

Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

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

The Board of Emergency Medical Services will meet at 9 a.m. Friday, June 4, at the Pozez Education Center, Stormont-Vail Medical Center, 1505 S.W. 8th, Topeka. Committee meetings will begin at noon Thursday, June 3. Agenda items include committee reports, EMSC grant update, electronic communications update, budget update and a report on proposed regulations.

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

David Lake
Executive Director

Doc. No. 023821

State of Kansas

**Department of Administration
Division of Facilities Management****Notice of Commencement of Negotiations
for Architectural/Engineering Consulting Services**

Notice is hereby given of the commencement of negotiations for architectural/engineering services for the preparation of a historic structure report for the exterior and interior of the State Capitol, Topeka. Site work and exterior utilities are not included at this time. The copper dome is to be repaired and restored this summer. Services will include a historical survey, existing conditions analysis, preservation and master plan. An executive summary also is required. The above report is to be ready for presentation to the 2000 Legislature. Additional related work may be assigned to the consultant in the future.

The following professional expertise may be required: preservation architect; local architect or code specialist; mechanical, electrical, plumbing, structural and fire prevention engineer; elevator consultant; lighting; art, metal and building conservator; decorative finishes specialist; architectural historian or researcher; and cost estimator. Present funding available is \$150,000 to \$200,000.

This project has been declared by the Legislature to be exempt from the normal architectural/engineering selection procedures. Interested individuals or firms may contact the Division of Purchases at (785) 296-2377 to receive contract proposal forms that are to be completed and submitted by 2 p.m. June 17 (ask for contract #33696). A pre-proposal conference is addressed in the contract proposal forms in which questions can be asked and clarifications can be obtained.

Completed proposals must be submitted to the Director of Purchases, Room 102-N, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1286, by 2 p.m. June 17.

William D. Groth
Statehouse Architect

Doc. No. 023829

State of Kansas

State Banking Board**Notice of Meetings**

The State Banking Board will meet on the following tentative dates for the remainder of 1999: June 21, July 19, August 16, September 20, October 18, November 15 and December 20. All meetings will begin at 9 a.m. in the conference room of the office of the State Bank Commissioner (OSBC), Suite 300, Jayhawk Tower, 700 S.W. Jackson, Topeka. The board reviews matters relating to its supervisory authority as set forth in K.S.A. 9-1801 *et seq.* All interested individuals are invited to attend.

Beginning in the year 2000, notice of dates for tentative Banking Board meetings will be published annually. Personal notice of any Banking Board meeting may be obtained by contacting the OSBC at the above address or by calling the OSBC at (785) 296-2266.

Judi M. Stork
Acting State Bank Commissioner

Doc. No. 023817

State of Kansas

Racing and Gaming Commission**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 9 a.m. Friday, August 6, the Kansas Racing and Gaming Commission office, conference room, 3400 Van Buren, Topeka, to consider the adoption of a proposed permanent regulation of the Kansas Racing and Gaming Commission. This 60-day notice constitutes a public comment period for the purpose of receiving written public comments on the proposed regulation.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting the Kansas Racing and Gaming Commission, 3400 Van Buren, Topeka, 66611-2228, (785) 296-5800.

A copy of the full text of the regulation and the economic impact statement may be reviewed or obtained at the commission office. The following is a summary of the proposed regulation:

K.A.R. 112-6-4a. Leadouts. This is a new regulation that requires the licensee to train leadouts in the scope and proper performance of duties as related to the handling of greyhounds before the leadout may work an official race.

Economic Impact: There are no costs anticipated to the agency or to other governmental agencies or units.

Myron P. Scafe
Executive Director

Doc. No. 023830

State of Kansas

Department of Transportation

Request for Proposals

The Kansas Department of Transportation is seeking to retain the services of bond counsel in anticipation of issuing \$995 million of revenue bonds for the construction program. Interested entities may obtain a copy of Request for Proposal #73525 by contacting Bruce Burditt at (785) 296-7216 or e-mail at www.ksdot.org. Sealed proposals will be accepted until 2 p.m. May 28.

E. Dean Carlson
Secretary of Transportation

Doc. No. 023827

State of Kansas

Animal Health Department

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 10 a.m. Tuesday, July 27, in the office of the Kansas Animal Health Department, 708 S.W. Jackson, Topeka, to consider the repeal of K.A.R. 9-20-1 through 9-20-3 and the adoption of proposed regulations 9-20-5 through 9-20-18. These regulations establish facility standards for pet shops.

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 rules and regulations. All interested parties may submit written comments prior to the hearing to George Teagarden, Livestock Commissioner, 708 S.W. Jackson, Topeka, 66603. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

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 statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Brenda Schutte at (785) 296-2326. There is no designated handicapped parking on the block. The agency is located on Jackson Street and is handicap accessible.

A copy of the full text of the regulations and the economic impact statement may be obtained by contacting the Animal Health Department at the address above, (785) 296-2326.

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

K.A.R. 9-20-5 to 9-20-18 establish facility standards for pet shops. These regulations replace **K.A.R. 9-20-1 through 9-20-3**, which are repealed. The new regulations do not change the standards for pet shops but instead present them with more specificity. The regulations address general requirements such as structure, construction, housekeeping, storage, draining, ventilation, heating, cooling and lighting. A separate section defines primary enclosure and sets out specific requirements per-

taining to the enclosures. Other sections address feeding, watering, cleaning and sanitization, pest control, compatible grouping, exercise, age of sale for dogs and cats, records, vet care, basic care of the animals, and import and export requirements. There is no fiscal impact to consumers, licensees or the agency due to these regulations.

George Teagarden
Kansas Livestock Commissioner

Doc. No. 023809

State of Kansas

Kansas Arts Commission

Notice of Extended Nomination Deadline
for Governor's Arts Awards

The Kansas Arts Commission has extended the nomination deadline for the 1999 Governor's Arts Awards. The revised deadline for submitting completed nominations and support materials is Tuesday, June 15.

Mailed nominations should bear a U.S. Postal Service postmark that is no later than the deadline date. Metered mail is not acceptable as a postmark. Hand-delivered nominations, or nominations that are delivered by express mail or overnight delivery, will not be accepted after 5 p.m. June 15.

Any Kansas citizen or organization may submit a documented nomination in one of six categories: Individual Artist, Arts Organization, Art Educator, Arts Advocate, Individual Patron or Patron Organization. Individual artists may be in the visual, performing, literary, folk or media arts.

Nominees must be Kansas citizens or Kansas-based organizations with records of outstanding contributions to the excellence, growth and support or availability of the arts in Kansas. Prior honorees, current members of the commission or its staff, and art projects or programs are not eligible.

Award recipients will be selected in July from the eligible nominees by a panel including members of the Kansas Arts Commission, a representative of the Governor, and representatives from various arts disciplines and organizations. The honorees chosen will be recognized during a public ceremony October 15.

All original nominations must be submitted on the official form. Handwritten nominations will not be considered. If more than one nomination is received for the same person or organization, only the first one received will be accepted.

All support materials—including but not limited to photographs, slides, video tapes, audio tapes, letters, clippings, manuscripts or publications—become the property of the commission and will not be returned.

For more information or to request a nomination form, contact the Kansas Arts Commission, 700 S.W. Jackson, Suite 1004, Topeka, 66603-3761, (785) 296-3335, fax (785) 296-4989, e-mail KAC@arts.state.ks.us. Persons with special communication needs may utilize the Kansas Relay Service, (800) 766-3777.

David M. Wilson
Executive Director

Doc. No. 023828

State of Kansas

Department of Transportation

Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consulting engineering firms for the project listed below. Seven signed copies of the response should be mailed to Neil Rusch, P.E., Assistant to the Director, Division of Engineering and Design, KDOT, Room 1084-West, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568. Responses shall be limited to four pages. Responses must be received in Room 1084-West by 5 p.m. June 16 for the consulting engineering firm to be considered.

From the firms expressing interest, the Consultant Selection Committee will select a list of the most highly qualified (not less than three, not more than five) and invite them to attend an individual interview conference. At this time, the consulting firms can more thoroughly discuss their experience related to the type of project at hand and will be expected to discuss, in some detail, their approach to this project and the personnel to be assigned to the project. Firms not selected to be short listed will be notified by letter.

The Consultant Negotiating Committee, appointed by the Secretary of Transportation, will conduct the discussions with the firms invited to the individual interview conferences. The committee will select the firm to perform the professional services required for completing the advertised project. After the selection of this firm, the remaining firms will be notified by letter of the outcome.

**Project No. 55-96 K-7378-01
Sumner County**

The scope of improvement is to provide for the replacement of the Cowskin Creek Bridge (115), 9.2 km (5.7 miles) north of US-81. The project is scheduled for plan completion in November 2002, and the estimated construction estimate is \$1,028,000.

**Project No. 27-100 K-7375-01
Wallace County**

The scope of improvement is to provide for the replacement of the Eagle Trail Creek Bridge (011), 1.0 km (0.6 miles) south of US-40. The project is scheduled for plan completion in November 2002, and the estimated construction estimate is \$927,000.

**Project No. 54-8 K-6811-01
Butler County**

The scope of improvement is to provide for the reconstruction of the northbound lanes from US-400, north 13.6 km (8.5 miles) to the end of the four-lane divided, 0.5 miles south of El Dorado. This will include the replacement of the Turkey Creek Bridge (013), Cave Springs Creek Bridge (015), Turkey Creek Bridge (017), and the Walnut River Drainage Bridge (019); and the removal of the abandoned BN Railroad Bridge (011). The project is scheduled for plan completion in March 2003, and the estimated construction estimate is \$10,658,000.

**Project No. 54-48 K-7340-01
Project No. 17-48 K-7338-01
Kingman County**

The scope of improvement for Project No. 54-48 K-7340-01 is to provide for the rehabilitation of US-54 from the

east city limits at Kingman, east to 0.2 km east of K-17. The project is scheduled for plan completion in January 2002, and the construction estimate is \$5,602,000.00. The scope of improvement for Project No. 17-48 K-7338-01 is to provide for the replacement of Smoots Creek Bridge (042), 0.8 km north of US-54. The project is scheduled for plan completion in September 2001, and the construction estimate is \$778,000.

The scope of professional services includes providing for the *discovery phase* on the following projects. The discovery phase is intended to provide information about the projects that might impact their cost, scope or schedule. At the completion of the discovery phase, KDOT will determine whether to proceed with the design services.

**Project No. 7-19 K-7426-01
Crawford County**

The scope of improvement is to provide for the replacement of the west fork Dry Wood Creek Bridge (017), 14.2 km (8.8 miles) north of K-57. The project is scheduled for plan completion in fiscal year 2005, and the construction estimate is \$545,000.

**Project No. 181-62 K-7393-01
Mitchell County**

The scope of improvement is to provide for the replacement of the north branch Spillman Creek Drainage Bridge (033), 5.0 km (3.1 miles) northwest of the Lincoln County line, and the Clay Creek Drainage Bridge (035), 19.2 km (11.9 miles) northeast of the Lincoln County line. The project is scheduled for plan completion in fiscal year 2004, and the construction estimate is \$1,079,000.

It is KDOT's policy to use the following criteria as the basis for selection of the consulting engineering firms:

1. Size and professional qualifications;
2. Experience of staff;
3. Location of firm with respect to proposed project;
4. Work load of firm; and
5. Firm's performance record.

E. Dean Carlson
Secretary of Transportation

Doc. No. 023831

State of Kansas

Office of the Governor

Executive Order 99-4

WHEREAS, K.S.A. 48-925(b) provides that the Governor may issue orders and proclamations which shall have the force and effect of law during the period of a state of disaster declared under subsection (b) of K.S.A. 48-924; and

WHEREAS, on the third day of May, 1999, I executed a proclamation declaring a natural disaster, as a result of severe thunderstorms with high wind, excessive rain, hail, flooding, and embedded tornadoes which struck the cities of Haysville and Wichita in Sedgwick County and caused loss of life, personal injury, and excessive damage to businesses and homes; and

WHEREAS, victims of this natural disaster are prevented, hindered, or delayed from coping with the effects

(continued)

of the disaster by State regulatory provisions controlling the issuance of duplicate driver's licenses, duplicate vehicle titles and registrations, other duplicate vehicle documentation, and duplicate birth and marriage certificates;

NOW, THEREFORE, by virtue of authority vested in me by K.S.A. 48-925(b) and (c)(1), I, Bill Graves, Governor of the State of Kansas, do hereby suspend the provisions of the regulatory statutes, rules and/or regulations prescribing the requirement for fee assessments to obtain a duplicate driver's license, duplicate vehicle title and registration, duplicate vehicle records, and duplicate marriage and birth certificates for victims of the May 3, 1999 natural disaster.

This document shall be filed with the Secretary of State as Executive Order 99-4, and shall become effective immediately.

Dated May 10, 1999.

Bill Graves
Governor

Attest: Ron Thornburgh
Secretary of State

Doc. No. 023816

State of Kansas

Office of the Governor

Executive Order 99-5

WHEREAS, K.S.A. 48-925(b) provides that the Governor may issue orders and proclamations which shall have the force and effect of law during the period of a state of disaster declared under subsection (b) of K.S.A. 48-924; and

WHEREAS, on the third day of May, 1999, I executed a proclamation declaring a natural disaster, as a result of severe thunderstorms with high wind, excessive rain, hail, flooding, and embedded tornadoes which struck the cities of Haysville and Wichita in Sedgwick County and caused loss of life, personal injury, and excessive damage to businesses and homes; and

WHEREAS, victims of this natural disaster are hindered or delayed from coping with the effects of the disaster by State regulatory provisions imposing a solid waste tonnage fee;

NOW, THEREFORE, by virtue of authority vested in me by K.S.A. 48-925(b) and (c)(1), I, Bill Graves, Governor of the State of Kansas, do hereby suspend the provisions of K.S.A. 65-3415b prescribing the requirement for fee assessments to dispose of solid waste for victims of the May 3, 1999 natural disaster.

This document shall be filed with the Secretary of State as Executive Order 99-5, and shall become effective immediately.

Dated May 12, 1999.

Bill Graves
Governor

Attest: Ron Thornburgh
Secretary of State

Doc. No. 023826

State of Kansas

Department of Administration Division of Architectural Services

Notice of Commencement of Negotiations for Architectural Services

Notice is hereby given of the commencement of negotiations for architectural services for a new 120-bed medium security facility to be located on the grounds of Larned State Hospital for the Juvenile Justice Authority. This new facility will replace the existing facility currently located on the grounds of Larned State Hospital. The agency has identified several sites for the new facility, but will require a feasibility study to determine the best site. It is the department's intent to select a project architect at this time. Presently, the project is funded for design only, and construction funds are expected to be requested in fiscal year 2001. The estimated construction cost is \$21 million, depending on the site selected.

For information regarding the scope of services, contact Jim Frazier, Assistant Commissioner of Operations, (785) 296-4213.

If interested, an original and six copies (seven total) of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 1020 S. Kansas Ave., Topeka, 66612-1311, (785) 296-8899. Submittals not complying with the guidelines will be returned without consideration.

Expressions of interest and the SF 255 submittals should be received by Gary Grimes before 5 p.m. June 4.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 023838

State of Kansas

Department of Administration Division of Architectural Services

Notice of Commencement of Negotiations for Architectural Services

Notice is hereby given of the commencement of negotiations for architectural services for a 225-bed combined maximum security classification facility for the Juvenile Justice Authority. The site for this facility has not yet been determined. It is the department's intent to select a project architect at this time; however, fee negotiations with the selected firm will be delayed until a final site is selected, as this may require additional study of the new site and existing facilities. Presently, the project is funded for design only, and construction funds are expected to be requested in fiscal year 2001. The estimated construction cost is \$30 million, depending on the site selected.

For information regarding the scope of services, contact Jim Frazier, Assistant Commissioner of Operations, (785) 296-4213.

If interested, an original and six copies (seven total) of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 1020 S. Kansas Ave., Topeka, 66612-1311, (785) 296-8899. Submittals not complying with the guidelines will be returned without consideration.

Expressions of interest and the SF 255 submittals should be received by Gary Grimes before 5 p.m. June 4.

Thaine Hoffman
 Director, Division of
 Architectural Services

Doc. No. 023839

State of Kansas

Department of Administration
 Division of Purchases

Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, Room 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 296-2377 for additional information:

Tuesday, June 1, 1999

33679

All agencies of the State of Kansas—Firewalls and services

33700

Department of Transportation—Aggregate (District #4)

109

Department of Transportation—Asphalt distributor and truck, various locations

9015

Department of Administration, Division of Information Systems and Communications—Laser printing facility with mailing capability

Wednesday, June 2, 1999

33693

Lansing Correctional Facility and Ellsworth Correctional Facility—Painting supplies (brushes and rollers)

Friday, June 4, 1999

33694

Department of Transportation—Maintenance on pressroom equipment

33697

Department of Corrections—Comprehensive energy management services

111

Department of Transportation—Variable message board, various locations

112

Department of Transportation—Equipment transport semi-trailer, various locations

113

Department of Transportation—Portable traffic signals, Norton

9021

Department of Administration, Division of Information Systems and Communications—500 MIPS CMOS CPU with trade-in of AMDAHL 5995-6670M

Thursday, June 10, 1999

A-8723

Department of Wildlife and Parks—McPherson Wetlands Wildlife Observation Tower

A-8782

Kansas State University—Partial interior renovations, Kramer Dining Center

Tuesday, June 15, 1999

A-8301

Parsons State Hospital and Training Center—Campus fire alarm and life safety improvements

A-8805

University of Kansas—Parking pavement improvements, Lot 90

Tuesday, June 22, 1999

A-7065(F)

Kansas State School for the Blind—Campus fire protection

Thursday, June 24, 1999

A-8635

Department of Transportation—Reroof district shop, Chanute

A-8638

Department of Transportation—New sub-area shop, Fort Scott

Request for Proposals

Thursday, June 17, 1999

33696-RFP

Consulting services for preparation of historic structure report-(HSR) for the State Capitol—Department of Administration, Division of Facilities Management

9019

Windows NT Imaging Business Unit for the Department of Health and Environment

Friday, May 28, 1999

33698

Bond underwriter services for the Department of Transportation

John T. Houlihan
 Director of Purchases

Doc. No. 023837

State of Kansas

Department of Human Resources

Notice of Job Service Allocations

In compliance with federal regulation, the Kansas Department of Human Resources, Wagner-Peyser, is announcing final allocations received from the Secretary of Labor in the amount of \$4,421,632 for program year 1999. Resources will be divided among the five service delivery areas (SDAs) based on the current formula allocation factors.

Program year 1999 substate distributions are as follows:

SDA I	\$1,197,147	25.80%
SDA II	\$ 929,608	20.70%
SDA III	\$ 793,128	18.70%
SDA IV	\$1,004,705	23.40%
SDA V	\$ 497,044	11.40%

Plans for the utilization of these resources have been developed in conjunction with the private industries in each of the five SDAs. These plans, and the resource distribution plan, are available for public review and comment. Written comments should be sent to the area administrator responsible for the respective SDA. To request information on your respective SDA designation or area administrator, contact your nearest Job Service Center.

Richard E. Beyer
Secretary of Human Resources

Doc. No. 023840

(Published in the Kansas Register May 20, 1999.)

Summary Notice of Bond Sale

Harvey County, Kansas

\$835,000

General Obligation Bonds, Series 1999

(General obligation bonds payable from unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated May 3, 1999, sealed bids will be received by the clerk of Harvey County, Kansas (the issuer), on behalf of the governing body at the Harvey County Courthouse, P.O. Box 687, Newton, KS 67114, until noon May 27, 1999, for the purchase of \$835,000 principal amount of General Obligation Bonds, Series 1999. 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, 1999, and will become due on November 1 in the years as follows:

Year	Principal Amount
2000	\$20,000
2001	40,000
2002	40,000

2003	45,000
2004	45,000
2005	45,000
2006	50,000
2007	50,000
2008	55,000
2009	55,000
2010	55,000
2011	60,000
2012	65,000
2013	65,000
2014	70,000
2015	75,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning May 1, 2000.

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 \$16,700 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about June 8, 1999, 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 1998 is \$194,947,740. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$1,515,000.

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) 284-6806.

Dated May 3, 1999.

Harvey County, Kansas

Doc. No. 023822

State of Kansas

Department of Wildlife and Parks

Notice of Grant Program

The Kansas Local Government Outdoor Recreation Grant Program is now open to receive applications. Interested parties should contact Linda S. Lanterman, Parks Assistant Director, Kansas Department of Wildlife and Parks, 512 S.E. 25th Ave., Pratt, 67124, (316) 672-5911, to obtain an application form. Applications will be accepted until September 1.

Steven A. Williams
Secretary of Wildlife and Parks

Doc. No. 023818

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 15, 28-18a-1 through 32, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared and/or permit applications have been received for discharges to the waters of the United States and the State of Kansas for the class of discharges described below. The determinations for permit content are based on staff review, applying the appropriate standards, regulations and effluent limitations of the State of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization subject to certain conditions.

All Kansas Department of Health and Environment district office addresses and telephone numbers are listed below.

comments in writing to the Kansas Department of Health and Environment if they wish to have the comments or objections considered in the decision making process. Comments or objections should be submitted to the attention of Dena Endsley for agricultural permits or applications, or to the permit clerk for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, J Street and 2 North, Forbes Field, Building 283, Topeka, 66620. All comments regarding the draft permit or application notice postmarked or received on or before June 19 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-99-51) and name of applicant/application as listed when preparing comments.

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

For agricultural permits and applications, a copy of the permit application, supporting documentation and a KDHE-developed fact sheet checklist is available for review at the appropriate district office:

- Northwest District Office, 2301 E. 13th, Hays, 67601-2651, (785) 625-5664
- North Central District Office, 2501 Market Place, Salina, 67401-7699, (785) 827-9639
- Northeast District Office, 800 W. 24th, Lawrence, 66046-4417, (785) 842-4600
- Southwest District Office, 302 W. McArtor Road, Dodge City, 67801-6098, (316) 225-0596
- South Central District Office, 130 S. Market, 6th Floor, Wichita, 67202-3802, (316) 337-6020
- Southeast District Office, 1500 W. 7th, Chanute, 66720, (316) 431-2390

Plans and documents for all new and expansions of existing swine facilities also may be reviewed on the Internet at www.kdhe.state.ks.us.

For all other proposed permits, the draft permits, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received and other information are on file and may be inspected at the address given above.

Division of Environment offices are open from 8 a.m. to 5 p.m., Monday through Friday, excluding holidays. These documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Clyde D. Graeber
Acting Secretary of Health and Environment

Doc. No. 023824

Public Notice No. KS-AG-99-51
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Heinco, Inc. Cliff and/or Wayne Heiniger Route 1, Box 55 Fairview, KS 66425	SE/4 of Section 21, T3S, R15E, Brown County	Missouri River Basin

Kansas Permit No. 274

This is a new facility for 600 head (240 animal units) of swine more than 55 pounds and 300 head (30 animal units) of swine less than 55 pounds.

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

Compliance Schedule: The Facility Operational Plan and the Waste Management Plan approved by the department shall be adhered to as a condition of this permit. Dewatering equipment shall be obtained within two months after issuance of this permit.

Persons wishing to comment on or object to the draft permits and/or permit applications must submit their

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. 1998 Supp. 12-1675(b)(c)(d), and K.S.A. 75-4201(I) and 75-4209(a)(1)(B).

Effective 5-17-99 through 5-23-99	
Term	Rate
1-89 days	4.76%
3 months	4.57%
6 months	4.77%
9 months	4.90%
12 months	5.02%
18 months	5.22%
24 months	5.29%

Derl S. Treff
Director of Investments

Doc. No. 023808

State of Kansas

Department of Health
and Environment

Notice of Hearing

A public hearing will be conducted at 7 p.m. Thursday, June 3, at the Topeka National Guard Armory, 2722 S. Topeka Blvd., Topeka, to consider public comment and testimony regarding proposed total maximum daily loads for impaired streams and lakes in the Kansas-Lower Republican Basin. The State of Kansas is under a court order and consent decree whereby total maximum daily loads will be submitted for each basin to the U.S. Environmental Protection Agency, pursuant to Section 303d of the Federal Clean Water Act. The consent decree has explicitly ordered the submission of total maximum daily loads for the Kansas-Lower Republican Basin to the EPA by June 30, 1999.

The public hearing will be jointly held with the Kansas Water Office, and formal comments also may be made on the working draft of the Kansas-Lower Republican Basin Plan of the Kansas Water Plan dealing with the proposed total maximum daily loads and their relative priority of implementation over the next 10 years. The Kansas Water Authority will consider those comments during deliberations over approving the final draft of the plan subsection and incorporating it into the Kansas Water Plan during the week of June 21.

Descriptions of specific total maximum daily loads for the Kansas-Lower Republican Basin also may be obtained through the Planning and Prevention Section of the Department of Health and Environment. Requests should be directed to Thomas Stiles at (785) 296-6170 or tstiles@kdhe.state.ks.us. Text of the total maximum daily loads also may be obtained at <http://www.kdhe.state.ks.us/tmdl/>.

Copies of the working draft of the Kansas Water Plan subsection addressing total maximum daily loads in the

Kansas-Lower Republican Basin may be obtained from the Kansas Water Office, (785) 296-3185.

Interested parties may submit written comments prior to the hearing in care of the Planning and Prevention Section, Kansas Department of Health and Environment, Building 283, Forbes Field, Topeka, 66620, or the Kansas Water Office, 109 S.W. 9th, Suite 300, Topeka, 66612. Interested parties will be given an opportunity to present their views orally at the hearing.

Clyde D. Graeber
Acting Secretary of Health
and Environment

Doc. No. 023825

State of Kansas

Department of Health
and EnvironmentNotice of Hearing on Proposed
Administrative Regulations

The Kansas Department of Health and Environment, Bureau of Health Facility Regulation, will conduct a public hearing from 10 a.m. to noon Thursday, July 29, in Conference Room 106, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider revocations, amendments and new regulations concerning adult care homes, nursing facilities, assisted living/residential health care facilities, adult day care and home-plus facilities. A summary of the proposed regulations and the economic impact follows.

Revocations

K.A.R. 28-39-300 to 28-39-312 were not revoked due to an oversight when the new regulations for assisted living/residential health care facilities were adopted in 1997. K.A.R. 28-39-145, licensure of adult care homes, is being replaced by K.A.R. 28-39-145a. K.A.R. 28-39-133 and K.A.R. 28-39-134 to 28-39-137, related to one- to two-bed homes, is being replaced with K.A.R. 28-39-425 to 28-39-437, home-plus facilities. There is no economic impact as a result of these revocations.

Adult Care Home Regulations

K.A.R. 28-39-144, Definitions. The requirement that certain persons working as an activity director or social service designee be a nurse aide was deleted. A definition was added for "applicant" to clarify the requirements for an initial adult care home license. The definition for physician was amended to allow a physician working within the Veterans Administration health system be the attending physician of a resident in an adult care home.

K.A.R. 28-39-145a, Licensure. The revisions are intended to better inform administrative staff and owners of the requirements for licensure for adult care homes. The time frame for changing resident capacity was reduced from every 180 days to once a month. The current regulation states that changes in resident capacity can be submitted to the department only one time in a 180-day period. The primary reason resident capacity changes are requested is to maintain an 85 percent occupancy in nursing facilities in order to receive payment for days Medi-

caid recipients are hospitalized. The Secretary of Aging indicated in a letter to the department on August 18, 1998, that the proposed change in the regulation would be budget neutral.

Nursing Facility Regulations

K.A.R. 28-39-152. Quality of care. Language was added to this regulation related to appropriate treatment and services to prevent urinary tract infections in residents who are incontinent.

K.A.R. 28-39-160. Other resident services. Facilities with a special care unit will be required to develop a discharge criteria.

K.A.R. 28-39-161. Infection control. The regulation has been amended to allow nursing facilities the option of washing linens in water temperatures below 160° F. if they institute required monitoring systems. Research studies published in professional journals indicate that the use of low temperature laundry procedures to wash linens is less expensive but still effective in eliminating harmful bacteria. One study indicated an annual savings of \$20 per bed. Studies performed by the Veterans Administration indicated a significant savings, but did not quantify the amount.

K.A.R. 28-39-162a. Nursing facility physical environment; general construction. The regulation requires that windows in resident bedrooms allow for egress. The regulation also allows nursing facilities to use wireless systems for resident call and emergency call systems.

K.A.R. 28-39-162c. Nursing facility physical environment; mechanical and electrical requirements. This regulation increases the maximum temperature at hot water outlets accessible to residents from 115° to 120° and reduces the minimum temperatures in dietary and laundry areas from 140° and 160°. It also deletes the requirement for alarms on exit doors and allows for the use of wireless systems to monitor exit doors.

K.A.R. 28-39-163. Administration. This regulation provides for an administrator to supervise more than one nursing facility and deletes the requirement that an administrator be full time. Immediate heirs of a resident's estate may have access to a deceased resident's clinical records. This regulation would allow an administrator or an operator to supervise more than one facility and allow small facilities to share the costs of an administrator or an operator.

Assisted Living/Residential Health Care Facility Regulations

K.A.R. 28-39-240. Administration. This regulation allows an administrator or an operator to supervise more than one facility. Specific language added to this regulation relates to the staff treatment of residents and the prevention of resident abuse, neglect and exploitation.

K.A.R. 28-39-245. Services. This regulation adds respite care, adult day care and care of residents with special needs to the services that can be provided.

K.A.R. 28-39-247. Medication management. This section was revised to clarify the levels of medication management allowed in assisted living/residential health care facilities. The changes were requested by the industry.

The Kansas Pharmacy Association along with the provider organizations participated in the development of the amended regulations.

Adult Day Care Regulations

K.A.R. 28-39-275 to 28-39-291 (new) are the first regulations written for adult day care facilities. The regulations follow the format used in the assisted living/residential health care facility regulations. The focus is on processes that support resident autonomy, independence, choice, dignity and privacy. Physical environment requirements allow for the location of adult day care facilities in a variety of settings. Representatives from the adult day care industry were involved in the development of the regulations. K.A.R. 28-39-275 will allow an administrator or an operator to supervise more than one facility and will allow small facilities to share the costs of an administrator or an operator.

Home-Plus Facility Regulations

K.A.R. 28-39-425 to 28-39-437 (new) address home-plus facilities that provide care to five or fewer residents. The regulations related to resident care follow the format found in the assisted living/residential health care facility regulations. They are consumer focused and support resident autonomy, independence, choice, dignity and privacy. Physical environment requirements reflect that these facilities can be located in an individual's home.

K.A.R. 28-39-436 requires a drug regimen review by a licensed nurse or a pharmacist for residents who self administer medications with assistance or whose medications are managed by the facility. The cost of the drug regimen review is estimated to be \$2 to \$6 a month per resident.

In general, there is no economic impact for these regulations except noted after the specific regulation.

The time between the publication of this notice and the scheduled hearing constitutes a 60-day public comment period for the purposes of receiving written public comments on the proposed regulatory action. All interested parties may submit written comments prior to the hearing to Patricia Maben, Bureau of Health Facility Regulation, Room 1001, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612.

All interested parties will be given a reasonable opportunity to represent their views orally on the proposed regulatory action during the hearing. To give all parties an opportunity to present their views, it may be necessary to require each participant to limit any oral presentation to five minutes.

Copies of the proposed regulations and the economic impact statement may be obtained by contacting Patricia Maben. Questions pertaining to the proposed regulations also should be directed to Patricia Maben.

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 statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Patricia Maben.

Clyde D. Graeber
Acting Secretary of Health
and Environment

Doc. No. 023823

State of Kansas

Department of Health
and Environment

Notice of Fuels Summit

The Kansas Department of Health and Environment, in conjunction with the Missouri Department of Natural Resources, will conduct a fuels summit from 10 a.m. to 4 p.m. June 2 and from 8:30 a.m. to 3 p.m. June 3 at the Jack Reardon Civic Center, 500 Minnesota Ave., Kansas City, Kansas, to discuss a fuel strategy to improve air quality in the Kansas City maintenance area (Johnson and Wyandotte counties in Kansas and Clay, Jackson and Platte counties in Missouri). The fuels summit will provide a facilitated public forum to discuss the technical, scientific and regulatory issues surrounding the implementation of an RFG or equivalent state fuel program and to explore options for solutions in the Kansas City maintenance area.

Ground level ozone (a component of smog) results when volatile organic compounds and nitrogen oxides react in the presence of sunlight and heat. Use of reformulated gasoline (RFG) or an equivalent state fuel can reduce emissions of volatile organic compounds thereby reducing ground-level ozone formation. The introduction of RFG or an equivalent state fuel into the Kansas City maintenance area is being discussed for three reasons.

First, air monitoring data gathered from 1996 through 1998 suggests that ground level ozone concentrations in the Kansas City area will exceed the eight-hour ozone standard, requiring Kansas and Missouri to implement programs to further reduce ozone formation in Kansas City.

Second, projected emissions of volatile organic compounds exceed allowable budgets for purposes of demonstrating that roadway projects in the Kansas City area conform with the air quality implementation plans of Kansas and Missouri. Federally funded roadway projects cannot proceed in an area that does not demonstrate conformity with the budget.

Third, in 1995, the Kansas City maintenance area recorded a violation of the one-hour standard for ground level ozone. In January 1999, the U.S. Environmental Protection Agency proposed to conditionally approve programs submitted by Kansas and Missouri to address the 1995 violation if the states took one of three additional actions: (1) opt-in to the federal reformulated gasoline (RFG) program; (2) adopt an equivalent state fuel program; or (3) implement the original contingency measures adopted in the 1992 state implementation plans.

All interested parties are welcome to attend. For additional information, contact Chuck Layman, Kansas Department of Health and Environment, (785) 296-1579, e-mail: clayman@kdhe.state.ks.us.

Clyde D. Graeber
Acting Secretary of Health
and Environment

Doc. No. 023812

State of Kansas

State Historical Society

Permanent Administrative
Regulations

Article 31.—LAND SURVEYS

7-31-1. (Authorized by K.S.A. 58-2009; implementing K.S.A. 1984 Supp. 58-2011; effective May 1, 1984; amended, T-85-25, Sept. 18, 1984; effective May 1, 1985; revoked June 4, 1999.)

7-31-2. (Authorized by K.S.A. 1983 Supp. 58-2009; implementing K.S.A. 1983 Supp. 58-2011; effective May 1, 1984; revoked June 4, 1999.)

7-31-3. (Authorized by K.S.A. 58-2009; implementing K.S.A. 1984 Supp. 58-2011; effective May 1, 1984; amended, T-85-25, Sept. 18, 1984; effective May 1, 1985; revoked June 4, 1999.)

7-31-4. (Authorized by K.S.A. 58-2009; implementing K.S.A. 1986 Supp. 58-2011; effective May 1, 1984; amended, T-85-25, Sept. 18, 1984; effective May 1, 1985; amended, T-88-49, Dec. 16, 1987; amended May 1, 1988; revoked June 4, 1999.)

Article 4.—LAND SURVEY REFERENCE REPORTS

118-4-1. Surveys originating from public land survey corners. (a) Whenever a survey originates from a United States public land survey corner marker or any related accessory, the land surveyor shall file a reference report, as described in K.A.R. 118-4-3, with the Kansas state historical society and with the county surveyor for the county or counties in which the survey corner exists. "Accessory" means any object positioned above, upon, or near a United States public survey corner for the purpose of facilitating locations when the actual United States public land survey marker is not accessible.

(b) If a survey originates from more than one corner, the land surveyor shall file multiple reference reports. (Authorized by K.S.A. 58-2009; implementing K.S.A. 58-2011; effective June 4, 1999.)

