson county, for the purposes of paragraph (7) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%.

Any county or city levying a retailers' sales tax is hereby prohibited from administering or collecting such tax locally, but shall utilize the services of the state department of revenue to administer, enforce and collect such tax. Except as otherwise specifically provided in K.S.A. 12-189a, and amendments thereto, such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers' sales tax act and all laws and administrative rules and regulations of the state department of revenue relating to the Kansas retailers' sales tax shall apply to such local sales tax insofar as such laws and rules and regulations may be made applicable. The state director of taxation is hereby authorized to administer, enforce and collect such local sales taxes and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement thereof.

Upon receipt of a certified copy of an ordinance or resolution authorizing the levy of a local retailers' sales tax, the state director of taxation shall cause such taxes to be collected within or without the boundaries of such taxing subdivision at the same time and in the same manner provided for the collection of the state retailers' sales tax. All moneys collected by the director of taxation under the provisions of this section shall be credited to a county and city retailers' sales tax fund which fund is hereby established in the state treasury. Any refund due on any county or city retailers' sales tax collected pursuant to this act shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from collections of local retailers' sales tax revenue. *Except for local retailers' sales tax revenue required to be deposited in the redevelopment bond fund established under section 16, and amendments thereto, all local retailers' sales tax revenue collected within any county or city pursuant to this act shall be apportioned and remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of such county or city.*

The director of taxation shall provide, upon request by a city or county

clerk or treasurer of any city or county levying a local retailers' sales tax, a monthly report identifying each retailer having a place of business in such city or county and setting forth the amount of such tax remitted by each retailer during the preceding month. Such report shall be made available to the clerk or treasurer of such city or county within a reasonable time after it has been requested from the director of taxation. The director of taxation shall be allowed to assess a reasonable fee for the issuance of such report. Information received by any city or county pursuant to this section shall be confidential, and it shall be unlawful for any officer or employee of such city or county to divulge any such information in any manner. Any violation of this paragraph by a city or county officer or employee is a class B misdemeanor, and such officer or employee shall be dismissed from office.

Sec. 19. K.S.A. 1997 Supp. 12-192 is hereby amended to read as follows: 12-192. (a) Except as otherwise provided by subsection (b), (d) or (h), all revenue received by the director of taxation from a countywide retailers' sales tax shall be apportioned among the county and each city located in such county in the following manner: (1) One-half of all revenue received by the director of taxation shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year, and (2) except as provided by paragraph (3), $\frac{1}{2}$ of all revenue received by the director of taxation from such countywide retailers' sales tax shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county, except that no persons residing within the Fort Riley military reservation shall be included in the determination of the population of any city located within Riley county, or (3) one-half of all revenue received by the director of taxation from countywide retailers' sales taxes levied in Geary county in any year shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county less the population residing on a military reservation bears to the total population of the county less the population residing on a military reservation, and second to the cities in the proportion that the population of each city bears to the total population of the county less the population residing on a military reservation. All revenue apportioned to a county shall be paid to its county treasurer and shall be credited to the general fund of the county.

(b) (1) As an alternative and in lieu of the apportionment formula provided in subsection (a), all revenue received by the director of taxation from a countywide retailers' sales tax imposed within Johnson county at the rate of .75% or 1% after the effective date of this act may be apportioned among the county and each city located in such county in the following manner: (A) The revenue received from the first .5% rate of tax shall be apportioned in the manner prescribed by subsection (a) and (B) the revenue received from the rate of tax exceeding .5% shall be apportioned as follows: (i) One-fourth shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year and (ii) one-fourth shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county and (iii) one-half shall be retained by the county for its sole use and benefit.

(2) In lieu of the apportionment formula provided in subsection (a), all money received by the director of taxation from a countywide sales tax imposed within Montgomery county pursuant to the election held on November 8, 1994, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged. All revenue apportioned and paid from the imposition of such tax to the treasurer of any city prior to the effective date of this act shall be remitted to the county treasurer and expended only for the purpose for which the revenue received from the tax was pledged.

(c) (1) Except as otherwise provided by paragraph (2) of this subsection, for purposes of subsections (a) and (b), the term "total tangible property tax levies" means the aggregate dollar amount of tax revenue derived from ad valorem tax levies applicable to all tangible property located within each such city or county. The ad valorem property tax levy of any county or city district entity or subdivision shall be included within this term if the levy of any such district entity or subdivision is applicable to all tangible property located within each such city or county.

(2) For the purposes of subsections (a) and (b), any ad valorem property tax levied on property located in a city in Johnson county for the purpose of providing fire protection service in such city shall be included within the term "total tangible property tax levies" for such city regardless of its applicability to all tangible property located within each such city. If the tax is levied by a district which extends across city boundaries, for purposes of this computation, the amount of such levy shall be apportioned among each city in which such district extends in the proportion that such tax levied within each city bears to the total tax levied by the district.

(d) (1) All revenue received from a countywide retailers' sales tax imposed pursuant to paragraphs (2), (6) or (7) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(2) Except as otherwise provided in paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, all revenues received from a countywide retailers' sales tax imposed pursuant to paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(e) All revenue apportioned to the several cities of the county shall be paid to the respective treasurers thereof and deposited in the general fund of the city. Whenever the territory of any city is located in two or more counties and any one or more of such counties do not levy a countywide retailers' sales tax, or whenever such counties do not levy countywide retailers' sales taxes at a uniform rate, the revenue received by such city from the proceeds of the countywide retailers' sales tax, as an alternative to depositing the same in the general fund, may be used for the purpose of reducing the tax levies of such city upon the taxable tangible property located within the county levying such countywide retailers' sales tax.

(f) Prior to March 1 of each year, the secretary of revenue shall advise each county treasurer of the revenue collected in such county from the state retailers' sales tax for the preceding calendar year.

(g) Prior to December 31 of each year, the clerk of every county imposing a countywide retailers' sales tax shall provide such information deemed necessary by the secretary of revenue to apportion and remit revenue to the counties and cities pursuant to this section.

(h) *The provisions of subsection (a) and (b) for the apportionment of countywide retailers' sales tax shall not apply to any revenues received pursuant to a county or countywide retailers' sales tax levied or collected under section 20, and amendments thereto. All such revenue collected under section 20 shall be deposited into the redevelopment bond fund established by section 16, and amendments thereto, for the period of time set forth in section 16, and amendments thereto.*

New Sec. 20. (a) Whenever a redevelopment district is proposed to be established pursuant to section 4, the governing body of the county in which the redevelopment district is proposed to be located may, in addition to any countywide retailers' sales tax authorized by K.S.A. 12-187, and amendments thereto, or other specific statutory provisions, adopt and impose a county retailers' sales tax at a rate of .5% within the redevelopment district, without submitting the question to an election and all revenue derived from the county retailers' sales tax levied under this subsection shall be pledged for the purposes of financing the redevelopment plan.

(b) Notwithstanding any other statutory provision to the contrary, whenever the governing body of a county adopts and imposes the county retailers' sales tax authorized under subsection (a), then all revenue that is derived from a countywide retailers' sales tax imposed by such county pursuant to K.S.A. 12-187, and amendments thereto, from taxpayers within the redevelopment district, except those portions of such taxes which have otherwise been expressly dedicated for other purposes by a prior pledge of such county or by authorizing statute or voter approval,

(continued)

shall be considered to be dedicated for purposes of the redevelopment district and upon collection by the director of taxation, such revenues shall be remitted to the state treasurer for deposit in the redevelopment bond fund established pursuant to section 16, and amendments thereto.

(c) All revenue derived from a county retailers' sales tax imposed under subsection (a) and collected under subsection (b) shall upon collection, be remitted to the state treasurer, as provided by section 16, and may be pledged and used by the authority in like manner as other revenues collected or received under section 16. Whenever the authority has proposed to issue bonds pursuant to subsection (e) of K.S.A. 74-8905 and amendments thereto, the county retailers' sales tax imposed under subsection (a) and the revenue collected under subsection (b) shall remain in effect and may not be reduced or rescinded by the governing body of the county until such time as the bonds have been fully paid. When such bonds have been fully paid, then (1) the county retailers' sales tax imposed under subsection (a) shall expire, unless otherwise renewed by action of the governing body of the county for purposes of implementing additional projects authorized under the redevelopment plan for the redevelopment district; and (2) the revenues to be collected under subsection (b) may be rededicated for other purposes by resolution of the governing body of such county and if not so rededicated then the revenues thereafter collected shall be used only for approved and authorized costs in the redevelopment district in accordance with the redevelopment plan. Upon rededication of the revenues under subsection (b), or in the event that no future redevelopment projects or authorized costs remain for the redevelopment district, the revenues derived from the countywide retailers' sales tax covered under subsection (b) shall thereafter be distributed to the county treasurer as required under K.S.A. 12-192, and amendments thereto.

Sec. 21. K.S.A. 1997 Supp. 12-195 is hereby amended to read as follows: 12-195. (a) Except as otherwise provided in K.S.A. 12-195b, 12-1774 and 12-17,103 and section 7, and amendments thereto, or subsection (b), no city or county shall commit any of the funds or proceeds derived from a retailers' sales tax as a guarantee for the payment of bonds issued by such city or county.

(b) Any city or county which is the recipient of funds derived from a local option sales tax pursuant to K.S.A. 12-187 *et seq.*, and amendments thereto, is hereby authorized to issue revenue bonds to provide for the payment of all or any portion of the cost of public facilities or improvements of such city or county for which such city or county is authorized pursuant to the constitution or laws of this state to issue general obligation bonds and to pledge revenues received from countywide or city retailers' sales taxes for the payment thereof. No such bonds shall be issued for the payment of all or any portion of the cost of any facilities or improvements to be used for commercial or retail purposes, except that such prohibition shall not apply to revenue bonds issued for the payment of the cost of constructing or improving a convention or exposition hall or center or public auditorium. In the event the governing body of a city or county proposes to issue such bonds, and the question of pledging the revenues received from the countywide or city retailers' sales tax has not previously been submitted to and approved by the voters of the city or county, such proposition shall be published once each week for two consecutive weeks in the official city or county newspaper, as the case requires. If, within 30 days after the last publication of the proposition, a petition is filed with the county election officer signed by not less than 4% of the electors of the city or county, as the case requires, who voted for the office of secretary of state at the last preceding general election for such office requesting an election thereon, no such bonds shall be issued unless the proposition is submitted to and approved by a majority of the voters of the city or county, as the case requires, voting at an election held thereon. Any such election shall be called and held in accordance with the provisions of K.S.A. 10-120, and amendments thereto, or in accordance with the provisions of the mail ballot election act.

(1) Such bonds shall be authorized by ordinance of the governing body of such city or resolution of the governing body of such county. The bonds may be issued as registered bonds or coupon bonds, payable to bearer, and, if coupon bonds, may be registrable as to principal only or as to principal and interest, and may be made exchangeable for bonds of another denomination or in another form. The bonds may be in such form and denominations, may have such date or dates, may be stated to mature at such time or times, may bear interest payable at such times and at such rate or rates, may be payable at such places within or without the state, may be subject to such terms of redemption in advance of

maturity at such prices, and may contain such terms and conditions, all as the city or county shall determine. The bonds shall have all the qualities of and shall be deemed to be negotiable instruments under the laws of the state of Kansas. The authorizing ordinance or resolution may contain any other terms, covenants and conditions that the city or county deems reasonable and desirable, including without limitation those pertaining to the maintenance of various funds and reserves, the nature and extent of any security for payment of the bonds, the custody and application of the proceeds of the bonds, the collection, transfer and disposition of sales tax revenues, the investing of bond proceeds or any funds pledged to the repayment of the bonds, and the rights, duties and obligations of the city or county and the owners of the bonds.

(2) The authorizing ordinance or resolution may provide for the execution of a trust indenture between the city or county and any financial institution within or without the state of Kansas. The trust indenture may contain any terms, covenants and conditions that are deemed desirable by the city or county.

(3) Any authorizing ordinance or resolution and trust indenture relating to the issuance of and security for the bonds shall constitute a contract between the city or county and the owners of the bonds, which contract, and all covenants, agreements and obligations therein, shall be promptly performed in strict compliance with the terms and provisions of such contract, and the covenants, agreements and obligations of the city or county may be enforced by mandamus or other appropriate proceeding at law or in equity. The pledge of revenues made by the city or county shall be valid and binding from the time when such pledge is made and the revenues so pledged and thereafter received by the city or county shall immediately be subject to the lien of such pledge without such physical delivery thereof or further act on the part of the city or county, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind against the issuer, irrespective of whether such parties have notice thereof. Neither the authorizing ordinance or resolution nor any other instrument by which a pledge is created need be filed or recorded except in the records of the city or county.

(4) The revenue bonds may be sold in such manner, either at public or private sale, and upon such terms as the city or county shall determine to be reasonable, including sale at discount. It shall be plainly stated on the face of each such bond that it has been issued under this act, that the bonds shall be special obligations of the city or county, payable solely and only from the revenues pledged to the payment of the bonds and that in no event, shall the bonds constitute an indebtedness of the state of Kansas or the city or county for which the faith and credit of the state of Kansas or city or county is pledged.

(5) Any bonds issued under the provisions of this section and the interest thereon, shall be exempt from all taxes levied by the state of Kansas, or any political or taxing subdivision thereof, except inheritance taxes.

(6) Bonds may be issued for the purpose of refunding, either at maturity or in advance of maturity, any bonds issued under this section. Such refunding bonds may either be sold or delivered in exchange for the bonds being refunded. If sold, the proceeds may either be applied to the payment of the bonds being refunded or deposited in trust and there maintained in cash or investments for the retirement of the bonds being refunded, as shall be specified by the city or county and the authorizing ordinance or resolution or trust indenture securing such refunding bonds. The authorizing ordinance or resolution or trust indenture securing the refunding bonds may provide that the refunding bonds shall have the same security for their payment as provided for the bonds being refunded. Refunding bonds shall be sold and secured in accordance with the provisions of this act pertaining to the sale and security of the bonds.

(7) Bonds issued under the provisions of this act shall be eligible to secure the deposit of public funds under article 14 of chapter 9 of the Kansas Statutes Annotated, and amendments thereto.

(8) Bonds issued under the provisions of this act shall be in addition to and not subject to any statutory limitation of bonded indebtedness imposed on such city or county.

Sec. 22. K.S.A. 1997 Supp. 12-1771, as amended by section 1 of 1998 House Bill No. 3036, 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. A unified government, established pursuant to K.S.A. 12-340 et seq., and amendments thereto, may enlarge an enterprise zone, established within its jurisdiction prior to July 1, 1992, to an area not exceeding 200% of the area of the original enterprise zone regardless of whether such enlargement crosses the boundary of a city within the jurisdiction of the unified government if the secretary of commerce and housing makes the same findings required for enlargement of an enterprise zone by a city. 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 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 interest 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

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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 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 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. 23. Within one year of the commencement of construction of any project of statewide as well as local importance as defined in K.S.A. 74-8902 and amendments thereto, located within a county which according to the 1990 decennial census contained a population greater than 25,000, a developer shall reimburse the unified government of Wyandotte county for cash investment in the project and for the use of during the course of negotiations with the developer as documented to and determined by the secretary of commerce and housing.

Sec. 24. K.S.A. 74-8907, 79-3603 and 79-3703 and K.S.A. 1997 Supp. 12-189, 12-192, 12-195, 12-1771 as amended by section 1 of 1998 House Bill No. 3036, 74-8902 and 74-8905 are hereby repealed.

Sec. 25. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register May 28, 1998.)

SENATE BILL No. 501

AN ACT concerning salaries and compensation for state officers and employees; amending K.S.A. 75-3101, 75-3103, 75-3104, 75-3108, 75-3110 and 75-3111a and K.S.A., 1997 Supp. 40-102, 46-137a and 46-137b and repealing the existing sections.

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

New Section 1. (a) The governor is hereby authorized and directed to modify the pay plan for fiscal year 1998 in accordance with this subsection and to adopt such pay plan as so modified. The existing pay plan for fiscal year 1998 shall be modified to provide for an increase of 1.5% in the pay rates of such pay plan. The pay plan adopted by the governor under this subsection shall be the pay plan for the classified service under the Kansas civil service act and shall be effective on the first day of the first biweekly payroll period which is chargeable to the fiscal year ending June 30, 1999. Such pay plan shall be subject to modification and approval as provided under K.S.A. 75-2938 and amendments thereto and to any enactment of the legislature applicable thereto.

(b) (1) The governor is hereby authorized and directed to modify or authorize the modification of the salaries of state officers and employees who are in the unclassified service under the Kansas civil service act and whose salaries are subject to approval by the governor under K.S.A. 75-2935b or 75-2935c and amendments thereto to provide for base salary increases, to be effective on the first day of the first payroll period which is chargeable to the fiscal year ending on June 30, 1999, and to be distributed on a merit basis from a merit salary increase pool, the average of such increases shall not exceed 4% of the base salaries of such officers and employees.

(2) Each elected state official of the executive branch of state government, including the state board of education, and the Kansas technology enterprise corporation, Kansas, Inc., the state board of regents and the board of trustees of the Kansas public employees retirement system, in each such official or board's discretion, are hereby authorized and directed to modify or to authorize the modification of the salaries of the state officers and employees of such official or board, who are in the unclassified service under the Kansas civil service act and whose salaries are not subject to approval by the governor under K.S.A. 75-2935b and amendments thereto, to provide for base salary increases to be effective on the first day of the first payroll period which is chargeable to the fiscal year ending June 30, 1999, and to be distributed on a merit basis from a merit salary increase pool, the average of such increases shall not exceed 4% of the base salaries of such officers and employees of such official or board. The provisions of this subsection (b)(2) shall not authorize or provide any salary increase for the governor, lieutenant governor, secretary of state, state treasurer, commissioner of insurance, attorney general, or to any member of any state board, commission, council or committee receiving per diem compensation as provided by statute.

Sec. 2. On June 14, 1998, K.S.A. 1997 Supp. 40-102 is hereby amended to read as follows: 40-102. There is hereby established a department to be known as the insurance department, which shall have a chief officer entitled the commissioner of insurance who shall receive, except as otherwise provided in K.S.A. 75-3111a and amendments thereto, an annual salary of \$62,407 a salary at a biweekly pay rate of \$2,648.45, and such officer shall be charged with the administration of all laws relating to insurance, insurance companies and fraternal benefit societies doing business in this state, and all other duties which are or may be imposed upon such officer by law.

Sec. 3. On June 14, 1998, K.S.A. 1997 Supp. 46-137a is hereby amended to read as follows: 46-137a. In addition to the compensation provided for by K.S.A. 46-137b, 46-137e and 75-3212 and amendments thereto, each member of the legislature shall receive the following amounts:

(a) The sum of \$65 \$72.06 per calendar day for service at any regular or special session, except as otherwise provided in subsection (e);

(b) the sum of \$73 \$80 per calendar day for subsistence allowance

for any regular or special session of the legislature, except that if the amounts allowable for the capital city of Kansas under applicable federal law and regulations to employees of the executive branch of the federal government for per diem expenses, while away from home but serving in the United States, are amounts which total greater than \$73 \$80, then each member of the legislature shall receive such greater total amount per calendar day for subsistence allowance for any regular or special session of the legislature;

(c) an allowance of \$600 per calendar month \$270 for the two-week period which coincides with the first biweekly payroll period commencing in April and for each of the 19 ensuing two-week periods thereafter, except for the months of January, February and March to defray expenses incurred between sessions of the legislature for postage, telephone, office and other incidental expenses;

(d) an allowance for mileage in an amount equal to the rate per mile prescribed under the provisions of K.S.A. 75-3203a and amendments thereto multiplied by the number of miles traveled by the usual route in going to and returning from the member's place of residence for any regular or special session of the legislature. Such mileage allowances shall be paid for not to exceed the equivalent of one trip for each full week occurring between convening and adjournment sine die in any regular or special session. The mileage allowance provided under the provisions of this subsection shall not be subject to the restrictions relating to the use of vehicles prescribed by K.S.A. 75-3203 and 75-3203a and amendments thereto but shall only be allowed for trips actually made. Compensation and subsistence allowance shall not be allowed under the provisions of subsections (a) and (b) of this section during any period in which the legislature is adjourned for more than two days, Sundays excepted; and

(e) whenever the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased for payroll periods chargeable to fiscal years commencing after June 30, 1996 1999, the rate of compensation per calendar day for members of the legislature for service at any regular or special session of the legislature shall be increased on the first day of the first payroll period immediately following the effective date of any such pay plan increase by an amount, adjusted to the nearest dollar, computed by multiplying the average of the percentage increases in all monthly steps of such pay plan by the rate of compensation per calendar day which is authorized by this section for service at any regular or special session of the legislature for the day upon which such increase is computed.

Sec. 4. On June 14, 1998, K.S.A. 1997 Supp. 46-137b is hereby amended to read as follows: 46-137b. (a) In addition to the compensation provided for by K.S.A. 46-137a and 75-3212 and amendments thereto, and any other statute, and except as otherwise provided by subsection (b):

(1) The president of the senate and the speaker of the house of representatives shall each receive an allowance in the amount of \$10,341 per annum, payable monthly, at a biweekly pay rate of \$438.82 during their terms of office as speaker and president, which compensation shall be for additional services performed in connection with discharging the duties assigned to the respective positions;

(2) the speaker pro tem of the house of representatives, the vice president of the senate, the assistant majority leaders of the senate and house of representatives and the assistant minority leaders of the senate and house of representatives shall each receive an allowance in the amount of \$5,278 per annum payable monthly at a biweekly pay rate of \$223.97 during their respective terms of office which compensation shall be for additional services performed in connection with discharging the duties assigned to the respective positions;

(3) the chairperson of the senate committee on ways and means and the chairperson of the house committee on appropriations shall each receive an allowance in the amount of \$8,316 per annum, payable monthly at a biweekly pay rate of \$352.89 during their respective terms of office, which compensation shall be for additional services performed in connection with discharging the duties assigned to the respective positions; and

(4) the majority and minority leaders of the senate and the house of representatives shall each receive an allowance in the amount of \$9,329 per annum, payable monthly at a biweekly pay rate of \$395.89 during their respective terms of office, which compensation shall be for additional services performed in connection with discharging the duties assigned to the respective positions.

(b) Whenever the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased for payroll periods chargeable to fiscal years commencing after June 30, 1996 1999, the annual compensation biweekly pay rate of officers of the legislature specified in subsection (a) shall be increased on the first day of the first payroll period immediately following the effective date of any such pay plan increase by an amount, adjusted to the nearest dollar, computed by multiplying the average of the percentage increases in all monthly steps of such pay plan by the annual compensation biweekly pay rate of such officers as prescribed by subsection (a) or amounts computed in accordance with this subsection for the day upon which such increase is computed which is being received as provided by law and which is in effect prior to the effective date of such pay plan increase.

Sec. 5. On June 14, 1998, K.S.A. 75-3101 is hereby amended to read as follows: 75-3101. Except as otherwise provided in K.S.A. 75-3111a and amendments thereto, the governor of the state shall receive for services an annual salary of \$90,335 a salary at a biweekly pay rate of \$3,409.22.