118-4-2. Endangered corners. (a) When it is likely that any activity will occur by which a United States public land survey corner marker or accessory will be altered, removed, or damaged, and when a person qualified to practice land surveying establishes reference points for its restoration, reestablishment, or replacement, the land surveyor shall file a reference report with the Kansas state historical society and with the county surveyor for the county or counties in which the survey corner exists. The land surveyor shall file a separate reference report for each endangered section corner marker.

(b) Upon completion of the activity, the surveyor shall file a restoration report within 30 days identifying the reference report to which it relates and indicating one of the following:

- (1) That no damage or alteration has occurred; or
- (2) that damage or alteration has occurred and that the corner marker has been restored. The restoration report shall set forth the applicable information required by

K.A.R. 118-4-3. (Authorized by K.S.A. 58-2009; implementing K.S.A. 58-2011; effective June 4, 1999.)

118-4-3. Reference reports. (a) The land surveyor shall file reference reports on forms provided or approved by the Kansas state historical society. The land surveyor shall file a separate reference report for each township affected. Each reference report shall include the following information:

(1) The name, license number, seal, signature, and business address of the surveyor responsible for the survey;

(2) the telephone number of the surveyor;

(3) the name or job number reference of the survey;

(4) the date of the survey;

(5) the county, township, range, and section where the corner is located;

(6) the approximate location of the corner within the section, by standard identification;

(7) if known, the datum and the north and east coordinates of the marker; and

(8) descriptions of and measurements to witness corners.

(b) If an original marker is being restored or reestablished, the following information shall be provided:

(1) A description of the corner evidence found or a concise statement of the method used to reestablish the corner; and

(2) a brief sketch and description of the monument and accessories used to perpetuate the location of the corner. The land surveyor shall attach this information to the reference report. (Authorized by K.S.A. 58-2009; implementing K.S.A. 58-2011; effective June 4, 1999.)

118-4-4. Filing fees. (a) The fee for filing each reference report with the Kansas state historical society, pursuant to K.A.R. 118-4-1 or 118-4-2, shall be \$2.00 for each corner to which reference is made.

(b)(1) The fees for information requests, provided for pursuant to K.S.A. 58-2011, and amendments thereto, shall be as follows:

(A) Requests for copies of reference reports only: \$5.00 per request plus \$1.00 per copy and an additional \$1.00 per page faxed;

(B) requests for copies of any combination of reference reports, field notes, plats, and maps: \$10.00 per request plus \$1.00 per copy and an additional \$1.00 per page faxed; and

(C) requests for any copy to be certified: \$2.00.

(2) The fees listed above in paragraphs (b)(1)(A) and (B) shall be charged whether or not information is found or copies are made. (Authorized by K.S.A. 58-2009; implementing K.S.A. 58-2011; effective June 4, 1999.)

Ramon Powers
Executive Director

Doc. No. 023813

State of Kansas

Department of Health
and Environment

Permanent Administrative
Regulations

Article 29.—SOLID WASTE MANAGEMENT

28-29-26. (Authorized by and implementing K.S.A. 1983 Supp. 65-3406; effective May 1, 1982; amended, T-84-41, Dec. 21, 1983; amended May 1, 1984; revoked June 4, 1999.)

Article 31.—HAZARDOUS WASTE MANAGEMENT
STANDARDS AND REGULATIONS

28-31-1. General provisions. (a) Any reference in this article to standards, procedures, or requirements of 40 CFR Parts 124, 260, 261, 262, 263, 264, 265, 266, 268, 270, 273, or 279, as in effect on July 1, 1996, and 49 CFR Parts 172, 173, 178, or 179, as in effect on October 1, 1996, inclusive, shall constitute a full adoption by reference of the part, subpart, and paragraph so referenced, including any associated notes and appendices, unless otherwise specifically stated in these regulations.

(b) When used in any provision adopted from 40 CFR Parts 124, 260, 261, 262, 263, 264, 265, 266, 268, 270, 273, or 279, as in effect on July 1, 1996, inclusive, references to "the United States" shall be replaced with "the state of Kansas," "environmental protection agency" shall be replaced with the "Kansas department of health and environment," "administrator" or "regional administrator" shall be replaced with the "secretary," and "Federal Register" shall be replaced with the "Kansas Register." (Authorized by and implementing K.S.A. 1997 Supp. 65-3431; effective, E-82-20, Nov. 4, 1981; effective May 1, 1982; amended, T-86-32, Sept. 24, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Feb. 5, 1990; amended April 25, 1994; amended June 4, 1999.)

28-31-2. Definitions. (a) Incorporation. 40 CFR 260, subpart B, as in effect on July 1, 1996, is adopted by reference.

(b) "Disposal authorization" means approval from the secretary to dispose of hazardous waste in Kansas.

(c) "EPA generator" means any person who meets any of the following conditions:

(1) Generates in any single calendar month 1,000 kilograms (2,200 pounds) or more of hazardous waste;

(2) accumulates at any time 1,000 kilograms (2,200 pounds) or more of hazardous waste;

(3) generates in any single calendar month 1 kilogram (2.2 pounds) or more of acutely hazardous waste;

(4) accumulates at any time 1 kilogram (2.2 pounds) or more of acutely hazardous waste;

(5) generates in any single calendar month 25 kilograms (55 pounds) or more of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a spill of any acutely hazardous waste; or

(6) accumulates at any time 25 kilograms (55 pounds) or more of any residue or contaminated soil, waste, or

(continued)

other debris resulting from the cleanup of a spill of acutely hazardous waste.

(d) "Kansas generator" means any person who meets all of the following conditions:

(1) Generates in any single calendar month 25 kilograms (55 pounds) or more and less than 1,000 kilograms (2,200 pounds) of hazardous waste;

(2) accumulates at any time less than 1,000 kilograms (2,200 pounds) of hazardous waste;

(3) generates in any single calendar month less than 1 kilogram (2.2 pounds) of acutely hazardous waste;

(4) accumulates at any time less than 1 kilogram (2.2 pounds) of acutely hazardous waste;

(5) generates in any single calendar month less than 25 kilograms (55 pounds) of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a spill of acutely hazardous waste; and

(6) accumulates at any time less than 25 kilograms (55 pounds) of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a spill of acutely hazardous waste.

(e) "Small quantity generator" means any person who meets both of the following conditions:

(1) Generates in any single calendar month less than 25 kilograms (55 pounds) of hazardous waste; and

(2) meets the conditions of a Kansas generator listed in paragraphs (d)(2) through (d)(6) of this regulation.

(f) Differences between state and federal definitions. When the same word is defined both in the Kansas statutes or these regulations and in any federal regulation adopted by reference in these rules and regulations and the definitions are not identical, the definition prescribed in the Kansas statutes or regulations shall control. (Authorized by and implementing K.S.A. 1997 Supp. 65-3431; effective, E-82-20, Nov. 4, 1981; effective May 1, 1982; amended, T-84-5, Feb. 10, 1983; amended May 1, 1984; amended, T-85-42, Dec. 19, 1984; amended May 1, 1985; amended, T-86-32, Sept. 24, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Feb. 5, 1990; amended April 25, 1994; amended June 4, 1999.)

28-31-3. Identification of characteristics and listing of hazardous waste. (a) Incorporation. 40 CFR Part 261, as in effect on July 1, 1996, is adopted by reference, except for 261.5.

(b) Rulemaking petitions. 40 CFR Part 260, subpart C, except for 260.21 and 260.22, as in effect on July 1, 1996, is adopted by reference. A reevaluation of a petition that has previously been approved may be conducted by the department at any time for just cause. (Authorized by and implementing K.S.A. 1997 Supp. 65-3431; effective, E-82-20, Nov. 4, 1981; effective May 1, 1982; amended, T-84-5, Feb. 10, 1983; amended May 1, 1984; amended, T-85-42, Dec. 19, 1984; amended May 1, 1985; amended, T-86-32, Sept. 24, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Feb. 5, 1990; amended April 25, 1994; amended June 4, 1999.)

28-31-4. Standards for generators of hazardous waste. (a) Purpose, scope, and applicability. Each generator of hazardous waste and each person who imports hazardous waste into Kansas shall comply with this reg-

ulation. In addition, each owner or operator of a treatment, storage, or disposal facility who initiates a shipment of hazardous waste shall comply with this regulation.

(b) Hazardous waste determination. Each person who generates solid waste, as defined by 40 CFR 261.2, as in effect on July 1, 1996, shall determine if that waste is a hazardous waste using all of the following methods.

(1) Each person shall first determine if the waste is excluded from regulation under 40 CFR 261.4, as in effect on July 1, 1996.

(2) If the waste is not excluded under paragraph (b)(1), the person shall next determine if the waste is listed as a hazardous waste in 40 CFR 261, subpart D, as in effect on July 1, 1996.

(3) If the waste is not listed as a hazardous waste in 40 CFR 261, subpart D, as in effect on July 1, 1996, the person shall determine whether or not the waste is identified in 40 CFR 261, subpart C, as in effect on July 1, 1996 by one of the following means:

(A) Submitting the waste for testing according to the methods in 40 CFR 261, subpart C, as in effect on July 1, 1996, by a laboratory that is certified for these analyses by the department; or

(B) applying knowledge of the hazardous characteristics of the waste in light of materials or processes used.

(4) If the waste is determined to be hazardous, the generator shall refer to 40 CFR Parts 261, 262, 264, 265, 266, 268, and 273, as in effect on July 1, 1996, for possible exclusions or restrictions pertaining to management of each specific waste.

(c) EPA identification numbers.

(1) Each Kansas or EPA generator shall apply for and obtain an EPA identification number from the department before treating, storing, disposing, transporting, or offering for transportation any hazardous waste. Each generator who has not received an EPA identification number shall apply to the department using a form supplied by the department. Whenever there is a change in the information originally submitted to obtain an EPA identification number, the generator shall update that information. The generator shall submit these changes to the department on KDHE form 8700-12.

(2) Each Kansas or EPA generator shall offer hazardous waste only to transporters or to treatment, storage, or disposal facilities that have an EPA identification number.

(d) Manifest requirements.

(1) General requirements. Each Kansas or EPA generator who transports hazardous waste or offers hazardous waste for transportation for off-site treatment, storage, or disposal shall prepare and use a manifest with the OMB control number 2050-0039 that complies with EPA form 8700-22 and, if necessary, form 8700-22A, according to the instructions included in the appendix to 40 CFR Part 262, as in effect on July 1, 1996. The generator shall comply with all of the following requirements.

(A) Each generator shall designate on the manifest one facility permitted to handle the waste described on the manifest.

(B) Any generator may also designate on the manifest one alternate facility permitted to handle the waste if an

emergency prevents delivery of the waste to the primary designated facility.

(C) If the transporter is unable to deliver the hazardous waste to the designated facility or the alternate facility, the generator shall either designate another facility or instruct the transporter to return the waste.

(2) Acquisition of manifests. If the shipment is to be transported to a state requiring use of that state's manifest, then the generator shall use the manifest of the consignment state. If the consignment state does not supply the manifest, then the generator may obtain the manifest from any source.

(3) Number of copies. At a minimum, the manifest shall have sufficient copies to provide the generator, each transporter, and the owner or operator of the designated facility with one copy each for the records and another copy to be returned to the generator.

(4) Use of the manifest. The generator shall perform all of the following:

- (A) Sign the manifest certification by hand;
- (B) obtain the handwritten signature of the initial transporter and the date of acceptance on the manifest;
- (C) retain one copy for the generator's records; and
- (D) give the transporter the remaining copies of the manifest.

(5) Water shipments. When bulk shipments of only hazardous waste are transported within the United States solely by water, the generator shall send three copies of the manifest, dated and signed in accordance with this subsection, to the owner or operator of the designated facility or the last bulk water transporter to handle the waste in the United States if exported by water. Copies of the manifest shall not be required for any transporter.

(6) Rail shipments. When rail shipments of hazardous waste within the United States originate at the site of generation, the generator shall send at least three copies of the manifest, dated and signed in accordance with this subsection, to one of the following:

- (A) The next non-rail transporter, if any;
- (B) the designated facility, if transported solely by rail;

or

- (C) the last rail transporter to handle the waste in the United States, if exported by rail.

(7) Manifest exemption. The requirements of this subsection shall not apply to Kansas generators when the waste is reclaimed under a contractual agreement that meets all of the following requirements:

(A) The type of waste and frequency of shipments are specified in the agreement.

(B) The vehicle used to transport the waste to the recycling facility and to deliver regenerated material back to the generator is owned and operated by the reclaimer of the waste.

(C) The generator maintains a copy of the reclamation agreement for at least three years after termination or expiration of the agreement.

(e) Pre-transport requirements.

(1) Packaging. Before transporting hazardous waste or offering hazardous waste for transportation off-site, each Kansas or EPA generator shall package the waste in accordance with 49 CFR Parts 173, 178, and 179, as in effect on October 1, 1996.

(2) Labeling. Before transporting or offering hazardous waste for transportation off-site, each Kansas or EPA generator shall label each package in accordance with 49 CFR Part 172, as in effect on October 1, 1996.

(3) Marking.

(A) Before transporting or offering hazardous waste for transportation off-site, each Kansas or EPA generator shall mark each package of hazardous waste in accordance with 49 CFR Part 172, as in effect on October 1, 1996.

(B) Before transporting hazardous waste or offering hazardous waste for transportation off-site, each Kansas or EPA generator shall mark each container of 110 gallons or less used in transportation in accordance with the requirements of 40 CFR 262.32(b), as in effect on July 1, 1996.

The required statement and information shall be displayed in accordance with the requirements of 49 CFR 172.304, as in effect on October 1, 1996.

(4) Placarding. Before transporting hazardous waste or offering hazardous waste for transportation off-site, each Kansas or EPA generator shall placard or offer the initial transporter the appropriate placards according to 49 CFR 172, subpart F, as in effect on October 1, 1996.

(f) Record keeping and reporting.

(1) Record keeping.

(A) Each Kansas or EPA generator shall keep a copy of each signed manifest. This signed copy shall be retained as a record for at least three years from the date the waste was accepted by the initial transporter or until receipt of a copy signed by a representative of the designated facility that received the waste. The copy signed by the designated facility shall be retained as a record for at least three years from the date on which the waste was accepted by the initial transporter.

(B) Each Kansas or EPA generator shall keep a copy of each exception report required by paragraph (f)(4) of this regulation, and each EPA generator shall keep a copy of each biennial report required by paragraph (f)(2) of this regulation. Each Kansas or EPA generator shall keep these reports for a period of at least three years from the due date of the reports.

(C) Each Kansas or EPA generator shall keep records of all test results, waste analyses, and other determinations for at least three years from the date that the waste was last sent for on-site or off-site treatment, storage, or disposal.

(D) The periods for retention referred to in this regulation shall be extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the secretary.

(2) Biennial report.

(A) Each EPA generator shall prepare and submit a single copy of a biennial report to the secretary by March 1 of each even-numbered year. The EPA generator shall submit the biennial report on a form provided by the department and shall cover generator activities during the previous calendar year or years. The biennial report shall include the following information:

- (i) The EPA identification number, name, and address of the generator;
- (ii) the calendar year or years covered by the report;

(continued)

(iii) the EPA identification number, name, and address for each off-site treatment, storage, or disposal facility to which waste was shipped. For exported shipments, the report shall give the name and address of the foreign facility;

(iv) the name and EPA identification number of each transporter used;

(v) a description of the waste and the EPA hazardous waste number, DOT hazard class, and quantity of each hazardous waste shipped off-site. This information shall be listed by EPA identification number of each off-site treatment, storage, or disposal facility to which waste was shipped;

(vi) a description of the efforts undertaken to reduce the volume and toxicity of waste generated;

(vii) a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent that this information is available; and

(viii) the certification signed by the generator or authorized representative.

(B) Each generator who treats, stores, or disposes of hazardous waste on-site shall submit a biennial report covering those wastes in accordance with the provisions of 40 CFR Parts 270, 264, 265, and 266, as in effect on July 1, 1996.

(3) Annual monitoring fee reports. Each EPA generator shall prepare and submit a report to the secretary by March 1 of each year that details the total quantities of hazardous waste produced during the previous calendar year. The generator shall pay and submit the monitoring fee required by K.A.R. 28-31-10(g) with the report.

(4) Exception reporting.

(A) Each Kansas or EPA generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date on which the waste was accepted by the initial transporter, shall contact the transporter, the owner or operator of the designated facility, or both, to determine the status of the hazardous waste.

(B) Each Kansas or EPA generator who has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date on which the waste was accepted by the initial transporter shall submit an exception report to the secretary. The exception report shall include both of the following:

(i) A legible copy of the manifest for which the generator does not have confirmation of delivery; and

(ii) a cover letter signed by the generator or authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

(5) Additional reporting. At any time, a generator may be required by the secretary to furnish additional reports concerning the quantities and disposition of hazardous wastes.

(g) Accumulation time for EPA generators. Any EPA generator may accumulate hazardous waste on-site for 90 days or less without a permit or without obtaining interim status, and shall be exempt from all the requirements in 40 CFR 265, subparts G and H, except for 265.111

and 265.114, as in effect on July 1, 1996, if all of the following conditions are met:

(1) The waste is handled using one of the following methods:

(A) Placed in containers and the generator complies with 40 CFR 265, subpart I, as in effect on July 1, 1996;

(B) placed in tanks and the generator complies with 40 CFR 265, subpart J, except sections 265.197(c) and 265.200, as in effect on July 1, 1996;

(C) collected on drip pads and the generator complies with 40 CFR 262.34(a) (1) (iii) (A) and (B) and 40 CFR 265, subpart W, as in effect on July 1, 1996; or

(D) placed in containment buildings and the generator complies with 40 CFR 262.34(a)(iv)(A) and (B) and 40 CFR 265, subpart DD, as in effect on July 1, 1996.

(2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container and tank.

(3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste."

(4) The generator complies with the requirements in 40 CFR 265, subparts C and D, with 265.16, and, if conducting treatment, with 268.7(a) (4), as in effect on July 1, 1996.

(h) Hazardous waste accumulation by Kansas generators.

(1) Any Kansas generator may accumulate hazardous waste on-site without a permit, interim status, or time restrictions, and shall be exempt from all the requirements in 40 CFR 265, subparts G and H, except for 265.111 and 265.114, as in effect on July 1, 1996, if all of the following conditions are met:

(A) The quantity of waste accumulated never exceeds 1,000 kilograms of hazardous waste or 1 kilogram of acutely hazardous waste. If at any time more than these quantities are accumulated, all of those accumulated wastes shall be subject to regulations that are applicable to EPA generators.

(B) The waste is handled using one of the following methods:

(i) Placed in containers and the generator complies with 40 CFR 265 subpart I, except 265.176 and 265.178, as in effect on July 1, 1996;

(ii) placed in tanks and the generator complies with 40 CFR 265, subparts J, AA, and BB, except 265.197(c), 265.200, 265.201, and 265.202, as in effect on July 1, 1996;

(iii) collected on drip pads and the generator complies with 40 CFR 262.34(a) (1) (iii) (A) and (B) and 40 CFR 265 subpart W, as in effect on July 1, 1996.

(C) The date upon which each period of accumulation begins is clearly marked and visible for inspection.

(D) While being accumulated on-site, each container and tank is labeled or clearly marked with the words "Hazardous Waste."

(E) At least one employee who is designated as the emergency coordinator is either on the premises or on call at all times with the responsibility for coordinating all emergency response measures specified in this section. For the purposes of this regulation, "on call" means that the emergency coordinator is available to respond to an emergency by reaching the facility within a short period of time.

(F) All of the following information is posted next to at least one telephone that is immediately accessible by employees during an emergency:

- (i) The name and telephone number of the emergency coordinator;
- (ii) the location of fire extinguishers and spill-control material, and if present, fire alarms; and
- (iii) the telephone number of the fire department unless the facility has a direct alarm.

(G) Each employee is thoroughly familiar with proper waste handling and emergency procedures that are relevant to the employee's responsibilities during normal facility operations and emergencies.

(H) The emergency coordinator or designee is prepared to respond to any emergencies that arise. The appropriate responses shall be the following:

(i) In the event of a fire, the emergency coordinator or designee shall call the fire department or attempt to extinguish the fire using a fire extinguisher.

(ii) In the event of a spill, the emergency coordinator or designee shall contain the flow of hazardous waste to the extent possible, and as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil.

(iii) In the event of a fire, explosion, or other release that could threaten human health outside the facility, or when it appears that a spill has reached surface water, the emergency coordinator shall immediately notify the national response center using the 24-hour toll-free number 800-424-8802.

(2) All reports to the national response center shall contain the following information:

(A) The name, address, and U.S. EPA identification number of the generator;

(B) the date, time, and type of incident;

(C) the quantity and type of hazardous waste involved in the incident;

(D) the extent of any injuries; and

(E) the estimated quantity and disposition of recovered materials, if any.

(i) Extension of accumulation time. Each EPA generator who accumulates hazardous waste for more than 90 days shall be considered an operator of a storage facility and shall be subject to the requirements of 40 CFR Parts 124, 264, 265 and 270, as in effect on July 1, 1996, unless granted an extension to the 90-day period. This extension may be granted if hazardous wastes need to remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days may be granted by the secretary upon written request by the EPA generator. Additional extensions not to exceed 30 days may be granted if the circumstances continue to be valid.

(j) Satellite accumulation areas.

(1) Any Kansas or EPA generator may accumulate as many as 55 gallons of each type of hazardous waste or one quart of acutely hazardous waste in no more than one container at or near any point of generation where wastes initially accumulate, and that is under the control of the operator of the process generating the waste, without a permit or interim status and without complying

with subsections (g) and (h), if the generator performs both of the following:

(A) Complies with 40 CFR 265.171, 265.172, and 265.173(a), as in effect on July 1, 1996; and

(B) marks the containers with the words "Hazardous Waste."

(2) At the time the generator accumulates more than the amounts listed in this subsection at any satellite accumulation area, the date shall be placed on the full container. This date shall become the accumulation start date for this container, and the generator shall move the full container to the hazardous waste storage area within three days. The empty container in which waste is accumulated at the satellite area shall be managed in accordance with paragraph (j)(1) of this subsection.

(k) Inspection requirement. Each Kansas or EPA generator shall document weekly inspections of hazardous waste storage areas and daily inspections of tanks in accordance with 40 CFR 265.15(d) and 40 CFR 265.195, as in effect on July 1, 1996.

(l) Transportation restrictions. Each Kansas or EPA generator shipping hazardous waste or offering hazardous waste for transport shall use only a transporter who has properly registered with the department according to K.A.R. 28-31-6.

(m) Small quantity generator requirements. Small quantity generators shall be subject to the following requirements:

(1) If at any time more than a total of 1,000 kilograms of hazardous waste or one kilogram of acutely hazardous waste is accumulated, all of those accumulated wastes shall be subject to regulations applicable to EPA generators. Upon exceeding 1,000 kilograms of hazardous waste or one kilogram of acutely hazardous waste, all requirements of subsection (g) of this regulation shall apply to the generator.

(2) Each small quantity generator who accumulates 25 kilograms or more of hazardous waste shall either recycle, treat or dispose of the waste in an acceptable on-site facility, or ensure delivery to an off-site hazardous waste treatment, storage, or disposal facility, or to some other waste management facility approved by the secretary, and shall be subject to the following requirements:

(A) The pre-transport requirements of subsection (e) of this regulation;

(B) the container and tank, dating, and marking requirements of paragraphs (h)(B), (C), and (D) of this regulation; and

(C) the inspection requirements of subsection (k) of this regulation.

(3) Each small quantity generator who accumulates up to 25 kilograms of hazardous waste may either treat or dispose of hazardous waste in an acceptable on-site facility, or ensure delivery to an off-site storage, treatment, or disposal facility. In either case, the facility shall meet at least one of the following requirements:

(A) Be permitted to manage hazardous waste;

(B) be operating under interim status;

(C) be permitted to manage solid waste; or

(D) beneficially treat, use or reuse, or legitimately recycle or reclaim its waste.

(continued)

(n) Acutely hazardous waste requirements.

(1) All quantities of acutely hazardous waste shall be subject to this regulation and other regulations regarding transportation, treatment, storage, and disposal of hazardous waste if generated in one of the following quantities:

(A) A total, in any single calendar month, of one kilogram or more of acutely hazardous waste; or

(B) a total, in any single calendar month, of 25 kilograms or more of any residue or contaminated soil, waste, or other debris resulting from the clean-up of a spill, into or on any land or water, of any acutely hazardous waste.

(2) If at any time acutely hazardous waste is accumulated in quantities greater than those described in paragraph (n)(1), all of those accumulated wastes shall be subject to the requirements of this regulation and other regulations regarding transportation, treatment, storage, and disposal of hazardous waste. Upon exceeding these quantities, all requirements of subsection (g) shall apply to the generator.

(o) Quantity determinations.

(1) In determining the quantity of hazardous waste generated each calendar month, a generator shall not include either of the following:

(A) Hazardous waste when it is removed from on-site storage; or

(B) hazardous waste produced by on-site treatment including reclamation of hazardous waste, as long as the hazardous waste that is treated or reclaimed is counted each time before treatment or reclamation.

(2) Hazardous waste that is subject to the requirements of 40 CFR 261.6(b) and (c), as in effect on July 1, 1996, and 40 CFR 266, subparts C and F, as in effect on July 1, 1996, shall be included in the quantity determination and shall be subject to the requirements of this regulation.

(p) Mixtures of hazardous waste.

(1) Whenever two or more hazardous wastes are mixed together, the resulting mixture shall be regulated as follows:

(A) If a listed hazardous waste as defined by 40 CFR 261, subpart D, as in effect on July 1, 1996, is mixed with other listed hazardous waste, the resulting mixture shall be identified for purposes of generation, transportation, storage, treatment, and disposal by all listed hazardous waste numbers contained in the mixture.

(B) If a characteristic hazardous waste as defined by 40 CFR 261, subpart C, as in effect on July 1, 1996, is mixed with other characteristic hazardous waste, the resulting mixture shall be identified for purposes of generation, transportation, storage, treatment, and disposal by all characteristic hazardous waste numbers contained in the mixture.

(i) Any person may demonstrate that mixing two different characteristic hazardous wastes is a satisfactory treatment method that results in the mixture no longer exhibiting any characteristic of hazardous waste.

(ii) Upon submittal of an acceptable demonstration, written approval indicating that the resulting mixture is not regulated as hazardous waste may be granted by the department.

(C) If a listed hazardous waste as defined by 40 CFR 261, subpart D, as in effect on July 1, 1996, is mixed with

characteristic hazardous waste as defined by 40 CFR 261, subpart C, as in effect on July 1, 1996, the resulting mixture shall be identified for purposes of generation, transportation, storage, treatment and disposal by all listed and characteristic hazardous waste numbers contained in the mixture.

(2) Whenever hazardous waste is mixed with solid waste or nonhazardous material, other than used oil, the resulting mixture shall be regulated as follows:

(A) For characteristic hazardous waste as defined by 40 CFR 261, subpart C, as in effect on July 1, 1996, the resulting mixture shall remain regulated as a characteristic hazardous waste.

(i) Any person may demonstrate that mixing characteristic hazardous waste with solid waste or nonhazardous materials is a satisfactory treatment method that results in the mixture no longer exhibiting any characteristic of hazardous waste.

(ii) Upon submittal of an acceptable demonstration, written approval indicating that the resulting mixture is not regulated as hazardous waste may be granted by the department.

(B) For listed hazardous waste, as defined by 40 CFR 261, subpart D, as in effect on July 1, 1996, the resulting mixture shall remain regulated as a listed hazardous waste unless it is listed solely because it exhibits one or more characteristics of hazardous waste identified in 40 CFR 261, subpart C, as in effect on July 1, 1996, and the resulting mixture no longer exhibits these characteristics.

(3) Hazardous waste that is mixed with used oil shall be regulated as follows:

(A) If hazardous waste from a small quantity generator is mixed with used oil, the resulting mixture shall be subject to regulation as used oil under K.A.R. 28-31-16.

(B) If a Kansas or EPA generator mixes a characteristic or listed hazardous waste with used oil, the resulting mixture shall remain identified as a characteristic or listed hazardous waste.

(4) Small quantity generators may mix their hazardous waste with nonhazardous waste or other material and remain subject to the requirements of subsection (m) even though the resultant mixture exceeds the quantity limitations of subsection (m), unless the mixture meets any of the characteristics of hazardous waste identified in 40 CFR 261, as in effect on July 1, 1996.

(q) Exports of hazardous waste. 40 CFR 262, subpart E, as in effect on July 1, 1996, is adopted by reference.

(r) Imports of hazardous waste. 40 CFR 262, subpart F, as in effect on July 1, 1996, is adopted by reference.

(s) Farmers. 40 CFR 262, subpart G, as in effect on July 1, 1996, is adopted by reference. (Authorized by and implementing K.S.A. 1997 Supp. 65-3431; effective, E-82-20, Nov. 4, 1981; effective May 1, 1982; amended, T-84-5, Feb. 10, 1983; amended May 1, 1984; amended, T-86-32, Sept. 24, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Feb. 5, 1990; amended April 25, 1994; amended March 22, 1996; amended June 4, 1999.)

28-31-6. Standards for transporters of hazardous waste and used oil. Subsections (a) through (f) of this regulation shall apply to each person that transports more

than 25 kilograms of hazardous waste or more than one kilogram of acutely hazardous waste, except small quantity generators transporting to a Kansas household hazardous waste facility that has a permit, issued by the department, to handle small quantity generator waste. Subsections (b) through (d) of this regulation shall apply to each person that is subject to the requirements for used oil transporters of 40 CFR 279.40 and 279.42, as in effect on July 1, 1996.

(a) Incorporation. 40 CFR Part 263, except 263.10(a) and 263.20(h), as in effect on July 1, 1996, is adopted by reference.

(b) Registration. Each person transporting hazardous waste or used oil within, into, out of, or through Kansas shall register with the department.

(1) The transporter shall submit the registration application on forms provided by the department.

(2) The transporter shall obtain written acknowledgment from the department that registration is complete before transporting hazardous waste or used oil within, into, out of, or through Kansas.

(3) The transporter shall carry a copy of the written acknowledgement in all vehicles transporting hazardous waste or used oil and shall provide the written acknowledgement for review upon request.

(c) Insurance requirements. Each transporter shall secure and maintain liability insurance on all vehicles transporting hazardous waste or used oil in Kansas.

(1) The limits of insurance shall not be less than \$1 million per person and \$1 million per occurrence for bodily injury or death and \$1 million for all damages to the property of others. When combined bodily injury or death and property damage coverage are provided, the total limits shall not be less than \$1 million.

(2) If any coverage is reduced or cancelled, the transporter shall notify the department in writing at least 35 days before the effective date of that action.

(3) The transporter shall, before the expiration date of the policy, provide the department with proof of periodic renewal in the form of a certificate of insurance showing the monetary coverage and the expiration date.

(d) Denial, suspension or revocation of registration. Any application may be denied and any transporter's registration may be revoked or suspended by written notice if the department determines that one or more of the following apply:

(1) The transporter failed or continues to fail to comply with any of the provisions of the air, water or waste statutes relating to environmental protection or to the protection of public health, including regulations issued thereunder in this or any other state or by the federal government, or any condition of any permit or license issued by the secretary.

(2) The transporter has shown a lack of ability or intention to comply with one or more provisions of any law referred to in this subsection, or any regulation or order or permit issued pursuant to any such law, as indicated by past or continuing violations.

(3) The transporter, or any person who holds an interest in the transporter, who exercises total or partial control of the transporter or is a principal of the parent cor-

poration, is a principal of another corporation which would not be eligible for registration.

(e) Exemption from the manifesting requirement. Any transporter transporting hazardous waste from a Kansas generator shall be exempt from the requirements of 40 CFR 263, subpart B, as in effect on July 1, 1996, if all the following conditions are met:

(1) The waste is transported pursuant to a reclamation agreement as provided for in K.A.R. 28-31-4(d)(7).

(2) The transporter records, on a log or shipping paper, the following information for each shipment:

(A) The name, address, and EPA identification number of the generator of the waste;

(B) the quantity of the waste accepted;

(C) all shipping information required by the U.S. department of transportation; and

(D) the date the waste is accepted.

(3) The transporter carries this record when transporting the waste to the reclamation facility.

(4) The transporter retains these records for a period of at least three years after termination or expiration of the agreement.

(f) Transportation restrictions. Each transporter shall collect or transport hazardous waste only for generators or treatment, storage or disposal facilities that have provided proper notification in accordance with K.A.R. 28-31-4(c) and 40 CFR 264.11 and 265.11, as in effect on July 1, 1996. (Authorized by and implementing K.S.A. 1997 Supp. 65-3431; effective, E-82-20, Nov. 4, 1981; effective May 1, 1982; amended, T-84-5, Feb. 10, 1983; amended May 1, 1984; amended, T-86-32, Sept. 24, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Feb. 5, 1990; amended April 25, 1994; amended June 4, 1999.)

28-31-8. Standards for hazardous waste storage, treatment, and disposal facilities. (a) Incorporation. 40 CFR Parts 264 and 265, except 40 CFR 264, subpart S and subpart CC and 40 CFR 265, subpart CC, as in effect on July 1, 1996, are adopted by reference.

(b) Marking requirements. Each operator of a hazardous waste container or tank storage facility shall mark all containers and tanks in accordance with the standards of K.A.R. 28-31-4(g)(3).

(c) Notice in deed to property. Each owner of property on which a hazardous waste treatment, storage, or disposal facility is located shall record, in accordance with Kansas law, a notice with the county register of deeds where the property is located that the land has been used to manage hazardous waste and that all records regarding permits, closure, or both are available for review at the department.

(d) Restrictive covenants and easements.

(1) Each owner of property on which a hazardous waste treatment, storage, or disposal facility is located may be required by the secretary to execute and file with the county register of deeds a restrictive covenant to run with the land that shall specify the uses that may be made after closure and require all of the following:

(A) All future uses of the property after closure shall be conducted in a manner that preserves the integrity of

(continued)

waste containment systems designed, installed, and used during operation of the disposal areas, or installed or used during the post-closure maintenance period.

(B) The owner or tenant shall preserve and protect all permanent survey markers and benchmarks installed at the facility.

(C) The owner or tenant shall preserve and protect all environmental monitoring stations installed at the facility.

(D) The owner or tenant, subsequent property owners or tenants, and any person granted easement to the property, shall provide written notice to the department during planning of any improvement to the site and shall receive approval from the department before commencing excavation or construction of permanent structures or drainage ditches, alteration of contours, removal of waste materials stored on the site, changes in vegetation grown on areas used for waste disposal, the production or sale of food chain crops grown on land used for waste disposal, or removal of security fencing, signs, or other devices installed to restrict public access to waste storage or disposal areas.

(2) The owner of the property on which a hazardous waste treatment, storage, and disposal facility is located may be required by the secretary to execute an easement stating that the department, its duly authorized agents, or contractors employed by or on behalf of the department may enter the premises to accomplish any of the following:

(A) Complete items of work specified in a site closure plan required to be submitted by K.A.R. 28-31-8;

(B) perform any item of work necessary to maintain or monitor the area during the postclosure period; or

(C) sample, repair, or reconstruct environmental monitoring stations constructed as part of the site operating or post-closure requirements.

(3) Each offer or contract for the conveyance of easement, title, or other interest to real estate used for treatment, storage, or disposal of hazardous waste shall disclose all terms, conditions, and provisions for care and subsequent land uses that are imposed by these regulations or the site permit authorized and issued under K.S.A. 1997 Supp. 65-3431(s), and amendments thereto. Conveyance of title, easement, or other interest in the property shall contain provisions for the continued maintenance of waste containment and monitoring systems.

(4) All covenants, easements, and other documents related to this regulation shall be permanent, unless extinguished by agreement between the property owner and the secretary. Recording fees shall be paid by the owner of the property.

(e) Hazardous waste injection wells.

(1) Each hazardous waste injection well shall be designed, constructed, and operated to comply with applicable requirements of K.A.R. 28-46-1 et seq.

(2) Wastes received from multiple generators by a hazardous waste facility, even if treated at the hazardous waste facility before injection, shall be batch-tested and the chemical composition confirmed by laboratory analyses before injection.

(A) Laboratory analysis of the composition of homogeneous and continuously generated injection fluids gen-

erated and disposed at a single site may be allowed on a monthly basis.

(B) The results of the laboratory analysis shall be the basis upon which the secretary determines whether injection of the fluids may occur.

(3) Monitoring shall be required for each constituent that was approved for injection. Monitoring of specified indicator constituents rather than the approved list of constituents may be allowed by the secretary, and monitoring of other constituents may be required as deemed necessary.

(f) Environmental monitoring. All samples analyzed in accordance with 40 CFR 264 and 265, subparts F and G, as in effect on July 1, 1996, shall be conducted by a laboratory certified for these analyses by the department.

(g) For hazardous waste received at a treatment, storage, or disposal facility with the intent of burning for destruction or energy recovery, all quantification analyses performed for the purpose of complying with permit conditions shall be performed by a laboratory certified for these analyses by the department. (Authorized by and implementing K.S.A. 1997 Supp. 65-3431; effective, E-82-20, Nov. 4, 1981; effective May 1, 1982; amended, T-84-5, Feb. 10, 1983; amended May 1, 1984; amended, T-86-32, Sept. 24, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Feb. 5, 1990; amended April 25, 1994; amended June 4, 1999.)

28-31-8b. Standards for the management of specific hazardous wastes and specific types of hazardous waste management facilities. 40 CFR Part 266, subparts C, F, G, and H, as in effect on July 1, 1996, are adopted by reference. (Authorized by and implementing K.S.A. 1997 Supp. 65-3431; effective Feb. 5, 1990; amended April 25, 1994; amended June 4, 1999.)

28-31-9. Hazardous waste storage, treatment, and disposal facility permits. (a) Incorporation. 40 CFR Part 270 and Part 124, subparts A, B, E, and F, as in effect on July 1, 1996, are adopted by reference.

(b) Background investigation. Before submitting any application for a hazardous waste facility permit, the applicant shall submit a disclosure statement on forms provided by the department. The disclosure statement shall include the following information:

- (1) The name of the corporation;
- (2) past corporate names;
- (3) the place or places of incorporation;
- (4) the names of officers;
- (5) the names of former officers and directors;
- (6) partnership or joint venture information;
- (7) ownership and debt liability;
- (8) subsidiaries and stock holdings;
- (9) financial history;
- (10) employee data;
- (11) experience and credentials;
- (12) licenses and permits;
- (13) environmental violations history;
- (14) environmental judgments and litigation; and
- (15) criminal proceedings involving the applicant or the corporation. (Authorized by and implementing K.S.A. 1997 Supp. 65-3431; effective, E-82-20, Nov. 4, 1981; effective May 1, 1982; amended, T-84-5, Feb. 10, 1983;

amended May 1, 1984; amended, T-86-32, Sept. 24, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Feb. 5, 1990; amended April 25, 1994; amended June 4, 1999.)

28-31-10. Hazardous waste monitoring fees. (a) Hazardous waste storage facility. Each hazardous waste storage facility shall pay to the department an annual monitoring fee before January 1 of each year. This fee shall be based on the following schedule:

- | | |
|-------------------------------|----------|
| (1) On-site storage facility | \$ 2,500 |
| (2) Off-site storage facility | \$ 3,500 |

(b) Hazardous waste treatment facility. Each hazardous waste treatment facility shall pay to the department an annual monitoring fee before January 1 of each year. This fee shall be based on the following schedule:

- | | |
|-----------------------------------|----------|
| (1) On-site treatment facility | \$ 4,000 |
| (2) Off-site treatment facility | \$ 5,000 |
| (3) Off-site incinerator facility | \$10,000 |

(c) Hazardous waste disposal facility. Each hazardous waste disposal facility shall pay to the department an annual monitoring fee before January 1 of each year. This fee shall be based on the following schedule:

- | | |
|---|----------|
| (1) On-site landfill or underground injection well | \$10,000 |
| (2) Off-site landfill or underground injection well | \$15,000 |

(d) Facilities subject to post-closure care. Each hazardous waste storage, treatment, or disposal facility subject to post-closure care shall pay an annual fee. This fee shall become applicable upon receipt by the department of the certification of closure specified in 40 CFR Part 264.115 or 40 CFR Part 265.115, as in effect on July 1, 1996. This fee shall be paid to the department before January 1 of each year. This fee shall be based on the following schedule:

- | | |
|---|---------|
| Facilities subject to post-closure care | \$4,000 |
|---|---------|

(e) Multiple activities. Each facility conducting more than one of the hazardous waste activities addressed in subsections (a), (b), (c), and (d) of this regulation shall pay a single fee. This fee shall be in the amount specified for the activity having the highest fee of those conducted. Each facility that is subject to post-closure care and has no remaining active storage, treatment, or disposal units shall be subject only to the monitoring fee specified in subsection (d).

(f) Hazardous waste transporters. Each hazardous waste transporter shall pay an annual monitoring fee. The hazardous waste transporter shall pay this fee at the time the transporter registers with the department in accordance with K.A.R. 28-31-6(b), and before January 1 of each year thereafter. This fee shall be based on the following schedule:

- | | |
|-------------|-------|
| Transporter | \$250 |
|-------------|-------|

(g) Hazardous waste generators.

(1) Before March 1 of each year, each EPA generator shall pay to the department an annual monitoring fee for all hazardous waste generated during the previous calendar year. This fee shall be based on the following schedule:

Total Yearly Quantity Generated	Monitoring Fee
Less than or equal to 5 tons	\$ 100
Greater than 5 tons but less than or equal to 50 tons	\$ 500
Greater than 50 tons but less than or equal to 500 tons	\$1,000
Greater than 500 tons	\$5,000

(2) Hazardous waste that is reclaimed on-site to recover substantial amounts of energy or materials shall be exempt from payment of monitoring fees. This exemption shall not apply to hazardous waste residues produced during reclamation. (Authorized by and implementing K.S.A. 1997 Supp. 65-3431; effective, E-82-20, Nov. 4, 1981; effective May 1, 1982; amended, T-85-2, Jan. 13, 1984; amended May 1, 1984; amended, T-85-42, Dec. 19, 1984; amended May 1, 1985; amended, T-86-32, Sept. 24, 1985; amended May 1, 1986; amended, T-87-49, Dec. 19, 1986; amended May 1, 1987; amended May 1, 1988; amended April 25, 1994; amended March 22, 1996; amended June 4, 1999.)

28-31-12. Inspections. (a) Upon presentation of credentials and stating the purpose of the visit, the following may be performed at any reasonable hour of the day by the secretary or any duly appointed representative:

(1) Enter any factory, plant, construction site, hazardous waste storage, treatment, or disposal facility, or other location where hazardous wastes may potentially be generated, stored, treated, or disposed, and inspect the premises to gather information regarding existing conditions and procedures;

(2) obtain samples of actual or potential hazardous waste from any person or from the property of any person, including samples from any vehicle in which hazardous wastes are being transported;

(3) stop and inspect any vehicle, if there is reasonable cause to believe that the vehicle is transporting hazardous wastes;

(4) conduct tests, analyses, and evaluations of wastes to determine whether or not the wastes are hazardous wastes and whether or not the requirements of these regulations are being met;

(5) obtain samples from any containers or facsimiles of container labels;

(6) inspect and copy any records, reports, information, or test results relating to wastes generated, stored, transported, treated, or disposed;

(7) photograph or videotape any hazardous waste management facility, device, structure, or equipment;

(8) drill test wells or groundwater monitoring wells on the property of any person where hazardous wastes are generated, stored, transported, treated, disposed, discharged, or migrating off-site and obtain samples from the wells; and

(9) conduct tests, analyses, and evaluations of soil, groundwater, surface water, and air to determine whether the requirements of these regulations are being met.

(b) If, during the inspection, unsafe or unpermitted hazardous waste management procedures are discovered

(continued)

ered, the operator of the facility may be instructed by the secretary's representative to retain and properly store hazardous wastes, pertinent records, samples, and other items. These materials shall be retained by the operator until the waste has been identified and the department determines the proper procedure to be used in handling the waste.

(c) When obtaining samples, the facility operator shall be allowed to collect duplicate samples for separate analyses.

(d) During the inspection, all reasonable security, safety, and sanitation measures employed at the facility shall be followed by the secretary's representative.

(e) A written report listing all deficiencies found during the inspection and stating the measures required to correct the deficiencies shall be prepared and sent to the operator. (Authorized by and implementing K.S.A. 1997 Supp. 65-3431; effective May 1, 1982; amended, T-85-42, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1987; amended June 4, 1999.)

28-31-13. Variances. (a) Application. Any person may request a variance from specific provisions of these rules and regulations by submitting an application on a form provided by the department. The applicant shall state the reasons and circumstances that support the request and shall submit all other pertinent data to support the request.

(b) Review and public comment. A tentative decision to grant or deny a variance shall be made within 60 days of receipt of the application by the secretary, and a notice of the tentative decision shall be published in the Kansas register and in a newspaper in the county in which the variance is requested for written public comment. Upon the written request of any interested person, a public meeting may be held to consider comments on the tentative decision. The person requesting a meeting shall state the issues to be raised and shall explain why written comments would not suffice to communicate the person's views. After evaluating all public comments, a final decision shall be made by the secretary, and a notice of the final decision shall be published in the Kansas register. If approved, all conditions and time limitations needed to comply with all applicable state or federal laws or to protect human health or safety or the environment shall be specified by the secretary. The date after which the variance shall no longer be valid shall be provided in the final decision.

(c) Extension of a prior or existing variance. Any person may submit a request in writing to extend a prior or existing variance. The person shall demonstrate need for continuation of the variance. The variance may be reissued or extended for another period upon finding by the secretary that the reissuance or extension of the variance would not endanger human health or safety or the environment. Review and public comment procedures shall be the same as those specified in subsection (b).

(d) Termination of a variance. Any variance may be terminated, if the secretary finds one or more of the following conditions:

(1) Violation of any requirement, condition, schedule, or limitation of the variance;

(2) operation under the variance that fails to meet the minimum requirements established by state or federal law or regulations; or

(3) operation under the variance that is unreasonably threatening human health or safety or the environment. Written notice of termination shall be provided to the person granted the variance.

(e) Emergency variances. If an incident involving hazardous waste requires immediate action to protect human health or safety or the environment, an emergency variance may be granted by the department from all requirements or any specific requirement of the Kansas hazardous waste regulations. The emergency variance shall remain in effect until the incident no longer presents an immediate hazard to human health or safety or the environment. (Authorized by and implementing K.S.A. 1997 Supp. 65-3431; effective May 1, 1982; amended, T-85-42, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1987; amended June 4, 1999.)

28-31-14. Land disposal restrictions. 40 CFR Part 268, as in effect on July 1, 1996, is adopted by reference. (Authorized by and implementing K.S.A. 1997 Supp. 65-3431; effective May 1, 1988; amended Feb. 5, 1990; amended April 25, 1994; amended June 4, 1999.)

28-31-15. Universal waste. 40 CFR Part 273, as in effect on July 1, 1996, is adopted by reference. (Authorized by and implementing K.S.A. 1997 Supp. 65-3431; effective June 4, 1999.)

28-31-16. Used oil. (a) 40 CFR Part 279, as in effect on July 1, 1996, is adopted by reference, except for 279.10(b)(3).

(b) Mixtures of used oil and hazardous waste generated by any small quantity generator shall be subject to regulation as used oil in accordance with K.A.R. 28-31-4(p)(3)(A).

(c) No person shall use used oil as a pesticide carrier, sealant, or coating, or for any other similar purpose.

(d) Each seller of more than 500 gallons per year of lubricating oil or other oil in containers for use off the premises shall post and maintain, near the point of sale, durable and legible signs informing the public of the importance of collection and recycling of used oil. The signs shall indicate how and where used oil may be recycled and shall include locations and hours of operation of conveniently located collection facilities. (Authorized by and implementing K.S.A. 1997 Supp. 65-3431; effective June 4, 1999.)

Article 65.—EMERGENCY PLANNING AND RIGHT-TO-KNOW

28-65-1. General provisions. (a) Any reference by these rules and regulations to standards, procedures, or requirements of 40 C.F.R. Parts 350, 355, 370, and 372, as in effect on July 1, 1998 shall constitute a full adoption by reference of the part, subpart, and paragraph so referenced, including any notes and appendices associated therewith, unless otherwise specifically stated in these regulations. When the same word is defined both in the Kansas statutes and in any federal regulation adopted by reference in the regulations and the definitions are not

identical, the definition prescribed in the Kansas statutes shall control.

(b) When used in any provisions adopted from 40 C.F.R. Parts 350, 355, 370, and 372, as in effect on July 1, 1998, the following changes shall apply:

(1) The words "the United States" shall be replaced with the words "the state of Kansas."

(2) "Environmental protection agency" shall be replaced with the "Kansas department of health and environment."

(3) "Administrator" or "regional administrator" shall be replaced with the "secretary of the department of health and environment."

(4) "Federal register" shall be replaced with "Kansas register." (Authorized by and implementing K.S.A. 65-5704; effective, T-88-62, Dec. 30, 1987; effective May 1, 1988; amended Nov. 22, 1993; amended June 4, 1999.)

28-65-2. Definitions. (a) "Commission" means the Kansas state emergency response commission established under K.S.A. 65-5703, and amendments thereto.

(b) "Department" means the Kansas department of health and environment.

(c) "Extremely hazardous substance" means a substance listed in the appendices to 40 C.F.R. Part 355, emergency planning and notification, as in effect on July 1, 1998 or on the list of Kansas reportable chemicals authorized by K.S.A. 65-5704, and amendments thereto.

(d) "Facility" means all buildings, equipment, structures, and other stationary items that are located on a single site or on contiguous or adjacent sites and that are owned or operated by the same person, or by any person who controls, is controlled by, or is under common control with, that person. For purposes of emergency release notification, the term includes motor vehicles, rolling stock, and aircraft.

(e) "Federal act" means Title III of the superfund amendments and reauthorization act of 1986, P.L. 99-499, and the emergency planning and community right-to-know act of 1987.

(f) "Hazardous chemical" has the meaning given to that term by 40 C.F.R. Part 370, hazardous chemical reporting: community right-to-know, as in effect on July 1, 1998.

(g) "Kansas tier II form" or "tier II form" means the hazardous chemical inventory form developed by the Kansas department of health and environment.

(h) "Kansas tier II software" means the computer software developed for the Kansas department of health and environment to allow facilities to file Kansas tier II information by electronic submission.

(i) "Material safety data sheets (MSDS)" means reporting sheets required under the occupational safety and health act at 15 U.S.C. 651 et seq., hazard communication program, 29 C.F.R. 1910.1200, as in effect on July 1, 1998.

(j) "Operator" means the owner or owner's designee who is director of a business, service, or industrial concern and conducts the affairs or manages an activity.

(k) "Owner" means proprietor or the person in whom is vested ownership, dominion, possession, or title of property.

(l) "Petroleum fuels" means the following refined petroleum products:

- (1) Gasoline;
- (2) gasohol;
- (3) aviation fuels; and
- (4) diesel #1 and #2. (Authorized by and implementing K.S.A. 65-5704; effective, T-88-62, Dec. 30, 1987; effective May 1, 1988; amended Nov. 22, 1993; amended Nov. 28, 1994; amended June 4, 1999.)

28-65-3. Submitting notifications and reports. (a) Except as provided in K.A.R. 28-65-4(e)(3), each notification and report required to be submitted to the commission under sections 302, 311, and 312 of the federal act and these regulations shall be completed using the Kansas tier II form or the Kansas tier II software. The Kansas tier II form or the Kansas tier II software shall be submitted to the bureau of air and radiation of the department.

(b) Each toxic chemical release form submitted pursuant to the requirements of section 313 of the federal act shall be submitted to the bureau of air and radiation, of the department before July 1 of each year for the previous calendar year.

(c) Each emergency release notification submitted pursuant to the requirements of section 304 of the federal act shall be submitted to the division of emergency preparedness of the adjutant general's department.

(d) Hazardous chemical and extremely hazardous substance information submitted under the provisions of sections 302, 311, and 312 of the federal act and subsection (a) of this regulation may be submitted in an alternative aggregate format that includes more than one facility if the following conditions are met:

(1) The facilities reported are under common ownership or a common operator.

(2) A separate listing, including the names and locations of the facilities to which the Kansas tier II form or the Kansas tier II software is to apply, is submitted with the report.

(3) The chemical types and quantities reported on the Kansas tier II form or the Kansas tier II software are similar and representative of those present at all facilities listed.

(4) The proposed alternative aggregate format has been previously reviewed and approved by the department for compliance with the requirements of this article.

(e) Each owner or operator of a facility required to report under this regulation shall notify the department within 60 days following either of the following:

(1) A change in the name, address, or both, of the owner or operator responsible for filing the facility report; or

(2) facility closure. (Authorized by and implementing K.S.A. 65-5704; effective, T-88-62, Dec. 30, 1987; effective May 1, 1988; amended, T-89-19, May 27, 1988; amended Sept. 26, 1988; amended Nov. 22, 1993; amended Nov. 28, 1994; amended June 4, 1999.)

Clyde D. Graeber
Acting Secretary of Health
and Environment

State of Kansas

**Office of Judicial Administration
Court of Appeals**

Summary Calendar - No Oral Argument Docket

Tuesday, June 8, 1999

Before Brazil, C.J.; Pierron, J.; and Rogg, S.J., assigned.

Case No.	Case Name	Attorneys	County
80,592	State of Kansas, Appellee, v. Mark T. Boyle, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D.	Sedgwick
80,990	State of Kansas, Appellee, v. Michael J. Money, Appellant.	Attorney General County Attorney Jessica R. Kunen, Chief A.D.	Butler
81,125	Affiliated Attorneys of Pistotnik Law Offices, P.A., Appellant, v. Allied Mutual Ins. Co., Appellee.	Paul D. Leader E. Craig Kennedy	Sedgwick
81,229	State of Kansas, Appellee, v. Jerry D. Templin, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D.	Sedgwick
81,385	City of Dodge City, Appellee, v. Bruce Page, Appellant.	Terry J. Malone Barry K. Gunderson	Ford
81,440	Artis Swafford, Appellant, v. State of Kansas, Appellee.	Patrick H. Thompson Attorney General County Attorney	Saline
82,133	In the Matter of the Adoption of C.A.S. and A.M.S., Minor Children.	Mike Roach T. Michael Wilson	Sedgwick
82,343	Michael L. Backes, Appellant, v. Kansas Parole Bd., et al., Appellees.	Cheryl A. Marquardt Hskingkan Chiang	Leavenworth
80,609	State of Kansas, Appellee, v. Lloyd P. Adams, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D.	Sedgwick
80,695	State of Kansas, Appellee, v. Robert E. Lowe, Jr., Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D.	Sedgwick
80,950	Craig E. Hogue, Appellant, v. Jeremy Johnson, Appellee.	Timothy J. King Ron Campbell Lyndon W. Vix	Sedgwick
81,061	Jimmy Hamby, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General Frank E. Kohl, C.A.	Leavenworth
81,398, 81,399	State of Kansas, Appellee, v. Walter L. Jenkins, Appellant.	Attorney General Don L. Scott, C.A. Jessica R. Kunen, Chief A.D.	Seward
81,769	Shirley Lebien, Appellant, v. Astle Realty, Inc., Appellee.	Trish Rose Kenneth E. Peirce	Reno
82,436	In the Interest of: J.J., dob: 09/23/86 H.A.J., dob: 11/18/92 E.T.L., dob: 10/13/94, Minor Children Under 18 Years of Age.	Roger Batt Allison Belt	Sedgwick

82,458	In the Matter of the Marriage of Marck R. Cobb, Appellee, and Cheryl L. Cobb, Appellant.	Donald E. Lambdin Sheila J. Floodman	Sedgwick
79,863	State of Kansas, Appellee, v. Jose Socorro Acuna, Appellant.	Attorney General Lois K. Malin, Asst. C.A. Jessica R. Kunen, Chief A.D.	Finney
81,206	Lee A. Webb, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General Don L. Scott, C.A.	Seward
81,526	Greg K. Reed, Appellant, v. Claudia Jo King, Appellee.	Greg K. Reed, pro se Martin J. Keenan	Rice
81,625	William A. Foy, Appellant, v. State of Kansas, Charles Simmons, et al., Appellees.	Paula D. Hofaker Robert E. Wasinger	Norton
81,727	Keith A. Barrett, Appellee, v. Ervin R. Wright, Appellant.	Dean D. Garland Ervin Wright, pro se	Johnson
82,109	In the Interest of: J.L.F., dob: 10/18/89 J.T.P., dob: 05/16/92 J.W.P., dob: 03/23/93 S.M.P., dob: 06/13/94 J.L.P., dob: 02/05/96, Minor Children Under 18 Years of Age.	William R. Griffith Dale F. Kelso	Sedgwick
82,111	Patricia Barrett, Appellant, v. Central Kansas Medical Ctr., Appellee.	Trish Rose Alan L. Rupe	Pawnee
82,267	In the Matter of the Application of Silver Maple Camp, Inc., for Exemption from Ad Valorem Taxation in Kingman County, Kansas.	Theodore C. Geisert Laurel D. McClellan, C.A.	Tax Appeal
Before Elliott, P.J.; Lewis, J.; and Paddock, S.J., assigned.			
Case No.	Case Name	Attorneys	County
79,661	Kent Kloster, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General District Attorney	Johnson
80,348	State of Kansas, Appellee, v. Randall S. Sokolaski, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D.	Johnson
80,898	Tony Walker, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General Lois K. Malin, Asst. C.A.	Finney
81,045	State of Kansas, Appellee, v. David B. Voorhees, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D.	Sedgwick
81,096	State of Kansas, Appellee, v. John Robert King, a/k/a John Dumas, a/k/a John Dumes, Appellant.	Attorney General Robyn Euler Johnson, C.A. Jessica R. Kunen, Chief A.D.	Doniphan
81,602	State of Kansas, Appellee, v. Duane W. Hacker, Appellant.	Attorney General Thomas R. Stanton, Asst. C.A. Jessica R. Kunen, Chief A.D.	Saline
81,615	Mid-Century Ins. Co., Appellant, v. Jimmy D. Leighty, Appellee.	Gary L. Fanning, Jr. Dan M. McCulley	Geary

(continued)

81,985	Ronald Beasley, Appellee, v. Terry Faelber, d/b/a AGD Security Company, Respondent and Uninsured, and Workers Compensation Fund, Appellant.	Gregory G. Lower Robert E. Shaver Christopher J. McCurdy	Work Comp
81,161	State of Kansas, Appellee, v. Carlos Chairez-Rodriguez, Appellant.	Attorney General William T. Stetzer, C.A. Jessica R. Kunen, Chief A.D.	Ford
81,212	State of Kansas, Appellee, v. Mary Margaret Baker, Appellant.	Attorney General Brian R. Sherwood, Asst. C.A. Jessica R. Kunen, Chief A.D.	Finney
81,455	William Cheatham, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General Steven J. Obermeier, Asst. D.A.	Johnson
81,530	David L. Sponsel, Appellee, v. National Beef Packing Co., and Wausau Underwriters Ins. Co., Appellants.	Lawrence M. Gurney Shirla R. McQueen	Work Comp
81,577	John Wyatt Weaver, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General Steven J. Obermeier, Asst. D.A.	Johnson
81,669	State of Kansas, <i>ex rel.</i> , Appellee, v. Sacramento Lopez, Appellant.	Randy M. Barker J.R. Russell Judith C. Hedrick	Wyandotte
81,845	Phillip Brown, Appellee, v. Kansas Dept. of Social and Rehabilitation Services, Appellant.	Michael E. Riling Stacy A. Jeffress	Douglas
82,552	Christopher Sampson, Appellant, v. Robert D. Hannigan, <i>et al.</i> , Appellees.	Christopher Sampson, pro se Jon D. Graves	Reno
79,885	State of Kansas, Appellee, v. George N. McGary, Appellant.	Attorney General Geoffrey Clark, Asst. C.A. Jessica R. Kunen, Chief A.D.	Bourbon
81,175	State of Kansas, Appellee, v. Brandon T. Derber, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Junen, Chief A.D.	Sedgwick
81,200	Richard D. Burk, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General John W. Withee, Asst. D.A.	Shawnee
81,357	State of Kansas, Appellee, v. Annikki Leann Phillips, Appellant.	Attorney General Thomas R. Stanton, Asst. C.A. Jessica R. Kunen, Chief A.D.	Saline
81,498	State of Kansas, Appellee, v. Frederick B. Byrd, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D.	Johnson
81,534	Thomas E. Darnell, Appellee, v. Ronald Herpich Trucking, Appellee, and Uninsured, and Kansas Workers Compensation Fund, Appellant.	Davy C. Walker J. Paul Maurin III Robert L. Kennedy	Work Comp

Case No.	Case Name	Attorneys	County
81,564	Michael Dorsey, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General Robert A. Walsh, C.A.	Cloud
82,421	In the Interest of S.S., S.S., and B.S.	Robert A. Walsh, C.A. Janice Norlin Kenneth A. Remfry, Jr.	Cloud
Before Royse, P.J.; Green J.; and Wahl, S.J., assigned.			
79,527	State of Kansas, Appellee, v. Andrew S. Mavrovich, Appellant.	Attorney General County Attorney A.S. Mavrovich	Jefferson
81,163	State of Kansas, Appellee, v. Jerry Marshall, Appellant.	Attorney General David C. Smith, Asst. D.A. Jessica R. Kunen, Chief A.D.	Wyandotte
81,224	State of Kansas, Appellee, v. Craig M. Starnes, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D.	Sedgwick
81,286	Michelle Sommers, Appellant, v. Jeff W. Berberick, Appellee.	Gary L. Fanning, Jr. Brock R. Snyder	Shawnee
81,446 81,447	State of Kansas, Appellee, v. John E. Goins III, Appellant.	Attorney General Frank E. Kohl, C.A. Jessica R. Kunen, Chief A.D.	Leavenworth
81,839	Hulda Clanton, Appellant, v. Michael P. Estivo, D.O., Appellee.	Steven W. Cole David W. Steed	Sedgwick
81,987	City of Manhattan, Appellee, v. Curtis Henning, Appellant.	Christopher P. Getty Ted E. Smith	Riley
82,034	Robert A. White, Appellant, v. UARCO, Inc., and CNA Insurance Co., Appellees, and Kansas Workers Compensation Fund, Appellee.	Matthew S. Crowley Eugene C. Riling John W. Nitcher Anton C. Andersen Douglas M. Greenwald	Work Comp
80,189 80,213	State of Kansas, Appellee, v. Frank J. Wilkins, Appellant.	Attorney General James R. Spring, Deputy C.A. Nicholas M. St. Peter	Cowley
80,885	State of Kansas, Appellee, v. Michael A. Uhl, Appellant.	Attorney General Brett W. Berry, Asst. D.A. Jessica R. Kunen, Chief A.D.	Shawnee
80,989	James F. Garrett, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General County Attorney	Crawford
81,145	State of Kansas, Appellee, v. Tania L. McGill, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D.	Sedgwick
81,221	State of Kansas, Appellee, v. Johnathan Ray Jensen, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D.	Sedgwick
81,306	Terrance R. Hawbaker, Appellant, v. James R. Turnbull Painting and Insurance Co. of North America, Appellees.	Henry O. Boaten Michael W. Downing	Work Comp

(continued)

81,700	State of Kansas, Appellant, v. Jason Rayl, Appellee.	Attorney General Keith E. Schroeder, Asst. C.A. Charles A. O'Hara	Reno
81,055	In the Matter of the Marriage of Timothy E. Nepote, Appellee, and Martha J. Rosenberger, formerly Nepote, Appellant.	Kurt F. Kluin Daniel D. Creitz	Neosho
80,350	State of Kansas, Appellee, v. Parish E. Bourn, Appellant.	Attorney General Timothy J. Chambers, C.A. Jessica R. Kunen, Chief A.D.	Reno
80,507	State of Kansas, Appellee, v. Darryl D. Webber, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D.	Johnson
80,614	State of Kansas, Appellee, v. Ryan J. Bolen, Appellant.	Attorney General Julie McKenna, C.A. Jessica R. Kunen, Chief A.D.	Saline
81,537	Rita Del Rio, Appellee, v. Riverside Hospital and Phico Insurance Co., Appellants.	Gerard C. Scott Jeffrey S. Austin	Work Comp
81,568	State of Kansas, Appellee, v. John S. Marshall, Appellant.	Attorney General County Attorney Jessica R. Kunen, Chief A.D.	Crawford
81,618	In the Matter of the Marriage of Tracy Bynum, Appellant, and James Bynum, Appellee.	William Cather Jennifer A. Wagle	Sedgwick
81,793	State of Kansas, Appellee, v. Roger L. Biggs, Appellant.	Attorney General R. Douglas Sebelius, C.A. Daniel C. Walter	Norton
81,994	Lee Kesha Henderson, Appellee, v. City of Kansas City, KS, Appellant.	Lee Kesha Henderson Thomas T. O'Neill Paul Hasty, Jr. Maurice J. Ryan	Wyandotte

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

Case No.	Case Name	Attorneys	County
81,013	State of Kansas, Appellee, v. Robert L. McNabb, Appellant.	Attorney General Stephen A. Hilgers, C.A. Jessica R. Kunen, Chief A.D.	McPherson
81,082 81,222	State of Kansas, Appellee, v. Peter J. Smith, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D.	Sedgwick
81,492	State of Kansas, Appellee, v. James Ray Henry, Appellant.	Attorney General Linus A. Thuston, C.A. Jessica R. Kunen, Chief A.D.	Neosho
80,665	In the Matter of the Marriage of Catherine M. Smith, Appellee, and Bruce W. Smith, Appellant.	J. Bradley Short Christopher E. Lucas	Johnson
80,707	State of Kansas, Appellee, v. Vincent Larae Ransom, Appellant.	Attorney General Ty Kaufman, C.A. Jessica R. Kunen, Chief A.D.	McPherson
80,959	State of Kansas, Appellee, v. Rene Martinez-Lumbreras, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D.	Sedgwick

80,536	State of Kansas, Appellee, v. Alan O. Rhone, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D.	Sedgwick
81,083	State of Kansas, Appellee, v. Anna B. Patrick, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D.	Sedgwick
81,123	State of Kansas, Appellee, v. Julius Scott Miller, Jr., Appellant.	Attorney General Angela M. Wilson, Asst. D.A. Jessica R. Kunen, Chief A.D.	Douglas

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

Case No.	Case Name	Attorneys	County
81,156	Dennis Wallace, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General John L. Swarts III, C.A.	Bourbon
81,236	Gregory W. Abraham, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General Debra S. Peterson, Asst. D.A.	Sedgwick
81,276	State of Kansas, Appellee, v. Carl W. Teague, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D.	Sedgwick
81,249	State of Kansas, Appellee, v. Charles D. Brown, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Kiehl Rathbun	Sedgwick
81,412	Lela Wainner, Appellee, v. James L. Wainner and Luella F. Wainner, Appellants.	Randall C. Henry Kenneth E. Peirce	Reno
81,693	Thomas D. Rimmel, Jr., Appellee, v. The Boeing Company, and Aetna Casualty & Surety Co., Appellant.	Timothy J. Pringle Stephen M. Kerwick	Work Comp
81,381	State of Kansas, Appellee, v. Francisco J. Rojas-Sanchez, Appellant.	Attorney General Don L. Scott, C.A. Jessica R. Kunen, Chief A.D.	Seward
81,426	State of Kansas, Appellee, v. Armando B. Gonzalez, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Sandrine Lisk-Anani	Sedgwick
81,616	Mitchell Wayne Thomas, Appellant, v. Dr. Zita Calderon and Larned State Hospital, et al., Appellees.	Mitchell Wayne Thomas, pro se Brenda Hagerman	Pawnee

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

Case No.	Case Name	Attorneys	County
81,776	Steven Smith, Appellee, v. Edy Ikenokwalu, Appellant.	Steven Smith, pro se Edy Ikenokwalu, pro se	Johnson
82,154	Herman Froelich, Appellant, v. Harold Dubois, Appellee.	Carlton W. Kennard Brian Johnston	Cherokee
81,619	Daniel R. Hopkins, Appellant, v. State of Kansas, Appellee.	Stephen W. Kessler Attorney General Brenda Taylor-Mader, Asst. D.A.	Shawnee

(continued)

82,193	Doris M. Fisher, Appellant, v. State of Kansas (University of Kansas), and State Self-Insurance Fund, Appellees.	Chris Miller Scott M. Gates	Work Comp
82,196	Frank L. Kirtdoll, Appellant, v. Nancy Eagan, Dorotha Coward, Calvin Millar, Top-Kan, Inc., Milleagan, Inc., Appellees.	Frank L. Kirtdoll, pro se J. Roger Hendrix Elwaine F. Pomeroy	Shawnee
81,687	Pedro Munoz, Appellee, v. National Beef Packing, and Wausau Underwriters, Appellants.	Lawrence M. Gurney Kerry McQueen	Work Comp
82,040	State of Kansas, <i>ex rel.</i> , Appellee, v. Robert T. Tatro, Appellant.	Rebecca A. Bartee Greg L. Bauer	Barton
82,074	In the Matter of the Marriage of Donna J. Schoby, Appellee, and David Scott Schoby, Appellant.	Charles W. Harper Mark Edwards	Geary
Before Knudson, P.J.; Rulon and Gernon, JJ.			
Case No.	Case Name	Attorneys	County
82,192	Rex W. Winn, Individually, and as Administrator with Will Annexed of the Estate of Elva F. Winn, Deceased, Appellant, v. Jay Eldon Bannister, Robert T. Bannister, and Scott Alan Bannister, Appellees.	Charles E. Watson Martin J. Peck	Sumner
82,253	In the Matter of the Marriage of Ruth M. Stair, Appellee, and Gregg L. Stair, Appellant.	Steven B. Doering Thomas A. Krueger	Anderson
82,252	In the Matter of the Marriage of Debra Jo Cranford (Miller), Appellee, and Richard Warren Cranford, Appellant.	J. Douglas Miller J. Gregory Swanson	Seward
82,280	John J. Jones, Appellant, v. Kansas Highway Patrol, Appellee.	John M. Jones, pro se John M. Cassidy	Shawnee
81,746	Delores Dutton-Deal, Appellee, v. Detroit Diesel Remanufacturing-Central and Old Republic Insurance Co., Appellants.	Michael G. Patton Richard W. Morefield, Jr.	Work Comp
80,766	Terry R. Garrison, Appellant, v. Dionne Scherff, Appellee.	Terry R. Garrison, pro se F. Charles Dunley, Asst. County Counselor	Wyandotte