Sec. 6. On June 14, 1998, K.S.A. 75-3103 is hereby amended to read as follows: 75-3103. (a) The lieutenant governor shall receive, as reimbursement for expenses the following: (1) Annually Biweekly the sum of \$1,875 \$72.12, and (2) when attending the duties of office or attending any authorized meeting, in addition to other provisions of this section, travel expenses and subsistence expenses and allowances in amounts equal to those provided for by K.S.A. 75-3212 and amendments thereto.

In addition to any other compensation provided by law and except as otherwise provided in K.S.A. 75-3111a and amendments thereto, the lieutenant governor shall also receive for services in the performance of duties imposed by law compensation in the sum of \$22,724 per annum at the biweekly pay rate of \$964.29. While acting as governor, the lieutenant governor shall receive the same salary as the governor. The lieutenant governor may appoint an administrative assistant and office and stenographic employees, all of whom shall be in the unclassified service of the Kansas civil service act. Such administrative assistant shall receive travel expenses and subsistence expenses or allowances as provided by K.S.A. 75-3212 and amendments thereto when traveling as authorized by the lieutenant governor.

(b) If the lieutenant governor is appointed by the governor under the provision of K.S.A. 75-303 and amendments thereto, the lieutenant governor shall receive an annual a salary to be fixed by the governor or an annual a salary as provided for in subsection (a) of this section, whichever is greater.

Sec. 7. On June 14, 1998, K.S.A. 75-3104 is hereby amended to read as follows: 75-3104. Except as otherwise provided in K.S.A. 75-3111a and amendments thereto, the secretary of state shall receive for services an annual salary of \$62,407 a salary at a biweekly pay rate of \$2,648.45.

Sec. 8. On June 14, 1998, K.S.A. 75-3108 is hereby amended to read as follows: 75-3108. Except as otherwise provided in K.S.A. 75-3111a and amendments thereto, the state treasurer shall receive for services an annual salary of \$62,407 a salary at a biweekly pay rate of \$2,648.45.

Sec. 9. On June 14, 1998, K.S.A. 75-3110 is hereby amended to read as follows: 75-3110. Except as otherwise provided in K.S.A. 75-3111a and amendments thereto, the attorney general shall receive for services an annual salary of \$71,774 a salary at a biweekly pay rate of \$3,045.64.

Sec. 10. On June 14, 1998, K.S.A. 75-3111a is hereby amended to read as follows: 75-3111a. Whenever the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased for payroll periods chargeable to fiscal years commencing after June 30, 1996 1999, the annual salary of the governor, the lieutenant governor, the attorney general, the secretary of state, the state treasurer and the commissioner of insurance shall be increased by an amount, adjusted to the nearest dollar, computed by multiplying the average of the percentage increases in all monthly steps of such pay plan by the annual salary of the elected state officer which is being received as provided by law and which is in effect prior to the effective date of such increase in the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act.

Sec. 11. On June 14, 1998, K.S.A. 75-3101, 75-3103, 75-3104, 75-3108, 75-3110 and 75-3111a and K.S.A. 1997 Supp. 40-102, 46-137a and 46-137b are hereby repealed.

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

(Published in the Kansas Register May 28, 1998.)

SENATE BILL No. 262

AN ACT concerning courts; relating to additional district magistrate positions; election filing requirements; jurors, qualifications and questionnaires; amending K.S.A. 20-355, 25-205, 43-158 and 43-161 and repealing the existing sections.

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

Section 1. K.S.A. 20-355 is hereby amended to read as follows: 20-355. (a) On or before April 15 of every even-numbered year, the supreme court shall examine the need for more or less divisions or district magistrate judge positions of the district court in each judicial district which has not approved the proposition of nonpartisan selection of district judges of the district court, as provided in K.S.A. 20-2901, and amendments thereto; and, except that on or before May 15, 1998, the supreme court shall examine the need for more or less divisions or district magistrate judge positions of the district court in each judicial district which has not approved the proposition of nonpartisan selection of judges of the district court. On or before May 15 of each year, the supreme court shall examine the need for more or less divisions or positions of the district court in judicial districts which have approved such proposition. Whenever the supreme court shall determine that in order to effectively expedite the business of the district court in any judicial district in this state, the need exists for an additional district judge of the district court and an additional division of or position in such court, the supreme court shall so certify to the secretary of state, and where the need for such additional district judge of the district court and division or position is in a judicial district in which such proposition of nonpartisan selection of district court judges of the district court has been approved, such certification also shall be made to the chairperson of the district judicial nominating commission of such judicial district. Any additional division or position so certified shall be designated as the next numbered division or position of such court.

(b) Upon certification of an additional district judge of the district court and an additional division or position of the district court in any judicial district which has not approved the proposition of nonpartisan selection of district judges of the district court, the first district judge of the district court of such new division or position shall be elected at the general election held in November of the year in which the division or position is determined to be necessary and such judge shall take office on the second Monday in January of the following year. No judge of any such new division shall be appointed pending the first election to fill such office.

(c) Upon certification of an additional district judge of the district court and an additional division or position of the district court in any judicial district which has approved the proposition of nonpartisan selection of district judges of the district court, the additional division or position shall be created on July 15 of the year in which such certification is made, and the additional district judge shall be selected and take office in the manner prescribed by subsection (b) of K.S.A. 20-2913, and amendments thereto. The additional position shall be created on July 1 of the year in which the position is approved, and the additional district magistrate judge shall be selected and take office in the manner prescribed by K.S.A. 20-2914 and amendments thereto.

(d) The supreme court shall determine the county or judicial district in which the newly created division or position shall be placed.

(e) Any additional district judge or district magistrate judge position created by this section shall be considered a position created by the supreme court and not a civil appointment to a state office pursuant to K.S.A. 46-234, and amendments thereto.

Sec. 2. K.S.A. 25-205 is hereby amended to read as follows: 25-205.

(a) Except as otherwise provided in subsection (h) this section, the names of candidates for national, state, county and township offices shall be printed upon the official primary ballot when each shall have qualified to become a candidate by one of the following methods and none other: (1) They shall have had filed in their behalf, not later than 12:00 noon, June 10, prior to such primary election, or if such date falls on Saturday, Sunday or a holiday, then before 12:00 noon of the next following day that is not a Saturday, Sunday or a holiday, nomination petitions, as provided for in this act, except that in 1998, candidates for judge or district magistrate judge of the district court for positions created in 1998 in those judicial districts that have not approved the proposition of nonpartisan selection of judges of the district court shall have filed in their behalf, not later than 12:00 noon, July 1, 1998, nomination petitions, as provided for in this act;

or (2) they shall have filed not later than the time for filing nomination petitions, as above provided, with the proper officer a declaration of intention to become a candidate, accompanied by the fee required by law. Such declaration shall be prescribed by the secretary of state.

(b) Nomination petitions shall be in substantially the following form:

I, the undersigned, an elector of the county of _____, and state of Kansas, and a duly registered voter, and a member of _____ party, hereby nominate _____, who resides in the township of _____ (or at number _____ on _____ street, city of _____), in the county of _____ and state of Kansas, as a candidate for the office of (here specify the office) _____, to be voted for at the primary election to be held on the first Tuesday in August in _____, as representing the principles of such party; and I further declare that I intend to support the candidate herein named and that I have not signed and will not sign any nomination petition for any other person, for such office at such primary election.

(HEADING)

Name of Signers.	Street Number or Rural Route (as registered).	Name of City.	Date of Signing.
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All nomination petitions shall have substantially the foregoing form, written or printed at the top thereof. No signature shall be counted unless it is upon a sheet having such written or printed form at the top thereof.

(c) Each signer of a nomination petition shall sign but one such petition for the same office, and shall declare that such person intends to support the candidate therein named, and shall add to such person's signature and residence, if in a city, by street and number (if any); or, otherwise by post-office address. No signature shall be counted unless the place of residence of the signer is clearly indicated and the date of signing given as herein required and if ditto marks are used to indicate address they shall be continuous and clearly made. Such sheets shall not be cut or pasted together.

(d) All signers of each separate nomination petition shall reside in the same county and election district of the office sought. The affidavit described in this paragraph of a qualified elector who resides in such county and election district or of the candidate shall be appended to each petition and shall contain, at the end of each set of documents carried by each circulator, a verification, signed by the circulator or the candidate, to the effect that such circulator or the candidate personally witnessed the signing of the petition by each person whose name appears thereon. The person making such affidavit shall be duly registered to vote.

(e) Except as otherwise provided in subsection (g), nomination petitions shall be signed:

(1) If for a state officer elected on a statewide basis or for the office of United States senator, by voters equal in number to not less than 1% of the total of the current voter registration of the party designated in the state as compiled by the office of the secretary of state;

(2) If for a state or national officer elected on less than a statewide basis, by voters equal in number to not less than 2% of the total of the current voter registration of the party designated in such district as compiled by the office of the secretary of state, except that for the office of district magistrate judge, by not less than 2% of the total of the current voter registration of the party designated in the county in which such office is to be filled as certified to the secretary of state in accordance with K.S.A. 25-3302, and amendments thereto;

(3) If for a county office, by voters equal in number to not less than 3% of the total of the current voter registration of the party designated in such district or county as compiled by the county election officer and certified to the secretary of state in accordance with K.S.A. 25-3302, and amendments thereto; and

(4) If for a township office, by voters equal in number to not less than 3% of the total of the current voter registration of the party designated in such township as compiled by the county election officer and certified to the secretary of state in accordance with K.S.A. 25-3302, and amendments thereto.

(f) Subject to the requirements of K.S.A. 25-202, and amendments thereto, any political organization filing nomination petitions for a majority of the state or county offices, as provided in this act, shall have a separate primary election ballot as a political party and, upon receipt of such nomination petitions, the respective officers shall prepare a separate state and county ballot for such new party in their respective counties or districts thereof in the same manner as is provided for existing parties.

(Published in the Kansas Register May 28, 1998.)

HOUSE BILL No. 2782

AN ACT regulating traffic; concerning the width of certain loads on vehicles; providing for the issuance of a special permit; amending K.S.A. 1997 Supp. 8-1486, 8-1902 and 8-1911 and repealing the existing sections.

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

New Section 1. "National network of highways" means the interstate system, other United States designated highways and all state highways.

Sec. 2. K.S.A. 1997 Supp. 8-1486 is hereby amended to read as follows: 8-1486. K.S.A. 8-1414a, 8-1459a and 8-1475a, and amendments thereto, and K.S.A. 1997 Supp. 8-1402a, 8-1439c and 8-1458a, and amendments thereto, and K.S.A. 1997 Supp. 8-1402a section 1 shall be a part of, and supplemental to, the uniform act regulating traffic on highways.

Sec. 3. K.S.A. 1997 Supp. 8-1902 is hereby amended to read as follows: 8-1902. (a) The total outside width of any vehicle or the load thereon shall not exceed 8½ feet, except as otherwise provided in this section.

(b) A farm tractor or a fertilizer dispensing machine shall not be permitted to travel on any highway which is a part of the national system of interstate and defense highways. Whenever a farm tractor or implement of husbandry, and any load on any such vehicle, exceeds the width limitations prescribed by this section to the extent that the width of such vehicle, including any load thereon, exceeds the width of that portion of a roadway on which such vehicle is driven, which is marked as a single lane of traffic, or, if such roadway has not been marked for lanes of traffic, the width of such vehicle exceeds more than ½ the width of such roadway, the driver shall move such vehicle as soon as possible as far to the right side of the highway as is practicable and safe upon the approach of any oncoming or following vehicle and upon approaching the crest of a hill.

(c) The secretary shall adopt rules and regulations consistent with federal requirements designating safety and other devices which may extend out on either side of the vehicle.

(d) A vehicle may be loaded with bales of hay which shall not exceed 12 feet in width and a height as authorized by K.S.A. 8-1904, and amendments thereto, but vehicles so loaded shall not be moved on any highway designated as a part of the national system of interstate and defense highways and vehicles so loaded shall not be moved during the period beginning 30 minutes after sunset and ending 30 minutes before sunrise. Any vehicle loaded with bales of hay as authorized by the exception in this subsection, with the load extending beyond 8½ feet, shall have attached thereto a sign which states "OVERSIZE LOAD" and the dimensions of the sign shall be a minimum of seven feet long and 18 inches high. Letters shall be a minimum of 10 inches high with a brush stroke of not less than 1½ inches. The sign shall be readily visible from a distance of 500 feet and shall be removed when the vehicle or load does not exceed the legal width. Each vehicle shall be equipped with red flags on all four corners of the oversized load.

(d) (1) A vehicle may be loaded with bales of hay which shall not exceed 12 feet in width and a height as authorized by K.S.A. 8-1904, and amendments thereto, but vehicles so loaded shall not be moved on any highway designated as a part of the national network of highways, except as permitted under subsection (j) of K.S.A. 8-1911, and amendments thereto, or under paragraph (2) of this subsection.

(2) A farm vehicle may be loaded with bales of hay which shall not exceed 12 feet in width and a height as authorized by K.S.A. 8-1904, and amendments thereto, but vehicles so loaded shall not be moved on any highway designated as a part of the national system of interstate and defense highways. As used in this paragraph "farm vehicle" means a truck or truck tractor registered under K.S.A. 8-143, and amendments thereto, as a farm truck or truck tractor and used in combination with any type of trailer or semitrailer.

(3) Any such vehicles under paragraphs (1) or (2) so loaded shall not be moved during the period beginning 30 minutes after sunset and ending 30 minutes before sunrise. Any vehicle loaded with bales of hay as authorized by the exception in this subsection, with the load extending beyond 8½ feet, shall have attached thereto a sign which states "OVERSIZE LOAD" and the dimensions of the sign shall be a minimum of seven feet long and 18 inches high. Letters shall be a minimum of 10 inches high with a brush stroke of not less than 1½ inches. The sign shall be readily visible from a distance of 500 feet and shall be removed when the vehicle

(continued)

(g) (1) In the year 1992, if new boundary lines are defined and districts established in the manner prescribed by law on or after the effective date of this act and on or before May 10, 1992, for the offices of representative in the United States congress, senator and representative in the legislature of the state of Kansas, and member of the state board of education, nomination petitions for nomination to such offices shall be signed by voters equal in number to not less than 1% of the total of the current voter registration of the party designated in the district as compiled by the office of the secretary of state.

(2) In the year 1992, if new boundary lines are defined and districts established in the manner prescribed by law on or after May 11, 1992, nomination petitions for nomination to the following offices shall be signed by registered voters of the party designated in the district equal in number to not less than the following:

- (A) For the office of representative in the United States congress 1,000 registered voters;
- (B) for the office of member of the state board of education 300 registered voters;
- (C) for the office of state senator 75 registered voters; and
- (D) for the office of state representative 25 registered voters.

(h) (1) In the year 1992, if new boundary lines are defined and districts established in the manner prescribed by law for the offices of representative in the United States congress, senator and representative in the legislature of the state of Kansas, and member of the state board of education, on or before June 12, 1992, the deadline for filing nomination petitions and declarations of intention to become a candidate for such office, accompanied by the fee required by law, shall be June 24, 1992.

(2) In the year 1992, if new boundary lines are defined and districts established in the manner prescribed by law for the offices of representative in the United States congress, senator and representative in the legislature of the state of Kansas, and member of the state board of education, on or after June 13, 1992, the deadline for filing nomination petitions and declarations of intention to become a candidate for such office, accompanied by the fee required by law, shall be July 14, 1992.

Sec. 3. On and after July 1, 1998, K.S.A. 43-158 is hereby amended to read as follows: 43-158. The following persons shall be excused from jury service: (a) Persons unable to read, write, and understand the English language with a degree of proficiency sufficient to fill out respond to a jury questionnaire form prepared by the commissioner;

(b) persons under adjudication of incompetency; and

(c) persons who within ten (10) 10 years immediately preceding have been convicted of or pleaded guilty, or *nolo contendere*, to an indictment or information charging a felony.

Sec. 4. On and after July 1, 1998, K.S.A. 43-161 is hereby amended to read as follows: 43-161. Each jury commissioner may require any person summoned for jury duty whose name has been selected for a jury list prepared in accordance with the provisions of K.S.A. 43-162 and amendments thereto to answer in writing such questions as he the commissioner may address to such person, touching his relating to such person's name, age, residence, occupation and qualifications as a juror, with a view to the due and faithful jury service of such person; and also all such questions as to involving similar matters touching relating to all persons in his household living in such person's residence.

Any such person summoned for jury duty who shall fail or refuse whose name has been selected for a jury list who fails or refuses to answer such questions in writing; and signing his such person's name thereto, shall be cited for contempt of court.

Any such person summoned for jury duty whose name has been selected for a jury list who shall willfully or corruptly make makes false answers to such questions put to him such person by the jury commissioner shall be deemed to be guilty of a class A nonperson misdemeanor.

Sec. 5. K.S.A. 20-355 and 25-205 are hereby repealed.

Sec. 6. On and after July 1, 1998, K.S.A. 43-158 and 43-161 are hereby repealed.

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

or load does not exceed the legal width. Each vehicle shall be equipped with red flags on all four corners of the oversized load.

(e) The secretary of transportation shall adopt rules and regulations authorizing vehicles to be loaded with two combine headers which exceed the legal width, but vehicles so loaded shall not be moved on any highway designated as a part of the national system of interstate and defense highways, except as permitted under subsection (i) of K.S.A. 8-1911, and amendments thereto, and vehicles so loaded shall not be moved during the period beginning 30 minutes after sunset and ending 30 minutes before sunrise.

Sec. 4. K.S.A. 1997 Supp. 8-1911 is hereby amended to read as follows: 8-1911. (a) The secretary of transportation with respect to highways under the secretary's jurisdiction and local authorities with respect to highways under their jurisdiction, in their discretion, upon application, may issue a special permit, which term shall include an authorization number, to the owner or operator of an oversize or overweight vehicle. The special permit shall authorize the special permit holder to operate or move a vehicle or combination of vehicles which exceed the limitations of this act, on a route, or routes, designated in the special permit and in accordance with the terms and conditions of the special permit.

(b) The application for the permit shall describe the vehicle, or combination of vehicles and all loads or cargo for which the special permit is requested, the route or routes on which operation is sought and whether a single trip or annual operation is requested. One special permit may be issued for a vehicle or combination of vehicles, that are both oversize and overweight. A special permit under this section may be for a single trip or for annual operation. The special permit shall designate the route or routes that may be used and any other terms, conditions or restrictions deemed necessary. The secretary of transportation shall charge a fee for each permit or authorization number issued as provided for in subsection (f). No permit shall be required to authorize the moving or operating upon any highway of farm tractors, combines, fertilizer dispensing equipment or other farm machinery, or machinery being transported to be used for terracing or soil or water conservation work upon farms, or vehicles owned by counties, cities and other political subdivisions of the state, except that this sentence shall not: (1) Exempt trucks owned by counties, cities and other political subdivisions specifically designed and equipped and used exclusively for garbage, refuse or solid waste disposal operations from the maximum gross weight limitations contained in the table in K.S.A. 8-1909, and amendments thereto; or (2) authorize travel on interstate highways.

(c) A permit shall be valid only when the registration on the power unit is equal to or exceeds the total gross weight of the vehicle. When the gross weight of the vehicle exceeds the upper limit of the available registration, the maximum amount of registration must be purchased.

(d) The secretary or local authority may issue or withhold the permit at the secretary's or local authority's discretion or may limit the number of trips, or establish seasonal or other time limitations within which the vehicles described may be operated on the highways, or may otherwise limit or prescribe conditions of operations of such vehicle or combination of vehicles, when necessary to assure against undue damage to the road. The secretary or local authority may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.

(e) Every permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit. It shall be unlawful for any person to violate any of the terms or conditions of special permit.

(f) The secretary of transportation shall charge and collect fees as follows:

- (1) Five dollars for each single-trip permit;
- (2) twenty-five dollars for a five-year permit for vehicles authorized to move bales of hay under subsection (j) on noninterstate highways;
- (3) one hundred and twenty-five dollars for each annual permit;
- (4) two thousand dollars per year for each qualified carrier company for special vehicle combination permits authorized under K.S.A. 8-1915, and amendments thereto, plus \$50 per year for each power unit operating under such annual permit.

No fees shall be charged for permits issued for vehicles owned by counties, cities and other political subdivisions of the state. All permit fees received under this section shall be remitted to the state treasurer

who shall deposit the same in the state treasury and shall be credited to the state highway fund. The secretary may adopt rules and regulations for payment and collection of all fees. The secretary may adopt rules and regulations implementing the provisions of this section to prescribe standards for any permit program to enhance highway safety.

(g) If any local authority does not desire to exercise the powers conferred on it by this section to issue or deny permits then such a permit from the local authority shall not be required to operate any such vehicle or combination of vehicles on highways under the jurisdiction of such local authority, but in no event shall the jurisdiction of the local authority be construed as extending to any portion of any state highway, any city street designated by the secretary as a connecting link in the state highway system or any highway within the national system of interstate and defense highways, which highways and streets, for the purpose of this section, shall be under the jurisdiction of the secretary.

(h) A house trailer, manufactured home or mobile home which exceeds the width as provided in subsection (a) of K.S.A. 8-1902, and amendments thereto, may be moved on the highways of this state by obtaining a permit as provided in this section, if:

- (1) The width of such house trailer, manufactured home or mobile home does not exceed 16½ feet;
- (2) the driver of the vehicle pulling the house trailer, manufactured home or mobile home has a valid driver's license; and
- (3) the driver carries evidence that the housetrailer, manufactured home or mobile home, and the vehicle pulling it, are covered by motor vehicle liability insurance with limits of not less than \$100,000 for injury to any one person, and \$300,000 for injury to persons in any one accident, and \$25,000 for injury to property.

For the purposes of this subsection, the terms "manufactured home" and "mobile home" shall have the meanings ascribed to them by K.S.A. 58-4202, and amendments thereto.

(i) Upon proper application stating the description and registration of each power unit, the secretary of transportation shall issue permits for a period, from May 1 to November 15, for custom combine operators to tow custom-combine equipment on a trailer within legal dimensions or a trailer especially designed for the transportation of combines or combine equipment at the rate of \$10 per power unit. Each application shall be accompanied by information as required by the secretary. The permit shall allow custom combine operators to haul two combine headers on designated interstate highways provided:

- (1) The vehicle plus the load do not exceed 14 feet in width;
- (2) the move is completed during the period beginning 30 minutes before sunrise and ending 30 minutes after sunset; and
- (3) the vehicle plus the load are not overweight.

(j) Except as provided in paragraph (2) of subsection (d) of K.S.A. 8-1902, and amendments thereto, a vehicle loaded with bales of hay which exceeds the width as provided in subsection (a) of K.S.A. 8-1902, and amendments thereto, may be moved on any highway designated as a part of the national network of highways by obtaining a permit as provided by this section, if:

- (A) The vehicle plus the bales of hay do not exceed 12 feet in width;
- (B) the vehicle plus the bales of hay do not exceed the height authorized under K.S.A. 8-1904, and amendments thereto;
- (C) the move is completed during the period beginning 30 minutes before sunrise and ending 30 minutes after sunset;
- (D) the vehicle plus the load are not overweight; and
- (E) the vehicle plus the load comply with the signing and marking requirements of paragraph (3) of subsection (d) of K.S.A. 8-1902, and amendments thereto.

(k) If it is determined by the secretary of transportation that a person has been granted a permit and has not complied with the applicable provisions of this section and the rules and regulations of the secretary of transportation relating thereto, the secretary may cancel the permit and may refuse to grant future permits to the individual.

Sec. 5. K.S.A. 1997 Supp. 8-1486, 8-1902 and 8-1911 are hereby repealed.

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

(Published in the Kansas Register May 28, 1998.)

HOUSE BILL No. 2312

AN ACT concerning the uniform controlled substances act, 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:

Table listing substances and their corresponding DEA codes, including Alprazolam (2882), Barbital (2145), Bromazepam (2748), Camazepam (2749), Chloral betaine (2460), Chloral hydrate (2465), Chlordiazepoxide (2744), Clobazam (2751), Clonazepam (2737), Clorazepate (2768), Clotiazepam (2752), Cloxazolam (2753), Delorazepam (2754), Diazepam (2765), Estazolam (2756), Ethchlorvynol (2540), Ethinamate (2545), Ethyl loflazepate (2758), Fludiazepam (2759), Flunitrazepam (2763), Flurazepam (2767), Halazepam (2762), Haloxazolam (2771), Ketazolam (2772), Loprazolam (2773), Lorazepam (2885), Lormetazepam (2774), Mebutamate (2800), Medazepam (2836), Meprobamate (2820), Methohexital (2264), Methyphenobarbital (2250), Midazolam (2884), Nimetazepam (2837), Nitrazepam (2834), Nordiazepam (2838), Oxazepam (2835), Oxazolam (2839), Paraldehyde (2585), Petrichloral (2591), Phenobarbital (2285), Pinazepam (2883), Prazepam (2764), Quazepam (2881), Temazepam (2925), Tetrazepam (2886), Triazolam (2887), Zolpidem (2783), and Gamma hydroxybutyric acid.

(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:

Table listing substances and their corresponding DEA codes, including Cathine ((+)-norpseudoephedrine) (1230), Diethylpropion (1610), Fencamfamin (1760), Fenproporex (1575), Mazindol (1605), Mefenorex (1580), Pemoline (including organometallic complexes and chelates thereof) (1530), and 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).

Table listing substances and their corresponding DEA codes, including Pipradrol (1750) and 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:

Table listing substances and their corresponding DEA codes, including 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:

Table listing substances and their corresponding DEA codes, including Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit (9167) and 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.

Sec. 2. K.S.A. 1997 Supp. 65-4111 is hereby repealed.

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

(Published in the Kansas Register May 28, 1998.)

HOUSE BILL No. 2726

AN ACT concerning cigarettes and tobacco products; relating to cigarette or tobacco infractions; penalties therefor; certain records of sales; amending K.S.A. 22-3609, 79-3316, 79-3322, 79-3391 and 79-3393 and K.S.A. 1997 Supp. 12-4214, 12-4305, 21-3105, 21-4503a, 22-3404, 22-3409, 22-3412 and 22-3609a and repealing the existing sections.

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

Section 1. K.S.A. 1997 Supp. 12-4214 is hereby amended to read as follows: 12-4214. (a) Except as provided further, when a person is charged with an ordinance traffic infraction or an ordinance cigarette or tobacco infraction, the notice to appear shall provide a place where the person may make a written entry of appearance, waive the right to a trial and plead guilty or no contest. The notice to appear shall provide a space in which the law enforcement officer, except as provided in subsection (b), shall enter the appropriate fine specified in the fine schedule established by the municipal judge in accordance with K.S.A. 12-4305 and amendments thereto, in the case of a traffic infraction, or a fine of \$25, in the case of an ordinance cigarette or tobacco infraction. Either the notice to appear or a separate form provided to the person by the law enforcement officer shall provide an explanation: (1) Of the person's right to appear and right to trial and the person's right to pay the appropriate fine prior to the appearance date; (2) that failure to either pay such fine or appear at the specified time may result in issuance of a warrant for the person's arrest; and (3) in the case of a traffic infraction, that failure to either pay such fine or appear at the specified time may result in the suspension of the person's driver's license. The law enforcement officer shall provide the person with the telephone number and address of the municipal court to which the written entry of appearance, waiver of trial, plea of guilty or no contest and payment of fine shall be mailed.

(b) In lieu of the law enforcement officer entering the appropriate

(continued)

fine for an ordinance traffic infraction, the officer may direct the person charged with an ordinance traffic infraction to contact the clerk of the municipal court to determine the applicable fine or provide the person with a copy of the fine schedule established by the municipal judge in accordance with K.S.A. 12-4305 and amendments thereto.

(c) When a person is charged with an ordinance cigarette or tobacco infraction, the judge may require the juvenile to appear in court with a parent or legal guardian.

(e) (d) This section shall be a part of and supplemental to the provisions of article 42 of chapter 12 of the Kansas Statutes Annotated and acts amendatory thereof or supplemental thereto.

Sec. 2. K.S.A. 1997 Supp. 12-4305 is hereby amended to read as follows: 12-4305. (a) The municipal judge shall establish a schedule of fines which shall be imposed for municipal ordinance violations that are classified as ordinance traffic infractions. Also, the municipal judge may establish a schedule of fines which shall be imposed for the violation of certain other ordinances. Any fine so established shall be within the minimum and maximum allowable fines established by ordinance for such offenses by the governing body. The following traffic violations are specifically excluded from any schedule of fines:

- (1) Reckless driving;
- (2) driving while under the influence of alcohol or drugs, or both, or driving with a blood or breath alcohol concentration of .08 or more;
- (3) driving without a valid license issued or on a canceled, suspended or revoked license;
- (4) fleeing or attempting to elude a police officer; or
- (5) offense comparable to those prescribed by K.S.A. 8-1602, 8-1603 and 8-1604 and amendments thereto.

(b) A person charged with the violation of an ordinance contained in a schedule of fines established under subsection (a) shall, except as provided in subsection (c), appear at the place and time specified in the notice to appear. If the person enters an appearance, waives right to trial, pleads guilty or no contest, the fine shall be no greater than that specified in the schedule.

(c) Except as provided in subsection (c) of K.S.A. 12-4214, and amendments thereto, prior to the time specified in the notice to appear, a person charged with an ordinance cigarette or tobacco infraction or a violation of an ordinance contained in a schedule of fines established under subsection (a) may enter an appearance, waive right to trial, plead guilty or no contest and pay the fine for the violation as specified in the schedule or in subsection (a) of K.S.A. 12-4214 and amendments thereto. At the election of the person charged, such appearance, waiver, plea and payment may be made by mail or in person and payment may be by personal check. The complaint shall not have been complied with if a check is not honored for any reason, or the fine is not paid in full prior to the time specified in the notice to appear. When a person charged with an ordinance cigarette or tobacco infraction or an ordinance traffic infraction or other ordinance violation on a schedule of fines makes payment without executing a written waiver of right to trial and plea of guilty or no contest, the payment shall be deemed such an appearance, waiver of right to trial and plea of no contest.

The municipal judge may authorize the clerk of the municipal court or some other person to accept by mail or in person such voluntary appearance, plea of guilty or no contest and payment of the fine imposed by the schedule or by subsection (a) of K.S.A. 12-4214 and amendments thereto.

The schedule of fines and persons authorized to accept such pleas shall be conspicuously displayed in the office where such voluntary appearance, plea of guilty and payment of fine occurs.

Sec. 3. K.S.A. 1997 Supp. 21-3105 is hereby amended to read as follows: 21-3105. A crime is an act or omission defined by law and for which, upon conviction, a sentence of death, imprisonment or fine, or both imprisonment and fine, is authorized or, in the case of a traffic infraction or a cigarette or tobacco infraction, a fine is authorized. Crimes are classified as felonies, misdemeanors and, traffic infractions and cigarette or tobacco infractions.

(1) A felony is a crime punishable by death or by imprisonment in any state correctional institution or a crime which is defined as a felony by law.

(2) A traffic infraction is a violation of any of the statutory provisions listed in subsection (c) of K.S.A. 8-2118 and amendments thereto.

(3) A cigarette or tobacco infraction is a violation of subsection (m) or (n) of K.S.A. 79-3321 and amendments thereto.

(4) All other crimes are misdemeanors.

Sec. 4. K.S.A. 1997 Supp. 22-3404 is hereby amended to read as follows: 22-3404. (1) The trial of misdemeanor, cigarette or tobacco infraction and traffic infraction cases shall be to the court unless a jury trial is requested in writing by the defendant not later than seven days after first notice of trial assignment is given to the defendant or such defendant's counsel. The time requirement provided in this subsection regarding when a jury trial shall be requested may be waived in the discretion of the court upon a finding that imposing such time requirement would cause undue hardship or prejudice to the defendant.

(2) A jury in a misdemeanor, cigarette or tobacco infraction or traffic infraction case shall consist of six members.

(3) Trials in the municipal court of a city shall be to the court.

(4) Except as otherwise provided by law, the rules and procedures applicable to jury trials in felony cases shall apply to jury trials in misdemeanor, cigarette or tobacco infraction and traffic infraction cases.

(5) The trial of cigarette or tobacco infraction or traffic infraction cases shall be to the court.

Sec. 5. K.S.A. 1997 Supp. 21-4503a is hereby amended to read as follows: 21-4503a. (a) A person who has been convicted of a felony may, in addition to the sentence authorized by law, be ordered to pay a fine which shall be fixed by the court as follows:

(1) For any off-grid felony crime or any felony ranked in severity level 1 of the drug grid as provided in K.S.A. 21-4705 and amendments thereto, a sum not exceeding \$500,000.

(2) For any felony ranked in severity levels 1 through 5 of the nondrug grid as provided in K.S.A. 21-4704 and amendments thereto or in severity levels 2 or 3 of the drug grid as provided in K.S.A. 21-4705 and amendments thereto, a sum not exceeding \$300,000.

(3) For any felony ranked in severity levels 6 through 10 of the nondrug grid as provided in K.S.A. 21-4704 and amendments thereto or in severity level 4 of the drug grid as provided in K.S.A. 21-4705 and amendments thereto, a sum not exceeding \$100,000.

(b) A person who has been convicted of a misdemeanor, in addition to or instead of the imprisonment authorized by law, may be sentenced to pay a fine which shall be fixed by the court as follows:

(1) For a class A misdemeanor, a sum not exceeding \$2,500.

(2) For a class B misdemeanor, a sum not exceeding \$1,000.

(3) For a class C misdemeanor, a sum not exceeding \$500.

(4) For an unclassified misdemeanor, any sum authorized by the statute that defines the crime. If no penalty is provided in such law, the fine shall not exceed the fine provided herein for a class C misdemeanor.

(c) As an alternative to any of the above fines, the fine imposed may be fixed at any greater sum not exceeding double the pecuniary gain derived from the crime by the offender.

(d) A person who has been convicted of a traffic infraction may be sentenced to pay a fine which shall be fixed by the court, not exceeding \$500.

(e) A person who has been convicted of a cigarette or tobacco infraction shall be sentenced to pay a fine of \$25.

(f) The provisions of this section shall apply to crimes committed on or after July 1, 1993.

Sec. 6. K.S.A. 1997 Supp. 22-3409 is hereby amended to read as follows: 22-3409. When a jury trial is demanded, as provided by law, for traffic infraction, cigarette or tobacco infraction or misdemeanor cases, the judge shall summon not less than 12 prospective jurors from the source and in the manner provided for the summoning of other petit jurors in the district court in the county.

Sec. 7. K.S.A. 1997 Supp. 22-3412 is hereby amended to read as follows: 22-3412. (a) (1) For crimes committed before July 1, 1993, peremptory challenges shall be allowed as follows:

(A) Each defendant charged with a class A felony shall be allowed 12 peremptory challenges.

(B) Each defendant charged with a class B felony shall be allowed eight peremptory challenges.

(C) Each defendant charged with a felony other than class A or class B felony shall be allowed six peremptory challenges.

(D) Each defendant charged with a misdemeanor, cigarette or tobacco infraction or traffic infraction shall be allowed three peremptory challenges.

(E) Additional peremptory challenges shall not be allowed on account of separate counts charged in the complaint or indictment.

(F) The prosecution shall be allowed the same number of peremptory challenges as all the defendants.

(2) For crimes committed on or after July 1, 1993, peremptory challenges shall be allowed as follows:

(A) Each defendant charged with an off-grid felony or a nondrug or drug felony ranked at severity level 1 shall be allowed 12 peremptory challenges.

(B) Each defendant charged with a nondrug felony ranked at severity level 2, 3, 4, 5 or 6, or a drug felony ranked at severity level 2 or 3, shall be allowed 8 peremptory challenges.

(C) Each defendant charged with an unclassified felony, a nondrug severity level 7, 8, 9 or 10, or a drug severity level 4 felony shall be allowed six peremptory challenges.

(D) Each defendant charged with a misdemeanor shall be allowed three peremptory challenges.

(E) The prosecution shall be allowed the same number of peremptory challenges as all defendants.

(F) The most serious penalty offense charged against each defendant furnishes the criterion for determining the allowed number of peremptory challenges for that defendant.

(G) Additional peremptory challenges shall not be allowed when separate counts are charged in the complaint, information or indictment.

(H) Except as otherwise provided in this subsection, the provisions of this section shall apply. In applying the provisions of this section, the trial court may determine the number of peremptory challenges to allow by reviewing the classification for the crime charged, or nearest comparable felony, as it was classified under the criminal law in effect prior to July 1, 1993. If the severity level of the most serious crime charged raises the potential penalty above that of another crime which was classified higher under the criminal law in effect prior to July 1, 1993, the defendant shall be allowed the number of peremptory challenges as for that higher classified crime under the prior system.

(I) The trial court shall resolve any conflicts with a liberal construction in favor of allowing the greater number of peremptory challenges.

(b) After the parties have interposed all of their challenges to jurors, or have waived further challenges, the jury shall be sworn to try the case.

(c) Immediately after the jury is empaneled and sworn, a trial judge may empanel one or more alternate or additional jurors whenever, in the judge's discretion, the judge believes it advisable to have such jurors available to replace jurors who, prior to the time the jury retires to consider its verdict, become or are found to be unable to perform their duties. Such jurors shall be selected in the same manner, have the same qualifications, and be subject to the same examination and challenges and take the same oath and have the same functions, powers and privileges as the regular jurors. Each party shall be entitled to one peremptory challenge to such alternate jurors. Such alternate jurors shall be seated near the other jurors, with equal power and facilities for seeing and hearing the proceedings in the case, and they must attend at all times upon the trial of the cause in company with the other jurors. They shall obey the orders of and be bound by the admonition of the court upon each adjournment, but if the regular jurors are ordered to be kept in custody during the trial of the cause, such alternate jurors also shall be kept in confinement with the other jurors. Upon final submission of the case to the jury, the alternate jurors may be discharged or they may be retained separately and not discharged until the final decision of the jury. If the alternate jurors are not discharged on final submission of the case and if any regular juror shall be discharged from jury service in any such action prior to the jury reaching its verdict, the court shall draw the name of an alternate juror who shall replace the juror so discharged and be subject to the same rules and regulations as though such juror had been selected as one of the original jurors.

Sec. 8. K.S.A. 22-3609 is hereby amended to read as follows: 22-3609. (1) The defendant shall have the right to appeal to the district court of the county from any judgment of a municipal court which adjudges the defendant guilty of a violation of the ordinances of any municipality of Kansas. The appeal shall be assigned by the administrative judge to a district judge. The appeal shall stay all further proceedings upon the judgment appealed from.

(2) An appeal to the district court shall be taken by filing, in the district court of the county in which the municipal court is located, a notice of appeal and any appearance bond required by the municipal court. Municipal court clerks are hereby authorized to accept notices of appeal and appearance bonds under this subsection and shall forward such notices and bonds to the district court. No appeal shall be taken more than 10 days after the date of the judgment appealed from.

(3) The notice of appeal shall designate the judgment or part of the

judgment appealed from. The defendant shall cause notice of the appeal to be served upon the city attorney prosecuting the case. The judge whose judgment is appealed from or the clerk of the court, if there is one, shall certify the complaint and warrant to the district court of the county, but failure to do so shall not affect the validity of the appeal.

(4) *Except as provided herein*, the trial of municipal appeal cases shall be to the court unless a jury trial is requested in writing by the defendant not later than seven days after first notice of trial assignment is given to the defendant or such defendant's counsel. The time requirement provided in this subsection regarding when a jury trial shall be requested may be waived in the discretion of the court upon a finding that imposing such time requirement would cause undue hardship or prejudice to the defendant. A jury in a municipal appeal case shall consist of six members. *All appeals taken by a defendant from a municipal judge in cigarette or tobacco infraction or traffic infraction cases shall be tried by the court.*

(5) Notwithstanding the other provisions of this section, appeal from a conviction rendered pursuant to subsection (b) of K.S.A. 12-4416, and amendments thereto, shall be conducted only on the record of the stipulation of facts relating to the complaint.

Sec. 9. K.S.A. 1997 Supp. 22-3609a is hereby amended to read as follows: 22-3609a. (1) A defendant shall have the right to appeal from any judgment of a district magistrate judge. The administrative judge shall be responsible for assigning a district judge for any such appeal. The appeal shall stay all further proceedings upon the judgment appealed from.

(2) An appeal to a district judge shall be taken by filing a notice of appeal with the clerk of the court. No appeal shall be taken more than 10 days after the date of the judgment appealed from.

(3) The clerk of the district court shall deliver the complaint, warrant and any appearance bond to the district judge to whom such appeal is assigned. The case shall be tried *de novo* before the assigned district judge.

(4) No advance payment of a docket fee shall be required when the appeal is taken.

(5) All appeals taken by a defendant from a district magistrate judge ~~in traffic infraction, cigarette or tobacco infraction and in misdemeanor cases~~ shall be tried by the court unless a jury trial is requested in writing by the defendant. *All appeals taken by a defendant from a district magistrate judge in traffic infraction and cigarette or tobacco infraction cases shall be to the court.*

(6) Notwithstanding the other provisions of this section, appeal from a conviction rendered pursuant to subsection (c) of K.S.A. 22-2909 and amendments thereto shall be conducted only on the record of the stipulation of facts relating to the complaint.

Sec. 10. K.S.A. 79-3316 is hereby amended to read as follows: 79-3316. (a) All purchases of cigarettes by any dealer shall be evidenced by an invoice, a duplicate of which shall be furnished the party receiving the cigarettes from any dealer.

(b) Purchases of cigarettes by wholesale dealers shall be made from the manufacturers of cigarettes or from other Kansas licensed wholesale dealers. Purchases of cigarettes by retail dealers or vending machine operators shall be from wholesale dealers.

(c) All invoices issued by wholesale dealers shall be in duplicate and a copy must accompany the consigned cigarettes. Cigarettes sold by a wholesale dealer to any other dealer shall be evidenced by invoices bearing the vendee's name and license number. A wholesale dealer selling cigarettes to a manufacturer's salesperson shall at the time of delivery of same make a true duplicate invoice inserting therein the name of the salesman together with the name of such salesperson's employer.

(d) All records pertaining to sales of cigarettes by dealers in the state of Kansas shall be preserved for a period of three years and shall be available for inspection by the director or the director's designee at the dealer's place of business or, *if the dealer has more than one place of business in the state, at a central location of the dealer.*

(e) Every wholesale dealer shall report to the director on or before the 10th day of each month, stating the amount of cigarettes sold during the preceding month and the amount of all cigarettes returned to the manufacturer. Any wholesale dealer who refuses any shipment or part of a shipment of unstamped cigarettes or has a shortage in the shipment of cigarettes consigned to such dealer shall in the monthly report next following the refusal or shortage report to the director the number of packages or cartons of cigarettes refused or short and the name of the carrier from whom the cigarettes were refused or shortage occurred. Such report shall be made on forms provided by the director and shall contain such other information as the director may require. (continued)

(f) Exemption from payment of cigarette tax on sale of cigarettes made outside the state by any wholesale dealer shall be filed on forms provided by the director.

Sec. 11. K.S.A. 79-3322 is hereby amended to read as follows: 79-3322. (a) Any person who violates any of the provisions of this act, except as otherwise provided in this act, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$1,000 or imprisonment for not more than one year, or by both. In addition thereto any person found liable for any license fee or tax imposed under the provisions of this act shall be personally liable for such license fee or tax plus a penalty in an amount equal to 100% thereof.

(b) (1) It is a class B person misdemeanor punishable by a minimum fine of \$200 for any person, directly or indirectly, to: (A) Sell, give or furnish any cigarettes or tobacco products to any person under 18 years of age; or (B) buy any cigarettes or tobacco products for any person under 18 years of age. In determining the penalty to be imposed for a violation of this subsection by a licensed retail dealer whose employee sold, furnished or distributed the cigarettes or tobacco products, the court shall consider it to be a mitigating circumstance if the employee had completed a training program, approved by the secretary of revenue or the secretary's designee, in avoiding sale, furnishing or distributing of cigarettes and tobacco products to persons under 18 years of age.

(2) It shall be a defense to a prosecution under this subsection if: (A) The defendant is a licensed retail dealer, or employee thereof, or a person authorized by law to distribute samples; (B) the defendant sold, furnished or distributed the cigarettes or tobacco products to the person under 18 years of age with reasonable cause to believe the person was of legal age to purchase or receive cigarettes or tobacco products; and (C) to purchase or receive the cigarettes or tobacco products, the person under 18 years of age exhibited to the defendant a driver's license, Kansas nondriver's identification card or other official or apparently official document containing a photograph of the person and purporting to establish that the person was of legal age to purchase or receive cigarettes or tobacco products.

(3) It shall be a defense to a prosecution under this subsection if: (A) The defendant engages in the lawful sale, furnishing or distribution of cigarettes or tobacco products by mail; and (B) the defendant sold, furnished or distributed the cigarettes or tobacco products to the person by mail only after the person had provided to the defendant an unsworn declaration, conforming to K.S.A. 53-601 and amendments thereto, that the person was 18 or more years of age.

(4) For purposes of this subsection the person who violates this subsection shall be the individual directly selling, furnishing or distributing the cigarettes or tobacco products to any person under 18 years of age or the retail dealer who has actual knowledge of such selling, furnishing or distributing by such individual or both.

(c) Violation of subsection (m) or (n) of K.S.A. 79-3321 and amendments thereto is a cigarette or tobacco infraction for which the fine is \$25. In addition, the judge may require the juvenile to appear in court with a parent or legal guardian.

(d) Any agent, employees or others who aid, abet or otherwise participate in any way in the violation of this act or in any of the offenses hereunder punishable shall be guilty and punished as principals to the same extent as any person violating this act.

Sec. 12. K.S.A. 79-3391 is hereby amended to read as follows: 79-3391. (a) In addition to or in lieu of any other civil or criminal penalty provided by law, the secretary of revenue or the secretary's designee, upon a finding that a licensee under this act has violated any provision of this act or any provision of any rule and regulation of the secretary of revenue adopted pursuant to this act shall impose on such licensee a civil fine not exceeding \$1,000 for each violation.