Carol G. Green
Clerk of the Appellate Courts

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. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the index to the 1997 Volumes of the *Kansas Administrative Regulations* and the 1998 Supplement to the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-2-46	Amended	V. 17, p. 1369
1-2-77	New	V. 17, p. 1370
1-5-9	Amended	V. 17, p. 1370
1-5-10	Amended	V. 17, p. 1370
1-5-14	Amended	V. 17, p. 1370
1-5-15	Amended	V. 17, p. 1370
1-6-22a	Amended	V. 17, p. 1371
1-6-30	Amended	V. 17, p. 1371
1-9-23	Amended	V. 17, p. 1371
1-9-25	Amended	V. 17, p. 1372
1-9-26	Amended	V. 17, p. 1375
1-10-6	Amended	V. 17, p. 1376
1-16-18	Amended	V. 17, p. 945
1-16-18a	Amended	V. 17, p. 946
1-18-1a	Amended (T)	V. 18, p. 356
1-39-1 through 1-39-4	New	V. 17, p. 1678

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-7-213	Amended	V. 17, p. 171
4-7-213a	New	V. 17, p. 171
4-20-11	Amended (T)	V. 18, p. 13
4-20-11	Amended	V. 18, p. 418
4-20-15	New (T)	V. 18, p. 11
4-20-15	New	V. 18, p. 418
4-21-1 through 4-21-6	New (T)	V. 18, p. 11-13
4-21-1 through 4-21-6	New	V. 18, p. 418-420

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-34-1	Revoked	V. 17, p. 1679
7-39-1	New	V. 17, p. 1679

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Reg. No.	Action	Register
9-7-10	Amended	V. 17, p. 364
9-10-33 through 9-10-39	New	V. 17, p. 364, 365
9-20-4	New	V. 18, p. 161

AGENCY 11: STATE CONSERVATION COMMISSION

Reg. No.	Action	Register
11-9-1 through 11-9-10	New	V. 18, p. 79, 80

AGENCY 16: ATTORNEY GENERAL

Reg. No.	Action	Register
16-1-7	New	V. 17, p. 1620
16-2-1	Revoked	V. 17, p. 1620

16-2-1a	New	V. 17, p. 1620
16-3-1	Amended	V. 17, p. 1620
16-5-1	Amended	V. 17, p. 1621
16-6-1	Amended	V. 17, p. 1621
16-6-3	New	V. 17, p. 1621

AGENCY 17: STATE BANK COMMISSIONER

Reg. No.	Action	Register
17-24-1	New (T)	V. 18, p. 484
17-24-2	New (T)	V. 18, p. 484

AGENCY 25: DEPARTMENT OF AGRICULTURE (KANSAS STATE GRAIN INSPECTION)

Reg. No.	Action	Register
25-5-1	New	V. 18, p. 53

AGENCY 26: DEPARTMENT ON AGING

Reg. No.	Action	Register
26-1-2	Amended	V. 18, p. 188
26-1-4	Amended	V. 18, p. 544
26-1-6	Amended	V. 18, p. 544
26-1-9	New	V. 18, p. 188

AGENCY 27: STATE CORPORATION COMMISSION (KANSAS ENERGY OFFICE)

Reg. No.	Action	Register
27-2-1	Revoked	V. 18, p. 231

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-1-4	Amended	V. 17, p. 1505
28-1-13	Amended	V. 17, p. 461
28-1-25	Revoked	V. 18, p. 105
28-4-525 through 28-4-529	Revoked	V. 17, p. 1149
28-18-1 through 28-18-4	Amended	V. 17, p. 1971-1974
28-18-5 through 28-18-15	New	V. 17, p. 1974-1977
28-18a-1 through 28-18a-32	New	V. 17, p. 1977-1994
28-19-50	Revoked	V. 18, p. 50
28-19-52	Revoked	V. 18, p. 50
28-19-70	Amended	V. 17, p. 588
28-19-201	Amended	V. 18, p. 106
28-19-202	Amended	V. 17, p. 122
28-19-517	Amended	V. 17, p. 144
28-19-546	Amended	V. 17, p. 144
28-19-561	Amended	V. 17, p. 144
28-19-562	Amended	V. 17, p. 145
28-19-563	Amended	V. 17, p. 146
28-19-564	New	V. 17, p. 589
28-19-650	New	V. 18, p. 50
28-29-12	Amended	V. 17, p. 1026
28-29-25d	New	V. 17, p. 1931
28-29-27	Amended	V. 17, p. 1026
28-29-98	Amended	V. 17, p. 1087
28-29-108	Amended	V. 17, p. 1027
28-29-109	New	V. 17, p. 1031
28-36-30	Amended	V. 17, p. 1679
28-52-2	New	V. 17, p. 168
28-52-3	New	V. 17, p. 168
28-52-4	New	V. 17, p. 168
28-68-3	Amended	V. 17, p. 547
28-70-1	New	V. 17, p. 168
28-70-2	New	V. 17, p. 168
28-70-3	New	V. 17, p. 169
28-71-1 through 28-71-12	New	V. 17, p. 959-964

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-2-12	Amended	V. 18, p. 271
30-4-39	Amended	V. 17, p. 932
30-4-50	Amended	V. 17, p. 933
30-4-52	Amended	V. 17, p. 933
30-4-54	Amended	V. 17, p. 933

30-4-55	Amended	V. 17, p. 934
30-4-64	Amended	V. 18, p. 271
30-4-70	Amended	V. 17, p. 935
30-4-110	Amended	V. 17, p. 936
30-4-111	Amended	V. 17, p. 1837
30-4-140	Amended	V. 17, p. 938
30-5-64	Amended	V. 17, p. 1838
30-5-70	Amended	V. 17, p. 1376
30-5-78	Amended	V. 17, p. 1378
30-5-82	Amended	V. 17, p. 1839
30-5-82a	Amended	V. 17, p. 1840
30-5-88	Amended	V. 17, p. 938
30-5-118	Amended	V. 17, p. 1840
30-5-118a	Amended	V. 17, p. 1841
30-5-118b	New	V. 17, p. 1842
30-5-300	Amended	V. 17, p. 300
30-5-310	New	V. 17, p. 302
30-6-35	Amended	V. 17, p. 1580
30-6-36	Amended	V. 17, p. 1580
30-6-41	Amended	V. 17, p. 1581
30-6-52	Amended	V. 17, p. 939
30-6-54	Amended	V. 17, p. 940
30-6-65	Amended	V. 17, p. 940
30-6-70	Amended	V. 17, p. 941
30-6-77	Amended	V. 17, p. 1581
30-6-103	Amended	V. 17, p. 941
30-6-111	Amended	V. 17, p. 1844
30-6-112	Amended	V. 17, p. 943
30-10-1a	Amended	V. 17, p. 1845
30-10-2	Amended	V. 17, p. 1847
30-10-14	Amended	V. 17, p. 1168
30-10-15a	Amended	V. 17, p. 1848
30-10-15b	Amended	V. 17, p. 1850
30-10-17	Amended	V. 17, p. 1850
30-10-18	Amended	V. 17, p. 1852
30-10-25	Amended	V. 17, p. 1854
30-10-26	Amended	V. 17, p. 1855
30-10-28	Amended	V. 17, p. 1856
30-10-209	Amended	V. 17, p. 1168
30-14-1	New	V. 17, p. 1583
30-14-2	New	V. 17, p. 1583
30-14-3	New	V. 17, p. 1583
30-14-20 through 30-14-31	New	V. 17, p. 1584-1586
30-14-50	New	V. 17, p. 1586
30-63-1	Amended	V. 17, p. 1378
30-63-10	Amended	V. 17, p. 1378
30-63-13	Amended	V. 17, p. 1379
30-63-20 through 30-63-25	Amended	V. 17, p. 1380-1382
30-63-28	Amended	V. 17, p. 1383
30-63-30	Amended	V. 17, p. 1383
30-64-12	Amended	V. 17, p. 1384
30-64-22	Amended	V. 17, p. 1384
30-64-23	Amended	V. 17, p. 1385
30-64-24	Amended	V. 17, p. 1385
30-64-25	Amended	V. 17, p. 1386
30-64-27	Amended	V. 17, p. 1386
30-64-28	Amended	V. 17, p. 1386
30-64-29	Amended	V. 17, p. 1387
30-64-31	Amended	V. 17, p. 1387
30-64-32	Amended	V. 17, p. 1387

AGENCY 39: KANSAS TURNPIKE AUTHORITY

Reg. No.	Action	Register
39-1-1	Amended	V. 17, p. 1935
39-1-8	Revoked	V. 17, p. 1935
39-1-9	Amended	V. 17, p. 1935
39-1-14	Revoked	V. 17, p. 1936
39-1-19	Amended	V. 17, p. 1936
39-3-1 through 39-3-8	Revoked	V. 17, p. 1936
39-5-1	Revoked	V. 17, p. 1936
39-6-1	Revoked	V. 17, p. 1936
39-6-2	Revoked	V. 17, p. 1936

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-35	Revoked	V. 17, p. 1837
40-1-45	New	V. 17, p. 1211

(continued)

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-2-1	Amended	V. 17, p. 1087
88-3-1	Amended	V. 17, p. 1087
88-3-2	Amended	V. 17, p. 1087
88-3-5	Revoked	V. 17, p. 1088
88-3-9	Amended	V. 17, p. 208
88-3-11	Amended	V. 17, p. 1088
88-3-13	New	V. 17, p. 1088

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-5-1	Amended	V. 17, p. 1802
91-5-1a	Amended	V. 17, p. 1802
91-5-2	Revoked	V. 17, p. 1803
91-5-4	Amended	V. 17, p. 1803
91-5-8	Revoked	V. 17, p. 1803
91-5-9	Amended	V. 17, p. 1803
91-5-10	Revoked	V. 17, p. 1803
91-5-11	Revoked	V. 17, p. 1803
91-5-13	Amended	V. 17, p. 1803

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-19-1a	Revoked	V. 17, p. 949
92-19-1b	New	V. 17, p. 949
92-19-3	Amended	V. 17, p. 949
92-19-8	Revoked	V. 17, p. 950
92-19-13	Revoked	V. 17, p. 950
92-19-13a	New	V. 17, p. 950
92-19-16	Revoked	V. 17, p. 950
92-19-18	Revoked	V. 17, p. 950
92-19-18a	New	V. 17, p. 950
92-19-19	Revoked	V. 17, p. 950
92-19-25a	Revoked	V. 17, p. 951
92-19-25b	New	V. 17, p. 951
92-19-27a	Revoked	V. 17, p. 952
92-19-30	Amended	V. 17, p. 952
92-19-32	Revoked	V. 17, p. 954
92-19-34	Revoked	V. 17, p. 954
92-19-35	Revoked	V. 17, p. 954
92-19-39	Revoked	V. 17, p. 954
92-19-49	Revoked	V. 17, p. 954
92-19-49a	New	V. 17, p. 954
92-19-66a	Revoked	V. 17, p. 956
92-19-66b	Amended	V. 17, p. 956
92-19-66d	Revoked	V. 17, p. 957
92-19-66e	New	V. 17, p. 957
92-19-68	Revoked	V. 17, p. 959
92-19-78	Revoked	V. 17, p. 959
92-21-18	Revoked	V. 17, p. 959
92-21-21	Revoked	V. 17, p. 959

AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION

Reg. No.	Action	Register
93-3-1 through 93-3-4	Revoked	V. 17, p. 948
93-4-1	Revoked	V. 17, p. 948
93-4-2 through 93-4-6	New	V. 17, p. 948, 949

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

Reg. No.	Action	Register
99-25-1	Amended	V. 18, p. 189
99-25-2	Revoked	V. 17, p. 209
99-25-4 through 99-25-8	New	V. 17, p. 209, 210
99-27-1 through 99-27-5	New	V. 17, p. 210-212
99-30-5	Amended	V. 17, p. 212
99-30-6	Amended	V. 17, p. 212
99-31-5	Amended	V. 17, p. 212

99-31-6	Amended	V. 17, p. 213
99-40-47	New	V. 17, p. 213

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-1	Amended	V. 17, p. 509
100-15-1	Amended	V. 16, p. 1176
100-22-1	Amended	V. 17, p. 1644
100-23-1	Amended	V. 17, p. 299
100-24-1	Amended	V. 17, p. 1644
100-24-2	New	V. 17, p. 1644
100-24-3	New	V. 18, p. 483
100-29-3a	New	V. 17, p. 1323
100-29-7	Amended	V. 17, p. 510
100-49-4	Amended	V. 17, p. 510
100-54-1	Amended	V. 17, p. 1969
100-54-2	Amended	V. 17, p. 1969
100-54-3	Amended	V. 17, p. 1969
100-54-4	Amended	V. 17, p. 510
100-54-5	Amended	V. 17, p. 1969
100-54-6	Amended	V. 17, p. 1970
100-54-8	Amended	V. 17, p. 1970
100-54-9	Amended	V. 17, p. 1970
100-55-4	Amended	V. 17, p. 510
100-55-10	Revoked	V. 17, p. 510
100-60-1	Amended	V. 17, p. 510
100-69-5	Amended	V. 17, p. 510

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-1	Amended	V. 17, p. 1799
102-1-8	Amended	V. 17, p. 1800
102-1-12	Amended	V. 17, p. 1800
102-3-7	Revoked	V. 17, p. 426
102-3-7a	New	V. 17, p. 426
102-4-7a	New	V. 17, p. 318
102-5-7	Revoked	V. 17, p. 427
102-5-7a	New	V. 17, p. 427

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-2	New	V. 17, p. 462

AGENCY 111: KANSAS LOTTERY
 A complete index listing all regulations filed by the Kansas Lottery can be found in the Vol. 17, No. 53, December 31, 1998 issue of the Kansas Register. The Kansas Lottery regulations listed below were published after December 31, 1998.

Reg. No.	Action	Register
111-1-5	Amended	V. 18, p. 451
111-2-43 through 111-2-65	Revoked	V. 18, p. 330
111-2-67 through 111-2-71	Revoked	V. 18, p. 330, 331
111-2-74	Revoked	V. 18, p. 331
111-2-75	Revoked	V. 18, p. 331
111-2-76	Revoked	V. 18, p. 331
111-2-80	New	V. 18, p. 54
111-2-81	New	V. 18, p. 14
111-2-82	New	V. 18, p. 55
111-2-83	New	V. 18, p. 55
111-2-84	New	V. 18, p. 55
111-2-85	New	V. 18, p. 125
111-2-86	New	V. 18, p. 125
111-2-87	New	V. 18, p. 331
111-2-88 through 111-2-93	New	V. 18, p. 451-453
111-3-14	Amended	V. 18, p. 331
111-3-21	Amended	V. 18, p. 332
111-3-22	Amended	V. 18, p. 332
111-4-1364 through 111-4-1380	New	V. 18, p. 14-19

111-4-1381 through 111-4-1396	New	V. 18, p. 55-59
111-4-1397 through 111-4-1412	New	V. 18, p. 125-129
111-4-1413 through 111-4-1430	New	V. 18, p. 332-336
111-4-1423	Amended	V. 18, p. 453
111-4-1431 through 111-4-1443	New	V. 18, p. 454-457
111-5-24	Amended	V. 18, p. 130
111-5-28	Amended	V. 18, p. 130
111-5-31	Amended	V. 18, p. 457
111-5-75	New	V. 18, p. 59
111-5-76	New	V. 18, p. 457
111-7-134	Amended	V. 18, p. 336
111-9-97 through 111-9-102	New	V. 18, p. 337

AGENCY 112: KANSAS RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-4-1	Amended	V. 17, p. 511
112-4-22	Amended	V. 17, p. 512
112-4-22a	New	V. 17, p. 512
112-4-23	Amended	V. 17, p. 590
112-7-7	Amended	V. 17, p. 512
112-10-8	Amended	V. 17, p. 1968
112-12-9	Amended	V. 17, p. 213
112-16-11	Amended	V. 17, p. 590
112-18-21	Amended	V. 17, p. 60

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-3	Amended	V. 17, p. 462
115-2-6	New	V. 17, p. 462
115-4-1	Amended	V. 17, p. 463
115-4-7	Amended	V. 17, p. 464
115-11-2	Amended	V. 18, p. 484
115-17-1	Amended	V. 17, p. 1707
115-17-2	Amended	V. 17, p. 1707
115-17-4	Amended	V. 17, p. 1708
115-17-5	Amended	V. 17, p. 1708
115-17-6	Amended	V. 17, p. 1708
115-17-14	Amended	V. 17, p. 1709
115-18-12	Amended	V. 17, p. 1086
115-18-13	Amended	V. 17, p. 1414
115-20-2	Amended	V. 17, p. 1709
115-35-1	New	V. 17, p. 1710

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-2-1	Amended	V. 18, p. 294
117-2-2	Amended	V. 18, p. 295
117-3-1	Amended	V. 18, p. 296
117-3-2	Amended	V. 18, p. 296
117-4-1	Amended	V. 18, p. 297
117-4-2	Amended	V. 18, p. 298
117-5-1	Amended	V. 17, p. 465
117-5-2	New	V. 17, p. 465
117-5-3	New	V. 17, p. 465
117-6-3	Amended	V. 17, p. 1706
117-8-1	Amended	V. 17, p. 1167
117-8-2	New	V. 17, p. 1707

AGENCY 118: KANSAS STATE HISTORICAL SOCIETY

Reg. No.	Action	Register
118-1-1 through 118-1-4	Amended	V. 17, p. 1547, 1548
118-3-1 through 118-3-16	New	V. 17, p. 1549-1553

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 20, 1999.)

HOUSE BILL No. 2575

AN ACT concerning early retirement incentive programs; amending K.S.A. 1998 Supp. 71-212 and 72-5395 and repealing the existing sections.

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

Section 1. K.S.A. 1998 Supp. 71-212 is hereby amended to read as follows: 71-212. (a) The board of trustees of any community college may establish an early retirement incentive program for the benefit of the employees of the community college for the purpose of reducing, in whole or in part, the penalty under the federal insurance contributions act or the Kansas public employees retirement system, or both, for retirement of employees prior to the normal retirement age of 65 years. As used in this act, an "early retirement incentive program" is a program that provides cash payments, either in the form of a lump-sum payment at the beginning of the fiscal year, or in regular payments during the fiscal year. No payment pursuant to an early retirement incentive program as provided in this section shall be made prior to the retirement under the provisions of the Kansas public employees retirement system of any such employee of the community college. Commencing in the fiscal year that commenced in calendar year 1996 and at least once every three years thereafter, each board that has established or establishes an early retirement incentive program as provided in this section shall employ and pay an actuary who is a member of the American academy of actuaries and the society of actuaries under the employees retirement income security act to conduct an actuarial valuation of the liabilities of the program, except that the initial 1996 actuarial valuation shall not be required as provided in this section of any board that has conducted such an actuarial valuation of its early retirement incentive program within the preceding 18 months of the effective date of this act. Any early retirement incentive program established as provided in this section after the effective date of this act shall conduct the actuarial valuation as required in this section within six months of such establishment and at least once every three years thereafter. Each actuarial valuation required by this section shall be reported to the joint committee on pensions, investments and benefits by such board no later than January 1, 2000.

(b) The board of trustees of any community college shall not commence any new early retirement incentive programs from the effective date of this act until July 1, 2000.

(c) An early retirement incentive program established pursuant to subsection (a) prior to the effective date of this act is hereby declared valid.

Sec. 2. K.S.A. 1998 Supp. 72-5395 is hereby amended to read as follows: 72-5395. (a) The board of education of any school district may establish an early retirement incentive program for the benefit of the employees of the district for the purpose of reducing, in whole or in part, the penalty under the federal insurance contributions act or the Kansas public employees retirement system, or both, for retirement prior to the normal retirement age of 65 years. As used in this act, an "early retirement incentive program" is a program that provides cash payments, either in the form of a lump-sum payment at the beginning of the fiscal year, or in regular payments during the fiscal year. No payment pursuant to an early retirement incentive program as provided in this section shall be made prior to the retirement under the provisions of the Kansas public employees retirement system for any employee of the district. Commencing in the fiscal year that commenced in calendar year 1996 and at least once every three years thereafter, each board that has established

or establishes an early retirement incentive program as provided in this section, shall employ and pay an actuary who is a member of the American academy of actuaries and the society of actuaries and is an enrolled actuary under the employees retirement income security act to conduct an actuarial valuation of the liabilities of the program, except that the initial 1996 actuarial valuation shall not be required as provided in this section of any board that has conducted such an actuarial valuation of its early retirement incentive program within the preceding 18 months of the effective date of this act. Any early retirement incentive program established as provided in this section after the effective date of this act shall conduct the actuarial valuation as required in this section within six months of such establishment and at least once every three years thereafter. Each actuarial valuation required by this section shall be reported to the joint committee on pensions, investments and benefits by such board no later than January 1, 2000.

(b) The board of education of any school district shall not commence any new early retirement incentive programs from the effective date of this act until July 1, 2000.

(c) An early retirement incentive program established pursuant to subsection (a) prior to the effective date of this act is hereby declared valid.

Sec. 3. K.S.A. 1998 Supp. 71-212 and 72-5395 are hereby repealed.

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

(Published in the Kansas Register May 20, 1999.)

HOUSE BILL No. 2568

AN ACT concerning tobacco; relating to the master settlement agreement; concerning payment of moneys into escrow; concerning enforcement.

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

Section 1. (a) Cigarette smoking presents serious public health concerns to the state and to the citizens of the state. The surgeon general has determined that smoking causes lung cancer, heart disease and other serious diseases, and that there are hundreds of thousands of tobacco-related deaths in the United States each year. These diseases most often do not appear until many years after the person in question begins smoking.

(b) Cigarette smoking also presents serious financial concerns for the state. Under certain health-care programs, the state may have a legal obligation to provide medical assistance to eligible persons for health conditions associated with cigarette smoking, and those persons may have a legal entitlement to receive such medical assistance.

(c) Under these programs, the state pays millions of dollars each year to provide medical assistance for these persons for health conditions associated with cigarette smoking.

(d) It is the policy of the state that financial burdens imposed on the state by cigarette smoking be borne by tobacco product manufacturers rather than by the state to the extent that such manufacturers either determine to enter into a settlement with the state or are found culpable by the courts.

(e) On November 23, 1998, leading United States tobacco product manufacturers entered into a settlement agreement, entitled the "master settlement agreement," with the state. The master settlement agreement obligates these manufacturers, in return for a release of past, present and certain future claims against them as described therein; to pay substantial sums to the state (tied in part to their volume of sales); to fund a national foundation devoted to the interests of public health; and to make substantial changes in their advertising and marketing practices and corporate culture, with the intention of reducing underage smoking.

(f) It would be contrary to the policy of the state if tobacco product manufacturers who determine not to enter into such a settlement could use a resulting cost advantage to derive large, short-term profits in the years before liability may arise without ensuring that the state will have an eventual source of recovery from them if they are proven to have acted culpably. It is thus in the interest of the state to require that such manufacturers establish a reserve fund to guarantee a source of compensation and to prevent such manufacturers from deriving large, short-term profits and then becoming judgment-proof before liability may arise.

Sec. 2. As used in this act:

(a) "Adjusted for inflation" means increased in accordance with the

formula for inflation adjustment set forth in exhibit C to the master settlement agreement.

(b) "Affiliate" means a person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person. Solely for purposes of this definition, the terms "owns," "is owned" and "ownership" mean ownership of an equity interest, or the equivalent thereof, of 10% or more, and the term "person" means an individual, partnership, committee, association, corporation or any other organization or group of persons.

(c) "Allocable share" means allocable share as that term is defined in the master settlement agreement.

(d) "Cigarette" means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use and consists of or contains (1) any roll of tobacco wrapped in paper or in any substance not containing tobacco; or (2) tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or (3) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in clause (1) of this subsection (d). The term "cigarette" includes "roll-your-own" (i.e., any tobacco which, because of its appearance, type, packaging or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes). For purposes of this definition of "cigarette," 0.09 ounces of "roll-your-own" tobacco shall constitute one individual "cigarette."

(e) "Master settlement agreement" means the settlement agreement (and related documents) entered into on November 23, 1998, by the state and leading United States tobacco product manufacturers.

(f) "Qualified escrow fund" means an escrow arrangement with a federally or state chartered financial institution having no affiliation with any tobacco product manufacturer and having assets of at least \$1,000,000,000 where such arrangement requires that such financial institution hold the escrowed funds principal for the benefit of releasing parties and prohibits the tobacco product manufacturer placing the funds into escrow from using, accessing or directing the use of the funds' principal except as consistent with subsection (b)(2) of section 3 and amendments thereto.

(g) "Released claims" means released claims as that term is defined in the master settlement agreement.

(h) "Releasing parties" means releasing parties as that term is defined in the master settlement agreement.

(i) "Tobacco product manufacturer" means an entity that after the date of enactment of this act directly (and not exclusively through any affiliate):

(1) Manufactures cigarettes anywhere that such manufacturer intends to be sold in the United States, including cigarettes intended to be sold in the United States through an importer except where such importer is an original participating manufacturer, as that term is defined in the master settlement agreement, that will be responsible for the payments under the master settlement agreement with respect to such cigarettes as a result of the provisions of subsections II(mm) of the master settlement agreement and that pays the taxes specified in subsection II(z) of the master settlement agreement, and provided that the manufacturer of such cigarettes does not market or advertise such cigarettes in the United States);

(2) is the first purchaser anywhere for resale in the United States of cigarettes manufactured anywhere that the manufacturer does not intend to be sold in the United States; or

(3) becomes a successor of an entity described in paragraph (1) or (2).

The term "tobacco product manufacturer" shall not include an affiliate of a tobacco product manufacturer unless such affiliate itself falls within any of parts (1) - (3) of subsection (i) above.

(j) "Units sold" means the number of individual cigarettes sold in the state by the applicable tobacco product manufacturer (whether directly or through a distributor, retailer or similar intermediary or intermediaries) during the year in question, as measured by excise taxes collected by the state on packs (or "roll-your-own" tobacco containers) bearing the excise tax stamp of the state. The department of revenue shall promulgate such rules and regulations as are necessary to ascertain the amount of state excise tax paid on the cigarettes of such tobacco product manufacturer for each year.

Sec. 3. Any tobacco product manufacturer selling cigarettes to consumers within the state (whether directly or through a distributor, retailer or similar intermediary or intermediaries) after the effective date of this act shall do one of the following:

(a) Become a participating manufacturer (as that term is defined in section II(j)) of the master settlement agreement) and generally perform its financial obligations under the master settlement agreement; or

(b) (1) place into a qualified escrow fund by April 15 of the year following the year in question the following amounts (as such amounts are adjusted for inflation):

(A) 1999: \$0.0094241 per unit sold after the effective date of this act;

(B) 2000: \$0.0104712 per unit sold;

(C) for each of 2001 and 2002: \$0.0136125 per unit sold;

(D) for each of 2003 through 2006: \$0.0167539 per unit sold;

(E) for each of 2007 and each year thereafter: \$0.0188482 per unit sold.

(2) A tobacco product manufacturer that places funds into escrow pursuant to paragraph (1) of subsection (b) shall receive the interest or other appreciation on such funds as earned. Such funds themselves shall be released from escrow only under the following circumstances:

(A) To pay a judgment or settlement on any released claim brought against such tobacco product manufacturer by the state or any releasing party located or residing in the state. Funds shall be released from escrow under this subparagraph (i) in the order in which they were placed into escrow and (ii) only to the extent and at the time necessary to make payments required under such judgment or settlement;

(B) to the extent that a tobacco product manufacturer establishes that the amount it was required to place into escrow in a particular year was greater than the state's allocable share of the total payments that such manufacturer would have been required to make in that year under the master settlement agreement (as determined pursuant to section IX(i)(2) of the master settlement agreement, and before any of the adjustments or offsets described in section IX(i)(3) of that agreement other than the inflation adjustment) had it been a participating manufacturer, the excess shall be released from escrow and revert back to such tobacco product manufacturer; or

(C) to the extent not released from escrow under subparagraphs (A) or (B) of paragraph (2) of subsection (b), funds shall be released from escrow and revert back to such tobacco product manufacturer 25 years after the date on which they were placed into escrow.

(3) Each tobacco product manufacturer that elects to place funds into escrow pursuant to this subsection shall annually certify to the attorney general that it is in compliance with this subsection. The attorney general may bring a civil action on behalf of the state against any tobacco product manufacturer that fails to place into escrow the funds required under this section. Any tobacco product manufacturer that fails in any year to place into escrow the funds required under this section shall:

(A) Be required within 15 days to place such funds into escrow as shall bring it into compliance with this section. The court, upon a finding of a violation of this subsection, may impose a civil penalty to be credited to the state general fund in an amount not to exceed 5% of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed 100% of the original amount improperly withheld from escrow;

(B) in the case of a knowing violation, be required within 15 days to place such funds into escrow as shall bring it into compliance with this section. The court, upon a finding of a knowing violation of this subsection, may impose a civil penalty to be paid to the state general fund in an amount not to exceed 15% of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed 300% of the original amount improperly withheld from escrow; and

(C) in the case of a second knowing violation, be prohibited from selling cigarettes to consumers within the state (whether directly or through a distributor, retailer or similar intermediary) for a period not to exceed two years.

Each failure to make an annual deposit required under this section shall constitute a separate violation. A tobacco product manufacturer who is found in violation of this section shall pay, in addition to other amounts assessed under this section and pursuant to law, the costs and attorney's fees incurred by the state during a successful presentation under this paragraph (3).

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

(Published in the Kansas Register May 20, 1999.)

HOUSE BILL No. 2115

AN ACT concerning the Kansas session laws; amending K.S.A. 45-107 and 45-313 and repealing the existing sections.

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

Section 1. K.S.A. 45-313 is hereby amended to read as follows: 45-313. There shall be printed three thousand seven hundred fifty (3,750) cloth-bound copies and five hundred (500) paper-bound copies of the laws passed at each session of the legislature. The secretary of state may authorize additional quantities of either style of binding of such session laws in quantities of not less than one thousand (1,000) whenever the demand therefor indicates the need for such additional quantities. Paper-bound copies of the laws passed at each legislative session shall be printed in such quantity as the secretary of state determines sufficient.

Sec. 2. K.S.A. 45-107 is hereby amended to read as follows: 45-107. (a) The secretary of state shall sell cloth-bound copies of the session laws at the per volume price for such cloth-bound copies fixed by the secretary of state under this section. The secretary of state shall remit all moneys received under this section to the state treasurer at least monthly, and the state treasurer shall deposit the same in the state treasury to the credit of the state general fund.

(b) Whenever the inventory of copies of any volume of the session laws exceeds 100 and a later volume of the session laws has been published, the secretary of state may dispose of copies of such volume without making a charge therefor until the inventory of such volume is reduced to 100 copies. When the inventory of any volume of the session laws is 100 copies or less, the secretary of state, with the approval of the revisor of statutes, may dispose of copies from such inventory without making a charge therefor.

(c) The secretary of state shall fix by rules and regulations the per volume price for cloth-bound copies of the session laws sold under this section to recover the costs of printing, binding and storing such volumes. The secretary of state shall revise all such prices from time to time as necessary for the purposes of covering and recovering such costs.

Sec. 3. K.S.A. 45-107 and 45-313 are hereby repealed.

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

(Published in the Kansas Register May 20, 1999.)

HOUSE BILL No. 2548

AN ACT concerning the secretary of social and rehabilitation services; relating to the transfer and conveyance of certain real property of the department of social and rehabilitation services; transfer of the property of the former Winfield state hospital and training center to the department of corrections and the Kansas commission on veterans affairs; conveyance of certain real property in Wyandotte county; concerning Topeka state hospital; amending K.S.A. 75-3765 and 76-12a01 and repealing the existing sections; also repealing K.S.A. 76-185.

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

New Section 1. (a) The secretary of social and rehabilitation services is hereby authorized to enter into an interagency agreement with the secretary of corrections and the Kansas commission on veterans affairs transferring the charge, care, management and control of the Winfield state hospital and training center property to the department of corrections and the Kansas commission on veterans affairs in accordance with the current uses of the Winfield state hospital and training center property and as agreed upon by the secretary of corrections and the Kansas commission on veterans affairs.

(b) At such time as specific title descriptions to the portion of the Winfield state hospital and training center property that is transferred to the charge, care, management and control of the department of corrections and the portion of the Winfield state hospital and training center property that is transferred to the charge, care, management and control of the Kansas commission on veterans affairs have been determined and are available, the secretary of social and rehabilitation services shall convey, without compensation, title to such portions of the Winfield state hospital and training center property to the department of corrections and the Kansas commission on veterans affairs, respectively. The conveyance prescribed by this section shall not be subject to the provisions of K.S.A. 75-3043a and amendments thereto.

(c) "Winfield state hospital and training center property" means the

state-owned real estate, including any improvements thereon, which is located in the city of Winfield and Cowley county and which is described as follows:

(1) The Southwest Quarter of Section 14, Township 32 South, Range 4 East of the 6th P.M., Cowley County, Kansas;

(2) The Southeast Quarter of Section 15, Township 32 South, Range 4 East of the 6th P.M., Cowley County, Kansas, less Road Right of Way; and

(3) Part of the Northwest Quarter of Section 15, Township 32 South, Range 4 East of the 6th P.M., that lies East of the Centerline of Timber Creek, and described as follows: Commencing at the Northeast corner of said Quarter Section; Thence West along the North line of said Quarter Section to the center of the Channel of Timber Creek; Thence Southerly down the center of the channel of said creek (following the meanderings thereof) to the South line of said Quarter Section; Thence East along the South line of said Quarter Section to the Southeast Corner of said Quarter Section; Thence North along the East line of said Quarter Section to the Point of Beginning.

Sec. 2. On July 1, 1999, K.S.A. 76-12a01 is hereby amended to read as follows: 76-12a01. As used in this act, unless the context otherwise requires:

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

(b) "Institution" means the following institutions: Topeka state hospital; Osawatomie state hospital, Rainbow mental health facility, Larned state hospital, Parsons state hospital and training center, Winfield state hospital and training center, and Kansas neurological institute.

(c) "Director" or "commissioner" means the commissioner of mental health and developmental disabilities.

New Sec. 3. As used in this section:

(a) "West parking lot" means: A tract of land in the Southeast Quarter of Section 27 and the Southwest Quarter of Fractional Section 26, Township 11 South, Range 25 East of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas, being more particularly described as follows:

Commencing at the Southeast corner of said Section 27, said point also being the Southwest corner of said Fractional Section 26: THENCE South 89° 52' 04" West 18.68 feet, along the South line of said Fractional Section 27; THENCE North 37° 10' 40" West 340.27 feet; THENCE North 26° 02' 37" West 95.94 feet; THENCE North 11° 50' 19" West 69.03 feet; THENCE North 00° 21' 04" East 111.93 feet; THENCE South 89° 53' 40" East 88.17 feet; THENCE North 85° 44' 47" East 74.42 feet; THENCE North 60° 52' 01" East 61.08 feet; THENCE North 09° 18' 23" East 34.82 feet to a point on the Southeasterly right-of-way line of 36th Avenue, as now established, and a point on a curve concave to the South having a radius of 340.00 feet; THENCE Northeasterly 29.08 feet, along said Southeasterly right-of-way line and said curve; THENCE North 43° 00' 28" East 3.39 feet, along said Southeasterly right-of-way line; THENCE South 01° 44' 25" East 61.07 feet, departing from said right-of-way line; THENCE South 07° 53' 36" East 63.88 feet; THENCE South 05° 45' 03" East 126.04 feet; THENCE South 02° 32' 11" East 159.70 feet; THENCE South 15° 51' 35" East 16.56 feet; THENCE South 55° 15' 49" East 24.11 feet; THENCE South 87° 54' 32" East 64.98 feet; THENCE South 83° 38' 39" East 120.30 feet; THENCE South 06° 53' 33" West 167.11 feet to a point on the South line of the Southeast Quarter of said Fractional Section 26; THENCE South 89° 52' 04" West 189.24 feet, along said South line to the Southwest corner of said Fractional Section 26 and the point of beginning, containing 3.2 acres more or less. SUBJECT TO SURVEY and all easements and restrictions of record.

(b) "East parking lot" means: A tract of land in the Southwest Quarter of Fractional Section 26, Township 11 South, Range 25 East of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas, being more particularly described as follows:

Commencing at the Southwest corner of said Fractional Section 26, said point also being the Southeast corner of Section 27, Township 11 South, Range 25 East: THENCE North 89° 52' 04" East 498.04 feet, along the South line of said Fractional Section 26, to the TRUE POINT OF BEGINNING; THENCE North 00° 07' 56" West 114.76 feet; THENCE North 89° 52' 04" East 23.21 feet; THENCE North 00° 33' 33" East 111.14 feet; THENCE North 01° 19' 24" East 331.54 feet; THENCE North 05° 10' 25" West 53.01 feet; THENCE North 08° 52' 42" West 115.11 feet; THENCE North 05° 22' 21" West 38.90 feet; THENCE North 02° 40' 12" East 55.93 feet; THENCE North 08° 49'

10" East 49.39 feet; THENCE North 26° 40' 27" West 29.20 feet; THENCE North 18° 04' 39" East 130.98 feet; THENCE North 20° 52' 07" East 40.16 feet; THENCE North 39° 36' 45" East 32.58 feet; THENCE North 61° 53' 31" East 32.13 feet; THENCE North 79° 11' 37" East 51.31 feet to a point on the West right-of-way line of Eaton Street, as now established, said right-of-way line being a curve concave to the West having a radius of 1457.50 feet; THENCE Southerly 288.15 feet, along said West right-of-way line and said curve; THENCE South 00° 04' 51" West 840.21 feet, along said West right-of-way line, to a point on the South line of said Fractional Section 26; THENCE South 89° 52' 04" West 126.91 feet, along said South line, to the TRUE POINT OF BEGINNING, containing 2.8 acres, more or less. SUBJECT TO SURVEY and all easements and restrictions of record.

(c) The secretary of social and rehabilitation services is authorized to convey, without consideration, to the university of Kansas medical center the property described in subsections (a) and (b).

(d) The university of Kansas medical center shall maintain in good condition all existing curbs and gutters to direct surface water away from the property line of the east parking lot.

(e) The university of Kansas medical center shall pay for and make repairs to the east parking lot if the rock bluff located on the east parking lot collapses, shifts or becomes unstable as a result of any capital improvement project for any construction, reconstruction, maintenance or repair project undertaken on the east parking lot by the university of Kansas medical center.

(f) The university of Kansas medical center shall grant rainbow mental health facility, or persons designated by such facility, reasonable access to the east parking lot to make repairs to the rock bluff located west of the east parking lot resulting from natural causes.

(g) The deeds conveying the real estate described under subsections (a) and (b) shall be approved by the attorney general and shall be executed by the secretary of social and rehabilitation services.

(h) The conveyance authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a, and amendments thereto.

New Sec. 4. (a) As used in this section, "Topeka state hospital property" means all state-owned land and improvements in the city of Topeka, Kansas, 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 the state printing plant land designated by the secretary of administration.

(b) The secretary of administration shall have custody and control of the Topeka state hospital property and may operate and maintain the property. The secretary of administration may make expenditures for the following:

(1) Goods and services relating to the use, sale, lease or other disposition of the Topeka state hospital property;

(2) marketing the use, sale, lease or other disposition of the Topeka state hospital property; and

(3) operating and maintaining the Topeka state hospital property, including security, repair and capital improvements.

(c) The secretary of administration may:

(1) Enter into agreements to lease all, or any portion, of the Topeka state hospital property for a period not to exceed five years;

(2) enter into agreements to lease all, or any portion, of the Topeka state hospital property for a period longer than five years after review and consultation with the joint committee on state building construction;

(3) enter into agreements and fix or alter charges for the use of the Topeka state hospital property by state agencies and others in any amounts that the secretary of administration determines to be beneficial or necessary; and

(4) enter into agreements to sell all or any portion of the Topeka state hospital property, subject to approval of the state finance council. The approval of the sale of all, or any portion, of the Topeka state hospital property 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. Approval by the state finance council may be given when the legislature is in session.

(d) If that portion of the Topeka state hospital campus which includes the division of services for the blind is sold or otherwise becomes unavailable for its current use, ample time shall be allowed for the division of services for the blind to acquire replacement facilities of equal or better usefulness for services to the blind. If the Kansas industries for the blind

must be closed as a part of the sale of Topeka state hospital property, the Kansas industries for the blind shall not be closed until suitable alternatives, including similar wages and benefits, for persons employed by Kansas industries for the blind have been arranged.

(e) The Topeka state hospital property and any portion thereof shall be exempt from ad valorem taxation as long as such property is owned by the state of Kansas and such property is:

(1) Used by the state of Kansas or any of its agencies;

(2) vacant;

(3) leased by an entity exempt from the payment of ad valorem taxation; or

(4) used for a purpose that is exempt from the payment of ad valorem taxation.

(f) The provisions of K.S.A. 79-201, *et seq.*, and amendments thereto, requiring the requesting and filing of property tax exemptions shall not apply to the exemption provided by this section.

(g) (1) There is hereby created the Topeka state hospital property advisory committee which shall be composed of the following members:

(A) One member shall be a member of the house of representatives whose representative district includes a portion of Shawnee county and who is appointed by the speaker of the house of representatives and such member shall serve for a term ending on the first day of the regular session of the legislature in next ensuing odd-numbered year;

(B) one member shall be a member of the house of representatives whose representative district includes a portion of Shawnee county and who is appointed by the minority leader of the house of representatives and such member shall serve for a term ending on the first day of the regular session of the legislature in next ensuing odd-numbered year;

(C) one member shall be a member of the senate whose senate district includes a portion of Shawnee county and who is appointed by the president of the senate and such member shall serve for a term ending on the first day of the regular session of the legislature next ensuing odd-numbered year;

(D) one member shall be a member of the senate whose senate district includes a portion of Shawnee county and who is appointed by the minority leader of the senate and such member shall serve for a term ending on the first day of the regular session of the legislature in the next ensuing odd-numbered year;

(E) one member shall be the mayor of the city of Topeka, or designee; and

(F) at least one member but not more than three members shall be appointed by the secretary of administration from among those persons who are not officers or employees of any state or local governmental agency and each such member shall serve at the pleasure of the secretary of administration.

(2) The Topeka state hospital property advisory committee shall organize at its first meeting which shall be called by the secretary of administration by electing a chairperson and vice-chairperson from among the members. The advisory committee shall meet on call of the chairperson and shall meet at least once each calendar quarter.

(3) Members of the Topeka state hospital property advisory committee shall serve without compensation.

(4) The Topeka state hospital property advisory committee shall meet and shall advise and consult with the secretary of administration and other representatives of the department of administration with regard to current and proposed uses and other dispositions of the Topeka state hospital property. The secretary of administration shall present formal and informal proposals for new or different uses or other dispositions of the Topeka state hospital property and shall solicit comments from the advisory committee thereon. The advisory committee shall study and shall provide a forum for the expression and discussion of concerns and recommendations from residents of Shawnee county relating to current and proposed uses and other dispositions of the Topeka state hospital property.

(5) Nothing in this section shall be construed to limit the discretion of the secretary in the disposition of Topeka state hospital property.

(6) The Topeka state hospital property advisory committee shall terminate when the Topeka state hospital property passes entirely from state ownership or on December 31, 2002, whichever is sooner.

(h) This section shall take effect and be in force from and after July 1, 1999.

Sec. 5. On July 1, 1999, K.S.A. 75-3765 is hereby amended to read as follows: 75-3765. (a) (1) The secretary of administration shall assign

(continued)

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SENATE BILL No. 171

space and facilities in all state-owned or operated property or buildings in Shawnee county, Kansas, except the state capitol, Topeka correctional facility, the Kansas neurological institute, the juvenile correctional facility at Topeka, the employment security administrative office building, 401 Topeka avenue, Kansas state employment service building, 1309 Topeka avenue, the Topeka state hospital, state highway shops and laboratory and property of the Kansas national guard, for the use of the various state agencies and. The secretary may determine, fix and establish a system of rental charges by the square foot and collect the same monthly for space and facilities occupied by each state agency whenever any appropriation for rental for space and facilities is made therefor, in an amount not to exceed the amount appropriated.

(2) The secretary of administration also may assign space and facilities, establish a system of rental charges and collect rents for property and buildings owned or controlled by the department of administration in other parts of the state.

(3) The amounts collected under paragraphs (1) and (2) shall be remitted by the secretary of administration to the state treasurer and. The state treasurer shall deposit such amounts in the state treasury to the credit of the building and ground fund, except that amounts collected for space and facilities in the state office building located between Ninth, Tenth, Harrison and Topeka streets shall be deposited in the state treasury to the credit of the fund provided in K.S.A. 75-3615, and amendments thereto. Notwithstanding the other provisions of this section, charge for and deposit of rentals for the buildings and properties to which K.S.A. 75-3620 to 75-3647, and amendments thereto, apply shall be in compliance with such statutes state buildings operating fund or other funds of the department of administration as prescribed by the secretary of administration.

(4) On or before December 31, 1994, and on or before each December 31 thereafter of each year, the secretary of administration shall present a report to the joint committee on state building construction concerning any actions taken by the secretary pursuant to authority granted to the secretary under this subsection. The report shall describe the action taken and the statutory authority authorizing such action.

(b) The secretary of administration shall require five-year building space utilization plans from all state agencies and develop a database of all state-owned or leased building and storage space. This database shall serve as the central repository of state-owned or leased building and storage space information. All changes made in the ownership or leasing status of all building space utilized by state agencies shall be reported to the secretary of administration and entered into this database. The database shall include the actual and budgeted amount of money paid by state agencies for building and storage space. The database may include any other information related to the building space needs of the state as determined to be necessary by the secretary of administration.

All state agencies shall cooperate with requests for information concerning building space and storage space made by the secretary of administration or the secretary of administration's designee. As used in this section, state agencies shall include those agencies considered to be quasi-state agencies.

On or before December 31, 1994, and on or before each December 31 thereafter of each year, the secretary of administration shall present a report of state-owned or leased building and storage space information to the joint committee on state building construction and shall provide notice at the same time to the secretary of the senate and to the chief clerk of the house of representatives that such report is available to members of the legislature.

(c) As used in this section, "state agencies" also shall include any quasi-state agency.

Sec. 6. K.S.A. 76-185 is hereby repealed.

Sec. 7. On July 1, 1999, K.S.A. 75-3765 and 76-12a01 are hereby repealed.

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

AN ACT concerning school district finance; relating to the counting of preschool-aged at-risk pupils; increasing base state aid per pupil; affecting determination of at-risk, low enrollment, and correlation weightings; revising the definition of local effort; providing for state grants for educational services at certain juvenile detention facilities; relating to the school district general fund property tax levy; requiring a study of school district organization and configuration; amending K.S.A. 72-7108, 72-8703, 72-8704 and 72-8705 and K.S.A. 1998 Supp. 72-6407, 72-6410, 72-6412, 72-6414, 72-6430, 72-6431, 72-6442, 72-8187 and 79-201x and repealing the existing sections.

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

Section 1. On July 1, 1999, K.S.A. 1998 Supp. 72-6407 shall be and is hereby amended to read as follows: 72-6407. (a) "Pupil" means any person who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 maintained by the district or who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 in another district in accordance with an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto, or, who is regularly enrolled in a district and attending special education services provided for preschool-aged exceptional children by the district. Except as otherwise provided in this subsection, a pupil in attendance full time shall be counted as one pupil. A pupil in attendance part time shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance bears to full-time attendance. A pupil attending kindergarten shall be counted as $\frac{1}{2}$ pupil. A pupil enrolled in and attending an institution of postsecondary education which is authorized under the laws of this state to award academic degrees shall be counted as one pupil if the pupil's postsecondary education enrollment and attendance together with the pupil's attendance in either of the grades 11 or 12 is at least $\frac{5}{8}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's postsecondary education attendance and attendance in grade 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in and attending an area vocational school, area vocational-technical school or approved vocational education program shall be counted as one pupil if the pupil's vocational education enrollment and attendance together with the pupil's attendance in any of grades nine through 12 is at least $\frac{5}{8}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's vocational education attendance and attendance in any of grades nine through 12 bears to full-time attendance. A pupil enrolled in a district and attending special education services, except special education services for preschool-aged exceptional children, provided for by the district shall be counted as one pupil. A pupil enrolled in a district and attending special education services for preschool-aged exceptional children provided for by the district shall be counted as $\frac{1}{2}$ pupil. A preschool-aged at-risk pupil enrolled in a district and receiving services under an approved at-risk pupil assistance plan maintained by the district shall be counted as $\frac{1}{2}$ pupil. A pupil in the custody of the secretary of social and rehabilitation services and enrolled in unified school district No. 259, Sedgwick county, Kansas, but housed, maintained, and receiving educational services at the Judge James V. Riddel Boys Ranch, shall be counted as two pupils. A pupil residing at the Flint Hills job corps center shall not be counted. A pupil confined in and receiving educational services provided for by a district at a juvenile detention facility shall not be counted. A pupil enrolled in a district but housed, maintained, and receiving educational services at a state institution shall not be counted.

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

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

(d) "Preschool-aged at-risk pupil" means an at-risk pupil who has attained the age of four years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines consonant with guidelines governing the selection of pupils for participation in head start programs. The state board shall select not more than 1,350 1,794 preschool-aged at-risk pupils to be counted in any school year.

(e) "Enrollment" means, for districts scheduling the school days or school hours of the school term on a trimestral or quarterly basis, the number of pupils regularly enrolled in the district on September 20 plus

the number of pupils regularly enrolled in the district on February 20 less the number of pupils regularly enrolled on February 20 who were counted in the enrollment of the district on September 20; and for districts not hereinbefore specified, the number of pupils regularly enrolled in the district on September 20. Notwithstanding the foregoing, if enrollment in a district in any school year has decreased from enrollment in the preceding school year, enrollment of the district in the current school year may be computed on the basis of means whichever is the greater of (1) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled, plus enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled, or (2) the sum of enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled and the average (mean) of the sum of (A) enrollment of the district in the current school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils are enrolled and (B) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled and (C) enrollment in the school year next preceding the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled.

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

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

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

(i) "Low enrollment weighting" means an addend component assigned to enrollment of districts having under 1,750 1,725 enrollment on the basis of costs attributable to maintenance of educational programs by such districts in comparison with costs attributable to maintenance of educational programs by districts having 1,750 1,725 or over enrollment.

(j) "School facilities weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to commencing operation of new school facilities. School facilities weighting may be assigned to enrollment of a district only if the district has adopted a local option budget and budgeted therein the total amount authorized for the school year. School facilities weighting may be assigned to enrollment of the district only in the school year in which operation of a new school facility is commenced and in the next succeeding school year.

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

(l) "Correlation weighting" means an addend component assigned to enrollment of districts having 1,750 1,725 or over enrollment on the basis of costs attributable to maintenance of educational programs by such districts as a correlate to low enrollment weighting assigned to enrollment of districts having under 1,750 1,725 enrollment.

(m) "Ancillary school facilities weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 1998 Supp. 72-6441, and amendments thereto, apply on the basis of costs attributable to commencing operation of new school facilities. Ancillary school facilities weighting may be assigned to enrollment of a district only if the district has levied a tax under authority of K.S.A. 1998 Supp. 72-6441, and amendments thereto, and remitted the proceeds from such tax to the state treasurer. Ancillary school facilities weighting is in addition to assignment of school facilities weighting to enrollment of any district eligible for such weighting.

(n) "Juvenile detention facility" means any community juvenile corrections center or facility, the Forbes Juvenile Attention Facility, the Sappa Valley Youth Ranch of Oberlin, the Parkview Passages Residential Treatment Center of Topeka, Charter Wichita Behavior Health System, L.L.C. and Salvation Army/Koch Center Youth Services.

Sec. 2. On July 1, 1999, K.S.A. 1998 Supp. 72-6410 shall be and is hereby amended to read as follows: 72-6410. (a) "State financial aid" means an amount equal to the product obtained by multiplying base state aid per pupil by the adjusted enrollment of a district.

(b) "Base state aid per pupil" means an amount of state financial aid per pupil. Subject to the other provisions of this subsection, the amount of base state aid per pupil is \$3,720 \$3,770 in the 1999-2000 school year

and \$3,820 in the 2000-01 school year and in school years thereafter. The amount of base state aid per pupil is subject to reduction commensurate with any reduction under K.S.A. 75-6704, and amendments thereto, in the amount of the appropriation from the state general fund for general state aid. If the amount of appropriations for general state aid is insufficient to pay in full the amount each district is entitled to receive for any school year, the amount of base state aid per pupil for such school year is subject to reduction commensurate with the amount of the insufficiency.

(c) "Local effort" means the sum of an amount equal to the proceeds from the tax levied under authority of K.S.A. 72-6431, and amendments thereto, and an amount equal to any unexpended and unencumbered balance remaining in the general fund of the district, except amounts received by the district and authorized to be expended for the purposes specified in K.S.A. 72-6430, and amendments thereto, and an amount equal to any unexpended and unencumbered balances remaining in the program weighted funds of the district, except any amount in the vocational education fund of the district if the district is operating an area vocational school, and an amount equal to any remaining proceeds from taxes levied under authority of K.S.A. 72-7056 and 72-7072, and amendments thereto, prior to the repeal of such statutory sections, and an amount equal to the amount deposited in the general fund in the current school year from amounts received in such year by the district under the provisions of subsection (a) of K.S.A. 72-1046a, and amendments thereto, and an amount equal to the amount deposited in the general fund in the current school year from amounts received in such year by the district pursuant to contracts made and entered into under authority of K.S.A. 72-6757, and amendments thereto, and an amount equal to the amount credited to the general fund in the current school year from amounts distributed in such year to the district under the provisions of articles 17 and 34 of chapter 12 of Kansas Statutes Annotated and under the provisions of articles 42 and 51 of chapter 79 of Kansas Statutes Annotated, and (1) for districts other than the district created by K.S.A. 72-5333a, and amendments thereto; an amount equal to 75% of the federal impact aid of a district and (2) for the district created by K.S.A. 72-5333a, and amendments thereto; an amount equal to the federal impact aid of the district.

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

Sec. 3. On July 1, 1999, K.S.A. 1998 Supp. 72-6412 shall be and is hereby amended to read as follows: 72-6412. The low enrollment weighting of each district with under 1,750 1,725 enrollment shall be determined by the state board as follows:

(a) Determine the amount of the median budget per pupil for the 1991-92 school year of districts with 75-125 enrollment in such school year;

(b) determine the amount of the median budget per pupil for the 1991-92 school year of districts with 200-399 enrollment in such school year;

(c) determine the amount of the median budget per pupil for the 1991-92 school year of districts with 1,900 or over enrollment;

(d) prescribe a schedule amount for each of the districts by preparing a schedule based upon an accepted mathematical formula and derived from a linear transition between (1) the median budgets per pupil determined under (a) and (b), and (2) the median budgets per pupil determined under (b) and (c). The schedule amount for districts with 0-99 enrollment is an amount equal to the amount of the median budget per pupil determined under (a). The schedule amount for districts with 100-299 enrollment is the amount derived from the linear transition under (1). The schedule amount for districts with 300-1,899 enrollment is the amount derived from the linear transition under (2);

(e) for districts with 0-99 enrollment:

(continued)

(1) Subtract the amount determined under (c) from the amount determined under (a);

(2) divide the remainder obtained under (1) by the amount determined under (c);

(3) multiply the quotient obtained under (2) by the enrollment of the district in the current school year. The product is the low enrollment weighting of the district;

(f) for districts with 100-299 enrollment:

(1) Subtract the amount determined under (c) from the schedule amount of the district;

(2) divide the remainder obtained under (1) by the amount determined under (c);

(3) multiply the quotient obtained under (2) by the enrollment of the district in the current school year. The product is the low enrollment weighting of the district;

(g) for districts with 300-1,749 300-1,724 enrollment:

(1) Subtract the amount determined under (c) from the schedule amount of the district;

(2) divide the remainder obtained under (1) by the amount determined under (c);

(3) multiply the quotient obtained under (2) by the enrollment of the district in the current school year. The product is the low enrollment weighting of the district.

Sec. 4. On July 1, 1999, K.S.A. 1998 Supp. 72-6414 shall be and is hereby amended to read as follows: 72-6414. The at-risk pupil weighting of each district shall be determined by the state board by multiplying the number of at-risk pupils included in enrollment of the district by .08 .09. The product is the at-risk pupil weighting of the district.

Sec. 5. K.S.A. 1998 Supp. 72-6430 is hereby amended to read as follows: 72-6430. Expenditures of a district for the following purposes are not operating expenses:

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

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

(c) The maintenance of student activities which are reimbursed.

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

(e) The provision of educational services for pupils residing at the Flint Hills job corps center or for pupils confined in a juvenile detention facility for which the district is reimbursed by a grant of state moneys as provided in K.S.A. 1998 Supp. 72-8187, and amendments thereto. As used in this subsection, the term juvenile detention facility means any community juvenile corrections center or facility, the Forbes Juvenile Attention Facility, the Sappa Valley Youth Ranch of Oberlin, the Parkview Passages Residential Treatment Center of Topeka, Charter Wichita Behavior Health System, L.L.C. and Salvation Army/Koch Center Youth Services.

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

Sec. 6. On July 1, 1999, K.S.A. 1998 Supp. 72-6431 shall be and is hereby amended to read as follows: 72-6431. (a) The board of each district shall levy an ad valorem tax upon the taxable tangible property of the district in the school years specified in subsection (b) for the purpose of:

(1) Financing that portion of the district's general fund budget which is not financed from any other source provided by law;

(2) paying a portion of the costs of operating and maintaining public schools in partial fulfillment of the constitutional obligation of the legislature to finance the educational interests of the state; and

(3) with respect to any redevelopment district established prior to July 1, 1997, pursuant to K.S.A. 12-1771, and amendments thereto, paying a portion of the principal and interest on bonds issued by cities under authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the district.

(b) The tax required under subsection (a) shall be levied at a rate of 20 mills in the 1998-99 school year and in the 1999-2000 school year and in the 2000-01 school year.

(c) The proceeds from the tax levied by a district under authority of this section, except the proceeds of such tax levied for the purpose of paying a portion of the principal and interest on bonds issued by cities under authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the district, shall be deposited in the general fund of the district.

(d) On June 1 of each year, the amount, if any, by which a district's local effort exceeds the amount of the district's state financial aid, as determined by the state board, shall be remitted to the state treasurer. Upon receipt of any such remittance, the state treasurer shall deposit the same in the state treasury to the credit of the state school district finance fund.

(e) No district shall proceed under K.S.A. 79-1964, 79-1964a or 79-1964b, and amendments to such sections.

Sec. 7. On July 1, 1999, K.S.A. 1998 Supp. 72-6442 shall be and is hereby amended to read as follows: 72-6442. The correlation weighting of each district with 1,750 1,725 or over enrollment shall be determined by the state board as follows:

(a) Determine the schedule amount for a district with 1,750 1,725 enrollment as derived from the linear transition under (d) of K.S.A. 72-6412, and amendments thereto, and subtract the amount determined under (c) of K.S.A. 72-6412, and amendments thereto, from the schedule amount so determined;

(b) divide the remainder obtained under (a) by the amount determined under (c) of K.S.A. 72-6412, and amendments thereto, and multiply the quotient by the enrollment of the district in the current school year. The product is the correlation weighting of the district.

Sec. 8. K.S.A. 1998 Supp. 72-8187 is hereby amended to read as follows: 72-8187. (a) In each school year, to the extent that appropriations are available, each school district which has provided educational services for pupils residing at the Flint Hills job corps center or for pupils confined in a juvenile detention facility or at the Forbes juvenile attention facility is eligible to receive a grant of state moneys in an amount to be determined by the state board of education.

(b) In order to be eligible for a grant of state moneys provided for by this section, each school district which has provided educational services for pupils residing at the Flint Hills job corps center or for pupils confined in a juvenile detention facility or at the Forbes juvenile attention facility shall submit to the state board of education an application for a grant and shall certify the amount expended in the school year for the services provided. The application and certification shall be prepared in such form and manner as the state board shall require and shall be submitted at a time to be determined and specified by the state board. Approval by the state board of applications for grants of state moneys is prerequisite to the award of grants.

(c) Each school district which is awarded a grant under this section shall make such periodic and special reports of statistical and financial information to the state board as it may require.

(d) All moneys received by a school district under authority of this section shall be deposited in the general fund of the school district and shall be considered reimbursement of the district for the purpose of the school district finance and quality performance act.

(e) (1) The state board of education shall approve applications of school districts for grants, determine the amount of grants and be responsible for payment of grants to school districts. In determining the amount of a grant which a school district is eligible to receive, the state board shall compute the amount of state financial aid the district would have received on the basis of enrollment of pupils residing at the Flint Hills job corps center or confined in a juvenile detention facility or at the Forbes juvenile attention facility if such pupils had been counted as two pupils under the school district finance and quality performance act and compare such computed amount to the amount certified by the district under subsection (b). The amount of the grant the district is eligible to receive shall be an amount equal to the lesser of the amount computed under this subsection or the amount certified under subsection (b). If the amount of appropriations for the payment of grants under this section is insufficient to pay in full the amount each school district is determined to be eligible to receive for the school year, the state board shall prorate the amount appropriated among all school districts which are eligible to receive grants of state moneys in proportion to the amount each school district is determined to be eligible to receive.

(2) (f) As used in this subsection, the term section:

(1) "Enrollment" means the number of pupils who are residing at the Flint Hills job corps center or who are confined in a juvenile detention

facility or at the Forbes juvenile attention facility and for whom a school district is providing educational services on September 20, on November 20, or on April 20 of a school year, whichever is the greatest number of pupils; and

(2) "juvenile detention facility" means any community juvenile corrections center or facility, the Forbes Juvenile Attention Facility, the Sappa Valley Youth Ranch of Oberlin, the Parkview Passages Residential Treatment Center of Topeka, Charter Wichita Behavior Health System, L.L.C. and Salvation Army/Koch Center Youth Services.

Sec. 9. On July 1, 1999, K.S.A. 1998 Supp. 79-201x shall be and is hereby amended to read as follows: 79-201x. For taxable years 1998 and 1999 and 2000, the following described property, to the extent herein specified, shall be and is hereby exempt from the property tax levied pursuant to the provisions of K.S.A. 1998 Supp. 72-6431, and amendments thereto: Property used for residential purposes to the extent of \$20,000 of its appraised valuation.

New Sec. 10. (a) The state board of education shall undertake a comprehensive study of the organization of school districts in this state to determine if the public school system could be more efficiently and effectively operated under a different configuration. In making the study of school district organization, the state board of education shall: (1) Review grade level and school district enrollment and projected enrollment, pupil transportation requirements including the distances pupils must travel to attend the schools of a district and the proximity of schools in adjoining districts with respect to pupils having lengthy bus commutes, the capacity and condition of existing school facilities in each district, communities of interest in matters such as commerce and tradition, property tax bases of districts, and other matters deemed appropriate to the study; (2) determine and document the existence of problems with respect to matters reviewed and provide suggestions for solution or alleviation of such problems; (3) envision a configuration of school districts that would serve the needs of Kansas children, Kansas taxpayers, and Kansas society in the most efficient and effective manner attainable and design a comprehensive plan for attainment of such optimal configuration; (4) formulate recommendations for actualization of the comprehensive plan for attainment of the optimal school district configuration and for legislation deemed necessary for actualization of the plan; and (5) present findings of the study, the comprehensive plan for attainment of the optimal school district configuration, and recommendations with respect to actualization of the plan to the committee on education of the house of representatives and the committee on education of the senate on or before January 15, 2001.

(b) The state board of education may establish advisory committees and secure consultant services for assistance in performing the duties imposed in the foregoing subsection.

New Sec. 11. (a) For the purposes of the school district finance and quality performance act, and notwithstanding any provision of the act to the contrary, the term enrollment in the 1998-99 school year, as applied to districts in which enrollment in such school year decreased from enrollment in the 1997-98 school year, means enrollment of the district in the 1997-98 school year plus enrollment in the 1998-99 school year of preschool-aged at-risk pupils, if any such pupils are enrolled.

(b) The provisions of this section shall expire on June 30, 1999.

New Sec. 12. For the purposes of the school district finance and quality performance act, and notwithstanding any provision of the act to the contrary, state financial aid for any district formed by consolidation in accordance with the statutory provisions contained in article 87 of chapter 72 of Kansas Statutes Annotated shall be computed by the state board of education as follows:

(a) Determine the amount in the school year preceding the school year in which the consolidation is effectuated of the state financial aid of each of the former districts of which the consolidated district is composed;

(b) add the amounts determined under (a): The sum is the state financial aid of the consolidated district for the school year in which the consolidation is effectuated and for the next succeeding school year.

Sec. 13. K.S.A. 72-7108 is hereby amended to read as follows: 72-7108. (a) After May 1, 1965, Transfers of territory from one unified district to another unified district shall be made only as follows: (1) (a) Upon the written agreement of any two boards approved by the state board of education, or (2) (b) upon order of the state board after petition therefor by one board and a public hearing thereon conducted by the state board of education. The effective date of any such transfer shall be the date of approval thereof or order therefor issued by the state board of education

or the July 1 following. Notice of the public hearing on such a petition shall be given by publication by the state board of education for two consecutive weeks in a newspaper of general circulation in the unified district from which territory is to be transferred, the last publication to be not more than 10 nor less than three days prior to the date of the hearing. The notice shall state the time and place of the hearing and shall give a summary description of the territory proposed to be transferred. Within 90 days after receiving an agreement or, if a public hearing is held, within 90 days after the hearing, the state board of education shall issue its order either approving or disapproving such transfer petition or agreement, or approving the same with such amendments as it deems appropriate. Whenever a petition for transfer of territory has been denied by the state board of education, no petition for transfer of substantially the same territory shall be received or considered by the state board of education for a period of two years.

(b) No transfer shall be made under authority of this section which causes any unified district to have territory which is not contiguous to the other territory of such unified district. For the purpose of the school unification acts, territory of a unified district is contiguous if all of the parts thereof touch and adjoin at more than one point, except that no unified district which has noncontiguous territory shall be invalidated by this provision. The restrictions on transfer of territory imposed by this subsection (b) shall not apply if the net effect of the transfer is not violative of such restrictions considering all territory transferred in the same order or agreement.

Sec. 14. K.S.A. 72-8703 is hereby amended to read as follows: 72-8703. Agreements to consolidate under authority of this act shall provide that such agreement shall be of no force or effect unless first approved by the state board and is thereafter approved at a special election called for the purpose in the territory which will comprise the consolidated unified school district. *The territory which will comprise the consolidated unified school district may be noncontiguous.*

Sec. 15. K.S.A. 72-8704 is hereby amended to read as follows: 72-8704. The territory of the consolidated unified school district shall be all of the territory of the school districts being consolidated. *The territory of the school districts being consolidated may be noncontiguous.* All of the electors residing in the school districts being consolidated shall be entitled to vote at such election. The proposition submitted shall be stated on the ballot and in the notice of election in substantially the following words: "Shall school districts _____ and _____ form a consolidated unified school district?" and the blanks shall be filled with the names of each of the school districts being consolidated. The county election officer of the home county of the consolidated unified school district shall conduct the election. Laws applicable to question submitted elections in school districts shall be applicable in the conduct of the elections provided for under this section to the extent that the same are not in conflict herewith.

Sec. 16. K.S.A. 72-8705 is hereby amended to read as follows: 72-8705. Before any consolidated unified school district is finally approved under this act, the results of the election shall be certified by the county election officer in accordance with the determination of the county board of canvassers of the home county of the consolidated unified school district to the state board; and, if such election was favorable to consolidation of the school districts, ~~the state board~~ shall issue an order establishing the unified school district. Such order shall specify the home county of the unified school district and, assign a number thereto. ~~It shall also and describe the boundaries thereof.~~ *If the consolidated unified school district is comprised of noncontiguous territory, the order of the state board shall describe such territory.*

Sec. 17. On July 1, 1999, K.S.A. 1998 Supp. 72-6407, 72-6410, 72-6412, 72-6414, 72-6431, 72-6442 and 79-201x shall be and are hereby repealed.

Sec. 18. K.S.A. 72-7108, 72-8703, 72-8704 and 72-8705 and K.S.A. 1998 Supp. 72-6430 and 72-8187 are hereby repealed.

Sec. 19. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register May 20, 1999.)

SENATE BILL No. 324

AN ACT concerning the university of Kansas hospital authority; relating to members of the board of directors; employee benefits; retirement annuities; authorizing certain capital improvement projects; amending K.S.A. 44-575 and 75-5542 and K.S.A. 1998 Supp. 76-3304, 76-3311, 76-3317, 76-3321 and 76-3322 and repealing the existing sections.

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

Section 1. K.S.A. 44-575 is hereby amended to read as follows: 44-575. (a) As used in K.S.A. 44-575 through 44-580, and amendments thereto, "state agency" means the state, or any department or agency of the state, but not including the Kansas turnpike authority, the university of Kansas hospital authority, any political subdivision of the state or the district court with regard to district court officers or employees whose total salary is payable by counties.

(b) For the purposes of providing for the payment of compensation for claims arising on and after July 1, 1974, and all other amounts required to be paid by any state agency as a self-insured employer under the workers compensation act and any amendments or additions thereto, there is hereby established the state workers compensation self-insurance fund in the state treasury. The name of the state workmen's compensation self-insurance fund is hereby changed to the state workers compensation self-insurance fund. Whenever the state workmen's compensation self-insurance fund is referred to or designated by any statute, contract or other document, such reference or designation shall be deemed to apply to the state workers compensation self-insurance fund.

(c) The state workers compensation self-insurance fund shall be liable to pay: (1) All compensation for claims arising on and after July 1, 1974, and all other amounts required to be paid by any state agency as a self-insured employer under the workers compensation act and any amendments or additions thereto; (2) the amount that all state agencies are liable to pay of the "carrier's share of expense" of the administration of the office of the director of workers' compensation as provided in K.S.A. 74-712 through 74-719, and amendments thereto, for each fiscal year; (3) all compensation for claims remaining from the self-insurance program which existed prior to July 1, 1974, for institutional employees of the division of mental health and retardation services of the department of social and rehabilitation services; (4) the cost of administering the state workers compensation self-insurance fund including the defense of such fund and any costs assessed to such fund in any proceeding to which it is a party; and (5) the cost of establishing and operating the state workplace health and safety program under subsection (f). For the purposes of K.S.A. 44-575 through 44-580, and amendments thereto, all state agencies are hereby deemed to be a single employer whose liabilities specified in this section are hereby imposed solely upon the state workers compensation self-insurance fund and such employer is hereby declared to be a fully authorized and qualified self-insurer under K.S.A. 44-532, and amendments thereto, but such employer shall not be required to make any reports thereunder.

(d) The secretary of administration shall administer the state workers compensation self-insurance fund and all payments from such fund shall be upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of administration or a person or persons designated by the secretary. The director of accounts and reports may issue warrants pursuant to vouchers approved by the secretary for payments from the state workers compensation self-insurance fund notwithstanding the fact that claims for such payments were not submitted or processed for payment from money appropriated for the fiscal year in which the state workers compensation self-insurance fund first became liable to make such payments.

(e) The secretary of administration shall remit all moneys received by or for the secretary in the capacity as administrator of the state workers compensation self-insurance fund, to the state treasurer. Upon receipt of any such remittance the state treasurer shall deposit the entire amount thereof in the state treasury to the credit of the state workers compensation self-insurance fund.