(b) It shall be unlawful for any person, directly or indirectly, to: (1) Sell, give or furnish any cigarettes or tobacco products to any person under 18 years of age; or (2) buy any cigarettes or tobacco products for any person under 18 years of age. In determining the fine to be imposed under this section for a violation of subsection (b) of K.S.A. 79-3322 and amendments thereto by a licensed retail dealer whose employee sold, furnished or distributed the cigarettes or tobacco products, the secretary of revenue or the secretary's designee shall consider it to be a mitigating circumstance if the employee had completed a training program, approved by the secretary of revenue or the secretary's designee, in avoiding sale, furnishing or distributing of cigarettes and tobacco products to persons under 18 years of age.

(b)(c) No fine shall be imposed pursuant to this section except upon

the written order of the secretary of revenue or the secretary's designee to the licensee who committed the violation. Such order shall state the violation, the fine to be imposed and the right of the licensee to appeal the order. Such order shall be subject to appeal and review in the manner provided by the Kansas administrative procedure act.

(e)(d) Any fine collected pursuant to this section shall be paid to the state treasurer, who shall deposit the entire amount in the state treasury and credit it to the cigarette and tobacco products regulation fund.

(d)(e). There is hereby created, in the state treasury, the cigarette and tobacco products regulation fund. Moneys in the fund shall be expended only for the enforcement of this act and rules and regulations adopted pursuant to this act. Such expenditures 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 revenue or a person designated by the secretary.

Sec. 13. K.S.A. 79-3393 is hereby amended to read as follows: 79-3393. (a) When a person is stopped by a law enforcement officer for a cigarette or tobacco infraction, the person shall not be taken before a judge of the district court unless the person demands an immediate appearance before a judge.

(b) When a person is stopped by a law enforcement officer for a cigarette or tobacco infraction, the law enforcement officer may shall prepare and deliver to the person a written cigarette or tobacco citation on a form approved by the secretary of revenue or the secretary's designee. The citation shall contain a notice to appear in court, the name and address of the person, the offense or offenses charged, the time and place when and where the person shall appear in court, the signature of the law enforcement officer and any other pertinent information. The time specified in the notice to appear shall be at least five days after the alleged infraction unless the person charged with the infraction demands an earlier hearing. The place specified in the notice to appear shall be before a judge of the district court within the county where the infraction is alleged to have been committed or before a judge of the municipal court where the infraction is alleged to have been committed in a city which has adopted an ordinance which prohibits the same acts.

(e) The notice to appear shall provide a place where the person may make a written entry of appearance, waive the right to a trial and plead guilty or no contest. The notice to appear shall provide a space where the law enforcement officer shall enter the fine specified in subsection (c) of K.S.A. 79-3322 and amendments thereto and court costs in the amount provided by law.

(d) If the notice to appear does not do so, the law enforcement officer shall provide a person charged with a cigarette or tobacco infraction a form explaining the person's right to appear and right to a trial and the person's right to pay the appropriate fine and court costs prior to the appearance date. The law enforcement officer shall provide the person with the address of the court to which the written entry of appearance, waiver of trial, plea of guilty or no contest and payment of fine and court costs shall be mailed.

(e) Any officer violating any of the provisions of subsection (d) is guilty of misconduct in office and shall be subject to removal from office.

(f) Prior to the time specified in the notice to appear, a person charged with a cigarette or tobacco infraction may enter a written appearance, waive right to trial, plead guilty or no contest and pay the \$25 fine and court costs provided by law. Payment may be made by mail or in person and may be by personal check. The cigarette or tobacco citation shall not have been complied with if a check is not honored for any reason, or if the fine and court costs are not paid in full. When a person charged with a cigarette or tobacco infraction makes payment without executing a written waiver of right to trial and plea of guilty or no contest, the payment shall be deemed such an appearance, waiver of right to trial and plea of no contest.

(b) The notice to appear may provide that the person charged with the infraction shall appear in court with a parent or legal guardian and shall provide that the person charged has a right to trial.

(g)(c) Acts classified as cigarette or tobacco infractions by subsection (c) of K.S.A. 79-3321, 79-3322, and amendments thereto shall be classified as ordinance cigarette or tobacco infractions by those cities adopting ordinances prohibiting the same acts. The fine for an ordinance cigarette or tobacco infraction shall be \$25.

Sec. 14. K.S.A. 22-3609, 79-3316, 79-3322, 79-3391 and 79-3393 and K.S.A. 1997 Supp. 12-4214, 12-4305, 21-3105, 21-4503a, 22-3404, 22-3409, 22-3412 and 22-3609a are hereby repealed.

Sec. 15. This act shall take effect and be in force from and after its publication in the Kansas register.

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

(Published in the Kansas Register May 28, 1998.)

SENATE Substitute for HOUSE BILL No. 2895

AN ACT making and concerning appropriations for the fiscal years ending June 30, 1998, June 30, 1999, and June 30, 2000; authorizing certain transfers and fees, imposing certain restrictions and limitations and directing or authorizing certain receipts, disbursements, capital improvements and acts incidental to the foregoing; repealing section 11 of 1998 House Substitute for Substitute for Senate Bill No. 424.

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

Section 1. (a) For the fiscal years ending June 30, 1998, June 30, 1999, and June 30, 2000, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, fees, receipts, disbursements, and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

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

(c) This act shall be known and may be cited as the omnibus appropriation act of 1998 and shall constitute the omnibus reconciliation spending limit bill for the 1998 regular session of the legislature for purposes of subsection (a) of K.S.A. 75-6702 and amendments thereto.

(d) The appropriations made by this act shall not be subject to the provisions of K.S.A. 46-155 and amendments thereto.

Sec. 2.

DEPARTMENT OF EDUCATION

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

Table with 2 columns: Description of expenditure and Amount. Includes Operating expenditures (including official hospitality) \$200,000, Adult basic education \$29,494, Supplemental general state aid \$409,000, KPERS—employer contributions \$207,297, Community college credit hour state aid \$1,090,842, School district juvenile detention facilities and Flint Hills job corps center grants \$219,046, Unified school district no. 207, Fort Leavenworth \$1,310,760.

Provided, That expenditures from this account shall be made only for the purpose of reimbursing the school district for underpayment in the 1994-95 school year of general state aid due to deduction in computation of an amount equal to the amount in this account as the result of receipt by the school district of a payment of public law 874 moneys, which moneys were coded incorrectly as section b moneys on the federal payment voucher and deposited in the general fund of the school district in accordance with the provisions of the school district finance and quality performance act: Provided further, That the amount of reimbursement received by the school district pursuant to the foregoing proviso shall be deposited in the school district's capital outlay fund in which the public law 874 moneys would have been deposited if coded correctly as section f moneys on the federal payment voucher: And provided further, That expenditures from this account shall be conditioned so that in the event that the school district receives in any school year a payment of public law 874 section f moneys as an adjustment of the incorrectly coded payment, the school district shall remit the amount of such payment, not to exceed the amount in this account, to the state treasurer, for deposit in the state treasury to the credit of the state general fund.

Special education services aid For the fiscal year ending June 30, 1999..... \$5,850,000

(b) On July 1, 1998, of the \$1,703,716,638 appropriated for the above agency for the fiscal year ending June 30, 1999, by section 123(a) of 1998 Senate Bill No. 495 from the state general fund in the general state aid account, the sum of \$19,095,000 is hereby lapsed.

(c) On July 1, 1998, the expenditure limitation imposed by section 123(a) of 1998 Senate Bill No. 495 on the expenditures from the reappropriated balance in the KPERS—employer contributions account is hereby increased from \$490,097 to \$893,732.

(d) On July 1, 1998, the limitation imposed by section 123(a) of 1998 Senate Bill No. 495 on the amount of unencumbered balance in the general state aid account of the state general fund that, in excess of which, an amount of not to exceed \$1,000,000 shall be transferred to the inservice education aid account of the state general fund of the department of education to be used to fund approved inservice education programs as

authorized by K.S.A. 72-6901 et seq., and amendments thereto is hereby increased from \$17,428,362 to \$25,927,362.

(e) On July 1, 1998, of the \$1,700,000 appropriated for the above agency for the fiscal year ending June 30, 1999, by section 123(a) of 1998 Senate Bill No. 495 from the state general fund in the innovative program assistance account, the sum of \$100,000 is hereby lapsed.

Sec. 3.

ATTORNEY GENERAL

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

Table with 2 columns: Description of expenditure and Amount. Includes Operating expenditures relating to interstate water rights regarding the Republican river and its tributaries \$980,000.

Provided, That any unencumbered balance in excess of \$100 as of June 30, 1998, in the operating expenditures relating to interstate water rights regarding the Republican river and its tributaries account is hereby reappropriated for fiscal year 1999.

(b) In addition to the provisions of the provisos to the appropriation of moneys in the operating expenditures account of the state general fund for the fiscal year ending June 30, 1999, as prescribed in section 89(a) of 1998 Senate Bill No. 495, the attorney general shall not make expenditures from the operating expenditures account of the state general fund for the purpose of paying the salary, fringe benefits and associated operating expenses of a position added in fiscal year 1999 to investigate and prosecute cases of reported child abuse and neglect unless the attorney general receives funding from the Edward Byrne memorial state and local law enforcement assistance grant to pay the remaining part of the salary, fringe benefits and associated operating expenses of such added position.

Sec. 4.

DEPARTMENT OF CORRECTIONS

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

Table with 2 columns: Description of expenditure and Amount. Includes Planning for transitional centers For the fiscal year ending June 30, 1998..... \$200,000.

Provided, That any unencumbered balance in the planning for transitional centers account in excess of \$100 as of June 30, 1998, is hereby reappropriated for fiscal year 1999: Provided further, That all expenditures from this account shall be for the purpose of planning for transitional centers to expand alternative punishment options: And provided further, That the moneys in this account shall serve as the state match for expenditures from the violent offender incarceration and truth in sentencing incentive grants—federal fund for planning for transitional centers.

Table with 2 columns: Description of expenditure and Amount. Includes Community corrections For the fiscal year ending June 30, 1999..... \$1,179,125.

Provided, That, of the amount appropriated in the community corrections account of the state general fund, the amount of \$250,000 shall be expended for substance abuse and mental health services: Provided further, That, of the amount appropriated in the community corrections account of the state general fund, the amount of \$929,125 shall be expended for the establishment of community intermediate sanctions centers to enhance residential alternative punishment options and expand prison bed space: And provided further, That community corrections organizations shall make services and programs available to individuals serving terms and conditions of probation, parole or post-release supervision from a state correctional facility.

Table with 2 columns: Description of expenditure and Amount. Includes Treatment and programs For the fiscal year ending June 30, 1999..... \$250,000.

Table with 2 columns: Description of expenditure and Amount. Includes Conservation camp for female offenders For the fiscal year ending June 30, 1999..... \$455,750.

Provided, That expenditures may be made from the conservation camp for female offenders account to finance costs associated with either a state constructed or renovated and state operated facility, a state constructed or renovated and privately operated facility, or a privately constructed or renovated and privately operated facility: Provided further, That no expenditures may be made from this account until after the joint committee on corrections and juvenile justice oversight has reviewed a report by the department of corrections on local neighborhood impact.

Table with 2 columns: Description of expenditure and Amount. Includes Local jail payments For the fiscal year ending June 30, 1998..... \$200,000.

(b) (1) In addition to the other purposes for which expenditures may be made by the above agency from the capacity expansion planning account of the state general fund for the fiscal year ending June 30, 1998, as authorized by section 45(a) of chapter 192 of the 1997 Session Laws of Kansas or by this or other appropriation act of the 1998 regular session of the legislature, expenditures may be made by the above agency for fiscal year 1998 from the capacity expansion planning account of the state general fund for the following capital improvement project or projects: Planning for new reception and diagnostic unit.

(2) In addition to the other purposes for which expenditures may be made by the above agency from the capacity expansion planning account of the state general fund for fiscal year 1999, as authorized by this or

(continued)

other appropriation act of the 1998 regular session of the legislature, expenditures may be made by the above agency for fiscal year 1999 from the unencumbered balance as of June 30, 1998, in the capacity expansion planning account of the state general fund for the following capital improvement project or projects: Planning for new reception and diagnostic unit: *Provided*, That expenditures for such projects from the unencumbered balance in the capacity expansion planning account of the state general fund shall not exceed the unencumbered balance in such account as of June 30, 1998.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the treatment and programs account from the state general fund for the fiscal year ending June 30, 1998, as authorized by section 81(a) of chapter 123 of the 1997 Session Laws of Kansas, expenditures may be made from the treatment and program account of the state general fund for the health care contract costs incurred prior to June 30, 1997.

(d) On the effective date of this act, of the \$1,591,844 appropriated for the above agency for the fiscal year ending June 30, 1998, by section 81(a) of chapter 123 of the 1997 Session Laws of Kansas from the state general fund in the community correctional conservation camps account, the sum of \$110,000 is hereby lapsed.

(e) On the effective date of this act, of the \$13,412,525 appropriated for the above agency for the fiscal year ending June 30, 1998, by section 81(a) of chapter 123 of the 1997 Session Laws of Kansas from the state general fund in the community corrections account, the sum of \$200,678 is hereby lapsed.

(f) (1) On July 1, 1998, of the \$125,103,623 appropriated for the above agency for the fiscal year ending June 30, 1999, by section 140(a) of 1998 Senate Bill No. 495 from the state general fund in the facilities operations account, the sum of \$40,720 is hereby lapsed.

(2) On July 1, 1998, the amount designated for the Topeka correctional facility by section 140(c) of 1998 Senate Bill No. 495 for the fiscal year ending June 30, 1999, is hereby decreased from \$12,884,190 to \$12,843,470.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the violent offender incarceration and truth in sentencing incentive grants—federal fund for the fiscal year ending June 30, 1999, as authorized by section 140(b) of 1998 Senate Bill No. 495, expenditures may be made from the violent offender incarceration and truth in sentencing incentive grants—federal fund for fiscal year 1999 to fund the establishment or operation, or both, of the conservation camp for female offenders: *Provided*, That expenditures for such purposes from the violent offender incarceration and truth in sentencing incentive grants—federal fund for fiscal year 1999 shall not exceed \$281,250.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the violent offender incarceration and truth in sentencing incentive grants—federal fund for the fiscal year ending June 30, 1999, as authorized by section 140(b) of 1998 Senate Bill No. 495, expenditures may be made from the violent offender incarceration and truth in sentencing incentive grants—federal fund for fiscal year 1999 to fund the establishment and operation of transition centers to enhance alternative punishment options and expand prison bed space: *Provided*, That expenditures for such purposes from the violent offender incarceration and truth in sentencing incentive grants—federal fund for fiscal year 1999 shall not exceed \$1,605,000.

(i) In addition to the other purposes for which expenditures may be made by the above agency from the violent offender incarceration and truth in sentencing incentive grants—federal fund for the fiscal year ending June 30, 1999, as authorized by section 140(b) of 1998 Senate Bill No. 495, expenditures may be made from the violent offender incarceration and truth in sentencing incentive grants—federal fund for fiscal year 1999 to fund the establishment or operation, or both, of community intermediate sanctions centers as part of the community corrections grant funding to enhance residential alternative punishment options and expand prison bed space: *Provided*, That community corrections organizations shall make services and programs available to individuals serving terms and conditions of probation, parole or post-release supervision from a state correctional facility: *Provided further*, That expenditures for such purposes from the violent offender incarceration and truth in sentencing incentive grants—federal fund for fiscal year 1999 shall not exceed \$555,500.

(j) On the effective date of this act, the expenditure limitation on the correctional industries fund established by section 81(b) of chapter 123

of the 1997 Session Laws of Kansas, is hereby increased from \$9,665,133 to No limit.

(k) During the fiscal year ending June 30, 1998, and the fiscal year ending June 30, 1999, the above agency is hereby authorized to make expenditures to raze building number 125027 (Winfield bakery), number 125028 (Winfield main kitchen), number 400009 (Lansing power plant—east unit) and number 400192 (Lansing fire station).

(l) On July 1, 1998, the position limitation established by section 140(e) of 1998 Senate Bill No. 495 for the above agency is hereby decreased from 3,033.5 to 3,031.5.

(m) During the fiscal year ending June 30, 1998, and the fiscal year ending June 30, 1999, any unencumbered moneys in the correctional industries fund may be expended for capital improvement projects for the renovation or repair of existing buildings or facilities or for the construction or acquisition of buildings or facilities for correctional industries as provided in K.S.A. 75-5281 and 75-5288 and amendments thereto: *Provided*, That such capital improvement projects shall not be subject to the requirements to prepare and submit capital improvement budget estimates as provided in K.S.A. 75-3717b and amendments thereto: *Provided further*, That, prior to commencement of any such capital improvement project, the director of Kansas correctional industries shall advise and consult with the joint committee on state building construction concerning such capital improvement projects.

(n) During the fiscal year ending June 30, 1999, notwithstanding the provisions of K.S.A. 75-3738 to 75-3744, inclusive, article 12 of chapter 75 of the Kansas Statutes Annotated, article 58 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto, or of any other laws to the contrary, the secretary of corrections may enter into agreements with a private individual, firm, corporation or other lawful entity for the purpose of accepting as a donation, lease or purchase, on behalf of the state any building or renovation of a building to be used for the manufacture and processing of goods, wares or merchandise, or for any other business or commercial enterprise deemed by the secretary of corrections to be consistent with the proper training and rehabilitation of inmates: *Provided*, That such agreements may provide for the financing, design, construction or renovation of such buildings on the grounds of correctional facilities: *Provided, however*, That the secretary shall not obligate the expenditure of state funds except as provided by K.S.A. 75-5281 and amendments thereto: *Provided further*, That buildings constructed or renovated pursuant to this subsection shall become the property of the state as provided by such agreements or after 20 years, whichever time period is shorter.

Sec. 5.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) On the effective date of this act, the expenditure limitation established by section 23(b) of 1998 Senate Bill No. 495 on the investment related expenses account of the Kansas public employees retirement fund is hereby increased from \$22,212,030 to \$22,515,006.

(b) On July 1, 1998, the expenditure limitation established by section 99(b) of 1998 Senate Bill No. 495 on the agency operations account of the Kansas public employees retirement fund is hereby increased from \$4,675,482 to \$4,849,335.

(c) On July 1, 1998, the expenditure limitation established by section 99(b) of 1998 Senate Bill No. 495 on the investment related expenses account of the Kansas public employees retirement fund is hereby increased from \$23,164,887 to \$24,084,723.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the Kansas public employees retirement fund for the fiscal year ending June 30, 1999, as authorized by section 99(a) of 1998 Senate Bill No. 495, expenditures may be made by the above agency for fiscal year 1999 for the following specified purposes, subject to the expenditure limitations prescribed therefor as follows:

Technology project..... \$2,400,000

Provided, That, beginning on July 1, 1998, the above agency shall submit to the joint committee on computers and telecommunications quarterly reports on the progress of implementing the technology project, including a report of any proposed contracts with vendors prior to entering into any such contracts.

(e) There is appropriated for the above agency from the Kansas public employees retirement fund for the fiscal year or years specified, the following:

Technology project
For the fiscal year ending June 30, 2000..... \$600,000

Provided, That, beginning July 1, 1999, the above agency shall submit to the joint committee on computers and telecommunications quarterly reports on the progress of the technology

project, including a report of any proposed contracts with vendors prior to entering into any such contracts.

Sec. 6.

DEPARTMENT OF TRANSPORTATION

(a) On the effective date of this act, the expenditure limitation established by section 60(b) of 1998 Senate Bill No. 495 on the agency operations account of the state highway fund is hereby decreased from \$194,307,525 to \$193,969,974.

(b) On the effective date of this act, the expenditure limitation established by section 105(b) of chapter 123 of the 1997 Session Laws of Kansas on the construction, remodeling and special maintenance projects for buildings account of the state highway fund is hereby increased from \$5,090,921 to \$5,322,291.

(c) On July 1, 1998, the expenditure limitation established by section 159(b) of 1998 Senate Bill No. 495 on the agency operations account of the state highway fund is hereby decreased from \$207,692,071 to \$207,261,243.

(d) On July 1, 1998, the expenditure limitation established by section 159(b) of 1998 Senate Bill No. 495 on the construction, remodeling and special maintenance projects for buildings account of the state highway fund is hereby increased from \$7,972,315 to \$9,017,315.

Sec. 7.

KANSAS LOTTERY

(a) On and after the effective date of this act, during the fiscal year ending June 30, 1998, or the fiscal year ending June 30, 1999, the executive director of the Kansas lottery shall notify immediately in writing the chairperson of the senate ways and means committee and the chairperson of the house appropriations committee, and shall send a copy of such notice to the director of the legislative research department, if and when there are any changes in the management of G-TECH corporation involving its corporate officers.

(b) Notwithstanding provisions of section 108(e) of 1998 Senate Bill No. 495, the executive director of the Kansas lottery shall not make any notification pursuant to such section and the provisions of section 108(e) of 1998 Senate Bill No. 495 shall be and are hereby of no force and effect.

Sec. 8.

DEPARTMENT OF HEALTH AND ENVIRONMENT

(a) On July 1, 1998, of the \$580,700 appropriated for the above agency for the fiscal year ending June 30, 1999, by section 117(a) of 1998 Senate Bill No. 495 from the state general fund in the salaries and wages for swine production facility inspectors account, the sum of \$22,000 is hereby lapsed.

(b) On July 1, 1998, of the \$14,408,029 appropriated for the above agency for the fiscal year ending June 30, 1999, by section 117(a) of 1998 Senate Bill No. 495 from the state general fund in the salaries and wages account, the sum of \$7,239 is hereby lapsed.

(c) Notwithstanding the provisions of section 117(a) of 1998 Senate Bill No. 495, expenditures shall be made by the department of health and environment during the fiscal year ending June 30, 1999, from the reappropriated balance in the other operating expenditures (including official hospitality) account of the state general fund only upon approval of the state finance council.

(d) (1) In addition to the other purposes for which expenditures may be made by the department of health and environment from a special revenue fund of the department of health and environment during the fiscal year ending June 30, 1999, as authorized by section 117(b) of 1998 Senate Bill No. 495, expenditures may be made by the department of health and environment for fiscal year 1999 from an additional amount of money received by the department of health and environment during the fiscal year ending June 30, 1999, which was not included in the budget for the fiscal year ending June 30, 1999, of the department of health and environment as approved by the legislature during 1998 regular session, which has been received and deposited in the state treasury to the credit of the special revenue fund of the department of health and environment, and which has been reported in writing to the legislative coordinating council as to the additional amount of money received and deposited in the special revenue fund: *Provided*, That all expenditures from such additional amount credited to the special revenue fund shall be in addition to any expenditure limitation imposed on the special revenue fund for fiscal year 1999.