(f) There is hereby established the state workplace health and safety program within the state workers compensation self-insurance program of the department of administration. The secretary of administration shall implement and administer the state workplace health and safety program for state agencies. The state workplace health and safety program shall include, but not be limited to:

(1) Workplace health and safety hazard surveys in all state agencies, including onsite interviews with employees;

(2) Workplace health and safety hazard prevention services, including inspection and consultation services;

(3) Procedures for identifying and controlling workplace hazards;

(4) Development and dissemination of health and safety informational materials, plans, rules and work procedures; and

(5) Training for supervisors and employees in healthful and safe work practices.

Sec. 2. K.S.A. 75-5542 is hereby amended to read as follows: 75-5542. (a) As used in K.S.A. 75-5542 to 75-5545, inclusive, and amendments thereto, "state agency" means the state, or any department or agency of the state, but not including the Kansas turnpike authority, the university of Kansas hospital authority the council on vocational education or any political subdivision of the state.

(b) For the purposes of providing for the payment of compensation for accumulated sick and vacation leave on retirement from state service arising on and after July 1, 1994, and for the payment of accumulated hours of sick leave upon being laid off from state service as provided under K.S.A. 75-4371 and amendments thereto arising on and after July 1, 1996, there is hereby established the state leave payment reserve fund in the state treasury.

(c) The state leave payment reserve fund shall be liable to pay compensation for accumulated sick and vacation leave on retirement from state service arising on and after July 1, 1994, and for the payment of accumulated hours of sick leave upon being laid off from state service as provided under K.S.A. 75-4371 and amendments thereto arising on and after July 1, 1996. To this end and for the purposes of K.S.A. 75-5542 to 75-5545, inclusive, and K.S.A. 75-4371, and amendments thereto, all state agencies are hereby deemed to be a single employer whose liabilities specified in subsection (b) are hereby imposed upon the state leave payment reserve fund.

(d) The secretary of administration shall administer the state leave payment reserve fund and all payments from such fund shall be upon warrants of the director of accounts and reports issued pursuant to the system of payroll accounting formulated under K.S.A. 75-5501 et seq., and amendments thereto, or pursuant to K.S.A. 75-5540 and amendments thereto. The director of accounts and reports may issue warrants pursuant to vouchers approved by the secretary for payments from the state leave payment reserve fund notwithstanding the fact that claims for such payments were not submitted or processed for payment from money appropriated for the fiscal year in which the state leave payment reserve fund first became liable to make such payments.

(e) The secretary of administration shall remit all moneys received by or for the secretary in the capacity as administrator of the state leave payment reserve fund, to the state treasurer. Upon receipt of any such remittance the state treasurer shall deposit the entire amount thereof in the state treasury to the credit of the state leave payment reserve fund.

(f) In the computation of accumulated vacation leave, time served as an elected official in an elected position for which vacation leave is not credited shall not be credited to length of service for employees who are appointed to the classified or unclassified service in the executive branch of state government.

Sec. 3. K.S.A. 1998 Supp. 76-3304 is hereby amended to read as follows: 76-3304. (a) There is hereby established a body politic and corporate, with corporate succession, to be known as the university of Kansas hospital authority. The authority is hereby established as shall be an independent instrumentality of this state. Its exercise of the rights, powers and privileges conferred by this act shall be deemed and held to be the performance of an essential governmental function.

(b) The authority shall be governed by a fourteen-member board of directors. Eight of the members shall be representatives of the general public who are recognized for outstanding knowledge and leadership in the fields of finance, business, health-care management, health care providers, legal affairs, education or government. Of the eight members representing the general public, there shall be at least one member from each congressional district. Three members shall be ex officio voting members consisting of the chancellor of the university of Kansas, the executive vice chancellor of the university of Kansas medical center and the executive dean of the university of Kansas school of medicine. Three members shall be nonvoting ex officio members consisting of, the chief of staff of the university of Kansas hospital medical staff, the president of the authority and the dean of the university of Kansas school of nursing.

(c) The eight members representing the general public appointed to the initial board shall be appointed by the governor subject to senate.

confirmation as provided in K.S.A. 75-4315b, and amendments thereto. Any member whose nomination is subject to confirmation during a regular session of the legislature shall be deemed terminated when the senate rejects the nomination. No such termination shall affect the validity of any action taken by such member prior to such termination. Of the eight members appointed to the initial board, two shall be members of the Kansas board of regents and two members shall be members of the Kansas legislature. The two legislative appointees shall be appointed by the governor from a panel of four nominees composed of (1) one member of the legislature nominated by the speaker of the house of representatives, (2) one member of the legislature nominated by the minority leader of the house of representatives, (3) one member of the legislature nominated by the president of the senate, and (4) one member of the legislature nominated by the minority leader of the senate.

(d) Of the members appointed to the initial board by the governor, two members shall be appointed for a term of ~~one year which expires March 15, 1999~~, three members shall be appointed for a term of ~~two years which expires March 15, 2000~~, and three members shall be appointed for a term of ~~three years which expires March 15, 2001~~.

(e) After the initial board of directors is appointed, members other than ex officio shall be appointed for a term of three years each, except in the event of a vacancy the appointment shall be for the remainder of the unexpired portion of the term. Each member shall hold office for the term of appointment and until the successor has been ~~nominated and approved confirmed~~. Any member is eligible for reappointment, but members shall not be eligible to serve more than two consecutive three-year terms.

(f) Except for appointment of the initial board, when a vacancy occurs or is announced regarding a member or members representing the general public, a nominating committee of the board shall forward a slate of candidates to the governor for consideration. Appointment to the board shall be made by the governor subject to senate confirmation as provided in K.S.A. 75-4315b, and amendments thereto. *Except as provided by K.S.A. 1998 Supp. 46-2601, and amendments thereto, no person appointed to the board shall exercise any power, duty or function as a member of the board until confirmed by the senate.*

(g) The terms of members serving by virtue of their office shall expire immediately upon termination of their holding such office.

(h) The board shall annually ~~shall~~ elect one of their number as chairperson and another as vice-chairperson. The board shall also ~~shall~~ elect a secretary and treasurer for terms determined by the board. The same person may serve as both secretary and treasurer. The board shall establish an executive committee, nominating committee and other standing or special committees and prescribe their duties and powers, and any executive committee may exercise all such powers and duties of the board as the board may delegate.

(i) Members of the board of directors of the authority shall serve without compensation. Members of the board attending meetings of the board, or attending a subcommittee meeting thereof authorized by the board, shall be paid subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

(j) No part of the funds of the authority shall inure to the benefit of, or be distributed to, its employees, officers or members of the board, except that the authority may make reasonable payments for expenses incurred on its behalf relating to any of its lawful purposes and the authority shall be authorized and empowered to pay reasonable compensation for services rendered to or for its benefit relating to any of its lawful purposes including to pay its employees reasonable compensation.

(k) Any member of the board of directors other than an ex officio member may be removed by an affirmative vote of seven of the members of the board for malfeasance or misfeasance in office, ~~failure to regularly failing to~~ attend meetings, or for any cause which renders ~~said the~~ member incapable of or unfit to discharge the duties of director.

(l) The board shall meet at least six times per year and at such other times as it deems appropriate, or upon call by the president or the chairperson, or upon written request of a majority of the directors. The board may adopt, repeal and amend such rules, procedures and bylaws, not contrary to law or inconsistent with this act, as it deems expedient for its own governance and for the governance and management of the authority. A majority of the total voting membership of the board shall constitute a quorum for meetings, and the board may act by a majority of those at any meeting where a quorum is present, except upon such issues as the board may determine shall require a vote of seven members for approval.

The initial board shall meet for the initial meeting upon call by the chancellor of the university of Kansas who shall act as temporary chairperson until officers of the board are elected pursuant to subsection (h).

(m) The board shall appoint a president who shall serve at the pleasure of the board. The president shall serve as the chief executive officer of the authority. The president's salary shall be set by the board. The board may negotiate and enter into an employment agreement with the individual selected as president of the authority which may provide for compensation allowances, benefits and expenses as may be included in such agreement. The president shall direct and supervise administrative affairs and the general management of the authority. The president shall be a nonvoting ex officio member of the board.

(n) The board may provide to the president of the authority and other employees designated by the board supplemental benefits in addition to the benefits provided in K.S.A. 1998 Supp. 76-3322, and amendments thereto.

(o) The authority shall continue until terminated by law, except that no such law shall take effect so long as the authority has bonds outstanding, unless adequate provision has been made for the payment or retirement of such debts or obligations. Upon any such dissolution of the authority, all property, funds and assets thereof shall be vested in the state, university of Kansas medical center or other hospital entity as designated by the board and approved by act of the Kansas legislature.

Sec. 4. K.S.A. 1998 Supp. 76-3311 is hereby amended to read as follows: 76-3311. (a) The authority may employ such employees as it may require and upon such terms and conditions as it may establish. The authority shall establish personnel, payroll, benefit and other such systems as authorized by the board, such systems to be initially established or contracted by the transfer date, *or at such later date designated by the board*. The authority shall determine the qualifications and duties of its employees subject to any statutes concerning licensure, certification or registration under state law. The board shall develop and adopt policies and procedures that will afford its employees grievance rights, ensure that employment decisions shall be based upon merit and fitness of applicants and shall prohibit discrimination because of race, religion, color, sex or national origin.

(b) Nothing in this act or any act of which it is amendatory shall be construed as placing any officer or employee of the authority in the classified or the unclassified service under the Kansas civil service act.

(c) All current hospital employees of the university of Kansas medical center shall transfer to the authority. The authority and the university of Kansas medical center shall then jointly determine any medical center employees whose employment shall be transferred to the authority. The university shall issue a written notice to all persons whose employment will be transferred to the authority. After receipt of such notice, each such employee may elect not to be employed by the authority by submitting a written statement of such election within 45 days after receipt of such notice. Any classified employee of the university of Kansas medical center who receives such notice of transfer to the authority and elects not to become employed by the authority and who is not reemployed by any department, institution, board, commission or agency of the state shall be subject to the provisions of K.S.A. 75-2948 *et seq.* and amendments thereto. Any unclassified employee or unclassified health care worker of the university of Kansas medical center who receives such notice of transfer to the authority and elects not to become employed by the authority shall be subject to the employment policies of the university of Kansas medical center. Any employee who accepts employment with the authority shall not be considered to be involuntarily separated from state employment. *The authority shall not be treated as a state agency for purposes of the state leave payment reserve fund under K.S.A. 75-5542 through 75-5545, and amendments thereto.*

(d) Hospital employees and medical center employees of the university of Kansas medical center who transfer to the authority to a position of similar duties as of the transfer date shall receive the same rate of compensation as was received by the employee prior to such transfer.

(e) Notwithstanding the provisions of K.A.R. 1-9-13 or any other rules and regulations or of any statute to the contrary, all vacation leave and sick leave balances of employees of the university of Kansas medical center who accept employment with the authority as of the transfer date shall be transferred from the university of Kansas medical center to the authority.

(continued)

(f) The authority and the university of Kansas medical center may enter into agreements providing for the purchase of services of employees of the university of Kansas medical center utilized in support of the hospital by payment of such amounts as may be agreed upon by the parties.

(g) Nothing in this act shall affect the representation rights of collective bargaining organizations that represent employees of the university of Kansas medical center who transfer to the authority, nor shall it affect any term or condition of any collective bargaining agreement in effect on the effective date of this act. The authority shall be a public agency for purposes of the Kansas public employer-employee relations act, K.S.A. 75-4321 *et seq.*, and amendments thereto.

(h) The authority is authorized to establish a health insurance plan for the benefit of its employees or to enter into agreements with the department of administration in accordance with K.S.A. 75-6503 and amendments thereto, providing for the coverage of its employees under the state employees' health insurance plan. Notwithstanding any other provision of law to the contrary, any person whose employment is transferred to the authority as a result of this act and who is a member of any plan providing health insurance coverage as an employee of the university of Kansas medical center and who so elects to continue such coverage shall continue to be a member of such health insurance plan under the same terms and conditions as if no transfer had occurred, with such election to continue through the current state employees' health insurance coverage period. Alternatively, an employee may elect to become a member of any health insurance plan established by the authority.

Sec. 5. K.S.A. 1998 Supp. 76-3317 is hereby amended to read as follows: 76-3317. This act shall be liberally construed. Nothing contained herein is or shall be construed as a restriction of or limitation upon any powers which the authority might otherwise have under other law of this state, and the provisions of this act are cumulative to such powers. The provisions hereof do and shall be construed to provide a complete, additional and alternative method for the doing of the things authorized and shall be regarded as supplemental and additional to any other laws. Insofar as the provisions of this act are inconsistent with the provisions of any other law, general, specific or local, the provisions of this act shall be controlling.

Sec. 6. K.S.A. 1998 Supp. 76-3321 is hereby amended to read as follows: 76-3321. The authority is exempt from the provisions of K.S.A. 12-1675 through 12-1677, 75-1250 through 75-1270, 75-2925 through 75-2975, 75-3701 through 75-37,119, 75-4363, 75-4701 through 75-4744, and 77-501 through 77-550 and K.S.A. 1998 Supp. 75-4362 and amendments thereto.

Sec. 7. K.S.A. 1998 Supp. 76-3322 is hereby amended to read as follows: 76-3322. The authority shall affiliate with the Kansas public employees retirement system on the transfer date as defined in K.S.A. 1998 Supp. 76-3303 and amendments thereto, in accordance with the provisions of K.S.A. 74-4910 and 74-4927 and amendments thereto for current and future employees. Any person who was an employee of the university of Kansas medical center and a member of the system on the transfer date and whose employment is transferred to the authority as provided in the university of Kansas hospital authority act shall continue to be a member of the system. For all those members of the faculty and other persons employed by the board of regents who were receiving assistance in the purchase of retirement annuities as provided in K.S.A. 74-4925 and amendments thereto on the transfer date and whose employment is transferred to the authority as provided in the university of Kansas hospital authority act, the authority shall *at the election of the board, either (1) assist such employees in the purchase of retirement annuities as provided in K.S.A. 74-4925 and amendments thereto or (2) adopt, in accordance with requirements of the federal internal revenue code, retirement plans sponsored by the authority providing substantially similar benefits as such retirement annuities and the authority shall continue to provide the insured death and disability benefits as provided in K.S.A. 74-4927a and 74-4927g and amendments thereto.* For future employees employed by the authority on or after the transfer date, the authority shall designate whether such employee shall be a member of the system or whether the authority shall *either (1) provide assistance in the purchase of retirement annuities as provided in K.S.A. 74-4925 and amendments thereto or (2) provide that such employee shall be eligible for participation in retirement plans sponsored by the authority.*

New Sec. 8. (a) The university of Kansas hospital authority is authorized to construct buildings and facilities on state-owned property of the university of Kansas medical center from any moneys of the university

of Kansas hospital authority if the capital improvement projects for such buildings and facilities have received prior approval by the state board of regents and the plans and specifications for such projects have received prior approval by the secretary of administration. Such capital improvement projects shall be totally financed from moneys of the university of Kansas hospital authority and the buildings and facilities constructed shall become the property of Kansas upon completion and acceptance by the secretary of administration. No such capital improvement project for a building or facility shall be approved by the state board of regents without having first advised and consulted with the joint committee on state building construction.

(b) The university of Kansas hospital authority is authorized to repair, remodel or renovate state buildings and facilities of the university of Kansas medical center from any moneys of the university of Kansas hospital authority if the capital improvement projects for such repairs, remodeling or renovations have received prior approval by the state board of regents and the plans and specifications for such projects have received prior approval by the secretary of administration. Such capital improvement projects shall be totally financed from moneys of the university of Kansas hospital authority and the repairs, remodeling or renovations shall become the property of Kansas upon completion and acceptance by the secretary of administration. No such capital improvement project to repair, remodel or renovate any state building or facility shall be approved by the state board of regents without having first advised and consulted with the joint committee on state building construction.

Sec. 9. K.S.A. 44-575 and 75-5542 and K.S.A. 1998 Supp. 76-3304, 76-3311, 76-3317, 76-3321 and 76-3322 are hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register May 20, 1999.)

HOUSE BILL No. 2065

AN ACT concerning certain joint committees of the legislature; amending K.S.A. 46-2301, 46-2302 and 46-2303 and K.S.A. 1998 Supp. 46-1701 and 46-2101 and repealing the existing sections.

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

Section 1. K.S.A. 1998 Supp. 46-1701 is hereby amended to read as follows: 46-1701. (a) There is hereby created the joint committee on state building construction which shall be within the legislative branch of state government and which shall be composed of *three senators five members of the senate* and *three five* members of the house of representatives. The *three five* senate members shall be the chairperson of the committee on ways and means of the senate, or a member of the committee on ways and means of the senate appointed by the chairperson, a *senator two senators* appointed by the president and a *senator two senators* appointed by the minority leader. The *three five* representative members shall be the chairperson of the committee on appropriations of the house of representatives, or a member of the committee on appropriations of the house of representatives appointed by the chairperson, a *representative two representatives* appointed by the speaker and a *representative two representatives* appointed by the minority leader.

(b) All members of the joint committee on state building construction shall serve for terms ending on the first day of the regular legislative session in odd-numbered years. The joint committee shall organize annually and elect a chairperson and vice-chairperson in accordance with this subsection. The chairperson and vice-chairperson serving on the effective date of this act will continue to serve in such capacities through June 30, 1998. On and after July 1, 1998, and until the first day of the 1999 regular legislative session, the chairperson shall be one of the senate members of the joint committee elected by the members of the joint committee and the vice-chairperson shall be one of the representative members of the joint committee elected by the members of the joint committee. Thereafter, On and after the first day of the regular legislative session in odd-numbered years, the chairperson shall be one of the representative members of the joint committee elected by the members of the joint committee and the vice-chairperson shall be one of the senate members elected by the members of the joint committee and on and after the first day of the regular legislative session in even-numbered years, the chairperson shall be one of the senate members of the joint committee elected by the members of the joint committee and the vice-chairperson shall be one of the representative members of the joint com-

mittee elected by the members of the joint committee. The chairperson and vice-chairperson of the joint committee shall serve in such capacities until the first day of the regular legislative session in the ensuing year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. If a vacancy occurs in the office of chairperson or vice-chairperson, a member of the joint committee, who is a member of the same house as the member who vacated the office, shall be elected by the members of the joint committee to fill such vacancy.

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

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

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

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

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

Sec. 2. K.S.A. 1998 Supp. 46-2101 is hereby amended to read as follows: 46-2101. (a) There is hereby established the joint committee on information technology which shall be within the legislative branch of state government and which shall be composed of ~~three senators five members of the senate and three five~~ members of the house of representatives. ~~One Two~~ of the senate members shall be appointed by the president of the senate, ~~one two~~ of the senate members shall be appointed by the minority leader of the senate and one of the senate members shall be appointed by the chairperson of the committee on ways and means of the senate. ~~One Two~~ of the representative members shall be appointed by the speaker of the house of representatives, ~~one two~~ of the representative members shall be appointed by the minority leader of the house of representatives and one of the representative members shall be appointed by the chairperson of the committee on appropriations of the house of representatives. The members of the joint committee on information technology and the chairperson and vice-chairperson serving in such capacities on the effective date of this act shall continue serving as members and in such capacities, respectively, subject to the other provisions of this section.

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

(c) A quorum of the joint committee on information technology shall

be ~~four six~~. All actions of the joint committee shall be taken by a majority of all of the members of the joint committee.

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

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

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

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

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

(2) On and after the effective date of this act, whenever the joint committee on computers and telecommunications, or words of like effect, is referred to or designated by a statute, contract or other document, created before the effective date of this act, the reference or designation shall mean and apply to the joint committee on information technology.

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

Sec. 3. K.S.A. 46-2301 is hereby amended to read as follows: 46-2301. As used in this act:

(a) "Class III gaming" has the meaning provided by the Indian gaming regulatory act (25 U.S.C. 2701 *et seq.*).

(b) "Gaming compact" means a tribal-state compact regarding class III gaming as provided by section 11 of the Indian gaming regulatory act (25 U.S.C. 2710).

(c) "Committee" or "joint committee" means the joint committee on state-tribal relations.

Sec. 4. K.S.A. 46-2302 is hereby amended to read as follows: 46-2302. (a) Any request by a tribe for negotiation of a gaming compact with the state of Kansas, including a request for renegotiation of an existing gaming compact, received on or after the effective date of this act shall be submitted in writing to the governor.

(b) The governor or the governor's designated representatives are authorized to negotiate gaming compacts on behalf of the state of Kansas. At the conclusion of negotiations, the governor shall submit the proposed compact to the joint committee on gaming compacts for the joint state-tribal relations for the committee's recommendations as to approval or modification of the proposed compact.

(c) If the joint committee recommends modification of a proposed compact submitted by the governor, the governor or the governor's representatives may resume negotiations in accordance with the joint committee's recommendations and the modified proposed compact shall be submitted to the joint committee in the same manner as the original proposed compact. Within 5 days after receiving the joint committee's recommended modifications, the governor shall notify the joint committee, in writing, as to whether or not the governor has resumed negotiations. Within 10 days after receipt of notice that the governor has not resumed negotiations, or if the governor fails to notify the joint committee that the governor has resumed negotiations, the joint committee shall vote to recommend approval or rejection of the proposed compact or shall vote to make no recommendation on the proposed compact.

(d) (1) If the legislature is in session when the joint committee on gaming compacts votes to recommend approval or rejection of a proposed compact or votes to make no recommendation on a proposed compact, as authorized by this section, the joint committee shall introduce in each house of the legislature, within five days after the joint committee's vote, a resolution approving the proposed compact as submitted by the governor. Each resolution shall be accompanied by the report of the joint committee recommending that the resolution be adopted or not be adopted or reporting the resolution without recommendation. If, within 10 days after introduction of the resolutions, a majority of the members of each house votes to adopt the resolution introduced in such house, the proposed compact shall be considered to have been approved by the legislature and the governor is authorized to execute the compact on behalf of the state. Each house of the legislature shall vote on the resolution introduced in such house within 10 days after introduction unless

(continued)

the other house has already voted against adoption of the resolution introduced in such other house.

(2) If the legislature is not in session when the joint committee on gaming compacts votes to recommend approval or rejection of a proposed compact or votes to make no recommendation on a proposed compact, as authorized by this section, the joint committee shall notify the legislative coordinating council of the joint committee's action within five days after such action. If, within 30 days after receiving such notice, the legislative coordinating council votes, by a vote of five members of the council, to approve the proposed compact, the compact shall be considered to have been approved by the legislative coordinating council and the governor is authorized to execute the compact on behalf of the state.

(3) Neither the legislature nor the legislative coordinating council has the authority to amend or otherwise modify any proposed gaming compact.

(e) The attorney general shall be the legal counsel for the governor or the governor's representatives in negotiating a gaming compact under this section and for the joint committee on gaming compacts in reviewing proposed compacts.

(f) A gaming compact negotiated on behalf of the state under this section shall contain:

(1) A provision recognizing the right of each party to the compact to request that the compact be renegotiated or replaced by a new compact, including the right of the legislature by concurrent resolution to request renegotiation or replacement of the compact, and providing the terms under which either party, including the legislature, may request a renegotiation or the negotiation of a new compact; and

(2) a provision that, in the event of a request for a renegotiation or a new compact, the existing compact will remain in effect until renegotiated or replaced.

(g) The governor, or the governor's designated representatives, and the attorney general shall report to the joint committee on gaming compacts, at such times as requested by the joint committee, regarding gaming compacts negotiated and prospective negotiations.

Sec. 5. K.S.A. 46-2303 is hereby amended to read as follows: 46-2303. (a) There is hereby established the joint committee on gaming compacts, which shall consist of three senators and three members of the house of representatives. Of the senators, two shall be appointed by the president of the senate and one by the minority leader of the senate. Of the members of the house of representatives, two shall be appointed by the speaker of the house of representatives and one by the minority leader of the house of representatives.

(a) The joint committee on gaming compacts is hereby reconstituted as the joint committee on state-tribal relations. The joint committee shall consist of 12 members as follows: (1) Five members of the senate and five members of the house of representatives; and (2) the governor or the governor's designee and the attorney general or the attorney general's designee, who shall be nonvoting members. Of the members appointed from the senate, three shall be appointed by the president of the senate and two shall be appointed by the minority leader of the senate. Of the members appointed from the house of representatives, three shall be appointed by the speaker of the house of representatives and two by the minority leader of the house of representatives. Such members shall be selected only from the membership of the standing committees on federal and state affairs, judiciary, taxation and assessment and taxation. All legislative members of the joint committee shall serve for terms ending on the first day of the regular legislative session in odd-numbered years.

(b) The joint committee on gaming compacts:

(1) May establish and transmit to the governor proposed guidelines reflecting the public policies and state interests, as embodied in the constitution, statutes and case law of the state of Kansas, consistent with the Indian gaming regulatory act (25 U.S.C. 2701 et seq.), that the joint committee will consider in reviewing proposed compacts;

(2) may recommend to the governor that any gaming compact provide for the imposition and collection of state sales and excise taxes on sales of nongaming goods and services to persons other than tribal members and imposition and collection of state income tax on revenues derived from sales of nongaming goods and services;

(3) may hold public hearings on proposed gaming compacts submitted to the joint committee by the governor; and

(4) shall, in accordance with K.S.A. 46-2302, recommend modification of proposed gaming compacts submitted by the governor and introduce resolutions approving proposed gaming compacts submitted by the

governor and recommend that such resolutions be adopted or be not adopted, or report such resolutions without recommendation, and notify the governor, in writing, of the joint committee's action.

(c) The president of the senate shall designate a senator member to be chairperson of the joint committee on gaming compacts in even-numbered years and the vice-chairperson in odd-numbered years. The speaker of the house of representatives shall designate a representative member to be chairperson of the committee in odd-numbered years and the vice-chairperson in even-numbered years. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson.

(b) Each year the members of the joint committee shall elect from its membership a chairperson and a vice-chairperson. During odd-numbered years, the chairperson shall be a member from the senate and the vice-chairperson shall be a member from the house of representatives. During even-numbered years, the chairperson shall be a member from the house of representatives and the vice-chairperson shall be a member from the senate. The vice-chairperson shall exercise all of the powers and duties of the chairperson in the absence of the chairperson.

(d) (c) A quorum of the joint committee on gaming compacts shall be four six. Actions of the joint committee recommending that a resolution approving a proposed compact be adopted or not be adopted shall be only on the affirmative vote of four eight or more members of the joint committee, at least two four of whom shall be senators and at least two four of whom shall be members of the house of representatives. Action of the joint committee to report without recommendation a resolution approving a compact may be on the affirmative vote of any three five or more members of the committee. All other actions of the joint committee may be taken by a majority of those present when there is a quorum.

(e) (d) The joint committee on gaming compacts may meet at any time and at any place within the state on the call of the chairperson. The joint committee may appoint subcommittees as deemed appropriate. Members of the joint committee and subcommittees thereof, shall receive compensation, travel, subsistence allowance and mileage as provided by K.S.A. 75-3212, and amendments thereto, when attending meetings of the joint committee or subcommittee thereof.

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

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

(h) The joint committee on gaming compacts may introduce such legislation as it considers necessary in performing its functions:

(g) The joint committee:

(1) May establish and transmit to the governor proposed guidelines reflecting the public policies and state interests, as embodied in the constitution, statutes and case law of the state of Kansas, consistent with the Indian gaming regulatory act (25 U.S.C. 2701 et seq.), that the joint committee will consider in reviewing proposed compacts;

(2) may recommend to the governor that any gaming compact provide for the imposition and collection of state sales and excise taxes on sales of nongaming goods and services to persons other than tribal members and imposition and collection of state income tax on revenues derived from sales of nongaming goods and services;

(3) may hold public hearings on proposed gaming compacts submitted to the joint committee by the governor;

(4) shall recommend modification of proposed gaming compacts submitted by the governor and introduce resolutions approving proposed gaming compacts submitted by the governor and recommend that such resolutions be adopted or be not adopted, or report such resolutions without recommendation, and notify the governor, in writing, of the joint committee's action;

(5) shall meet, discuss and hold hearings on issues concerning state and tribal relations; and

(6) may introduce such legislation as deemed necessary in performing its functions.

Sec. 6. K.S.A. 46-2301, 46-2302 and 46-2303 and K.S.A. 1998 Supp. 46-1701 and 46-2101 are hereby repealed.

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

(Published in the Kansas Register May 20, 1999.)

SENATE BILL No. 15

AN ACT concerning alcoholic beverages; relating to the regulation and consumption thereof; amending K.S.A. 1998 Supp. 41-201 and 41-719 and repealing the existing sections.

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

Section 1. K.S.A. 1998 Supp. 41-201 is hereby amended to read as follows: 41-201. (a) The director of alcoholic beverage control and agents and employees of the director designated by the director, with the approval of the secretary of revenue, are hereby vested with the power and authority of peace and police officers, in the execution of the duties imposed upon the director of alcoholic beverage control by this act and in enforcing the provisions of this act and the provisions of K.S.A. 1998 Supp. 8-1599.

(b) The director and each agent and employee designated by the director under subsection (a), with the approval of the secretary of revenue, shall have the authority to make arrests, conduct searches and seizures and carry firearms while investigating violations of this act or violations of K.S.A. 1998 Supp. 8-1599 and during the routine conduct of their duties as determined by the director or designee. In addition to the above, the director and such agents and employees shall have the authority to make arrests, conduct searches and seizures and generally to enforce all the criminal laws of the state as violations of those laws are encountered by such employees or agents during the routine performance of their duties. In addition to or in lieu of the above, the director and the director's agents and employees shall have the authority to issue notices to appear pursuant to K.S.A. 22-2408, and amendments thereto. No agent or employee of the director shall be certified to carry firearms under the provisions of this section without having first successfully completed the firearm training course or courses prescribed for law enforcement officers under subsection (a) of K.S.A. 74-5604a, and amendments thereto. The director may adopt rules and regulations prescribing other training required for such agents or employees.

(c) The attorney general shall appoint, with the approval of the secretary of revenue, an assistant attorney general who shall be the attorney for the director of alcoholic beverage control and the division of alcoholic beverage control, and who shall receive an annual salary fixed by the attorney general with the approval of the director of alcoholic beverage control and the state finance council.

Sec. 2. K.S.A. 1998 Supp. 41-719 is hereby amended to read as follows: 41-719. (a) No person shall drink or consume alcoholic liquor on the public streets, alleys, roads or highways or inside vehicles while on the public streets, alleys, roads or highways.

(b) No person shall drink or consume alcoholic liquor on private property except:

(1) On premises where the sale of liquor by the individual drink is authorized by the club and drinking establishment act;

(2) upon private property by a person occupying such property as an owner or lessee of an owner and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

(3) in a lodging room of any hotel, motel or boarding house by the person occupying such room and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

(4) in a private dining room of a hotel, motel or restaurant, if the dining room is rented or made available on a special occasion to an individual or organization for a private party and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place; or

(5) on the premises of a microbrewery or farm winery, if authorized by K.S.A. 41-308a or 41-308b, and amendments thereto.

(c) No person shall drink or consume alcoholic liquor on public property except:

(1) On real property leased by a city to others under the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, if such real property is actually being used for hotel or motel purposes or purposes incidental thereto.

(2) In any state-owned or operated building or structure, and on the

surrounding premises, which is furnished to and occupied by any state officer or employee as a residence.

(3) On premises licensed as a club or drinking establishment and located on property owned or operated by an airport authority created pursuant to chapter 27 of the Kansas Statutes Annotated or established by a city having a population of more than 200,000.

(4) On the state fair grounds on the day of any race held thereon pursuant to the Kansas parimutuel racing act.

(5) On the state fairgrounds, if such liquor is domestic wine or wine imported under subsection (e) of K.S.A. 41-308a, and amendments thereto, and is consumed only for purposes of judging competitions.

(6) In the state historical museum provided for by K.S.A. 76-2036, and amendments thereto, on the surrounding premises and in any other building on such premises, as authorized by rules and regulations of the state historical society.

(7) On the premises of any state-owned historic site under the jurisdiction and supervision of the state historical society, on the surrounding premises and in any other building on such premises, as authorized by rules and regulations of the state historical society.

(8) In a lake resort within the meaning of K.S.A. 32-867, and amendments thereto, on state-owned or leased property.

(9) In the Hiram Price Dillon house or on its surrounding premises, subject to limitations established in policies adopted by the legislative coordinating council, as provided by K.S.A. 75-3682, and amendments thereto.

(10) On the premises of the Kansas national guard regional training center located in Saline county, and any building on such premises, as authorized by rules and regulations of the adjutant general and upon approval of the Kansas military board.

(11) On property exempted from this subsection (c) pursuant to subsection (d), (e), (f), (g) or (h).

(d) Any city may exempt, by ordinance, from the provisions of subsection (c) specified property the title of which is vested in such city.

(e) The board of county commissioners of any county may exempt, by resolution, from the provisions of subsection (c) specified property the title of which is vested in such county.

(f) The state board of regents may exempt from the provisions of subsection (c) specified property which is under the control of such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(g) The board of regents of Washburn university may exempt from the provisions of subsection (c) the Mulvane art center and the Bradbury Thompson alumni center on the campus of Washburn university, and other specified property the title of which is vested in such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(h) Any city may exempt, by ordinance, from the provisions of subsection (c) any national guard armory in which such city has a leasehold interest, if the Kansas military board consents to the exemption.

(i) The provisions of subsection (e) shall not apply to functions or activities held in the Hiram Price Dillon house or on its surrounding premises, except to the extent limitations are established in policies adopted by the legislative coordinating council, as provided by K.S.A. 75-3682, and amendments thereto.

(j) (i) Violation of any provision of this section is a misdemeanor punishable by a fine of not less than \$50 or more than \$200 or by imprisonment for not more than six months, or both.

Sec. 3. K.S.A. 1998 Supp. 41-719 is hereby amended to read as follows: 41-719. (a) No person shall drink or consume alcoholic liquor on the public streets, alleys, roads or highways or inside vehicles while on the public streets, alleys, roads or highways.

(b) No person shall drink or consume alcoholic liquor on private property except:

(1) On premises where the sale of liquor by the individual drink is authorized by the club and drinking establishment act;

(2) upon private property by a person occupying such property as an owner or lessee of an owner and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

(continued)

(3) in a lodging room of any hotel, motel or boarding house by the person occupying such room and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

(4) in a private dining room of a hotel, motel or restaurant, if the dining room is rented or made available on a special occasion to an individual or organization for a private party and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place; or

(5) on the premises of a microbrewery or farm winery, if authorized by K.S.A. 41-308a or 41-308b, and amendments thereto.

(c) No person shall drink or consume alcoholic liquor on public property except:

(1) On real property leased by a city to others under the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, if such real property is actually being used for hotel or motel purposes or purposes incidental thereto.

(2) In any state-owned or operated building or structure, and on the surrounding premises, which is furnished to and occupied by any state officer or employee as a residence.

(3) On premises licensed as a club or drinking establishment and located on property owned or operated by an airport authority created pursuant to chapter 27 of the Kansas Statutes Annotated or established by a city having a population of more than 200,000.

(4) On the state fair grounds on the day of any race held thereon pursuant to the Kansas parimutuel racing act.

(5) On the state fairgrounds, if such liquor is domestic wine or wine imported under subsection (e) of K.S.A. 41-308a, and amendments thereto, and is consumed only for purposes of judging competitions.

(6) In the state historical museum provided for by K.S.A. 76-2036, and amendments thereto, on the surrounding premises and in any other building on such premises, as authorized by rules and regulations of the state historical society.

(7) On the premises of any state-owned historic site under the jurisdiction and supervision of the state historical society, on the surrounding premises and in any other building on such premises, as authorized by rules and regulations of the state historical society.

(8) In a lake resort within the meaning of K.S.A. 32-867, and amendments thereto, on state-owned or leased property.

(9) In the Hiram Price Dillon house or on its surrounding premises, subject to limitations established in policies adopted by the legislative coordinating council, as provided by K.S.A. 75-3682, and amendments thereto.

(10) In the state capitol building or on its surrounding premises, on December 31, 1999, and January 1, 2000, subject to limitations established in policies adopted by the secretary of the department of administration.

(11) On property exempted from this subsection (c) pursuant to subsection (d), (e), (f), (g) or (h).

(d) Any city may exempt, by ordinance, from the provisions of subsection (c) specified property the title of which is vested in such city.

(e) The board of county commissioners of any county may exempt, by resolution, from the provisions of subsection (c) specified property the title of which is vested in such county.

(f) The state board of regents may exempt from the provisions of subsection (c) the Sternberg museum on the campus of Fort Hays state university, or other specified property which is under the control of such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(g) The board of regents of Washburn university may exempt from the provisions of subsection (c) the Mulvane art center and the Bradbury Thompson alumni center on the campus of Washburn university, and other specified property the title of which is vested in such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(h) Any city may exempt, by ordinance, from the provisions of subsection (c) any national guard armory in which such city has a leasehold interest, if the Kansas military board consents to the exemption.

(i) The provisions of subsection (c) shall not apply to functions or activities held in the Hiram Price Dillon house or on its surrounding premises, except to the extent limitations are established in policies adopted by the legislative coordinating council, as provided by K.S.A. 75-3682, and amendments thereto.

(j) (i) Violation of any provision of this section is a misdemeanor punishable by a fine of not less than \$50 or more than \$200 or by imprisonment for not more than six months, or both.

Sec. 4. K.S.A. 1998 Supp. 41-201 and 41-719 are hereby repealed.

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

(Published in the Kansas Register May 20, 1999.)

HOUSE BILL No. 2489

AN ACT making and concerning appropriations for the fiscal years ending June 30, 1999, June 30, 2000, and June 30, 2001; 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; amending K.S.A. 1998 Supp. 79-2964, as amended by section 94 of 1999 Senate Bill No. 325, and repealing the existing section.

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

Section 1. (a) For the fiscal years ending June 30, 1999, June 30, 2000, and June 30, 2001, 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 1999 and shall constitute the omnibus reconciliation spending limit bill for the 1999 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 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:

Community based services	
For the fiscal year ending June 30, 2000.....	\$1,200,000
Youth services aid and assistance	
For the fiscal year ending June 30, 1999.....	\$6,428,207
For the fiscal year ending June 30, 2000.....	\$4,670,000
Other medical assistance	
For the fiscal year ending June 30, 1999.....	\$4,386,100
For the fiscal year ending June 30, 2000.....	\$10,808,100
Mental health and retardation services aid and assistance and state institutions operations	
For the fiscal year ending June 30, 2000.....	\$357,143
Nursing facilities quality enhancement wage pass-through pursuant to 1999 Senate Bill No. 126	
For the fiscal year ending June 30, 2000.....	\$224,402

Provided, That all expenditures from the nursing facilities quality enhancement wage pass-through pursuant to 1999 Senate Bill No. 126 account shall be made pursuant to an application and selection process for prioritization which is hereby authorized and directed to be prescribed in policies adopted by the secretary of aging and, with respect to expenditures from the nursing facilities quality enhancement wage pass-through pursuant to 1999 Senate Bill No. 126 account by the department of social and rehabilitation services, which shall be administered by the department of social and rehabilitation services in accordance with the policies adopted by the secretary of aging.

(b) On the effective date of this act, of the \$1,849,723 appropriated for the above agency for the fiscal year ending June 30, 1999, by section 116(a) of 1999 Senate Bill No. 325 from the state general fund in the mental health and retardation services aid and assistance and state institutions operations account, the sum of \$454,938 is hereby lapsed.

(c) On the effective date of this act, of the \$49,982,374 appropriated for the above agency for the fiscal year ending June 30, 1999, by section 120(a) of chapter 203 of the 1998 Session Laws of Kansas from the state general fund in the cash assistance account, the sum of \$190,000 is hereby lapsed.

(d) On July 1, 1999, of the \$53,328,276 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 55(a) of 1999 Senate Bill No. 325 from the state general fund in the cash assistance account, the sum of \$190,000 is hereby lapsed.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the children's health care programs fund for fiscal year 2000, expenditures may be made by the above agency from the children's health care programs fund for fiscal year 2000 for the following specified purposes subject to the expenditure limitations prescribed therefor:

Children's health care programs fund—home and community based services for mental retardation \$2,000,000

Provided, That all expenditures by the above agency from the children's health care programs fund for fiscal year 2000 from the children's health care programs fund—home and community based services for mental retardation account shall be in addition to any expenditure limitation imposed on the children's health care programs fund for fiscal year 2000;

Provided further, That expenditures from this account shall be made to serve persons known to have applied for and been determined to need community developmental disability services; *And provided further*, That such expenditures shall not exceed this amount when serving persons for a full fiscal year.

Children's health care programs fund—home and community based services for physically disabled \$1,800,000

Provided, That all expenditures by the above agency from the children's health care programs fund for fiscal year 2000 from the children's health care programs fund—home and community based services for physically disabled account shall be in addition to any expenditure limitation imposed on the children's health care programs fund for fiscal year 2000.

(f) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from the state operations account of the state general fund for the fiscal year ending June 30, 2000, as authorized by section 55(a) of 1999 Senate Bill No. 325 or by this or other appropriation act of the 1999 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services from the state operations account of the state general fund for fiscal year 2000 to conduct a review of, and to adopt appropriate amendments to, the rules and regulations and the administrative policies of the department of social and rehabilitation services for the purposes of clarifying the definitions of children in need of care, especially in the areas relating to protective custody; *Provided*, That the secretary of social and rehabilitation services shall submit a report to the legislature by January 10, 2000, setting forth the results of such study and the amendments adopted to the rules and regulations and the administrative policies of the department of social and rehabilitation service with respect thereto.

(g) On July 1, 1999, of the \$89,635,746 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 55(a) of 1999 Senate Bill No. 325 from the state general fund in the state operations account, the sum of \$38,701 is hereby lapsed.

(h) On July 1, 1999, the position limitation established by section 90(a) of 1999 Senate Bill No. 325 for the department of social and rehabilitation services is hereby decreased from 4,176.0 to 4,170.5.

(i) On the effective date of this act, the amounts specified in section 120(c) of chapter 203 of the 1998 Session Laws of Kansas as being included in the mental health and retardation services aid and assistance and state institutions operations account of the state general fund for the following institutions are hereby changed to the amounts specified, but expenditures from the mental health and retardation services aid and assistance and state institutions operations account of the state general fund for any such institution shall not be limited to, or be required to be made in, the amount listed for the institution, as follows: (1) The amount for Kansas neurological institute is hereby decreased from \$10,198,356 to \$10,192,251; (2) the amount for Larned state hospital is hereby decreased from \$8,677,519 to \$7,823,934; (3) the amount for Osawatomie state hospital is hereby decreased from \$3,693,609 to \$2,593,609; (4) the amount for Parsons state hospital and training center is hereby increased from \$8,683,907 to \$8,686,419; and (5) the amount for Rainbow mental health facility is hereby decreased from \$2,391,500 to \$2,177,740.

(j) On the effective date of this act, the expenditure limitation established by section 116(o) of 1999 Senate Bill No. 325 on the Larned state hospital fee fund is hereby increased from \$2,769,829 to \$3,619,829.

(k) On the effective date of this act, the expenditure limitation estab-

lished by section 116(p) of 1999 Senate Bill No. 325 on the Osawatomie state hospital fee fund is hereby increased from \$3,152,948 to \$4,252,948.

(l) On the effective date of this act, the expenditure limitation established by section 116(r) of 1999 Senate Bill No. 325 on the Rainbow mental health facility fee fund is hereby increased from \$1,036,361 to \$1,236,361.

(m) On July 1, 1999, the amounts specified in section 55(c) of 1999 Senate Bill No. 325 as being included in the mental health and retardation services aid and assistance and state institutions operations account of the state general fund for the following institutions are hereby changed to the amounts specified, but expenditures from the mental health and retardation services aid and assistance and state institutions operations account of the state general fund for any such institution shall not be limited to, or be required to be made in, the amount listed for the institution, as follows: (1) The amount for Kansas neurological institute is hereby decreased from \$7,931,823 to \$7,902,731; (2) the amount for Larned state hospital is hereby increased from \$11,768,273 to \$11,799,364; (3) the amount for Osawatomie state hospital is hereby decreased from \$5,988,178 to \$5,971,632; (4) the amount for Parsons state hospital and training center is hereby increased from \$5,943,156 to \$5,950,211; and (5) the amount for Rainbow mental health facility is hereby increased from \$1,583,476 to \$1,586,011.

(n) On July 1, 1999, the position limitations established by section 90(a) of 1999 Senate Bill No. 325 for the following agencies are hereby increased or decreased, as specified, to the position limitations specified for such agencies: (1) The position limitation for Larned state hospital is hereby decreased from 767.6 to 766.6; (2) the position limitation for Osawatomie state hospital is hereby decreased from 483.4 to 482.4; (3) the position limitation for Parsons state hospital and training center is hereby decreased from 522.0 to 521.0; and (4) the position limitation for Rainbow mental health facility is hereby decreased from 137.4 to 136.4.

(o) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from any moneys appropriated from the state general fund or any special revenue fund for the fiscal year ending June 30, 2000, as authorized by this or other appropriation act of the 1999 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services from any such moneys appropriated for fiscal year 2000 for the receipt, crediting and disbursement of moneys received by the department of social and rehabilitation services for payments of support pursuant to a rule or administrative order issued by the Kansas supreme court, which is hereby authorized to be issued by the Kansas supreme court, directing payments of support, which are made pursuant to any court order entered in this state regardless of the date of the order, to be made to a central unit for the collection and disbursement of support payments, notwithstanding the provisions of any statute to the contrary.

(p) On July 1, 2000, the director of accounts and reports shall transfer any unencumbered balance in the children's health care programs fund—home and community based services for mental retardation account of the children's health care programs fund to the critical emergency services for CDDOS fund.

(q) 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:

Critical emergency services for CDDOS fund	
For the fiscal year ending June 30, 2001.....	\$0
Sec. 3.	

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, 2000.....	\$423,250
Long term care	
For the fiscal year ending June 30, 1999.....	\$200,000
For the fiscal year ending June 30, 2000.....	\$840,000
Nursing facilities quality enhancement wage pass-through pursuant to 1999 Senate Bill No. 126	
For the fiscal year ending June 30, 2000.....	\$1,725,000
<i>Provided</i> , That all expenditures from the nursing facilities quality en-	

(continued)

hancement wage pass-through pursuant to 1999 Senate Bill No. 126 account shall be made pursuant to an application and selection process for prioritization which is hereby authorized and directed to be prescribed in policies adopted by the secretary of aging and, with respect to expenditures from the nursing facilities quality enhancement wage pass-through pursuant to 1999 Senate Bill No. 126 account by the department on aging, which shall be administered by the department on aging in accordance with the policies adopted by the secretary of aging.

(b) On or before July 15, 1999, and on the 15th day of each month thereafter during the fiscal year ending June 30, 2000, the secretary of aging shall certify to the director of the budget the total amount of moneys which were received by the department on aging during the preceding month from the federal government and which were deposited in the state treasury to the credit of the medicaid fund—federal. During the fiscal year ending June 30, 2000, after receiving one or more certifications from the secretary of aging under this subsection, the director of the budget may certify an amount or amounts to the director of accounts and reports to be transferred from the medicaid fund—federal of the department on aging to the state general fund for the purpose of reimbursing the state general fund for the amount appropriated for the department on aging from the state general fund in the administration account. Upon receiving each such certification from the director of the budget, the director of accounts and reports shall transfer the amount or amounts certified from the medicaid fund—federal of the department on aging to the state general fund on the dates specified by the director of the budget.

(c) On July 1, 1999, the position limitation established by section 90(a) of 1999 Senate Bill No. 325 for the department on aging is hereby increased from 155.8 to 157.8.

Sec. 4.

DEPARTMENT OF TRANSPORTATION

(a) On the effective date of this act, the expenditure limitation established by section 136(a) of 1999 Senate Bill No. 325 on the agency operations account of the state highway fund is hereby decreased from \$198,435,474 to \$198,348,984.

(b) On July 1, 1999, the position limitation established by section 90(a) of 1999 Senate Bill No. 325 for the department of transportation is hereby increased from 3,118.5 to 3,219.5.

(c) On July 1, 1999, the expenditure limitation established by section 89(b) of 1999 Senate Bill No. 325 on the agency operations account of the state highway fund is hereby increased from \$205,226,194 to \$212,487,075.

(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:

Transportation revolving fund	
For the fiscal year ending June 30, 2000.....	No limit
Highway bond proceeds fund	
For the fiscal year ending June 30, 2000.....	No limit
Coordinated public transportation assistance fund	
For the fiscal year ending June 30, 2000.....	No limit

(e) On July 1, 1999, the expenditure limitation established by section 89(b) of 1999 Senate Bill No. 325 on the payments for city connecting links account of the state highway fund is hereby increased from \$2,240,000 to No limit.

(f) In addition to the other purposes for which expenditures may be made by the department of transportation from the state highway fund or from any other special revenue fund for the fiscal year ending June 30, 2000, as authorized by section 89 of 1999 Senate Bill No. 325 or by this or other appropriation act of the 1999 regular session of the legislature, expenditures shall be made by the department of transportation from the state highway fund or from any other special revenue fund for fiscal year 2000 to conduct a study to be conducted by personnel of the department of transportation or by a qualified consultant pursuant to a contract entered into therefor, which shall review and study the flooding history and state highway construction history in the flood plain vicinity of the junction of U.S. highway 54 and U.S. highway 69 northeast of Fort Scott, Kansas: *Provided*, That such study shall include study of bridge number 5 on U.S. highway 69 in Bourbon county in conjunction with the surrounding flood plain: *Provided further*, That such study shall include a study of the relationship of flooding to existing highway embankments

and, in consultation with the chief engineer of the division of water resources of the Kansas department of agriculture regarding current flood control and other surface water standards of the division of water resources of the Kansas department of agriculture, the development of proposals for lessening flood severity in the area: *And provided further*, That the secretary of transportation shall submit a report to the legislature by January 10, 2000, setting forth the results of such study and any recommendations or proposals that have been developed from such study.

(g) In addition to the other purposes for which expenditures may be made by the department of transportation from the state highway fund or from any other special revenue fund for the fiscal year ending June 30, 2000, as authorized by section 89 of 1999 Senate Bill No. 325 or by this or other appropriation act of the 1999 regular session of the legislature, expenditures shall be made by the department of transportation from the state highway fund or from any other special revenue fund for fiscal year 2000 to conduct a study to be conducted by personnel of the department of transportation or by a qualified consultant pursuant to a contract entered into therefor, which shall review and study the accident history of the new section of K-96 from northwest of Maize, Kansas, to south of Hutchinson, Kansas: *Provided*, That such study shall include the development of proposals for any changes or modifications to such new section of K-96 which may address the accident history or otherwise provide improvements which are intended to reduce the incidence of highway accidents on such new section of K-96: *Provided further*, That the secretary of transportation shall submit a report to the legislature by January 10, 2000, setting forth the results of such study and any recommendations or proposals that have been developed from such study.

(h) In addition to the other purposes for which expenditures may be made by the department of transportation from the state highway fund for the fiscal years ending June 30, 2000, or June 30, 2001, as authorized by section 89 of 1999 Senate Bill No. 325, or by this or other appropriation act of the 1999 regular session of the legislature or by any appropriation act of the 2000 regular session of the legislature, expenditures shall be made by the department of transportation from the state highway fund for fiscal year 2000 or fiscal year 2001 for the purpose of paying all expenses associated with the authorizing and issuing of bonds authorized by 1999 House Bill No. 2071: *Provided*, That, all contracts for the issuance and sale of such bonds including contracts with financial advisors, attorneys and such other professional services related to the issuance and sale of such bonds shall be entered into pursuant to a competitive selection process.

Sec. 5.

KANSAS LOTTERY

(a) The director of accounts and reports shall not make any transfers from the lottery operating fund of the Kansas lottery to the state general fund that are prescribed to be made by section 45(e) of 1999 Senate Bill No. 325 and the executive director shall not make any of the calculations, determinations and certifications that are prescribed to be made by section 45(e) of 1999 Senate Bill No. 325: *Provided*, That, in lieu thereof, the director of accounts and reports shall make the transfers from the lottery operating fund of the Kansas lottery to the state general fund that are prescribed to be made by subsection (b) of this section and the executive director of the Kansas lottery shall perform the calculations, determinations and certifications prescribed by subsection (b) of this section.

(b) On June 15, 2000, the executive director of the Kansas lottery shall determine whether the total of all transfers during the fiscal year ending June 30, 2000, from the lottery operating fund to the state gaming revenues fund as of June 15, 2000, equals \$59,400,000 or more: *Provided*, That, if the total amount of such transfers is less than \$59,400,000 as of June 15, 2000, then the executive director of the Kansas lottery shall compute the difference between the projected total amount of such transfers during fiscal year 2000 and the actual total of the transfers as of June 15, 2000, and, on June 15, 2000, the executive director of the Kansas lottery shall certify to the director of accounts and reports the amount equal to the difference between projected and actual total transfers so computed: *Provided further*, That, on or after receiving such certification and not later than June 20, 2000, the director of accounts and reports shall transfer the amount certified from the lottery operating fund to the state general fund for the purpose of enhancing revenues and providing additional moneys for the state general fund if lottery sales fall below a projected total of \$198,000,000 during the fiscal year 2000 period for determination of lottery transfers and the total of the actual transfers to the state gaming revenues fund do not equal or exceed the projected total

of \$59,400,000 during fiscal year 2000 by June 15, 2000: *Provided, however*, That, notwithstanding the amount certified by the executive director of the Kansas lottery to the director of accounts and reports pursuant to this subsection, the amount transferred from the lottery operating fund to the state general fund shall not exceed \$732,560.

Sec. 6.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) On the effective date of this act, the expenditure limitation established by section 137(a) of 1999 Senate Bill No. 325 on expenditures from the Kansas public employees retirement fund for the technology project is hereby decreased from \$2,250,000 to \$398,745.

(b) On July 1, 1999, the expenditure limitation established by section 5(e) of chapter 202 of the 1998 Session Laws of Kansas on expenditures from the Kansas public employees retirement fund for the technology project is hereby increased from \$600,000 to \$2,451,255.

(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:

Group insurance reserve fund	
For the fiscal year ending June 30, 2000.....	No limit
Optional death benefit plan reserve fund	
For the fiscal year ending June 30, 2000.....	No limit

Sec. 7.

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:

School district juvenile detention facilities and Flint Hills job corps center grants	
For the fiscal year ending June 30, 1999.....	\$263,000
For the fiscal year ending June 30, 2000.....	\$1,277,480
Communities in schools	
For the fiscal year ending June 30, 2000.....	\$125,000
Operating expenditures (including official hospitality)	
For the fiscal year ending June 30, 2000.....	\$88,000
Study of school district organization	
For the fiscal year ending June 30, 2000.....	\$250,000

Provided, That expenditures shall be made from the study of school district organization account for a comprehensive study of the organization of school districts: *Provided further*, That the state board of education shall present the findings of the study and any recommendations to the house of representatives and senate standing committees on education on or before January 15, 2001: *And provided further*, That expenditures from this account shall not be subject to the competitive bidding requirements of K.S.A. 1998 Supp. 75-3739 and amendments thereto: *And provided further*, That any unencumbered balance in excess of \$100 as of June 30, 2000, in the study of school district organization account is hereby reappropriated to the study of school district organization account for fiscal year 2001.

School safety hotline

For the fiscal year ending June 30, 1999.....	\$75,000
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Provided, That any unencumbered balance in the school safety hotline account in excess of \$100 as of June 30, 1999, is hereby reappropriated for fiscal year 2000: *Provided further*, That all expenditures from the school safety hotline account shall be for the establishment and operation of a school safety hotline staffed by officers and employees of the Kansas highway patrol continuously, 24 hours each day and seven days per week: *And provided further*, That expenditures from this account shall be used for the operation, promotion and marketing of the program: *And provided further*, That expenditures may be made from this account for the payment of overtime compensation of officers and employees of the Kansas highway patrol who staff the hotline.

(b) On July 1, 1999, of the \$1,763,838,086 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 57(a) of 1999 Senate Bill No. 325 from the state general fund in the general state aid account, the sum of \$8,933,000 is hereby lapsed.

(c) On July 1, 1999, of the \$76,890,000 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 57(a) of 1999 Senate Bill No. 325 from the state general fund in the supplemental general state aid account, the sum of \$321,000 is hereby lapsed.

(d) On July 1, 1999, of the \$91,696,756 appropriated for the above

agency for the fiscal year ending June 30, 2000, by section 57(a) of 1999 Senate Bill No. 325 from the state general fund in the KPERS—employer contributions account, the sum of \$240,435 is hereby lapsed.

(e) On July 1, 1999, the expenditure limitation established by section 57(a) of 1999 Senate Bill No. 325 on the expenditures from the reappropriated balance in the KPERS—employer contributions account is hereby increased from \$733,969 to \$1,233,969.

(f) On July 1, 1999, the matching requirement imposed on school districts by section 57(a) of 1999 Senate Bill No. 325 for purposes of matching grants from the state general fund for the parent education program is hereby increased from an amount which is equal to not less than 50% of the grant to an amount that is equal to not less than 75% of the grant.

(g) All expenditures from the children's health care programs fund—parent education program account of the children's health care programs fund for the fiscal year ending June 30, 2000, as prescribed in section 57(g) of 1999 Senate Bill No. 325, shall be matched by the school district receiving the grant in an amount which is equal to not less than 75% of the grant.

(h) On July 1, 1999, the limitation imposed by section 57(a) of 1999 Senate Bill No. 325 on the amount of moneys in the unencumbered balance in the general state aid account of the state general fund that, in excess of which, an amount of not to exceed \$2,000,000 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. 72-9601 *et seq.*, and amendments thereto, is hereby increased from \$29,750,914 to \$37,795,914.

(i) Expenditures made by the department of education from the school district capital improvements fund as provided for in section 57(b) of 1999 Senate Bill No. 325 shall only be made for the payment of general obligation bonds approved by the voters under the authority of K.S.A. 72-6761 and amendments thereto.

(j) On July 1, 1999, of the \$9,218,061 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 57(a) of 1999 Senate Bill No. 325 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$214,363 is hereby lapsed.

(k) On July 1, 1999, the \$19,685,124 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 57(a) of 1999 Senate Bill No. 325 from the state general fund in the postsecondary aid for vocational education account, is hereby lapsed.

(l) On July 1, 1999, the \$1,100,000 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 57(a) of 1999 Senate Bill No. 325 from the state general fund in the adult basic education account, is hereby lapsed.

(m) On July 1, 1999, the \$45,870,378 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 57(a) of 1999 Senate Bill No. 325 from the state general fund in the community college credit hour state aid account, is hereby lapsed.

(n) On July 1, 1999, the \$13,750,973 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 57(a) of 1999 Senate Bill No. 325 from the state general fund in the community college out-district state aid entitlement account, is hereby lapsed.

(o) On July 1, 1999, the \$2,642,795 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 57(a) of 1999 Senate Bill No. 325 from the state general fund in the community college general state aid account, is hereby lapsed.

(p) On July 1, 1999, the \$450,000 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 57(a) of 1999 Senate Bill No. 325 from the state general fund in the technology equipment at community colleges and Washburn university account, is hereby lapsed.

(q) On July 1, 1999, the \$500,000 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 57(a) of 1999 Senate Bill No. 325 from the state general fund in the vocational education capital outlay aid account, is hereby lapsed.

(r) On July 1, 1999, the appropriation of all moneys credited to and available in the GED credentials processing fees fund for the fiscal year ending June 30, 2000, by section 57(b) of 1999 Senate Bill No. 325 is hereby lapsed.

(s) On July 1, 1999, the appropriation of all moneys credited to and available in the proprietary school fee fund for the fiscal year ending June 30, 2000, by section 57(b) of 1999 Senate Bill No. 325 is hereby lapsed.

(t) On July 1, 1999, the appropriation of all moneys credited to and available in the adult basic education—federal fund for the fiscal year

(continued)

ending June 30, 2000, by section 57(b) of 1999 Senate Bill No. 325 is hereby lapsed.

(u) On July 1, 1999, the appropriation of all moneys credited to and available in the truck driver training fund for the fiscal year ending June 30, 2000, by section 57(b) of 1999 Senate Bill No. 325 is hereby lapsed.

(v) On July 1, 1999, the appropriation of all moneys credited to and available in the economic development initiatives fund of the department of education for the fiscal year ending June 30, 2000, by section 57(b) of 1999 Senate Bill No. 325 is hereby lapsed.

(w) On July 1, 1999, the appropriation of all moneys credited to and available in the tuition and fee waiver reimbursement fund for the fiscal year ending June 30, 2000, by section 57(b) of 1999 Senate Bill No. 325 is hereby lapsed.

(x) On July 1, 1999, the appropriation of all moneys credited to and available in the economic development initiatives fund of the above agency for the fiscal year ending June 30, 2000, by section 57(b) of 1999 Senate Bill No. 325 is hereby lapsed.

(y) On July 1, 1999, the \$2,000,000 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 57(d) of 1999 Senate Bill No. 325 from the economic development initiatives fund of the above agency in the vocational education capital outlay aid account, is hereby lapsed.

(z) On July 1, 1999, the \$6,716,110 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 57(d) of 1999 Senate Bill No. 325 from the economic development initiatives fund of the above agency in the postsecondary aid for vocational education account, is hereby lapsed.

(aa) On July 1, 1999, the \$200,000 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 57(d) of 1999 Senate Bill No. 325 from the economic development initiatives fund of the above agency in the technology innovation and internship account, is hereby lapsed.

(bb) The director of accounts and reports shall not make the transfers of \$2,226,786 from the Kansas economic development endowment account of the state economic development initiatives fund of the department of commerce and housing to the economic development initiatives fund of the department of education which were directed to be made on September 15, 1999, December 15, 1999, April 15, 2000, and on June 15, 2000, by section 57(e) of 1999 Senate Bill No. 325.

(cc) In addition to the other purposes for which expenditures may be made from the children's health care programs fund for fiscal year 2000, expenditures may be made by the above agency from the children's health care programs fund for fiscal year 2000 for the following specified purposes subject to the expenditure limitations prescribed therefor:

Children's health care programs fund—national geographic society education foundation endowment..... \$250,000

Provided, That all expenditures by the above agency from the children's health care programs fund for fiscal year 2000 from the children's health care programs fund—national geographic society education foundation endowment account shall be in addition to any expenditure limitations imposed on the children's health care programs fund for fiscal year 2000.

Children's health care programs fund—experimental wraparound Kansas project..... \$500,000

Provided, That all expenditures by the above agency from the children's health care programs fund for fiscal year 2000 from the children's health care programs fund—experimental wraparound Kansas project account shall be in addition to any expenditure limitations imposed on the children's health care programs fund for fiscal year 2000: *Provided further*, That all such expenditures from this account shall be for grants awarded by the state board of education to school districts applying therefor to implement mental health support services in the school setting that focus on violence prevention: *And provided further* That, in order to be eligible for a grant from this account, a school district must show evidence of a collaborative effort with a local community mental health center: *And provided further*, That expenditures from the children's health care programs fund—experimental wraparound Kansas project account for each such grant shall be matched by the school district in an amount which is equal to not less than 25% of the grant.

Sec. 8.

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

(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, 2000..... \$291,107

(b) In addition to the other purposes for which expenditures may be made by the state board of indigents' defense services from the indigents' defense services fund for the fiscal year ending June 30, 2000, as authorized by section 35(b) of 1999 Senate Bill No. 325, expenditures may be made by the state board of indigents' defense services for fiscal year 2000 from the indigents' defense services fund for fiscal year 2000, for salaries and wages of attorneys who are officers or employees of the state board of indigents' defense services.

Sec. 9.

JUDICIAL BRANCH

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

Judiciary operations

For the fiscal year ending June 30, 2000..... \$122,936

Grant to Kansas legal services, inc.

For the fiscal year ending June 30, 2000..... \$150,000

Provided, That expenditures shall be made from the grant to Kansas legal services, inc. account for statewide foster care legal services, including guardian *ad litem* and other legal representation services.

(b) In addition to the authorization and the other limitations and guidelines prescribed in the provisos to the judiciary operations account of the state general fund by section 36(a) of 1999 Senate Bill No. 325 for expenditures from the judiciary operations account for additional amounts of compensation for the fiscal year ending June 30, 2000, for the chief justice and other justices of the supreme court, the chief judge and other judges of the court of appeals, district judges who are designated as administrative judges, district judges who are not designated as administrative judges and district magistrate judges, expenditures from the judiciary operations account for fiscal year 2000 for an additional amount of compensation for any justice of the supreme court, any judge of the court of appeals, or any district judge shall not exceed an additional annual amount of \$3,218 for any such justice of the supreme court, judge of the court of appeals or district judge and expenditures from the judiciary operations account for fiscal year 2000 for an additional amount of compensation for any district magistrate judge shall not exceed an additional annual amount of \$1,609.

Sec. 10.

ATTORNEY GENERAL

(a) In addition to the other purposes for which expenditures may be made by the above agency from the children's health care programs fund for fiscal year 2000, expenditures may be made by the above agency from the children's health care programs fund for fiscal year 2000 from the following specified purposes subject to the expenditure limitations prescribed therefor:

Children's health care programs fund—DARE (Drug Abuse Resistance Education) coordinator, support staff, training and program expenditures..... \$165,300

Provided, That all expenditures by the above agency from the children's health care programs fund for fiscal year 2000 from the children's health care programs fund—DARE (Drug Abuse Resistance Education) coordinator, support staff, training and program expenditures account shall be in addition to any expenditure limitation imposed on the children's health care programs fund for fiscal year 2000.

(b) On July 1, 1999, the position limitation established by section 90(a) of 1999 Senate Bill No. 325 for the attorney general is hereby increased from 87.8 to 89.8.

Sec. 11.

DEPARTMENT OF REVENUE

(a) On the effective date of this act, the expenditure limitation established by section 110(a) of 1999 Senate Bill No. 325 on the division of vehicles operating fund is hereby increased from \$30,624,572 to \$30,649,572.

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

Operating expenditures

For the fiscal year ending June 30, 2000..... \$4,311

(c) On July 1, 1999, the position limitation established by section 90(a) of 1999 Senate Bill No. 325 for the department of revenue is hereby decreased from 1,182.5 to 1,180.0.

(d) On July 1, 1999, the expenditure limitation established by section 44(b) of 1999 Senate Bill No. 325 on the division of vehicles operating fund is hereby increased from \$36,100,246 to \$36,155,674.

(e) On July 1, 1999, the expenditure limitation established by section 44(b) of 1999 Senate Bill No. 325 on the salaries and wages account of the division of vehicles operating fund is hereby decreased from \$18,955,496 to \$17,144,750.

Sec. 12.

DEPARTMENT OF ADMINISTRATION

(a) On July 1, 1999, the position limitation established by section 90(a) of 1999 Senate Bill No. 325 for the department of administration is hereby increased from 884.4 to 889.4.

(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:

Public school districts benefit fund
For the fiscal year ending June 30, 2000..... No limit

(c) During the fiscal years ending June 30, 1999, and June 30, 2000, upon certification by the secretary of administration to the director of accounts and reports that the unencumbered balance in the construction defects recovery fund is insufficient to pay an amount that is necessary to finance expenses related to efforts by the state of Kansas to recover damages incidental to construction defects on capital projects involving state facilities, the director of accounts and reports shall transfer an amount equal to the insufficient amount from the architectural services recovery fund to the construction defects recovery fund: Provided, That the total of all such amounts transferred pursuant to this subsection during fiscal year 1999 shall not exceed \$200,000 and the total of all amounts transferred pursuant to this subsection during fiscal year 2000 shall not exceed \$200,000.

(d) On the effective date of this act, the expenditure limitation established by section 109(b) of 1999 Senate Bill No. 325 on the architectural services recovery fund is hereby increased from \$1,247,596 to \$1,271,856.

(e) On July 1, 1999, the expenditure limitation established by section 42(b) of 1999 Senate Bill No. 325 on the architectural services recovery fund is hereby increased from \$1,255,164 to \$1,497,412.

(f) On July 1, 1999, of the \$18,043,940 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 42(a) of 1999 Senate Bill No. 325 from the state general fund in the department of administration operations account, the sum of \$690 is hereby lapsed.

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

Table with 2 columns: Description and Amount. Includes Cedar Crest repair and renovation (\$986,627), Judicial center carpet replacement (\$64,000), Judicial center renovation planning (\$95,000), Statehouse committee room planning, remodel and relocation (\$400,000), Memorial hall security (\$190,000).

(h) In addition to the purposes for which expenditures may be made by the above agency from moneys appropriated in any special revenue funds or any account of the state general fund for the above agency for the fiscal year ending June 30, 2000, by this or other appropriation act of the 1999 regular session of the legislature, expenditures may be made by the above agency from any such special revenue fund or account of the state general fund for fiscal year 2000 for the purpose of making emergency repairs to any facility that is under the charge, care, management or control of the department of administration as provided by law: Provided, That the secretary of administration shall make a full report on such repairs and expenditures to the joint committee on state building construction at the joint committee's next scheduled meeting.

(i) In addition to the purposes for which expenditures may be made by the above agency from the state buildings operating fund for the fiscal year ending June 30, 2000, as authorized by section 42(b) of 1999 Senate Bill No. 325, expenditures may be made by the above agency from the state buildings operating fund for fiscal year 2000 for relocation of blind services and the Kansas industries for the blind.

(j) On July 1, 1999, the expenditure limitation established by section 42(b) of 1999 Senate Bill No. 325 on the salaries and wages and other operating expenditures account of the cafeteria benefits fund is hereby increased from \$2,242,608 to \$2,322,792.

Sec. 13.

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:

Table with 2 columns: Description and Amount. Operating expenditures (including official hospitality) For the fiscal year ending June 30, 1999..... \$80,726 For the fiscal year ending June 30, 2000..... \$85,301.

(b) On the effective date of this act, the expenditure limitation established by section 122(b) of 1999 Senate Bill No. 325 on the general fees fund is hereby decreased from \$8,089,533 to \$8,008,807.

(c) On July 1, 1999, the expenditure limitation established by section 67(b) of 1999 Senate Bill No. 325 on the general fees fund is hereby decreased from \$8,274,558 to \$8,189,257.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the restricted fees fund for the fiscal year ending June 30, 2000, expenditures may be made by the above agency from the appropriate account or accounts of the restricted fees fund for the following capital improvement project, subject to the expenditure limitations prescribed therefor:

Table with 2 columns: Description and Amount. Plan, construct, and equip—student recreation center..... \$135,000

Sec. 14.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) On July 1, 1999, of the \$96,390,128 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 70(a) of 1999 Senate Bill No. 325 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$104,644 is hereby lapsed.

(b) On July 1, 1999, the expenditure limitation established by section 70(b) of 1999 Senate Bill No. 325 on the general fees fund is hereby increased from \$10,057,878 to \$10,095,528.

Sec. 15.

PITTSBURG STATE UNIVERSITY

(a) On July 1, 1999, of the \$30,963,018 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 68(a) of 1999 Senate Bill No. 325 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$16,785 is hereby lapsed.