(2) As used in this subsection (d),

(A) "additional amount of money" means (i) any additional amount of special revenue fund receipts for the fiscal year ending June 30, 1999,

which are in excess of the amount of those receipts anticipated and included in the budget for the fiscal year ending June 30, 1999, of the department of health and environment as approved by the legislature during 1998 regular session, (ii) any amount of moneys received under a federal grant that is in addition to the amount anticipated to be received by the department of health and environment and that is not included in the budget for the fiscal year ending June 30, 1999, of the department of health and environment as approved by the legislature during 1998 regular session, and (iii) any moneys received or anticipated to be received by the department of health and environment from nongovernmental sources which were not included in the budget for the fiscal year ending June 30, 1999, of the department of health and environment as approved by the legislature during 1998 regular session; and

(B) "special revenue fund" means the health care database fee fund, laboratory medicaid cost recovery fund, driving under the influence equipment fund, power generating facility fee fund, breast and cervical cancer program and detection fund, health and environment training fee fund, food service inspection reimbursement fund, mined-land conservation and reclamation fee fund, insurance statistical plan fund, solid waste management fund, public water supply fee fund, voluntary cleanup fund, storage tank fee fund, nuclear safety emergency preparedness special revenue fund, waste tire management fund, health and environment publication fee fund, district coroners fund, local air quality control authority regulation services fund, environmental response fund, remediation projects fund, mined-land reclamation fund, sponsored project overhead fund, child care facilities licensure fund, federal cancer registry fund, clinical laboratory improvement amendments—federal fund, child care and development block grant—federal fund, federal migrant health program fund, venereal disease control project fund—federal, disease prevention and health promotion federal grants fund, federal women, infants and children health program fund, state legalization impact assistance grant fund, water supply fund—federal, EPA voluntary cleanup federal fund, immunization grant funds—federal fund, diagnostic X-ray program—federal fund, preventive health and health services block grant fund, maternal and child health services block grant fund, federal title X family planning fund, pregnancy nutrition surveillance—federal fund, early childhood developmental services—federal fund, 104(6)(1) outreach operator training program—federal fund, underground storage tank fund—federal, AIDS project—education and risk reduction—federal fund, commodity supplemental food program fund, census of traumatic occupational fatalities—federal fund, AIDS drug reimbursement program—federal fund, state indoor radon grant—federal fund, pollution prevention program—federal fund, federal NICE3 public utility grant fund, gifts, grants and donations fund, public water supply loan fund, Kansas water pollution control revolving fund, cost of issuance fund for Kansas water pollution control revolving fund revenue bonds, bicycle helmet revolving fund, SSA fee fund, lead poisoning prevention—federal fund, or wetlands protection—federal fund.

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

Operating expenditures—implementation of 1998 House Bill No. 2531	
For the fiscal year ending June 30, 1999.....	\$120,925
Operating expenditures—implementation of 1998 House Bill No. 2972	
For the fiscal year ending June 30, 1999.....	\$152,532
Aid to local units	
For the fiscal year ending June 30, 1999.....	\$250,000
Relocation from Mills building	
For the fiscal year ending June 30, 1999.....	\$164,148

(f) In addition to the other purposes for which expenditures may be made by the above agency from the child care facilities licensure fund for the fiscal year ending June 30, 1998, as authorized by section 52(k) of 1998 Senate Bill No. 495, expenditures may be made by the above agency from the child care facilities licensure fund for fiscal year 1998 for aid to counties for expenses incurred to assist the above agency in state child care facility licensure operations: *Provided*, That, on and after the effective date of this act, (1) expenditures by the above agency from the child care facilities licensure fund for the fiscal year ending June 30, 1998, for aid to counties for expenses incurred to assist the above agency in state child care facility licensure operations shall not exceed the amount equal to 70% of all expenditures on and after the effective date of this act from the child care facilities licensure fund for fiscal year 1998, and (2) expenditures by the above agency from the child care facilities licensure fund for the fiscal year ending June 30, 1998, for state operations expenses of the above agency for the activities of officers and employees

(continued)

of the above agency under the child care facility licensure program shall not exceed the amount equal to 30% of all expenditures on and after the effective date of this act from the child care facilities licensure fund for fiscal year 1998.

(g) In addition to other purposes for which expenditures may be made by the above agency from the child care facilities licensure fund for the fiscal year ending June 30, 1999, as authorized by section 117(b) of 1998 Senate Bill No. 495, expenditures may be made by the above agency from the child care facilities licensure fund for fiscal year 1999 for aid to counties for expenses incurred to assist the above agency in state child care facility licensure operations. *Provided*, That (1) expenditures by the above agency from the child care facilities licensure fund for the fiscal year ending June 30, 1999, for aid to counties for expenses incurred to assist the above agency in state child care facility licensure operations shall not exceed the amount equal to 55% of all expenditures on and after the effective date of this act from the child care facilities licensure fund for fiscal year 1999, and (2) expenditures by the above agency from the child care facilities licensure fund for the fiscal year ending June 30, 1999, for state operations expenses of the above agency for the activities of officers and employees of the above agency under the child care facility licensure program shall not exceed the amount equal to 45% of all expenditures on and after the effective date of this act from the child care facilities licensure fund for fiscal year 1999.

(h) In addition to other purposes for which expenditures may be made by the above agency from the maternal and child health services block grant fund for the fiscal year ending June 30, 1999, as authorized by section 117(b) of 1998 Senate Bill No. 495, expenditures shall be made by the above agency from the maternal and child health services block grant fund for fiscal year 1999 for a grant in the amount of \$40,300 to the sudden infant death support network of Kansas.

(i) On July 1, 1998, the position limitation established by section 119 of 1998 Senate Bill No. 495 for the above agency is hereby increased from 834.6 to 837.6.

(j) On July 1, 1998, the expenditure limitation established by section 117(b) of 1998 Senate Bill No. 495 on the driving under the influence equipment fund is hereby increased from \$99,104 to No limit.

(k) On July 1, 1998, the expenditure limitation established by section 117(b) of 1998 Senate Bill No. 495 on the breast and cervical cancer program and detection fund is hereby increased from \$1,558,092 to No limit.

(l) On July 1, 1998, the expenditure limitation established by section 117(b) of 1998 Senate Bill No. 495 on the health and environment training fee fund is hereby increased from \$183,785 to No limit.

(m) On July 1, 1998, the expenditure limitation established by section 117(b) of 1998 Senate Bill No. 495 on the food service inspection reimbursement fund is hereby increased from \$510,000 to No limit.

(n) On July 1, 1998, the expenditure limitation established by section 117(b) of 1998 Senate Bill No. 495 on the health and environment publication fee fund is hereby increased from \$32,900 to No limit.

(o) On July 1, 1998, the expenditure limitation established by section 117(b) of 1998 Senate Bill No. 495 on the district coroners fund is hereby increased from \$227,000 to No limit.

(p) On July 1, 1998, the expenditure limitation established by section 117(b) of 1998 Senate Bill No. 495 on the adult care licensing revolving fund is hereby increased from \$0 to No limit.

(q) On July 1, 1998, the expenditure limitation established by section 117(b) of 1998 Senate Bill No. 495 on the venereal disease control project fund—federal is hereby increased from \$645,204 to No limit.

(r) On July 1, 1998, the expenditure limitation established by section 117(b) of 1998 Senate Bill No. 495 on the immunization grant funds—federal fund is hereby increased from \$4,019,870 to No limit.

(s) On July 1, 1998, the expenditure limitation established by section 117(b) of 1998 Senate Bill No. 495 on the AIDS drug reimbursement program—federal fund is hereby increased from \$927,000 to No limit.

(t) On July 1, 1998, the expenditure limitation established by section 117(b) of 1998 Senate Bill No. 495 on the public water supply loan fund is hereby increased from \$1,042,107 to No limit.

(u) On July 1, 1998, the expenditure limitation established by section 117(b) of 1998 Senate Bill No. 495 on the Kansas water pollution control revolving fund is hereby increased from \$393,264 to No limit.

(v) On July 1, 1998, the expenditure limitation established by section 117(b) of 1998 Senate Bill No. 495 on the cost of issuance fund for Kansas water pollution control revolving fund revenue bonds is hereby increased from \$141,253 to No limit.

(w) In addition to the other purposes for which expenditures may be made by the above agency from the AIDS drug reimbursement program—federal fund for the fiscal year ending June 30, 1999, as authorized by section 117(b) of 1998 Senate Bill No. 495, expenditures may be made by the above agency for fiscal year 1999 from the AIDS drug reimbursement program—federal fund for fiscal year 1999, for development and implementation of cost containment measures by the secretary of health and environment for the purposes of limiting or controlling increases in the costs of the AIDS drug reimbursement program during fiscal year 1999, subject to the condition that each individual who is currently on AIDS drug assistance shall continue to receive AIDS drug assistance and shall not be denied such AIDS drug assistance.

(x) In addition to the other purposes for which expenditures may be made by the above agency from the salaries and wages for swine production facility inspectors account of the state general fund for the fiscal year ending June 30, 1999, as authorized by section 117(a) of 1998 Senate Bill No. 495, expenditures may be made by the above agency for fiscal year 1999 from the salaries and wages for swine production facility inspectors account of the state general fund for fiscal year 1999, for operating expenditures for swine production facility inspections during fiscal year 1999.

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

Food inspection fee fund
For the fiscal year ending June 30, 1999..... \$0

Provided, That expenditures may be made from the food inspection fee fund for operating expenditures for the food inspection program and other activities for the regulation of food service establishments, food vending machines, food vending machine companies and food vending machine dealers under the food service and lodging act. *Provided further*, That, notwithstanding the provisions of K.S.A. 36-512 and amendments thereto to the contrary, all moneys received from fees charged and collected by the secretary of health and environment under the food inspection program and other activities for the regulation of food service establishments, food vending machines, food vending machine companies and food vending machine dealers under the food service and lodging act shall be deposited in the state treasury and credited to this food inspection fee fund.

Sec. 9.

KANSAS TECHNOLOGY ENTERPRISE CORPORATION

(a) On July 1, 1998, the expenditure limitation established by section 112(a) of 1998 Senate Bill No. 495 on the economic development research and development fund is hereby increased from \$13,986,956 to \$14,145,456.

(b) On July 1, 1998, the expenditure limitation established by section 112(b) of 1998 Senate Bill No. 495 on the operations, assistance and grants (including official hospitality) account of the economic development research and development fund is hereby increased from \$13,986,956 to \$14,036,956.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the economic development research and development fund for the fiscal year ending June 30, 1999, as authorized by section 112(a) of 1998 Senate Bill No. 495, expenditures may be made by the above agency from the economic development research and development fund for fiscal year 1999 for the following specified purposes, except that expenditures for such specified purposes shall not exceed the expenditure limitations prescribed therefor as follows:

Applied research matching grants..... \$108,500

Sec. 10.

DEPARTMENT OF COMMERCE AND HOUSING

(a) On July 1, 1998, the expenditure limitation established by section 110(d) of 1998 Senate Bill No. 495 on the training equipment grant subaccount of the Kansas economic development endowment account of the state economic development initiatives fund is hereby increased from \$250,000 to \$300,000.

(b) On July 1, 1998, the expenditure limitation established by section 110(c) of 1998 Senate Bill No. 495 on the Kansas economic development endowment account of the state economic development initiatives fund is hereby increased from \$14,761,729 to \$15,011,729.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the Kansas economic development endowment account of the state economic development initiatives fund for the fiscal year ending June 30, 1999, as authorized by section 110(c) of 1998 Senate Bill No. 495, expenditures may be made by the above agency from the Kansas economic development endowment account of the state

economic development initiatives fund during fiscal year 1999 for the following specified purposes, subject to the expenditure limitations prescribed therefor as follows:

Kansas sports hall of fame \$150,000

Provided, That all expenditures from the Kansas sports hall of fame subaccount of the Kansas economic development endowment account shall be made only for the purpose of matching an equal or greater amount of federal or other nonstate governmental grant moneys or private grant or donation moneys, or any combination thereof, received by the state of Kansas sports hall of fame: *Provided further*, That no expenditure shall be made by the above agency from this subaccount unless the secretary of commerce and housing has received information from the state of Kansas sports hall of fame board of trustees that demonstrates that the state of Kansas sports hall of fame has received the required matching funds for such expenditure: *And provided further*, That all expenditures from this subaccount shall be for a grant to assist the state of Kansas sports hall of fame stabilize its operations: *And provided further*, That such grant shall be a one-time grant and shall not be considered to be the basis for continuing support for the state of Kansas sports hall of fame.

Motion picture and television sales tax reimbursement \$100,000

Provided, That all expenditures from the motion picture and television production sales tax reimbursements subaccount of the Kansas economic development endowment account shall be made to reimburse sales and use taxes paid on sales of tangible personal property purchases by or on behalf of a motion picture or television production company to be used or consumed in association with an eligible production in accordance with administrative policies and procedures adopted by the secretary of commerce and housing, including any necessary forms: *Provided, however*, That all reimbursements from this subaccount shall be based on valid receipts for taxes paid for taxable transactions occurring on or after July 1, 1998: *Provided further*, That, as used in this proviso, eligible production includes feature-length motion pictures intended for theatrical release or for exhibition on national television by a network or through national syndication, television projects for broadcast on a network or through national syndication, direct video and compact disc projects and television commercials.

Sec. 11.

KANSAS, INC.

(a) In addition to the other purposes for which expenditures may be made by the above agency from the EDIF fund for the fiscal year ending June 30, 1999, as authorized by section 111(b) of 1998 Senate Bill No. 495, expenditures may be made by the above agency from the EDIF fund during fiscal year 1999 for the following specified purposes, subject to the expenditure limitations prescribed therefor as follows:

Kansas export data base study \$20,000
Annual survey of Kansas manufacturers \$45,000

(b) On July 1, 1998, the expenditure limitation established by section 111(b) of 1998 Senate Bill No. 495 on the EDIF fund of Kansas, Inc., is hereby increased from \$169,563 to \$247,563.

(c) On July 15, 1998, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$65,000 from the Kansas economic development endowment account of the state economic development initiatives fund of the department of commerce and housing to the EDIF fund of Kansas, Inc.

Sec. 12.

OFFICE OF THE SECURITIES COMMISSIONER OF KANSAS

(a) On July 1, 1998, the expenditure limitation established for the fiscal year ending June 30, 1999, by section 80(a) of 1998 Senate Bill No. 495 on the securities act fee fund is hereby increased from \$1,798,564 to \$1,824,334.

Sec. 13.

KANSAS STATE BOARD OF COSMETOLOGY

(a) On July 1, 1998, the expenditure limitation established for the fiscal year ending June 30, 1999, by section 69(a) of 1998 Senate Bill No. 495 on the cosmetology fee fund is hereby increased from \$498,100 to \$715,596.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 1998, by section 8(a) of chapter 123 of the 1997 Session Laws of Kansas on the cosmetology fee fund is hereby increased from \$475,016 to \$504,866.

(c) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 1998, by section 22 of chapter 123 of the 1997 Session Laws of Kansas for the above agency is hereby increased from 10.0 to 11.0.

(d) On July 1, 1998, the position limitation established for the fiscal year ending June 30, 1999, by section 22 of chapter 123 of the 1997 Session Laws of Kansas for the Kansas state board of cosmetology is hereby increased from 10.0 to 12.0.

(e) In addition to other purposes for which expenditures may be made by the above agency from the cosmetology fee fund for the fiscal year ending June 30, 1999, as authorized by section 8(a) of chapter 123 of the 1997 Session Laws of Kansas, by section 69(a) of 1998 Senate Bill No. 495 or by this or other appropriation act of the 1998 regular session of the legislature, expenditures may be made by the above agency from

the cosmetology fee fund for fiscal year 1999 for a new computer system, including computer software, to replace the existing computer hardware and software: *Provided*, That no expenditures shall be made from the cosmetology fee fund for fiscal year 1999 for a new computer system, including computer software, to replace the existing computer hardware and software except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed by subsection (c) of K.S.A. 75-3711c and amendments thereto and acting on this matter after receiving a recommendation thereon from the joint committee on computers and telecommunications: *Provided further*, That, prior to the approval by the state finance council of any such expenditure for such purpose from the cosmetology fee fund, the proposed plan and proposed expenditures for the new computer system, including computer software, to replace the existing computer hardware and software shall be reviewed by the joint committee on computers and telecommunications and the joint committee on computers and telecommunications shall make a recommendation thereon to the state finance council.

Sec. 14.

KANSAS BOARD OF BARBERING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 1998, by section 5(a) of chapter 123 of the 1997 Session Laws of Kansas on the barber examiner fee fund is hereby increased from \$103,212 to \$107,862.

Sec. 15.

KANSAS GUARDIANSHIP PROGRAM

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

Kansas guardianship program
For the fiscal year ending June 30, 1999 \$26,482

(b) On July 1, 1998, the position limitation established for the fiscal year ending June 30, 1999, by section 122(a) of 1998 Senate Bill No. 495 for the above agency is hereby increased from 12.0 to 13.0.

Sec. 16.

STATE FAIR BOARD

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

Operating expenditures
For the fiscal year ending June 30, 1999 \$375,000

Provided, That the industrial building shall have first priority in becoming compliant to ADA and fire safety regulations.

Sec. 17.

KANSAS DEPARTMENT OF AGRICULTURE

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

Operating expenditures
For the fiscal year ending June 30, 1999 \$611,112

(b) On July 1, 1998, the expenditure limitation established by section 151(b) of 1998 Senate Bill No. 495 on the dairy division fee fund is hereby increased from \$110,142 to \$115,142.

(c) On July 1, 1998, the expenditure limitation established by section 151(b) of 1998 Senate Bill No. 495 on the warehouse fee fund is hereby increased from \$591,962 to \$601,962.

(d) On July 1, 1998, the expenditure limitation established by section 151(b) of 1998 Senate Bill No. 495 on the agricultural chemical fee fund is hereby increased from \$249,246 to \$263,246.

(e) On July 1, 1998, the expenditure limitation established by section 151(b) of 1998 Senate Bill No. 495 on the feeding stuffs fee fund is hereby increased from \$512,813 to \$533,617.

(f) On July 1, 1998, the expenditure limitation established by section 151(b) of 1998 Senate Bill No. 495 on the fertilizer fee fund is hereby increased from \$349,422 to \$370,226.

(g) On July 1, 1998, the expenditure limitation established by section 151(b) of 1998 Senate Bill No. 495 on the pesticide use fee fund is hereby increased from \$444,021 to \$469,021.

(h) On July 1, 1998, the expenditure limitation established by section 151(b) of 1998 Senate Bill No. 495 on the grade A milk fee fund is hereby increased from \$197,858 to \$202,858.

(i) On the effective date of this act, the expenditure limitation established by section 96(b) of chapter 123 of the 1997 Session Laws of Kansas on the feeding stuffs fee fund is hereby decreased from \$497,070 to \$496,036.

(continued)

(j) On the effective date of this act, the expenditure limitation established by section 96(b) of chapter 123 of the 1997 Session Laws of Kansas on the fertilizer fee fund is hereby decreased from \$476,292 to \$475,765.

(k) On the effective date of this act, the expenditure limitation established by section 96(b) of chapter 123 of the 1997 Session Laws of Kansas on the pesticide use fee fund is hereby decreased from \$477,539 to \$475,472.

Sec. 18.

KANSAS WATER OFFICE

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

Operating expenditures
For the fiscal year ending June 30, 1999..... \$159,030

Sec. 19.

STATE CONSERVATION COMMISSION

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

Operating expenditures
For the fiscal year ending June 30, 1999..... \$68,310

(b) On July 1, 1998, the expenditure limitation established by section 155(b) of 1998 Senate Bill No. 495 on the water plan special revenue fund is hereby increased from \$9,633,250 to \$9,713,250.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the water plan special revenue fund for the fiscal year ending June 30, 1999, as authorized by section 155(c) of 1998 Senate Bill No. 495, expenditures may be made by the above agency from the water plan special revenue fund for fiscal year 1999 for the Kansas water quality buffer initiatives: Provided, That expenditures for such purpose from the water plan special revenue fund for fiscal year 1999 shall not exceed \$80,000: Provided further, That all expenditures from the Kansas water quality buffer initiatives account shall be for grants or incentives to install water quality best management practices in the Kansas—lower Republican river basin under the governor's water quality initiative: And provided further, That such expenditures may be made from this account from the approved budget amount for fiscal year 1999 in accordance with contracts, which are hereby authorized to be entered into by the executive director of the state conservation commission on behalf of the commission, for such grants or incentives: And provided further, That such contracts may provide for such expenditures from the approved budget amount for fiscal year 1999 to be made pursuant to encumbrances for expenditures after June 30, 1999: Provided, however, That expenditures from this account for contractual educational and technical assistance for fiscal year 1999 shall not exceed \$30,000.

Sec. 20.

JUVENILE JUSTICE AUTHORITY

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

Operating expenditures
For the fiscal year ending June 30, 1999..... \$3,160,500

Management information systems
For the fiscal year ending June 30, 1999..... \$2,459,393

(b) No expenditures shall be made from any moneys appropriated for the above agency for the purpose of juvenile accountability and incentive grants, except after review by the joint committee on corrections and juvenile justice oversight of a plan for distributing juvenile accountability and incentive grants.

(c) On July 1, 1998, of the \$2,500,000 appropriated for the above agency for the fiscal year ending June 30, 1999, by section 146(a) of 1998 Senate Bill No. 495 from the state general fund in the community initiatives account, the sum of \$1,875,000 is hereby lapsed.

(d) On July 1, 1998, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,875,000 from the state general fund to the Kansas endowment for youth trust fund of the juvenile justice authority.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the Kansas endowment for youth trust fund for the fiscal year ending June 30, 1999, as authorized by section 146(b) of 1998 Senate Bill No. 495, expenditures may be made from the Kansas endowment for youth trust fund for fiscal year 1999 for the purpose of funding grants for prevention and early intervention programs, including a Kansas mentoring initiative program.

(f) On July 1, 1998, the position limitation established by section 150 of 1998 Senate Bill No. 495 for the above agency is hereby increased from 590.0 to 593.0.

Sec. 21.

KANSAS DENTAL BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 1998, by section 24(a) of 1998 Senate Bill No. 495 on the dental board fee fund is hereby increased from \$225,848 to \$255,848.

(b) On July 1, 1998, the expenditure limitation established for the fiscal year ending June 30, 1999, by section 71(a) of 1998 Senate Bill No. 495 on the dental board fee fund is hereby increased from \$219,707 to \$222,937.

Sec. 22.

STATE BOARD OF HEALING ARTS

(a) On July 1, 1998, the expenditure limitation established for the fiscal year ending June 30, 1999, by section 68(a) of 1998 Senate Bill No. 495 on the healing arts fee fund is hereby increased from \$1,679,884 to \$1,682,384.

Sec. 23.

KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

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

Operating expenditures
For the fiscal year ending June 30, 1998..... \$5,660
For the fiscal year ending June 30, 1999..... \$13,000

Sec. 24.

DEPARTMENT OF REVENUE—HOMESTEAD PROPERTY TAX REFUNDS

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

Homestead tax refunds
For the fiscal year ending June 30, 1998..... \$1,800,000

Provided, That any unencumbered balance in the homestead tax refunds account in excess of \$100 as of June 30, 1998, is hereby reappropriated for fiscal year 1999.

Sec. 25.

KANSAS COMMISSION ON VETERANS AFFAIRS

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

Operating expenditures—Kansas veterans' home
For the fiscal year ending June 30, 1999..... \$530,512

Provided, That any unencumbered balance in the operating expenditures—Winfield veterans' home account in excess of \$100 as of June 30, 1998, is hereby reappropriated to the operating expenditures—Kansas veterans' home account for fiscal year 1999.

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

Sewer upgrade on state campus at Winfield
For the fiscal year ending June 30, 1998..... \$1,080,000

(c) On July 1, 1998, of the \$1,543,362 appropriated for the above agency for the fiscal year ending June 30, 1999, by section 116(a) of 1998 Senate Bill No. 495 from the state general fund in the operating expenditures—veterans affairs account, the sum of \$25,170 is hereby lapsed.

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

Veterans home federal construction grant fund
For the fiscal year ending June 30, 1998..... \$10,641,400

Provided, That all moneys received by the above agency as federal grants for the purposes of construction and remodeling at the Kansas veterans' home, which grants are hereby authorized to be applied for and received by the above agency, shall be deposited in the state treasury to the credit of the veterans home federal construction grant fund.

(e) Notwithstanding the provisions of this or any other appropriation act of the 1997 or 1998 regular session of the legislature, expenditures for the Wichita annex to the Kansas veterans' home from moneys appropriated from the state general fund or from any special revenue fund for the Kansas commission on veterans affairs for fiscal year 1998 or fiscal year 1999 and designated for construction of the Kansas veterans' home shall not exceed \$12,000 except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed by subsection (c) of K.S.A. 75-371c and amendments thereto.

(f) On July 1, 1998, the position limitation established by section 119 of 1998 Senate Bill No. 495 for the Kansas commission on veterans affairs is hereby increased from 186.8 to 227.8.

Sec. 26.

DEPARTMENT OF HUMAN RESOURCES

(a) On July 1, 1998, the expenditure limitation established by section 115(b) of 1998 Senate Bill No. 495 on the workmen's compensation fee fund is hereby increased from \$7,713,852 to \$7,762,202.

Sec. 27.

KANSAS SENTENCING COMMISSION

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

Operating expenditures	
For the fiscal year ending June 30, 1999.....	\$298,933

Sec. 28.

KANSAS HIGHWAY PATROL

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

Operating expenditures	
For the fiscal year ending June 30, 1998.....	\$12,338
For the fiscal year ending June 30, 1999.....	\$1,092,074

(b) On the effective date of this act, the expenditure limitation established by section 85(b) of chapter 123 of the 1997 Session Laws of Kansas on the capitol area security fund is hereby increased from \$1,084,834 to No limit.

(c) On the effective date of this act, the director of accounts and reports shall transfer \$111,804 from the state highway fund of the department of transportation to the motor carrier safety assistance program fund of the Kansas highway patrol.

(d) On July 1, 1998, the director of accounts and reports shall transfer \$1,179,156 from the state highway fund of the department of transportation to the motor carrier safety assistance program fund of the Kansas highway patrol.

(e) On July 1, 1998, the position limitation established by section 150 of 1998 Senate Bill No. 495 for the above agency is hereby increased from 780.8 to 788.8.

(f) On July 1, 1998, the expenditure limitation established by section 144(b) of 1998 Senate Bill No. 495 on the vehicle identification number fee fund is hereby increased from \$1,614,517 to No limit.

(g) During the fiscal year ending June 30, 1999, any full-time and regular part-time positions of the Kansas highway patrol that are for capitol area police officers that are assigned to security for state-owned properties located in Shawnee county under contracts with other state agencies shall be in addition to any limitation on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the Kansas highway patrol for fiscal year 1999, made in this or other appropriation act of the 1998 regular session of the legislature: *Provided*, That the Kansas highway patrol shall prepare and submit a report on all such positions assigned to provide security under such contracts to the legislative budget committee prior to the 1999 regular session of the legislature.

Sec. 29.

ADJUTANT GENERAL

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

Operating expenditures	
For the fiscal year ending June 30, 1998.....	\$8,100

(b) On July 1, 1998, the position limitation established by section 150 of 1998 Senate Bill No. 495 for the above agency is hereby decreased from 226.0 to 225.0.

Sec. 30.

STATE FIRE MARSHAL

(a) On the effective date of this act, the expenditure limitation established by section 43(a) of 1998 Senate Bill No. 495 on the fire marshal fee fund is hereby increased from \$2,236,734 to \$2,257,241.

Sec. 31.

DEPARTMENT OF WILDLIFE AND PARKS

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

Operating expenditures	
For the fiscal year ending June 30, 1998.....	\$60,000

(b) On July 1, 1998, the expenditure limitation established by section 157(b) of 1998 Senate Bill No. 495 on the wildlife fee fund is hereby increased from \$19,835,822 to \$19,868,222.

(c) On June 30, 1998, the director of accounts and reports shall transfer the amount which is equal to the amount of the unused expenditure authority of the migratory waterfowl propagation and protection fund for fiscal year 1998 from the unencumbered balance in the migratory waterfowl propagation and protection fund, which is not credited to any separate account of the migratory waterfowl propagation and protection fund, to the wetlands acquisition account of the migratory waterfowl propagation and protection fund, which is hereby created. As used in this subsection, unused expenditure authority of the migratory waterfowl propagation and protection fund for fiscal year 1998 means the amount equal to the moneys that (1) were authorized to be expended from the migratory waterfowl propagation and protection fund during the fiscal year ending June 30, 1998, (2) were not credited to any separate account of the migratory waterfowl propagation and protection fund, (3) were subject to the expenditure limitation imposed on the migratory waterfowl propagation and protection fund for fiscal year 1998, and (4) were not expended from the migratory waterfowl propagation and protection fund for fiscal year 1998.

(d) In addition to the other purposes for which expenditures may be made by the Kansas department of wildlife and parks from any moneys appropriated from the state general fund or from any special revenue fund for the fiscal year ending June 30, 1999, as authorized by this or other appropriation act of the 1998 regular session of the legislature, the Kansas department of wildlife and parks may make expenditures for fiscal year 1999 for the purposes of and is hereby authorized, on behalf of the state of Kansas, to provide to the U.S. Bureau of reclamation a letter of agreement committing the state of Kansas to provide moneys equal to a maximum of 15% of the total cost, from the funding source identified in the following proviso, to repair and restore the structural integrity of the dam at the Cedar Bluff reservoir and the portion of state highway K-147 located on the dam and providing that the state of Kansas will provide the required funding within 12 months of initiation of repairs at the Cedar Bluff reservoir dam: *Provided*, That, with respect to this repair project, the Kansas department of transportation is hereby authorized and directed to plan for such repair project and to prepare and submit budget estimates to provide funding from the state highway fund for such repair project and to enter into appropriate contracts to repair and restore the integrity of the Cedar Bluff reservoir dam and state highway K-147: *Provided, however*, That the amount of funding from the state highway fund for these purposes shall be determined by an appropriation act enacted by the legislature during the 1999 regular session.

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

EDIF—local government outdoor recreation grants	
For the fiscal year ending June 30, 1999.....	\$500,000

(f) On July 15, 1998, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$500,000 from the Kansas economic development endowment account of the state economic development initiatives fund of the department of commerce and housing to the EDIF—local government outdoor recreation grants fund of the department of wildlife and parks.

Sec. 32.

STATE BOARD OF REGENTS

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

Ethnic minority scholarship program	
For the fiscal year ending June 30, 1999.....	\$35,000

(b) In addition to the other purposes for which expenditures may be made by the above agency from the vocational scholarships account of the state general fund for the fiscal year ending June 30, 1999, as authorized by section 139(a) of 1998 Senate Bill No. 495, expenditures may be made by the above agency from the vocational scholarships account of the state general fund for fiscal year 1999 for the award of vocational scholarships for the 1998-99 school year to those applicants who exhibit the greatest ability and aptitude for vocational education, subject only to the availability of appropriations therefor and notwithstanding any limitations or other provisions of K.S.A. 72-4461 and amendments thereto to the contrary.

(continued)

Sec. 33.

FORT HAYS STATE UNIVERSITY

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

Operating expenditures (including official hospitality)	
For the fiscal year ending June 30, 1998.....	\$9,855
For the fiscal year ending June 30, 1999.....	\$90,821

(b) On the effective date of this act, the expenditure limitation established by section 21(c) of chapter 192 of the 1997 Session Laws of Kansas on the general fees fund is hereby decreased from \$7,677,731 to \$7,667,876.

(c) On July 1, 1998, the expenditure limitation established by section 130(b) of 1998 Senate Bill No. 495 on the general fees fund is hereby decreased from \$8,020,642 to \$7,995,549.

Sec. 34.

EMPORIA STATE UNIVERSITY

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

Operating expenditures (including official hospitality)	
For the fiscal year ending June 30, 1998.....	\$491
For the fiscal year ending June 30, 1999.....	\$4,731

(b) On the effective date of this act, the expenditure limitation established by section 20(c) of chapter 192 of the 1997 Session Laws of Kansas on the general fees fund is hereby decreased from \$7,916,410 to \$7,915,919.

(c) On July 1, 1998, the expenditure limitation established by section 134(b) of 1998 Senate Bill No. 495 on the general fees fund is hereby increased from \$8,210,994 to \$8,213,430.

(d) On July 1, 1998, of the \$27,609,624 appropriated for the above agency for the fiscal year ending June 30, 1999, by section 134(a) of 1998 Senate Bill No. 495 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$2,436 is hereby lapsed.

Sec. 35.

PITTSBURG STATE UNIVERSITY

(a) On July 1, 1998, of the \$30,326,884 appropriated for the above agency for the fiscal year ending June 30, 1999, by section 135(a) of 1998 Senate Bill No. 495 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$124,777 is hereby lapsed.

(b) On July 1, 1998, the expenditure limitation established by section 135(b) of 1998 Senate Bill No. 495 on the general fees fund is hereby increased from \$9,965,170 to \$10,033,845.

(c) During the fiscal years ending June 30, 1998, and June 30, 1999, Pittsburg state university is hereby authorized to make expenditures to raze two buildings numbered 38500-00080 and 38500-00270 at the university.

Sec. 36.

UNIVERSITY OF KANSAS

(a) In addition to the other purposes for which expenditures may be made by the above agency from the sponsored research overhead fund for the fiscal year ending June 30, 1999, expenditures may be made by the above agency from the sponsored research overhead fund for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Remodel for energy-balance laboratory.....	No limit
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(b) On July 1, 1998, of the \$118,234,732 appropriated for the above agency for the fiscal year ending June 30, 1999, by section 136(a) of 1998 Senate Bill No. 495 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$83,148 is hereby lapsed.

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

Ellsworth hall renovation fund	
For the fiscal year ending June 30, 1999.....	No limit

Provided, That the university of Kansas may make expenditures from the Ellsworth hall renovation fund for the project to renovate Ellsworth hall in addition to the expenditure of other moneys appropriated therefor: *Provided, however*, That expenditures from this fund for such capital improvement project shall not exceed \$10,500,000 plus all amounts required for costs of any such bond issuance, cost of interest on any bonds issued or obtained for such capital improvement projects and any required reserves for payment of principal and

interest on any bond: *Provided further*, That such capital improvement project is hereby approved for the university of Kansas for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

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

Integrated library system	
For the fiscal year ending June 30, 1999.....	\$130,000

Provided, That no expenditures shall be made from the integrated library system account until the chancellor of the university of Kansas certifies to the director of accounts and reports that a refund has been deposited in the state general fund: *Provided further*, That expenditures from this account shall not exceed the amount of the refund.

Sec. 37.

WICHITA STATE UNIVERSITY

(a) During the fiscal year ending June 30, 1999, Wichita state university is hereby authorized to make expenditures to raze building #12.

(b) On July 1, 1998, of the \$59,726,216 appropriated for the above agency for the fiscal year ending June 30, 1999, by section 138(a) of 1998 Senate Bill No. 495 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$17,016 is hereby lapsed.

Sec. 38.

KANSAS STATE UNIVERSITY VETERINARY MEDICAL CENTER

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

Operating expenditures (including official hospitality)	
For the fiscal year ending June 30, 1998.....	\$12,228

(b) On the effective date of this act, the expenditure limitation established by section 34(a) of 1998 Senate Bill No. 495 on the general fees fund is hereby decreased from \$4,615,500 to \$4,603,272.

(c) On July 1, 1998, of the \$9,309,505 appropriated for the above agency for the fiscal year ending June 30, 1999, by section 133(a) of 1998 Senate Bill No. 495 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$1,838 is hereby lapsed.

(d) On July 1, 1998, the expenditure limitation established by section 133(b) of 1998 Senate Bill No. 495 on the general fees fund is hereby decreased from \$4,847,749 to \$4,811,757.

(e) On July 1, 1998, the expenditure limitation established by section 133(b) of 1998 Senate Bill No. 495 on the hospital and diagnostic laboratory revenue fund is hereby increased from \$1,452,739 to \$1,490,569.

Sec. 39.

KANSAS STATE UNIVERSITY EXTENSION SYSTEMS AND AGRICULTURE RESEARCH PROGRAMS

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

Agricultural experiment stations (including official hospitality)	
For the fiscal year ending June 30, 1999.....	\$240,090

Sec. 40.

STATE HISTORICAL SOCIETY

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

Operating expenditures	
For the fiscal year ending June 30, 1999.....	\$2,156
Construct storage bay #3	
For the fiscal year ending June 30, 1999.....	\$1,900,000

Sec. 41.

UNIVERSITY OF KANSAS MEDICAL CENTER

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

Operating expenditures (including official hospitality)	
For the fiscal year ending June 30, 1998.....	\$54,329
For the fiscal year ending June 30, 1999.....	\$102,775

(b) On July 1, 1998, the expenditure limitation established by section 183(a) of 1998 Senate Bill No. 495 on the expenditures from the construct and equip research support facility fund for the capital improvement project to construct an addition to the research support facility is hereby increased from \$3,250,000 to \$4,740,000.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, all moneys now or hereafter lawfully credited to and available in such fund

or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Services to hospital authority fund	
For the fiscal year ending June 30, 1999.....	No limit
Direct medical education reimbursement fund	
For the fiscal year ending June 30, 1999.....	\$2,428,197
Construct and equip center for health in aging—gift and grant fund	
For the fiscal year ending June 30, 1999.....	No limit
Construct and equip addition to research support facility—gift and grant fund	
For the fiscal year ending June 30, 1999.....	No limit

Sec. 42.

DEPARTMENT OF ADMINISTRATION

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

Facilities Management	
For the fiscal year ending June 30, 1998.....	\$50,000
Long-term care ombudsman	
For the fiscal year ending June 30, 1999.....	\$102,108
Memorial hall debt service	
For the fiscal year ending June 30, 1999.....	\$219,201
Performance review board	
For the fiscal year ending June 30, 1999.....	\$40,000
Statehouse historic structures report	
For the fiscal year ending June 30, 1999.....	\$200,000

(b) On July 1, 1998, the expenditure limitation established by section 104(b) of 1998 Senate Bill No. 495 on the salaries and wages and other operating expenditures account of the cafeteria benefits fund is hereby increased from \$956,633 to \$1,117,897.

(c) On July 1, 1998, the position limitation established by section 105 of 1998 Senate Bill No. 495 for the department of administration is hereby increased from 855.9 to 857.4.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 1999, as authorized by subsection (e) or (f) of section 174 of 1998 Senate Bill No. 495, expenditures may be made by the above agency from the following capital improvement account or accounts of the state buildings depreciation fund during fiscal year 1999 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Memorial & Landon steam tunnel and walkway planning and construction.....	\$40,000
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Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the state buildings depreciation fund for fiscal year 1999.

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

Performance review clearing fund	
For the fiscal year ending June 30, 1999.....	No limit

Provided, That the executive director of the performance review board is hereby authorized to fix, charge and collect amounts from state agencies to recover all or part of the costs of analyses of governmental functions conducted at the request of such state agencies in accordance with K.S.A. 75-7140 and amendments thereto: *Provided further*, That all such amounts received for such analyses shall be credited to the performance review clearing fund: *And provided further*, That such amounts are hereby authorized to be paid by such state agencies from one or more appropriate special revenue funds of the state agencies that are the subject of the analyses: *And provided further*, That all such expenditures from such special revenue funds shall be in addition to any expenditure limitations imposed on such funds.

Older Americans act long term care ombudsman federal fund	
For the fiscal year ending June 30, 1998.....	No limit
For the fiscal year ending June 30, 1999.....	No limit
Long term care ombudsman gift and grant fund	
For the fiscal year ending June 30, 1998.....	No limit
For the fiscal year ending June 30, 1999.....	No limit
Memorial hall renovation fund	
For the fiscal year ending June 30, 1999.....	No limit

Provided, That the department of administration may make expenditures from the Memorial hall renovation fund for the capital improvement project to renovate and equip Memorial hall in an amount of not more than the total of \$5,420,000, plus all amounts required for the cost of bond issuance, the cost of interest on the bonds during the construction of the project and the required reserves for the payment of principal and interest on the bonds: *Provided further*, That such capital improvement project is hereby approved for the department of administration for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *And provided further*, That all moneys received from the issuance of any bonds shall be deposited in the state treasury to the credit of this fund: *And provided further*, That such capital improvement project to renovate and equip Memorial hall is exempt from the provisions of K.S.A. 75-2724 and amendments thereto.

Microwave interconnection fund	
For the fiscal year ending June 30, 1999.....	\$116,800

Provided, That upon the approval of the Kansas public broadcasting council, expenditures may be made from the microwave interconnection fund for grants to provide a microwave interconnection between KPTS in Wichita, KTWU in Topeka, the Kansas statehouse, and Smoky Hills public television in Bunker Hill.

(f) In addition to the purposes for which expenditures may be made by the above agency from the Topeka state hospital transition fund for the fiscal year ending June 30, 1999, as authorized by section 104(b) of 1998 Senate Bill No. 495, expenditures may be made by the above agency from the Topeka state hospital transition fund for fiscal year 1999, for the following: (1) Consultant services relating to the sale or other disposition of the Topeka state hospital property; and (2) operating expenditures for the operation and maintenance of the Topeka state hospital property, including any expenses for operating heating plants and other facilities and for the security, repair, and capital improvements for the Topeka state hospital property: *Provided*, That expenditures shall be made from this fund to provide adequate security for the Topeka state hospital property: *Provided further*, That, notwithstanding the provisions of K.S.A. 75-3307 and 75-3316 and amendments thereto, the secretary of administration is hereby given temporary custody and control of the Topeka state hospital property and is given authority for the following: (1) permitting the use of the Topeka state hospital property by state agencies or others; (2) entering into agreements with such state agencies or others for their use of the property; and (3) fixing and altering charges for use of the Topeka state hospital property in such amounts as the secretary of administration determines to be beneficial or necessary: *And provided further*, That such fees shall be fixed in order to recover all or part of such operating expenses: *And provided further*, That, notwithstanding the provisions of K.S.A. 75-3316 and amendments thereto, all moneys received for such charges or fees shall be deposited in the state treasury to the credit of this fund: *Provided; however*, That, if the Topeka state hospital property is disposed of in some manner that conveys title to the property, the governor may authorize and direct the transfer of any portion of the funds appropriated for the above agency for fiscal year 1999 by this or other appropriation act of the 1998 regular session of the legislature, which are available for the maintenance or operations of the Topeka state hospital property, to the Topeka correctional facility general fees fund as necessary for the department of corrections to maintain its operations on the premises of the Topeka state hospital property: *And provided further*, That in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated for the fiscal year ending June 30, 1999, as authorized by this or any other appropriation act of the 1998 regular session of the legislature or by any appropriation act of the 1999 regular session of the legislature, expenditures may be made by the above agency from the moneys appropriated for fiscal year 1999 for operating expenditures for the operation and maintenance of the Topeka state hospital property, including any expenses for operating heating plants and other facilities and for the security and repair of the Topeka state hospital property: *And provided further*, That all expenditures from any such special revenue fund for such purposes shall be in addition to any expenditure limitation imposed on such special revenue fund for fiscal year 1999: *And provided further*, That in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated for the fiscal year ending June 30, 1999, as authorized by this or any other appropriation act of the 1998 regular session of the legislature, expenditures may be made by the above agency from the moneys appropriated for fiscal year 1999 for expenditures for a total of eight additional full-time and regular part-time positions equated to full-time: *And provided further*, That the eight full-time equivalent positions shall be in addition to the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, authorized for the above agency under this or other appropriation act of the 1998 regular session of the legislature: *Provided, however*, That if the Topeka state hospital property is disposed of in some manner that conveys title to the property, the governor may direct the transfer of any portion of the positions provided for in this subsection to the department of corrections as necessary for the department of corrections to maintain its operations on the premises of the Topeka state hospital property: *And provided further*, That any employee who was transferred during the fiscal year ending June 30, 1998, from the Topeka state hospital to the department of administration upon assumption of temporary custody and control of Topeka state hospital property by the secretary of

(continued)

administration, and who is subsequently laid off from the department of administration or the department of corrections due to disposition of the Topeka state hospital property, shall be provided with the same rights and benefits available to employees of Topeka state hospital who were laid off upon closure of Topeka state hospital: *And provided further*, That any expenditures for such rights and benefits shall be funded and paid in the same manner as prescribed by law for other employees of Topeka state hospital who were laid off upon closure of Topeka state hospital: *And provided further*, That in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated for the fiscal year ending June 30, 1998, as authorized by this or other appropriation act of the 1998 regular session of the legislature, and for the fiscal year ending June 30, 1999, as authorized by this or any other appropriation act of the 1998 regular session of the legislature, expenditures may be made by the above agency for (1) expenses related to the review and consideration of proposals and other matters relating to the potential disposition of the Topeka state hospital property, as defined by this subsection, including, but not limited to, expenditures for members of the legislature who are members of any advisory committee which is hereby authorized to be established for such purposes by the secretary of administration, for per diem compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212 or 75-3223 and amendments thereto for attending meetings of such advisory committee, or attending a subcommittee meeting thereof authorized by such advisory committee, and (2) any expenses relating to any sale of any Topeka state hospital property, as defined by this section: *And provided further*, That expenditures may be made by a state agency for the expenses of the sale, exchange, or other disposition conveying title for any portion or all of the Topeka state hospital property: *And provided further*, That these expenditures may be made only upon specific authorization by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, and such portion or all of Topeka state hospital property may be sold, exchanged or otherwise conveyed or disposed of by the state agency in accordance with such authorization by the state finance council: *And provided further*, That the net proceeds from the sale of any Topeka state hospital property shall be deposited in the state treasury to the credit of the Topeka state hospital transition fund of the department of administration: *And provided further*, That any property transferred to the city of Topeka pursuant to this section shall be exempt from ad valorem taxation so long as such property is owned by the city of Topeka and not leased to any person or entity that is not exempt from payment of ad valorem taxation: *And provided further*, That, as used in this section, "Topeka state hospital property" means all state-owned land and improvements in the city of Topeka, KS, which is in the area bounded by west sixth street on the south, MacVicar Avenue on the east, Interstate 70 on the north and Oakley Avenue on the west, including the adjacent state-owned land west of Oakley Avenue, excluding state printing plant land designated by the secretary of administration.

(g) On July 1, 1998, of the \$3,089,554 appropriated for the above agency for the fiscal year ending June 30, 1999, by section 104(a) of 1998 Senate Bill No. 495 from the state general fund in the personnel services account, the sum of \$31,259 is hereby lapsed.

(h) On July 1, 1998, the expenditure limitation established for the fiscal year ending June 30, 1999, by section 104(a) of 1998 Senate Bill No. 495 on the reappropriated balance in the performance review board account of the state general fund is hereby increased from \$37,161 to No limit.

(i) On July 1, 1998, of the \$2,366,051 appropriated for the above agency for the fiscal year ending June 30, 1999, by section 104(a) of 1998 Senate Bill No. 495 from the state general fund in the facilities management account, the sum of \$11,570 is hereby lapsed.

(j) On July 1, 1998, the expenditure limitation established by section 104(b) of 1998 Senate Bill No. 495 on the architectural services recovery fund is hereby decreased from \$1,226,734 to \$1,176,173.

(k) On July 15, 1998, or as soon after such date as moneys are available, the director of accounts and reports shall transfer \$116,800 from the Kansas economic development endowment account of the state economic development initiatives fund of the department of commerce and housing to the microwave interconnection fund of the department of administration.

Sec. 43.

ATTORNEY GENERAL—KANSAS BUREAU OF INVESTIGATION

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

Operating expenditures	
For the fiscal year ending June 30, 1999.....	\$288,257

Provided, That expenditures may be made from the operating expenditures account for renovations to Shirk Hall at Pittsburg State University.

(b) On July 1, 1998, the position limitation established by section 150 of 1998 Senate Bill No. 495 for the attorney general—Kansas bureau of investigation is hereby increased from 193.5 to 194.5.

Sec. 44.

DEPARTMENT OF REVENUE

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

Operating expenditures	
For the fiscal year ending June 30, 1999.....	\$789,158

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

Reprocessed certificates of title fee fund	
For the fiscal year ending June 30, 1999.....	No limit

(c) On July 1, 1998, the position limitation established by section 113(a) of chapter 46 of the 1997 Session Laws of Kansas for the above agency is hereby increased from 1,179.5 to 1,185.5.

(d) On July 1, 1998, the expenditure limitation established by section 107(b) of 1998 Senate Bill No. 495 on the division of vehicles operating fund is hereby increased from \$30,374,330 to \$30,402,477.

(e) On July 1, 1998, the expenditure limitation established by section 107(b) of 1998 Senate Bill No. 495 on the salaries and wages account of the division of vehicles operating fund is hereby increased from \$16,914,375 to \$16,942,522.

(f) During each month of the fiscal year ending June 30, 1999, the secretary of revenue shall determine the number of hours and cost of additional computer programming during the preceding month that are attributable to the changes in the law enacted by 1998 Senate Bill No. 493 and shall certify and report such number of hours in writing to the director of the budget, the director of the legislative research department, the chair and ranking minority member of the senate committee on ways and means, and the chair and ranking minority member of the house of representatives committee on appropriations: *Provided*, That such information shall be also reported each calendar quarter to the joint committee on computers and telecommunications.

Sec. 45.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

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

Mental health and retardation services aid and assistance and state institutions operations	
For the fiscal year ending June 30, 1998.....	\$3,304,198
For the fiscal year ending June 30, 1999.....	\$5,140,683

Provided, That expenditures shall be made from the mental health and retardation services aid and assistance and state institutions operations account by the secretary of social and rehabilitation services to adjust the reimbursement rates for the HCBS/MR waiver: *Provided further*, That in adjusting such rates, the secretary shall seek input from providers, consumers and stakeholders, including discussions and input concerning direct care staff salaries and benefits: *And provided further*, That expenditures from this account for such purpose shall not exceed \$1,400,000.

Community based services	
For the fiscal year ending June 30, 1998.....	\$2,025,000
For the fiscal year ending June 30, 1999.....	\$2,255,000
Youth services aid and assistance	
For the fiscal year ending June 30, 1998.....	\$1,218,000
Other medical assistance	
For the fiscal year ending June 30, 1999.....	\$36,400
Sex predator program	
For the fiscal year ending June 30, 1999.....	\$273,934
State operations	
For the fiscal year ending June 30, 1999.....	\$557,142
Childrens health insurance	
For the fiscal year ending June 30, 1999.....	\$12,000,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, all moneys now or hereafter lawfully credited to and available in such fund

or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Energy assistance block grant federal fund	
For the fiscal year ending June 30, 1998.....	No limit
For the fiscal year ending June 30, 1999.....	No limit

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

Sex predator new construction planning and remodeling	
For the fiscal year ending June 30, 1999.....	\$1,334,217

(d) On July 1, 1998, the position limitation established by section 122(a) of 1998 Senate Bill No. 495 for the department of social and rehabilitation services is hereby increased from 4,159.0 to 4,182.0.

(e) On July 1, 1998, the expenditure limitation established by section 120(b) of 1998 Senate Bill No. 495 on the state operations account of the social services clearing fund is hereby increased from \$247,383,661 to \$248,572,117.

(f) On the effective date of this act, the expenditure limitation established by section 61(b) of chapter 123 of the 1997 Session Laws of Kansas on the title XIX fund is hereby increased from \$53,974,305 to \$54,427,309.

(g) On the effective date of this act, of the \$89,919,499 appropriated for the above agency for the fiscal year ending June 30, 1998, by section 61(a) of chapter 123 of the 1997 Session Laws of Kansas from the state general fund in the state operations account, the sum of \$557,142 is hereby lapsed.

(h) On July 1, 1998, of the \$43,627,493 appropriated for the above agency for the fiscal year ending June 30, 1999, by section 120(a) of 1998 Senate Bill No. 495 from the state general fund in the youth services aid and assistance account, the sum of \$873,000 is hereby lapsed.

(i) On July 1, 1998, the expenditure limitation established for the fiscal year ending June 30, 1999, by section 120(b) of 1998 Senate Bill No. 495 on the title XIX fund is hereby increased from \$57,881,442 to \$58,293,744.

(j) On the effective date of this act, the expenditure limitation established by section 30(m) of 1998 Senate Bill No. 495 on the Kansas neurological institute—foster grandparents program—federal fund is hereby increased from \$270,000 to No limit.

(k) On July 1, 1998, the position limitation established by section 122(a) of 1998 Senate Bill No. 495 for the Larned state hospital is hereby decreased from 771.6 to 768.6.

(l) On the effective date of this act, the expenditure limitation established by section 30(l) of 1998 Senate Bill No. 495 on the state operations account of the social services clearing fund is hereby increased from \$242,359,423 to \$243,439,423.

Sec. 46.

DEPARTMENT ON AGING

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

Administration	
For the fiscal year ending June 30, 1998.....	\$550,000
For the fiscal year ending June 30, 1999.....	\$1,817,892

(b) On July 1, 1998, of the \$118,253,273 appropriated for the above agency for the fiscal year ending June 30, 1999, by section 118(a) of 1998 Senate Bill No. 495 from the state general fund in the long term care account, the sum of \$3,419,535 is hereby lapsed.

(c) On the effective date of this act, of the \$115,409,383 appropriated for the above agency for the fiscal year ending June 30, 1998, by section 59(a) of chapter 123 of the 1997 Session Laws of Kansas from the state general fund in the long term care account, the sum of \$967,600 is hereby lapsed.

(d) The amount authorized and directed by section 118(d) of 1998 Senate Bill No. 495 to be transferred on or before June 30, 1999, upon certification by the secretary of aging as the unspent amount of funds allocated for professional services in the office of the secretary, by the director of accounts and reports from the administration account of the state general fund to the program grants account of the state general fund shall not exceed \$300,000.

(e) On July 1, 1998, the position limitation established by section 119 of 1998 Senate Bill No. 495 for the above agency is hereby decreased from 160.3 to 155.8.

Sec. 47.

LEGISLATURE

(a) In addition to the other purposes for which expenditures may be

made by the above agency from the operations (including official hospitality) account of the state general fund or from the legislative special revenue fund for the fiscal year ending June 30, 1999, as authorized by section 85 of 1998 Senate Bill No. 495, expenditures may be made by the above agency for fiscal year 1999 from the operations (including official hospitality) account of the state general fund or from the legislative special revenue fund for fiscal year 1999, for payment of the amounts provided by subsection (e) of K.S.A. 75-3223 and amendments thereto for members of the KUSF working committee established by section 4 of 1998 House Substitute for Senate Bill No. 212 for those members of the KUSF working committee who are legislators and those members of the KUSF working committee who are described in paragraph (2) of subsection (b) of section 4 of 1998 House Substitute for Senate Bill No. 212.

(b) During the fiscal year ending June 30, 1999, in addition to the duties established in section 85(c) of 1998 Senate Bill No. 495, the SRS transition oversight committee shall review and evaluate the mental health system including consumer run organizations, community mental health centers and mental health reform as it relates to nursing facilities for mental health: *Provided*, That the SRS transition oversight committee shall also review the salaries of non-state employee direct care staff.

Sec. 48.

LEGISLATIVE COORDINATING COUNCIL

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

Legislative coordinating council—operations	
For the fiscal year ending June 30, 1999.....	\$125,000
Legislative coordinating council—Kansas public employees retirement system defined contribution plan evaluation and study	
For the fiscal year ending June 30, 1999.....	\$100,000
Legislative research department—operations	
For the fiscal year ending June 30, 1999.....	\$25,000

Any unencumbered balance in excess of \$100 as of June 30, 1998, in the following account is hereby reappropriated for fiscal year 1999: Evaluation of closure of state hospitals.

~~Sec. 49. (a) In accordance with appropriations for the fiscal year ending June 30, 1999, by this or other appropriation act of the 1998 regular session of the legislature:~~

~~(1) The governor is hereby authorized and directed to modify the pay plan for fiscal year 1998 in accordance with this subsection (a)(1) and to adopt such pay plan as so modified. The existing pay plan for fiscal year 1998 shall be modified to provide for an increase of 1.5% in the pay rates of such pay plan. The pay plan adopted by the governor under this subsection (a)(1) shall be the pay plan for the classified service under the Kansas civil service act and shall be effective on the first day of the first biweekly payroll period which is chargeable to the fiscal year ending June 30, 1999. Such pay plan shall be subject to modification and approval as provided under K.S.A. 75-2938 and amendments thereto and to any enactment of the legislature applicable thereto.~~

~~(2) (A) The governor is hereby authorized and directed to modify or authorize the modification of the salaries of state officers and employees who are in the unclassified service under the Kansas civil service act and whose salaries are subject to approval by the governor under K.S.A. 75-2935b or 75-2935c and amendments thereto to provide for base salary increases, to be effective on the first day of the first payroll period which is chargeable to the fiscal year ending on June 30, 1999, and to be distributed on a merit basis from a merit salary increase pool, the average of such increases shall not exceed 4% of the base salaries of such officers and employees.~~

~~(B) Each elected state official of the executive branch of state government, including the state board of education, and the Kansas technology enterprise corporation, Kansas, Inc., the state board of regents and the board of trustees of the Kansas public employees retirement system, in each such official or board's discretion, are hereby authorized and directed to modify or to authorize the modification of the salaries of the state officers and employees of such official or board, who are in the unclassified service under the Kansas civil service act and whose salaries are not subject to approval by the governor under K.S.A. 75-2935b and amendments thereto, to provide for base salary increases to be effective on the first day of the first payroll period which is chargeable to the fiscal year ending June 30, 1999, and to be distributed on a merit basis from a merit salary increase pool, the average of such increases shall not exceed 4% of the base salaries of such officers and employees of such official or board. The provisions of this subsection (a)(2)(B) shall not authorize or provide any salary increase for the governor, lieutenant governor, secre-~~

(continued)

tary of state, state treasurer, commissioner of insurance, attorney general, or to any member of any state board, commission, council or committee receiving per diem compensation as provided by statute.

(b) On and after June 14, 1998, in addition to the other purposes for which expenditures may be made by the governor's department from the governor's department account of the state general fund for the fiscal year ending June 30, 1999, expenditures shall be made by the governor's department from the governor's department account of the state general fund for fiscal year 1999 for an additional amount of biweekly compensation for the governor equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,409.22 per biweekly pay period. *Provided*, That expenditures for such purpose shall be made in the same manner and at the same times that biweekly compensation is payable to the governor for the biweekly pay periods which commence on or after June 14, 1998, and which are chargeable to fiscal year 1999.

(c) On and after June 14, 1998, in addition to the other purposes for which expenditures may be made by the lieutenant governor from the operations account of the state general fund for the fiscal year ending June 30, 1999, expenditures shall be made by the lieutenant governor from the operations account of the state general fund for fiscal year 1999 for an additional amount of biweekly compensation for the lieutenant governor equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$964.29 per biweekly pay period. *Provided*, That expenditures for such purpose shall be made in the same manner and at the same times that biweekly compensation is payable to the lieutenant governor for the biweekly pay periods which commence on or after June 14, 1998, and which are chargeable to fiscal year 1999.

(d) On and after June 14, 1998, in addition to the other purposes for which expenditures may be made by the secretary of state from the operating expenditures account of the state general fund for the fiscal year ending June 30, 1999, expenditures shall be made by the secretary of state from the operating expenditures account of the state general fund for fiscal year 1999 for an additional amount of biweekly compensation for the secretary of state equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$2,648.45 per biweekly pay period. *Provided*, That expenditures for such purpose shall be made in the same manner and at the same times that biweekly compensation is payable to the secretary of state for the biweekly pay periods which commence on or after June 14, 1998, and which are chargeable to fiscal year 1999.

(e) On and after June 14, 1998, in addition to the other purposes for which expenditures may be made by the attorney general from the operating expenditures account of the state general fund for the fiscal year ending June 30, 1999, expenditures shall be made by the attorney general from the operating expenditures account of the state general fund for fiscal year 1999 for an additional amount of biweekly compensation for the attorney general equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,045.64 per biweekly pay period. *Provided*, That expenditures for such purpose shall be made in the same manner and at the same times that biweekly compensation is payable to the attorney general for the biweekly pay periods which commence on or after June 14, 1998, and which are chargeable to fiscal year 1999.

(f) On and after June 14, 1998, in addition to the other purposes for which expenditures may be made by the state treasurer from the operating expenditures account of the state general fund for the fiscal year ending June 30, 1999, expenditures shall be made by the state treasurer from the operating expenditures account of the state general fund for fiscal year 1999 for an additional amount of biweekly compensation for the state treasurer equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$2,648.45 per biweekly pay period. *Provided*, That expenditures for such purpose shall be made in the same manner and at the same times that biweekly compensation is payable to the state treasurer for the biweekly pay periods which commence on or after June 14, 1998, and which are chargeable to fiscal year 1999.

(g) On and after June 14, 1998, in addition to the other purposes for which expenditures may be made by the insurance department from the insurance department service regulation fund for the fiscal year ending June 30, 1999, expenditures shall be made by the insurance department from the insurance department service regulation fund for fiscal year 1999 for an additional amount of biweekly compensation for the com-

missioner of insurance equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$2,648.45 per biweekly pay period. *Provided*, That expenditures for such purpose shall be made in the same manner and at the same times that biweekly compensation is payable to the commissioner of insurance for the biweekly pay periods which commence on or after June 14, 1998, and which are chargeable to fiscal year 1999.

(h) (1) In addition to the other purposes for which expenditures may be made by each state agency from appropriations made for the fiscal year ending June 30, 1999, expenditures shall be made by each state agency from the appropriations made for fiscal year 1999 for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$72.06 per calendar day for each member of a board for any calendar day occurring on or after June 14, 1998, for which per diem compensation is payable to such member of a board under K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto. *Provided*, That expenditures for such purpose shall be made in the same manner and at the same times that per diem compensation is payable to such member of a board for the biweekly pay periods for which such per diem compensation for calendar days occurring on or after June 14, 1998, is payable and which are chargeable to fiscal year 1999.

(2) As used in this subsection (h), (A) "state agency" means any state agency of the executive branch of state government (i) which has appropriations made for the fiscal year ending June 30, 1999, by 1998 Senate Bill No. 495, this act or any other appropriation act of the 1998 regular session of the legislature, and (ii) which is a board or which makes expenditures for any board; and

(B) "board" means any board, commission, committee, task force, panel or other body in the executive branch of state government, including any advisory body, having one or more members who are entitled to receive per diem compensation for attendance at meetings of such body, or attendance at meetings authorized by such body of a subcommittee or other subsidiary group of such body, as provided in K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto.

(i) In addition to the other purposes for which expenditures may be made by the Kansas turnpike authority for the period commencing June 14, 1998, and ending June 30, 1999, expenditures shall be made by the Kansas turnpike authority for such period for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$72.06 per calendar day for each member of the Kansas turnpike authority for any calendar day occurring on or after June 14, 1998, for which per diem compensation is payable to such member under K.S.A. 68-2003 and amendments thereto who is entitled, in accordance with K.S.A. 75-3223 and amendments thereto, to receive such per diem compensation as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto. *Provided*, That expenditures for such purpose shall be made in the same manner and at the same times that per diem compensation is payable to such member of the Kansas turnpike authority for the appropriate pay periods for which such per diem compensation for calendar days occurring on or after June 14, 1998, and prior to July 1, 1999, is payable by the Kansas turnpike authority.

(j) In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 1999, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 1999 (1) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$72.06 per calendar day for each member of the legislature for service at the regular session or any special session of the legislature for any calendar day occurring on or after June 14, 1998, and (2) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$72.06 per calendar day for each member of the legislature and for any other public officer or person for any calendar day occurring on or after June 14, 1998, for which per diem

compensation is payable from appropriations for the legislature to such member of the legislature, public officer or person under K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto: *Provided*, That expenditures for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislature, public officials and persons for the biweekly pay periods for which such per diem compensation for calendar days occurring on or after June 14, 1998, is payable and which are chargeable to fiscal year 1999.

(k) On and after June 14, 1998, in addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 1999, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 1999 for an additional amount of biweekly compensation for the following legislative officers equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation per biweekly pay period for such legislative officers as follows: (1) For the president of the senate and the speaker of the house of representatives equal to the amount required to provide an aggregate amount of \$438.89 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions, (2) for the speaker pro tem of the house of representatives, the vice president of the senate, the assistant majority leaders of the senate and house of representatives, and the assistant minority leaders of the senate and house of representatives equal to the amount required to provide an aggregate amount of \$223.97 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions, (3) for the chairperson of the senate committee on ways and means and the chairperson of the house of representatives committee on appropriations equal to the amount required to provide an aggregate amount of \$352.89 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions, (4) for the majority leaders of the senate and house of representatives equal to the amount required to provide an aggregate amount of \$395.89 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions, and (5) the minority leaders of the senate and house of representatives equal to the amount required to provide an aggregate amount of \$395.89 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions: *Provided*, That expenditures for such purpose shall be made in the same manner and at the same times that biweekly compensation is payable to such legislative officers under K.S.A. 46-137b and amendments thereto for the biweekly pay periods which commence on or after June 14, 1998, and which are chargeable to fiscal year 1999.

(l) In addition to the other purposes for which expenditures may be made by the legislative coordinating council from the legislative coordinating council—operations account of the state general fund for the fiscal year ending June 30, 1999, expenditures shall be made by the legislative coordinating council from the legislative coordinating council—operations account of the state general fund for fiscal year 1999 for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$72.06 per calendar day for each member of the legislative coordinating council for any calendar day occurring on or after June 14, 1998, for which per diem compensation is payable from appropriations for the legislative coordinating council under K.S.A. 46-1209 and amendments thereto to such member as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto: *Provided*, That expenditures for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislative coordinating council for the biweekly pay periods for which such per diem compensation is payable for calendar days occurring on or after June 14, 1998, and which are chargeable to fiscal year 1999.

(m) In addition to the other purposes for which expenditures may be made by the division of post audit from the operations (including legislative post audit committee) account of the state general fund for the fiscal year ending June 30, 1999, expenditures shall be made by the division of post audit from the operations (including legislative post audit

committee) account of the state general fund for fiscal year 1999 (1) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$72.06 per calendar day for each member of the legislative post audit committee for any calendar day occurring on or after June 14, 1998, for which per diem compensation is payable from appropriations for the division of post audit under K.S.A. 46-1104 and amendments thereto to such member as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and (2) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$72.06 per calendar day for each member of the contract audit committee for any calendar day occurring on or after June 14, 1998, for which per diem compensation is payable from appropriations for the division of post audit under K.S.A. 46-1120 and amendments thereto to such member as provided in K.S.A. 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto: *Provided*, That expenditures for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislative post audit committee or contract audit committee for the biweekly pay periods for which such per diem compensation is payable for calendar days occurring on or after June 14, 1998, and which are chargeable to fiscal year 1999.

(n) In addition to the other purposes for which expenditures may be made by the judicial branch from the judiciary operations account of the state general fund for the fiscal year ending June 30, 1999, expenditures shall be made by the judicial branch from the judiciary operations account of the state general fund for fiscal year 1999 (1) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$72.06 per calendar day for each member of the advisory council on dispute resolution for any calendar day occurring on or after June 14, 1998, for which per diem compensation is payable to such member of the advisory council on dispute resolution under K.S.A. 5-505 and amendments thereto who is entitled, in accordance with subsection (e) of K.S.A. 75-3223 and amendments thereto, to receive such per diem compensation as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and (2) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$72.06 per calendar day for each retired justice or judge who performs judicial service or duties under K.S.A. 20-2616 and amendments thereto for each calendar day occurring on or after June 14, 1998, for which per diem compensation is payable to such retired justice or judge under K.S.A. 20-2616 and amendments thereto: *Provided*, That expenditures for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the advisory council on dispute resolution or to such retired justices or judges for the biweekly pay periods for which such per diem compensation for calendar days occurring on or after June 14, 1998, is payable and which are chargeable to fiscal year 1999.

(o) In addition to the other purposes for which expenditures may be made by the judicial council from the operating expenditures account of the state general fund for the fiscal year ending June 30, 1999, expenditures shall be made by the judicial council from the operating expenditures account of the state general fund for fiscal year 1999 for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$72.06 per calendar day for each member of the judicial council and for each regularly appointed member of a special committee of the judicial council who is not a member of the judicial council for any calendar day occurring on or after June 14, 1998, for which per diem compensation is payable to such member of the judicial council or a special committee thereof under K.S.A. 20-2206 and amendments thereto at the rate of compensation in accordance with K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto: *Provided*, That expenditures for such purposes shall be made in the same

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manner and at the same times that per diem compensation is payable to such members of the judicial council or special committees thereof for the biweekly pay periods for which such per diem compensation for calendar days occurring on or after June 14, 1998, is payable and which are chargeable to fiscal year 1999.

Sec. 50. (a) In addition to the other purposes for which expenditures may be made by the attorney general from moneys appropriated from the state general fund or from any special revenue fund for the fiscal year ending June 30, 1998, as authorized by section 31 of chapter 123 or section 33 of chapter 192 of the 1997 Session Laws of Kansas or as authorized by this or other appropriation act of the 1998 regular session of the legislature, or for the fiscal year ending June 30, 1999, as authorized by this or other appropriation act of the 1998 regular session of the legislature, expenditures shall be made by the attorney general from such appropriations for fiscal year 1999 or fiscal year 1999 to renegotiate and amend the state's contract with the law firms of Entz & Chanay, P.A., Scruggs, Millette, Lawson, Bozeman & Dent, P.A., and Ness, Motley, Loadholt, Richardson & Poole, P.A., by which contract such firms agreed to provide legal services to the state of Kansas for the purpose of seeking injunctive relief, monetary relief (including, without limitation, damages and civil penalties) and other relief against tobacco industry companies and related entities in litigation arising from the advertising, marketing, manufacturing, promotion, sale and/or distribution of cigarettes and other tobacco products, to limit the attorney fees under such contract in accordance with this section and the attorney general is hereby authorized and directed to renegotiate and amend such contract in accordance with this section.

(b) The amendments to such contract shall provide for the limiting of attorney fees and for attorney fees under such contract to be determined as follows:

(1) For the first \$10,000,000 recovered, the rates and amounts of attorney fees shall not exceed:

(A) For moneys recovered through settlement, the rate for attorney fees shall be not more than 12.5% and the amount of such attorney fees shall not exceed \$1,250,000;

(B) for moneys recovered after the commencement of trial, the rate for attorney fees shall be not more than 25% and in an amount not to exceed \$2,500,000; and

(C) for moneys recovered after the commencement of an appeal of the trial court judgment, the rate for attorney fees shall be not more than 37.5% and in an amount of not to exceed \$3,750,000;

(2) For the next \$90,000,000 recovered, the rates and amounts of attorney fees shall not exceed:

(A) For moneys recovered through settlement, the rate for attorney fees shall be not more than 12.5% and the amount of such attorney fees shall not exceed \$2,500,000;

(B) for moneys recovered after the commencement of trial, the rate for attorney fees shall be not more than 12.5% and the amount of such attorney fees shall not exceed \$5,000,000; and

(C) for moneys recovered after the commencement of an appeal of the trial court judgment, the rate for attorney fees shall be not more than 12.5% and the amount of such attorney fees shall not exceed \$7,500,000;

(3) For the next \$900,000,000 recovered, the rates and amounts of attorney fees shall not exceed:

(A) for moneys recovered through settlement, the rate for attorney fees shall be not more than 2% and the amount of such attorney fees shall not exceed \$5,000,000;

(B) for moneys recovered after the commencement of trial, the rate for attorney fees shall be not more than 2% and the amount of such attorney fees shall not exceed \$10,000,000;

(C) for moneys recovered after the commencement of an appeal of the trial court judgment, the rate for attorney fees shall be not more than 2% and the amount of such attorney fees shall not exceed \$15,000,000;

(4) For moneys recovered in excess of \$1,000,000,000, the rates and amounts of attorney fees shall not exceed:

(A) for moneys recovered through settlement, the rate for attorney fees shall be not more than 2% and the amount of such attorney fees shall not exceed an amount which would cause the total amount of attorney fees under such contract to exceed the total contract limitation on attorney fees of \$20,000,000;

(B) for moneys recovered after the commencement of trial, the rate for attorney fees shall be not more than 2% and the amount of such attorney fees shall not exceed an amount which would cause the total

amount of attorney fees under such contract to exceed the total contract limitation on attorney fees of \$20,000,000; and

(C) for moneys recovered after the commencement of an appeal of the trial court judgment, the rate for attorney fees shall be not more than 2% and the amount of such attorney fees shall not exceed an amount which would cause the total amount of attorney fees under such contract to exceed the total contract limitation on attorney fees of \$20,000,000.

(c) In addition, the amendments to such contract shall provide that:

(1) The total amount of attorney fees paid pursuant to the such contract shall not exceed \$20,000,000. The division of attorney fees paid pursuant to the such contract between national counsel and local counsel shall be a matter resolved by the various private counsel.

(2) The actual amount of attorney fees shall be determined in accordance with the contract, as amended in accordance with this section, in accordance with 1995 Kan. Ct. R. Annot. 226, MRPC 1.5, in accordance with the terms of any settlement agreement or any other resolution process.

(3) The limitations on attorney fees prescribed by the contract, as amended in accordance with this section, shall not apply to fees which the tobacco defendants may be directly liable for and which are paid to one or more of such firms, except that any such attorney fees awarded and paid to such firms shall be credited toward the attorney fee limitations prescribed by this section and provided for in the amended contract.

(d) The amendments to such contract shall provide for attorney fees under such contract to be reviewed and determined as follows:

(1) As required by the model rules of professional conduct (MRPC)1.5(d), upon conclusion of the case, counsel shall provide to the attorney general a written statement on the outcome of the case. If there is a monetary recovery, the statement shall set forth the state of Kansas share of the recovery and shall specify the amount and the method of determination. The statement shall also specify what the counsel consider to be their reasonable expenses and attorneys fees. The contract shall provide for a copy of the statement to be provided to the president of the senate, the speaker of the house of representatives, and any member of the legislature of Kansas who requests a copy of such statement.

(2) After receiving such statement, the attorney general shall file an application for such review of the attorney fees and expenses. The attorney general shall file an application for such review with the Kansas supreme court and, if the Kansas supreme court does not conduct the initial review, shall file an application for such review with an appropriate Kansas state district court. After any such review by a Kansas state district court, the attorney general shall consider whether the decision of the Kansas state district court should be appealed to the Kansas supreme court.

(3) In the event a settlement is concluded with a provision for the payment of attorney fees and expenses by award of an arbitration panel from funds provided by the defendant tobacco companies, counsel will seek the recovery of their reasonable expenses and attorney fees in accordance with that arbitration process and will elect not to seek the same from the state of Kansas pursuant to this contract.

Sec. 51.

STATE CORPORATION COMMISSION

(a) In addition to the provisions of the provisos to the appropriation of moneys in the conservation fee fund for the fiscal year ending June 30, 1999, as prescribed in section 102(a) of 1998 Senate Bill No. 495, the state corporation commission shall prepare a report to be made available at the beginning of the 1999 regular session of the legislature to the house of representatives committee on appropriations, the senate committee on ways and means, the house of representatives committee on environment, and the senate committee on energy and natural resources containing the response of the state corporation commission to the February 1998 performance audit by the division of post audit "reviewing the activities of the corporation commission's conservation division" (98-36).

(b) On the effective date of this act, the expenditure limitation established by section 37(a) of chapter 192 of the 1997 Session Laws of Kansas on the aggregate expenditures from the public service regulation fund, the motor carrier license fees fund and the conservation fee fund is hereby decreased from \$11,997,605 to \$11,967,492.

(c) On July 1, 1998, the expenditure limitation established by section 102(b) of 1998 Senate Bill No. 495 on the aggregate expenditures from the public service regulation fund, the motor carrier license fees fund and the conservation fee fund is hereby decreased from \$12,745,569 to \$12,715,456.

(d) On July 1, 1998, the position limitation established by section 105 of 1998 Senate Bill No. 495 for the above agency is hereby decreased from 212.0 to 211.0.

Sec. 52.

INSURANCE DEPARTMENT

(a) On July 1, 1998, the expenditure limitation established by section 92(a) of 1998 Senate Bill No. 495 on the insurance department service regulation fund is hereby increased from \$6,504,003 to \$6,672,904.

(b) On July 1, 1998, the position limitation established by section 94 of 1998 Senate Bill No. 495 for the above agency is hereby increased from 161.5 to 163.5.

Sec. 53.

STATE LIBRARY

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

Grants to libraries and library systems	
For the fiscal year ending June 30, 1999.....	\$50,000

(b) On July 1, 1998, the amount prescribed by the proviso to the grants to libraries and library systems account of the state general fund in section 124(a) of 1998 Senate Bill No. 495 to be distributed as grants in aid to libraries in accordance with K.S.A. 75-2555 and amendments thereto is hereby increased from \$2,375,121 to \$2,425,121.

Sec. 54.

JUDICIAL BRANCH

(a) On July 1, 1998, of the \$74,057,667 appropriated for the above agency for the fiscal year ending June 30, 1999, by section 98(a) of 1998 Senate Bill No. 495 from the state general fund in the judiciary operations account, the sum of \$148,326 is hereby lapsed.

Sec. 55.

STATE BOARD OF TAX APPEALS

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

Operating expenditures	
For the fiscal year ending June 30, 1999.....	\$700,000

(b) On July 1, 1998, the position limitation established by section 113 of 1998 Senate Bill No. 495 for the above agency is hereby increased from 30.0 to 37.0.

Sec. 56. *Appeals to exceed position limitations.* The limitations imposed by this act on the full-time equivalent number of full-time and regular part-time positions, excluding seasonal and temporary positions, paid from appropriations made in this act or in any appropriation act of the 1997 regular session of the legislature or in any other appropriation act of the 1998 regular session of the legislature may be exceeded upon approval of the state finance council.

Sec. 57. *Appeals to exceed expenditure limitations.* Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

Sec. 58. Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or any other appropriation act of the 1998 regular session of the legislature and having an unencumbered balance as of June 30, 1998, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 1999, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

Sec. 59. Any Kansas educational building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 1998 regular session of the legislature, and having an unencumbered balance as of June 30, 1998, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 1999, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.

Sec. 60. Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 1998 regular session of the legislature, and having an unencumbered balance as of June 30, 1998, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 1999, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.

Sec. 61. Any Kansas special capital improvements fund appropriation heretofore appropriated to any state agency named in this or other ap-

propriation act of the 1998 regular session of the legislature, and having an unencumbered balance as of June 30, 1998, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 1999, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.

Sec. 62. *Savings.* Any unencumbered balance in any special revenue fund, or account thereof, which is not otherwise specifically appropriated or limited by this or any other appropriation act of the 1998 regular session of the legislature, is hereby reappropriated for the fiscal year ending June 30, 1999, for the same use and purpose as the same was heretofore appropriated.

Sec. 63. Any transfers of money during the fiscal year ending June 30, 1999, from any special revenue fund of any state agency named in this act or in any other appropriation act of the 1998 regular session of the legislature to the audit services fund of the division of post audit under K.S.A. 46-1121 and amendments thereto shall be in addition to any expenditure limitation imposed on any such fund for the fiscal year ending June 30, 1999.

Sec. 64. On the effective date of this act, section 11 of 1998 House Substitute for Substitute for Senate Bill No. 424 is hereby repealed.

Sec. 65. *Effective date.* This act shall take effect and be in force from and after its publication in the Kansas register.

State of Kansas

Office of the Governor

Message to the House of Representatives of the State of Kansas:

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return Senate Substitute for House Bill No. 2895 with my signature approving the bill, except for the items enumerated below.

Agriculture—Technical Corrections

Sections 17(j) and 17(k) have been line-item vetoed in their entirety.

The expenditure limitations on the Department's Fertilizer Fee Fund and Pesticide Use Fee Fund reference incorrect amounts. Because I agree that the Department of Agriculture should spend \$50,000 to evaluate the safety of containment facilities, I am vetoing language that would prevent this expenditure. I also veto the language that would incorrectly raise the expenditure limitation on the Pesticide Use Fee Fund from \$416,010 to \$475,472. This action will result in a net decrease of \$8,945 in FY 1998 expenditures.

All Agencies—Salary Plan Duplication

Sec. 49 has been line-item vetoed in its entirety.

This section authorizes salary increases in accordance with the proposal I submitted to the Legislature for state employee pay. However, it duplicates the same salary authority approved in SB 501, which was also passed by the Legislature. SB 501, which I have signed into law, is the preferred means for implementing the salary increases because it allows the salaries of elected officials to be updated in substantive law to include salary levels effective for FY 1999. I veto this section as a technical action to avoid duplication and the potential for confusion.

Dated May 21, 1998.

Bill Graves
Governor

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the Kansas Register issue in which more information can be found. This cumulative index supplements the index to the 1997 Volumes of the Kansas Administrative Regulations.

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Table with columns: Reg. No., Action, Register. Lists regulations for Agency 1, Department of Administration, including items 1-2-8, 1-2-14, 1-2-35, etc.

AGENCY 4: DEPARTMENT OF AGRICULTURE

Table with columns: Reg. No., Action, Register. Lists regulations for Agency 4, Department of Agriculture, including items 4-7-213, 4-7-213a, etc.

AGENCY 7: SECRETARY OF STATE

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AGENCY 9: ANIMAL HEALTH DEPARTMENT

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Table with columns: Reg. No., Action, Register. Lists regulations for Agency 16, Attorney General, including item 16-9-1.

AGENCY 17: STATE BANKING DEPARTMENT

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AGENCY 26: DEPARTMENT ON AGING

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AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Table with columns: Reg. No., Action, Register. Lists regulations for Agency 28, Department of Health and Environment, including items 28-1-2, 28-1-6, etc.

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AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Table with columns: Reg. No., Action, Register. Lists regulations for Agency 30, Social and Rehabilitation Services, including items 30-2-17, 30-4-34, etc.

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

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AGENCY 60: BOARD OF NURSING

Table with 3 columns: Reg. No., Action, Register. Lists regulations 60-1-104 through 60-11-121 with their respective actions and register references.

AGENCY 63: BOARD OF MORTUARY ARTS

Table with 3 columns: Reg. No., Action, Register. Lists regulation 63-3-10 with its action and register reference.

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Table with 3 columns: Reg. No., Action, Register. Lists regulations 65-5-6 through 65-10-1 with their respective actions and register references.

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Table with 3 columns: Reg. No., Action, Register. Lists regulations 66-6-1 and 66-10-1 with their respective actions and register references.

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AGENCY 69: BOARD OF COSMETOLOGY

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AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS

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AGENCY 71: KANSAS DENTAL BOARD

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 100-69-5 Amended V. 17, p. 510
 100-69-10 New V. 16, p. 2061

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102-2-4a	Amended	V. 16, p. 1673
102-2-4b	Amended	V. 16, p. 1674
102-2-5	Amended	V. 16, p. 1675
102-2-6	Amended	V. 16, p. 1675
102-2-8	Amended	V. 16, p. 1676
102-2-9	Amended	V. 16, p. 1678
102-2-10	Amended	V. 16, p. 1678
102-2-11	Amended	V. 16, p. 1678
102-2-12	Amended	V. 16, p. 1679
102-3-1	Revoked	V. 16, p. 1941
102-3-1a	New	V. 16, p. 1941
102-3-2	Amended	V. 16, p. 1680
102-3-3	Revoked	V. 16, p. 1942
102-3-3a	New	V. 16, p. 1942
102-3-4	Revoked	V. 16, p. 1943
102-3-4a	New	V. 16, p. 1943
102-3-5	Revoked	V. 16, p. 1944
102-3-5a	New	V. 16, p. 1944
102-3-6	Revoked	V. 16, p. 1944
102-3-6a	New	V. 16, p. 1944
102-3-7	Revoked	V. 17, p. 426
102-3-7a	New	V. 17, p. 426
102-3-8	Revoked	V. 16, p. 1945
102-3-8a	New	V. 16, p. 1945
102-3-9	Revoked	V. 16, p. 1945
102-3-9a	New	V. 16, p. 1945
102-3-10	Revoked	V. 16, p. 1946
102-3-10a	New	V. 16, p. 1946
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102-4-2	Amended	V. 16, p. 1680
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102-4-3a	New	V. 16, p. 1951
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102-4-8a	New	V. 16, p. 1955
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102-4-9a	New	V. 16, p. 1955
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102-4-11a	New	V. 16, p. 1958
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102-5-1	Amended	V. 16, p. 1961
102-5-2	Amended	V. 16, p. 1680
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102-5-6a	New	V. 16, p. 1964
102-5-7	Revoked	V. 17, p. 427
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102-5-9	Amended	V. 16, p. 1965
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108-1-2	New	V. 17, p. 462

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109-6-2	Amended	V. 16, p. 1708

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111-2-45	New	V. 15, p. 288
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111-2-50	New	V. 15, p. 1056
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111-4-449 through			111-4-817 through			111-4-1171	New	V. 16, p. 2016-2023
111-4-453	Revoked	V. 14, p. 8	111-4-824	New	V. 15, p. 289, 290	111-4-1172 through		
111-4-454 through			111-4-825 through			111-4-1180	New	V. 16, p. 2070-2072
111-4-465	Revoked	V. 12, p. 1664, 1665	111-4-838	New	V. 15, p. 449-452	111-4-1181 through		
111-4-466 through			111-4-839 through			111-4-1184	New	V. 17, p. 392, 393
111-4-469	Revoked	V. 12, p. 1665	111-4-854	New	V. 15, p. 624-627	111-4-1185 through		
111-4-470 through			111-4-855 through			111-4-1196	New	V. 17, p. 431-434
111-4-477	Revoked	V. 16, p. 452, 453	111-4-859	New	V. 15, p. 884, 885	111-4-1194	Amended	V. 17, p. 740
111-4-478 through			111-4-860 through			111-4-1197 through		
111-4-492	Revoked	V. 14, p. 974, 975	111-4-872	New	V. 15, p. 1056-1059	111-4-1222	New	V. 17, p. 467-473
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111-4-496	Revoked	V. 16, p. 453	111-4-873 through			111-4-1242	New	V. 17, p. 740-745
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111-4-512	Revoked	V. 14, p. 975	111-4-881	Amended	V. 16, p. 1505	111-5-23	New	V. 7, p. 209-213
			111-4-893 through			111-5-9 through		
			111-4-910	New	V. 15, p. 1441-1445	111-5-19	Revoked	V. 15, p. 291
						111-5-21 through		
						111-5-33	New	V. 11, p. 415-418
						111-5-21	Revoked	V. 15, p. 291

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112-4-26	New	V. 16, p. 1152
112-7-7	Amended	V. 17, p. 512
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115-4-7	Amended	V. 17, p. 464
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115-15-4	New	V. 16, p. 1990
115-18-7	Amended	V. 16, p. 1991
115-18-13	Amended	V. 16, p. 1472
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117-4-1	Amended	V. 16, p. 2065
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117-5-1	Amended	V. 17, p. 465
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117-8-1	Amended	V. 17, p. 366

AGENCY 118: KANSAS STATE HISTORICAL SOCIETY

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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

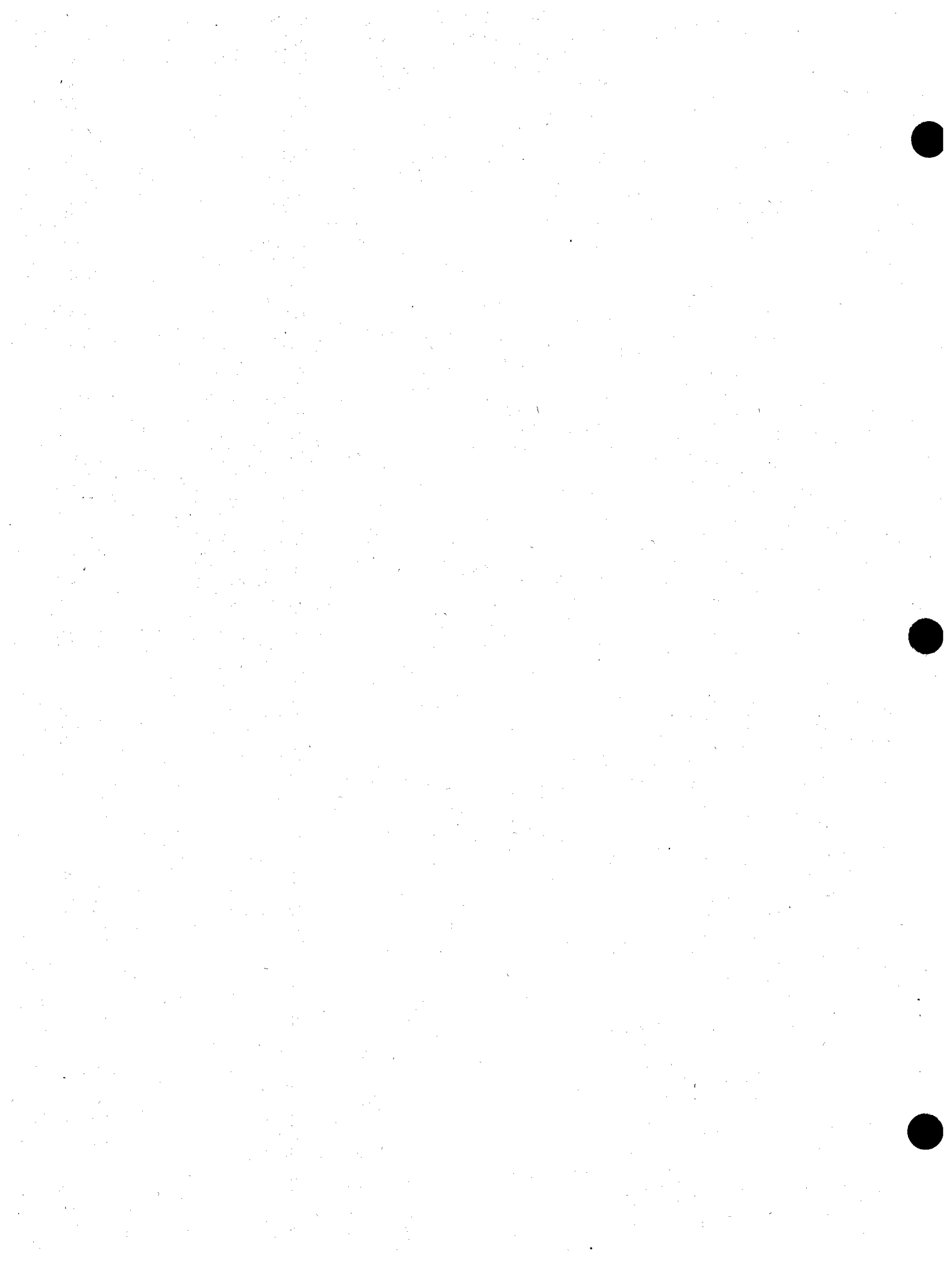
Reg. No.	Action	Register
122-2-2	Amended	V. 17, p. 10

AGENCY 123: JUVENILE JUSTICE AUTHORITY

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

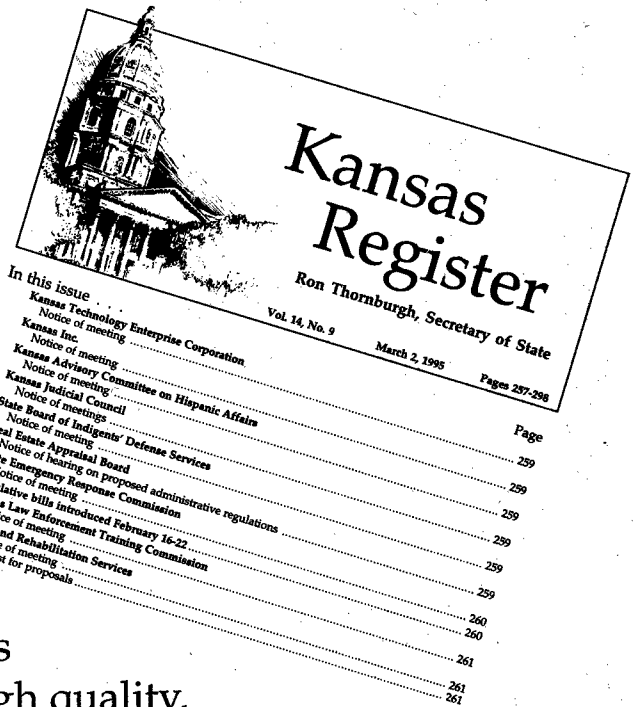
AGENCY 124: CHILD DEATH REVIEW BOARD

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



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