(b) On July 1, 1999, the expenditure limitation established by section 68(b) of 1999 Senate Bill No. 325 on the general fees fund is hereby increased from \$10,481,538 to \$10,484,945.

Sec. 16.

FORT HAYS STATE UNIVERSITY

(a) On July 1, 1999, of the \$29,877,753 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 63(a) of 1999 Senate Bill No. 325 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$68,772 is hereby lapsed.

(b) On July 1, 1999, the expenditure limitation established by section 63(b) of 1999 Senate Bill No. 325 on the general fees fund is hereby increased from \$7,823,325 to \$7,892,097.

(c) On the effective date of this act, of the \$100,196 appropriated for the above agency for the fiscal year ending June 30, 1999, by section 119(a) of 1999 Senate Bill No. 325 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$68,291 is hereby lapsed.

(d) On the effective date of this act, the expenditure limitation established by section 119(b) of 1999 Senate Bill No. 325 on the general fees fund is hereby increased from \$7,895,347 to \$7,963,638.

Sec. 17.

UNIVERSITY OF KANSAS

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

Table with 2 columns: Description and Amount. Ellsworth hall renovation fund For the fiscal year ending June 30, 2000..... No limit

(continued)

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 the Ellsworth hall renovation 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 the Ellsworth hall renovation fund: *And provided further*, That the above agency may transfer moneys for fiscal year 2000 from appropriate accounts of the housing system repairs, equipment and improvement fund to the Ellsworth hall renovation fund for the capital improvement project to renovate Ellsworth hall.

(b) On July 1, 1999, the appropriation of all moneys credited to and available in the renovate Ellsworth hall—special revenue fund for the fiscal year ending June 30, 2000, by section 161(a) of 1999 Senate Bill No. 325, for the capital improvement project to renovate Ellsworth hall is hereby lapsed and the renovate Ellsworth hall—special revenue fund established by section 161(a) of 1999 Senate Bill No. 325 is hereby abolished and the provisos to the renovate Ellsworth hall—special revenue fund in section 161(a) of 1999 Senate Bill No. 325 are hereby declared to be null and void and shall have no force and effect.

Sec. 18.

KANSAS STATE UNIVERSITY

(a) On July 1, 1999, of the \$100,220,771 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 64(a) of 1999 Senate Bill No. 325 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$53,193 is hereby lapsed.

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

Ackert hall addition—special revenue fund
 For the fiscal year ending June 30, 2000..... No limit

Provided, That Kansas state university may make expenditures from the Ackert hall addition—special revenue fund for the capital improvement project to construct an addition to Ackert 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 \$2,000,000 plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for such capital improvement project and any required reserves for payment of principal and interest on any bond: *Provided, further*, That such capital improvement project is hereby approved for Kansas state university for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

Sec. 19.

KANSAS STATE UNIVERSITY EXTENSION SYSTEMS AND AGRICULTURE RESEARCH PROGRAMS

(a) On the effective date of this act, of the \$15,678,790 appropriated for the above agency for the fiscal year ending June 30, 1999, by section 132(a) of chapter 203 of the 1998 Session Laws of Kansas from the state general fund in the cooperative extension service (including official hospitality) account, the sum of \$20,115 is hereby lapsed.

(b) On the effective date of this act, of the \$26,725,417 appropriated for the above agency for the fiscal year ending June 30, 1999, by section 132(a) of chapter 203 of the 1998 Session Laws of Kansas from the state general fund in the agricultural experiment stations (including official hospitality) account, the sum of \$3,092 is hereby lapsed.

(c) On the effective date of this act, the expenditure limitation estab-

lished by section 120(a) of 1999 Senate Bill No. 325 on the federal extension fund is hereby increased from \$6,330,221 to \$6,350,336.

(d) On the effective date of this act, the expenditure limitation established by section 120(b) of 1999 Senate Bill No. 325 on the federal experimental station fund is hereby increased from \$3,372,758 to \$3,375,850.

Sec. 20.

WICHITA STATE UNIVERSITY

(a) On July 1, 1999, of the \$61,773,770 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 71(a) of 1999 Senate Bill No. 325 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$71,802 is hereby lapsed.

(b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$99,962 from the appropriate account or accounts of the restricted fees fund of Wichita state university to the state general fund.

(c) On July 1, 1999, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$96,928 from the appropriate account or accounts of the restricted fees fund of Wichita state university to the state general fund.

Sec. 21.

KANSAS STATE UNIVERSITY VETERINARY MEDICAL CENTER

(a) On the effective date of this act, of the \$9,309,505 appropriated for the above agency for the fiscal year ending June 30, 1999, by section 133(a) of chapter 203 of the 1998 Session Laws of Kansas from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$34,394 is hereby lapsed.

(b) On July 1, 1999, of the \$9,340,709 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 66(a) of 1999 Senate Bill No. 325 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$42,255 is hereby lapsed.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 1999, by section 121(a) of 1999 Senate Bill No. 325 on the general fees fund is hereby increased from \$4,902,738 to \$4,937,132.

(d) On July 1, 1999, the expenditure limitation established for the fiscal year ending June 30, 2000, by section 66(b) of 1999 Senate Bill No. 325 on the general fees fund is hereby increased from \$5,017,298 to \$5,031,935.

Sec. 22.

KANSAS DEPARTMENT OF AGRICULTURE

(a) On July 1, 1999, of the \$10,525,786 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 82(a) of 1999 Senate Bill No. 325 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$27,210 is hereby lapsed.

(b) On July 1, 1999, the expenditure limitation established by section 82(b) of 1999 Senate Bill No. 325 on the water appropriation certification fund is hereby decreased from \$370,640 to \$369,238.

(c) On July 1, 1999, the position limitation established by section 90(a) of 1999 Senate Bill No. 325 for the Kansas department of agriculture is hereby decreased from 315.5 to 314.5.

Sec. 23.

KANSAS WHEAT COMMISSION.

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

Wheat research reserve fund
 For the fiscal year ending June 30, 2000..... \$0

(b) On July 1, 1999, the expenditure limitation established by section 85(a) of 1999 Senate Bill No. 325 on expenditures from the Kansas wheat commission fund, unless additional expenditures are specifically authorized by the state finance council after presentation of a new market plan for the Kansas wheat commission; is hereby increased from \$3,181,463 to \$3,194,731.

Sec. 24.

KANSAS STATE SCHOOL FOR THE BLIND

(a) On July 1, 1999, of the \$4,287,704 appropriated for the above

agency for the fiscal year ending June 30, 2000, by section 60(a) of 1999 Senate Bill No. 325 from the state general fund in the operating expenditures account, the sum of \$20,476 is hereby lapsed.

(b) On July 1, 1999, the position limitation established by section 90(a) of 1999 Senate bill No. 325 for the Kansas state school for the blind is hereby decreased from 93.5 to 92.5.

Sec. 25.

KANSAS BOARD OF EXAMINERS IN FITTING AND DISPENSING OF HEARING AIDS

(a) On July 1, 1999, the expenditure limitation established for the fiscal year ending June 30, 2000, by section 12(a) of 1999 Senate Bill No. 325 on the hearing aid board fee fund is hereby increased from \$15,385 to \$17,910.

(b) On July 1, 2000, the expenditure limitation established for the fiscal year ending June 30, 2001, by section 12(a) of 1999 Senate Bill No. 325 on the hearing aid board fee fund is hereby increased from \$15,616 to \$20,573.

Sec. 26.

SECRETARY OF STATE

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

Operating expenditures
For the fiscal year ending June 30, 1999..... \$77,569

(b) On July 1, 1999, of the \$2,086,754 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 30(a) of 1999 Senate Bill No. 325 from the state general fund in the operating expenditures account, the sum of \$27,129 is hereby lapsed.

Sec. 27.

KANSAS BOARD OF BARBERING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 1999, by section 66(a) of chapter 203 of the 1998 Session Laws of Kansas on the board of barbering fee fund is hereby increased from \$106,371 to \$111,311.

Sec. 28.

LEGISLATURE

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

Operations (including official hospitality)
For the fiscal year ending June 30, 2000..... \$128,168

Sec. 29.

KANSAS COMMISSION ON VETERANS AFFAIRS

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

State veterans cemeteries system planning
For the fiscal year ending June 30, 1999..... \$25,000
For the fiscal year ending June 30, 2000..... \$75,000
Veterans' home treatment building roof replacement
For the fiscal year ending June 30, 1999..... \$52,000
Soldiers' home facility conservation improvement program
For the fiscal year ending June 30, 1999..... \$915,250

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

Operations—state veterans cemeteries
For the fiscal year ending June 30, 2000..... \$48,599

(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:

State veterans cemeteries fee fund
For the fiscal year ending June 30, 2000..... \$16,458
Wichita veterans administration nursing home fee fund
For the fiscal year ending June 30, 2000..... \$0

Provided, That all expenditures from the Wichita veterans administration nursing home fee fund shall be for the operation of a nursing home at the Wichita veterans administration hospital: *Provided further*, That the state finance council shall not increase the expenditure limitation on the Wichita veterans administration nursing home fee fund in fiscal year 2000 unless the Kansas commission on veterans affairs reaches an agreement with the federal government which provides for reimbursement of all operating expenditures at a nursing home at the Wichita veterans admin-

istration hospital and the director of the budget certifies to the state finance council that the operation of a nursing home at the Wichita veterans administration hospital would not result in state expenditures which are not reimbursed by the federal government.

(d) On July 1, 1999, the position limitation established by section 90(a) of 1999 Senate Bill No. 325 for the Kansas commission on veterans affairs is hereby increased from 335.8 to 337.8.

(e) On July 1, 1999, the director of accounts and reports shall transfer \$545,570 from the state general fund to the Wichita veterans administration nursing home fee fund of the Kansas commission on veterans affairs.

Sec. 30.

DEPARTMENT OF HEALTH AND ENVIRONMENT

(a) On the effective date of this act, the \$250,000 appropriated for the above agency for the fiscal year ending June 30, 1999, by section 114(a) of 1999 Senate Bill No. 325 from the state general fund in the AIDS medication shortfall account, is hereby lapsed.

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

Operating expenditures—implementation of 1999 House Bill No. 2362
For the fiscal year ending June 30, 2000..... \$60,000
Operating expenditures—implementation of 1999 House Bill No. 2074
For the fiscal year ending June 30, 2000..... \$42,900
Operating expenditures—implementation of Substitute for 1999 House Bill No. 2469
For the fiscal year ending June 30, 2000..... \$787,583

Provided, That no expenditures shall be made from the operating expenditures—implementation of Substitute for 1999 House Bill No. 2469 account unless 1999 House Bill No. 2469 is enacted into law.

(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:

Lead based paint hazard fee fund
For the fiscal year ending June 30, 2000..... No limit
Trauma fund
For the fiscal year ending June 30, 2000..... \$300,000
Hazardous waste management fund
For the fiscal year ending June 30, 2000..... \$900,000
Oz theme park fund
For the fiscal year ending June 30, 2000..... \$250,000

(d) On the effective date of this act, the expenditure limitation established by section 117(b) of chapter 203 of the 1998 Session Laws of Kansas on the health care database fee fund is hereby increased from \$3,000 to \$35,000.

(e) On the effective date of this act, the expenditure limitation established by section 117(b) of chapter 203 of the 1998 Session Laws of Kansas on the office of rural health—federal fund is hereby increased from \$61,598 to \$161,598.

(f) On the effective date of this act, the expenditure limitation established by section 117(b) of chapter 203 of the 1998 Session Laws of Kansas on the federal cancer registry fund is hereby increased from \$525,716 to \$575,716.

(g) On July 1, 1999, the position limitation established by section 90(a) of 1999 Senate Bill No. 325 for the department of health and environment is hereby increased from 839.0 to 845.5.

(h) In addition to the purposes for which expenditures may be made by the above agency from the aid to local units account of the state general fund for the fiscal year ending June 30, 2000, as authorized by section 53 of 1999 Senate Bill No. 325, expenditures may be made by the above agency from the aid to local units account of the state general fund for fiscal year 2000 for a contract or contracts between the secretary of health and environment and not-for-profit organizations for programs that provide services for women which enable them to carry their pregnancies to term: *Provided*, That such contracted services may include an array of social services relating to pregnancy maintenance and that no individuals who are unable to pay shall be denied the delivery or provision of pregnancy maintenance services: *Provided further*, That no contract or contracts under pregnancy maintenance programs shall be entered into with any group performing, promoting, referring for or educating in favor of abortion: *And provided further*, That a not-for-profit organization

(continued)

awarded a contract under this proviso shall match state moneys under this contract on the basis of a 50% match from a not-for-profit organization and a 50% match from the department of health and environment: And provided further, That the secretary of health and environment shall submit a report to the legislature at the beginning of the regular session of the legislature in 2000 on the results and outcomes of such pregnancy maintenance programs: And provided further, That no part of the grant moneys shall be used for any political purposes: And provided further, That expenditures from the aid to local units account of the state general fund for fiscal year 2000 for such purpose shall not exceed \$300,000.

(i) On June 30, 2000, the director of accounts and reports shall transfer \$118,000 from the hazardous waste management fund of the department of health and environment to the state general fund.

Sec. 31.

CONSUMER CREDIT COMMISSIONER

(a) On July 1, 1999, the expenditure limitation established for the fiscal year ending June 30, 2000, by section 13(a) of 1999 Senate Bill No. 325 on the consumer credit fee fund is hereby increased from \$445,723 to \$482,215.

(b) On July 1, 2000, the expenditure limitation established for the fiscal year ending June 30, 2001, by section 13(a) of 1999 Senate Bill No. 325 on the consumer credit fee fund is hereby increased from \$456,859 to \$494,063.

(c) In addition to the provisions of the provisos to the appropriation of moneys from the consumer credit fee fund for the fiscal year ending June 30, 2000, as prescribed in section 13(a) of 1999 Senate Bill No. 325, the consumer credit commissioner shall make a report to the 2000 legislature on the operations of household and credit counseling, inc., to include the number of households counseled, locations where counseling is offered, outcomes measures and the impact of increased funding.

Sec. 32.

OFFICE OF THE SECURITIES COMMISSIONER OF KANSAS

(a) On July 1, 1999, the expenditure limitation established for the fiscal year ending June 30, 2000, by section 19(a) of 1999 Senate Bill No. 325 on the securities act fee fund is hereby increased from \$1,878,834 to \$1,923,834.

(b) On July 1, 1999, the position limitation established for the fiscal year ending on June 30, 2000, by section 22 of 1999 Senate Bill No. 325 for the office of the securities commissioner of Kansas is hereby increased from 27.0 to 27.8.

(c) On July 1, 2000, the expenditure limitation established for the fiscal year ending June 30, 2001, by section 19(a) of 1999 Senate Bill No. 325 on the securities act fee fund is hereby increased from \$1,918,405 to \$1,963,405.

(d) On July 1, 2000, the position limitation established for the fiscal year ending June 30, 2001, by section 22 of 1999 Senate Bill No. 325 for the office of the securities commissioner of Kansas is hereby increased from 27.0 to 27.8.

Sec. 33.

STATE CORPORATION COMMISSION

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

National pipeline safety program—federal fund	
For the fiscal year ending June 30, 1999.....	No limit
For the fiscal year ending June 30, 2000.....	No limit
CNG infrastructure grants fund	
For the fiscal year ending June 30, 1999.....	No limit
For the fiscal year ending June 30, 2000.....	No limit

(b) On July 1, 1999, the aggregate expenditure limitation established by section 40(b) of 1999 Senate Bill No. 325 for the fiscal year ending June 30, 2000, for the above agency from the public service regulation fund, the motor carrier license fees fund and the conservation fee fund is hereby decreased from \$12,618,403 to \$12,588,255.

(c) On July 1, 1999, the position limitation established by section 90(a) of 1999 Senate Bill No. 325 for the state corporation commission is hereby decreased from 211.0 to 210.0.

Sec. 34.

DEPARTMENT OF HUMAN RESOURCES

(a) On July 1, 1999, the expenditure limitation established by section

51(b) of 1999 Senate Bill No. 325 on the workmen's compensation fee fund is hereby increased from \$7,928,276 to \$8,393,956.

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

Operating expenditures

For the fiscal year ending June 30, 2000..... \$50,000

(c) On July 1, 1999, the director of accounts and reports shall transfer \$500,000 from the workmen's compensation fee fund to the state general fund for the purposes of reimbursing the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the division of workers compensation of the department of human resources by other state agencies which receive appropriations from the state general fund to provide such services and such amount for such reimbursement is in addition to those amounts authorized by K.S.A. 75-3170a and amendments thereto.

Sec. 35.

BEHAVIORAL SCIENCES REGULATORY BOARD

(a) On July 1, 1999, the expenditure limitation established by section 6(a) of 1999 Senate Bill No. 325 on the behavioral sciences regulatory board fee fund is hereby increased from \$391,028 to \$421,736.

(b) Notwithstanding the provisions of any other statute, subsections (a)(2)(C) and (a)(8) of K.A.R. 102-2-7 or any other rules and regulations to the contrary, on and after July 1, 1999, no expenditures shall be made from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2000, for any operating expenditures or other expenses for any disciplinary action or other disciplinary activity by the behavioral sciences regulatory board or by any officer or employee of the behavioral sciences regulatory board against any person, who is hereinafter referred to in this subsection as a state supervisor, who is licensed by the behavioral sciences regulatory board as a licensed social worker and who is or was employed by the department of social and rehabilitation services in a position with supervisory responsibility over another person who is licensed by the behavioral sciences regulatory board as a licensed social worker, for any failure by such state supervisor to make any report to the behavioral sciences regulatory board regarding the impaired condition of such licensed social worker, who is or was employed by the department of social and rehabilitation services in a position requiring the employee to be a licensed social worker and who was dismissed, demoted or suspended as a direct result of the impaired condition of such licensed social worker in accordance with K.S.A. 75-2949 through 75-2949f, and amendments thereto, under the Kansas civil service act while under the supervisory responsibility of such state supervisor.

(c) Notwithstanding the provisions of any other statute, subsections (a)(2)(C) and (a)(8) of K.A.R. 102-2-7 or any other rules and regulations to the contrary, on and after July 1, 2000, no expenditures shall be made from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2001, for any operating expenditures or other expenses for any disciplinary action or other disciplinary activity by the behavioral sciences regulatory board or by any officer or employee of the behavioral sciences regulatory board against any person, who is hereinafter referred to in this subsection as a state supervisor, who is licensed by the behavioral sciences regulatory board as a licensed social worker and who is or was employed by the department of social and rehabilitation services in a position with supervisory responsibility over another person who is licensed by the behavioral sciences regulatory board as a licensed social worker, for any failure by such state supervisor to make any report to the behavioral sciences regulatory board regarding the impaired condition of such licensed social worker, who is or was employed by the department of social and rehabilitation services in a position requiring the employee to be a licensed social worker and who was dismissed, demoted or suspended as a direct result of the impaired condition of such licensed social worker in accordance with K.S.A. 75-2949 through 75-2949f, and amendments thereto, under the Kansas civil service act while under the supervisory responsibility of such state supervisor.

Sec. 36.

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, 2000..... \$148,006

(b) On September 15, 1999, December 15, 1999, March 15, 2000, and

June 15, 2000, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer amounts specified by the executive director of the state historical society from the Kansas economic development endowment account of the state economic development initiatives fund of the department of commerce and housing to the economic development initiatives fund of the state historical society: *Provided*, That the aggregate of all such transfers shall not exceed \$40,000 during the fiscal year ending June 30, 2000.

(c) In addition to the other purposes for which expenditures may be made by the state historical society from any moneys appropriated from the state general fund or any special revenue fund for the fiscal year ending June 30, 2000, as authorized by section 62 of 1999 Senate Bill No. 325 or by this or other appropriation act of the 1999 regular session of the legislature, expenditures shall be made by the state historical society from any such moneys appropriated for fiscal year 2000 to establish in conjunction with Kansas state university extension systems and agriculture research programs a library to disseminate information and teaching materials and resources including the printing and distribution of such teaching materials and resources by Kansas state university extension systems and agriculture research programs in accordance with a contract which is hereby authorized to be entered into by such state agencies.

Sec. 37.

KANSAS HUMAN RIGHTS COMMISSION

(a) On July 1, 1999, of the \$1,455,796 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 39(a) of 1999 Senate Bill No. 325 from the state general fund in the operating expenditures account, the sum of \$29,537 is hereby lapsed.

(b) On July 1, 1999, the position limitation established by section 90(a) of 1999 Senate Bill No. 325 for the Kansas human rights commission is hereby decreased from 37.0 to 36.0.

Sec. 38.

STATE BOARD OF PHARMACY

(a) On July 1, 1999, the expenditure limitation established for the fiscal year ending June 30, 2000, by section 16(a) of 1999 Senate Bill No. 325 on the state board of pharmacy fee fund is hereby increased from \$508,449 to \$513,968.

(b) On July 1, 2000, the expenditure limitation established for the fiscal year ending June 30, 2001, by section 16(a) of 1999 Senate Bill No. 325 on the state board of pharmacy fee fund is hereby increased from \$521,865 to \$525,228.

Sec. 39.

ADJUTANT GENERAL

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

Disaster relief

For the fiscal year ending June 30, 1999..... \$1,107,592

Provided, That any unencumbered balance in the disaster relief account in excess of \$100 as of June 30, 1999, is hereby reappropriated for fiscal year 2000: *Provided further*, That the adjutant general may make expenditures from the disaster relief account to provide the full amount of nonfederal matching moneys required for disaster relief claims by local governments under the applicable federal emergency disaster relief program requirements in appropriate cases of hardship which shall be determined by the adjutant general in accordance with guidelines for hardship determinations, including appropriate guidelines for evaluating available local government resources and prioritizing local government claims, which are hereby authorized to be adopted and administered by the adjutant general.

Operating expenditures

For the fiscal year ending June 30, 1999..... \$70,017
For the fiscal year ending June 30, 2000..... \$69,387

(b) On July 1, 1999, the position limitation established by section 90(a) of 1999 Senate Bill No. 325 for the adjutant general is hereby decreased from 217.0 to 215.0.

Sec. 40.

STATE FIRE MARSHAL

(a) On July 1, 1999, the expenditure limitation established by section 75(a) of 1999 Senate Bill No. 325 on the fire marshal fee fund is hereby increased from \$2,598,933 to \$2,616,094.

Sec. 41.

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, 2000..... \$170,794

Sec. 42.

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..... \$436,270

Kansas City satellite laboratory

For the fiscal year ending June 30, 2000..... \$445,000

Provided, That expenditures may be made from the Kansas City satellite laboratory account to remodel facilities and establish, equip and operate a laboratory at the Kansas City Kansas community college in accordance with contracts which are hereby authorized to be entered into by the director of the Kansas bureau of investigation with the Kansas City community college and other appropriate local governmental entities for this purpose.

(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:

Private detective fee fund

For the fiscal year ending June 30, 1999..... \$29,839

For the fiscal year ending June 30, 2000..... \$42,912

(c) On the effective date of this act, of the \$12,280,743 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 78(a) of 1999 Senate Bill No. 325 from the state general fund in the operating expenditures account, the sum of \$640,902 is hereby lapsed.

(d) On July 1, 1999, the position limitation established by section 90(a) of 1999 Senate Bill No. 325 for the attorney general—Kansas bureau of investigation is hereby increased from 198.5 to 203.0.

Sec. 43.

KANSAS HIGHWAY PATROL

(a) On the effective date of this act, of the \$25,897,644 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 77(a) of 1999 Senate Bill No. 325 from the state general fund in the operating expenditures account, the sum of \$40,597 is hereby lapsed.

(b) On July 1, 1999, the position limitation established by section 90(a) of 1999 Senate Bill No. 325 for the Kansas highway patrol is hereby decreased from 809.8 to 808.8.

Sec. 44.

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:

Community correctional conservation camp

For the fiscal year ending June 30, 2000..... \$7,600

(b) On July 1, 1999, of the \$13,299,699 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 73(a) of 1999 Senate Bill No. 325 from the state general fund in the central administration operations and parole and post-release supervision operations account, the sum of \$89,759 is hereby lapsed.

(c) On July 1, 1999, of the \$127,444,892 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 73(a) of 1999 Senate Bill No. 325 from the state general fund in the facilities operations account, the sum of \$66,488 is hereby lapsed.

(d) On July 1, 1999, of the \$7,266,747 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 150(a) of 1999 Senate Bill No. 325 from the state general fund in the debt service payment for the revenue refunding bond issue account, the sum of \$48,747 is hereby lapsed.

(e) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2000, 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:

(continued)

Department of corrections—alien incarceration grant fund—federal	No limit
Ellsworth correctional facility—alien incarceration grant fund—federal	No limit
El Dorado correctional facility—alien incarceration grant fund—federal	No limit
Larned correctional mental health facility—alien incarceration grant fund—federal	No limit
Norton correctional facility—alien incarceration grant fund—federal	No limit
Topeka correctional facility—alien incarceration grant fund—federal	No limit
Winfield correctional facility—alien incarceration grant fund—federal	No limit

(f) On the effective date of this act, the position limitation established by section 140(e) of chapter 203 of the 1998 Session Laws of Kansas for the department of corrections is hereby increased from 3,033.5 to 3,034.5.

(g) During the fiscal years ending June 30, 1999, and June 30, 2000, the department of corrections is hereby authorized to make expenditures to raze building number 125 (Lansing barber shop).

(h) On July 1, 1999, the position limitation established by section 90(a) of 1999 Senate Bill No. 325 for the department of corrections is hereby increased from 3,037.5 to 3,045.5.

Sec. 45.

DEPARTMENT OF WILDLIFE AND PARKS

(a) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for the fiscal year ending June 30, 2000, expenditures may be made by the above agency from the following account or accounts of the wildlife fee fund during fiscal year 2000 for the following purposes, subject to the expenditure limitations prescribed therefor:

Wildlife fee fund natural resources conservation cooperative projects	\$65,000
Wildlife fee fund lesser prairie chicken habitat study	\$125,000

Provided, That all such expenditures from each such account shall be in addition to any expenditure limitation imposed on the wildlife fee fund for fiscal year 2000.

(b) During the fiscal year ending June 30, 2000, no expenditures by the department of wildlife and parks from the federal grants fund shall be made for rails-to-trails projects.

Sec. 46.

STATE BOARD OF HEALING ARTS

(a) On July 1, 1999, the expenditure limitation established for the fiscal year ending June 30, 2000, by section 7(a) of 1999 Senate Bill No. 325 on the healing arts fee fund is hereby increased from \$1,710,429 to \$1,780,307.

(b) On July 1, 2000, the expenditure limitation established for the fiscal year ending June 30, 2001, by section 7(a) of 1999 Senate Bill No. 325 on the healing arts fee fund is hereby increased from \$1,654,921 to \$1,703,109.

(c) On July 1, 1999, the position limitation established for the fiscal year ending June 30, 2000, by section 22 of 1999 Senate Bill No. 325 for the state board of healing arts is hereby increased from 28.0 to 29.0.

(d) On July 1, 2000, the position limitation established for the fiscal year ending June 30, 2001, by section 22 of 1999 Senate Bill No. 325 for the state board of healing arts is hereby increased from 28.0 to 29.0.

Sec. 47.

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, 2000	\$400,000

(b) On July 1, 1999, the amount prescribed by the proviso to the grants to libraries and library systems account of the state general fund in section 58(a) of 1999 Senate Bill No. 325 to be distributed as grants in aid to libraries in accordance with K.S.A. 75-2555 and amendments thereto is hereby increased from \$2,421,531 to \$2,821,531.

Sec. 48.

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	\$5,973
For the fiscal year ending June 30, 2000	\$33,137,464

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 1999, is hereby reappropriated for fiscal year 2000: *Provided, however,* That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further,* That expenditures from the operating expenditures account for official hospitality shall not exceed \$1,000.

Management information systems	
For the fiscal year ending June 30, 2000	\$1,811,254

Facilities operations	
For the fiscal year ending June 30, 2000	\$25,758,393

Provided, That any unencumbered balance in the facilities operations account in excess of \$100 as of June 30, 1999, is hereby reappropriated for fiscal year 2000: *Provided, however,* That expenditures from such reappropriated balance shall not exceed \$139,161 except upon approval of the state finance council: *Provided further,* That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by the above agency with unified school districts or other public educational services providers: *And provided further,* That such educational services contracts shall not be subject to the competitive bid requirements of K.S.A. 75-3739 and amendments thereto.

Facility expansion	
For the fiscal year ending June 30, 1999	\$748,313

Provided, That any unencumbered balance in the facility expansion account in excess of \$100 as of June 30, 1999, is hereby reappropriated for fiscal year 2000.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2000, 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:

Title XIX fund	No limit
Title IV-E fund	No limit
Juvenile justice delinquency prevention—federal fund	No limit
Juvenile detention facilities fund	\$2,786,458
Juvenile justice fee fund	No limit
Kansas endowment for youth trust fund	No limit
Juvenile justice federal fund	No limit
Juvenile justice community initiative fund	No limit
Juvenile justice community planning fund	No limit
Byrne grant—federal fund	No limit
Capital facilities planning and projects—federal fund	No limit
Topeka juvenile correctional facility fee fund	No limit
Topeka juvenile correctional facility improvement fund	No limit
Topeka juvenile correctional facility—elementary and secondary education fund—federal	No limit
Topeka juvenile correctional facility—canteen fund	No limit
Topeka juvenile correctional facility—patient benefit fund	No limit
Atchison juvenile correctional facility fee fund	No limit
Atchison juvenile correctional facility—elementary and secondary education fund—federal	No limit
Atchison juvenile correctional facility—canteen fund	No limit
Atchison juvenile correctional facility—patient benefit fund	No limit
Beloit juvenile correctional facility fee fund	No limit
Beloit juvenile correctional facility—elementary and secondary education fund—federal	No limit
Beloit juvenile correctional facility—canteen fund	No limit
Beloit juvenile correctional facility—patient benefit fund	No limit
Larned juvenile correctional facility fee fund	No limit

(c) On July 1, 1999, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$90,000 from the alcohol and drug abuse block grant federal fund of the department of social and rehabilitation services to the juvenile justice federal fund of the juvenile justice authority.

(d) On July 1, 1999, or as soon thereafter as moneys are available, the

director of accounts and reports shall transfer \$43,368 from the alcohol and drug abuse block grant federal fund of the department of social and rehabilitation services to the Beloit juvenile correctional facility fee fund of the juvenile justice authority.

(e) During the fiscal year ending June 30, 2000, the superintendent of the Topeka juvenile correctional facility, upon the approval of the director of accounts and reports, shall transfer \$4,000 from the Topeka juvenile correctional facility—canteen fund to the Topeka juvenile correctional facility—patient benefit fund.

(f) During the fiscal year ending June 30, 2000, the superintendent of the Atchison juvenile correctional facility, upon the approval of the director of accounts and reports, shall transfer \$500 from the Atchison juvenile correctional facility—canteen fund to the Atchison juvenile correctional facility—patient benefit fund.

(g) During the fiscal year ending June 30, 2000, the superintendent of the Beloit juvenile correctional facility, upon the approval of the director of accounts and reports, shall transfer \$1,000 from the Beloit juvenile correctional facility—canteen fund to the Beloit juvenile correctional facility—patient benefit fund.

(h) During the fiscal year ending June 30, 2000, the commissioner of juvenile justice, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2000, from the state general fund for the juvenile justice authority or any juvenile correctional facility or institution under the general supervision and management of the commissioner of juvenile justice to another item of appropriation for fiscal year 2000 from the state general fund for the juvenile justice authority or any juvenile correctional facility or institution under the general supervision and management of the commissioner of juvenile justice. The commissioner of juvenile justice shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the legislative research department.

(i) The following amounts are included in the facilities operations account of the state general fund for the fiscal year ending June 30, 2000, for the following juvenile correctional facilities and institutions, but expenditures from the facilities operations account shall not be limited to, nor be required to be made in, the amount listed for the juvenile correctional facility:

Topeka juvenile correctional facility	\$10,773,887
Beloit juvenile correctional facility	\$5,253,618
Atchison juvenile correctional facility.....	\$5,826,057
Larned juvenile correctional facility	\$4,043,992

(j) During the fiscal year ending June 30, 2000, upon notification by the commissioner of juvenile justice, the director of accounts and reports shall transfer all moneys specified by the commissioner of juvenile justice for the residential substance abuse program at the Larned juvenile correctional facility to the juvenile justice federal fund of the juvenile justice authority.

(k) In addition to the other purposes for which expenditures may be made from the children's health care programs fund for the fiscal year ending June 30, 2000, expenditures may be made by the above agency from the children's health care programs fund for fiscal year 2000 for the following specified purposes subject to the expenditure limitations prescribed therefor:

Children's health care programs fund—prevention program grants	\$4,000,000
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Provided, That all expenditures by the above agency from the children's health care programs fund for fiscal year 2000 from the children's health care programs fund—prevention program grants account shall be in addition to any expenditure limitation imposed on the children's health care programs fund for fiscal year 2000: *Provided further*, That money awarded as grants from this account is not an entitlement to communities, but a grant that must meet conditions prescribed by the above agency for appropriate outcomes: *And provided further*, That the juvenile justice authority shall submit a detailed plan as to how communities will expend money awarded as grants from this account and shall report such details to the joint committee on corrections and juvenile justice oversight before July 1, 1999.

Children's health care programs fund—intervention and graduated sanctions community grants.....	\$2,000,000
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Provided, That all expenditures by the above agency from the children's health care programs fund for fiscal year 2000 from the children's health

care programs fund—intervention and graduated sanctions community grants account shall be in addition to any expenditure limitation imposed on the children's health care programs fund for fiscal year 2000: *Provided further*, That money awarded as grants from this account is not an entitlement to communities, but a grant that must meet conditions prescribed by the above agency for appropriate outcomes.

Children's health care programs fund—community management information systems projects	\$85,000
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Provided, That all expenditures by the above agency from the children's health care programs fund for fiscal year 2000 from the children's health care programs fund—community management information systems projects account shall be in addition to any expenditure limitation imposed on the children's health care programs fund for fiscal year 2000.

(l) (1) On the effective date of this act, the position limitation established by section 150 of chapter 203 of the 1998 Session Laws of Kansas for the juvenile justice authority is hereby increased from 590.0 to 597.0.

(2) The number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for fiscal year 2000 made in this or other appropriation act of the 1999 regular session of the legislature for the juvenile justice authority shall not exceed 610.0, except upon approval of the state finance council.

(m) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2000, for the capital improvement project or projects specified as follows:

Capital improvements—rehabilitation, remodeling, renovation and repair of juvenile correctional facilities.....	\$1,307,123
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Provided, That the commissioner of juvenile justice is hereby authorized to transfer moneys during fiscal year 2000 from the capital improvements—rehabilitation, remodeling, renovation and repair of juvenile correctional facilities account of the state institutions building fund to an account or accounts of the state institutions building fund of any institution or facility under the jurisdiction of the commissioner of juvenile justice to be expended during fiscal year 2000 by the institution or facility for capital improvement projects approved by the commissioner of juvenile justice.

Juvenile facility planning needs.....	\$3,500,000
Proposed Larned juvenile correctional facility—architectural design and planning for renovation or replacement.....	\$100,000

(n) On the effective date of this act, the expenditure limitation established by section 146(b) of chapter 203 of the 1998 Session Laws of Kansas on the juvenile detention facilities fund is hereby increased from \$2,697,648 to \$3,497,648.

(o) In addition to the other purposes for which expenditures may be made by the juvenile justice authority from the moneys appropriated in the juvenile facility planning needs account of the state institutional buildings fund for the fiscal year ending June 30, 2000, as authorized by this or other appropriation act of the 1999 regular session of the legislature, expenditures shall be made by the juvenile justice authority from the moneys appropriated in the juvenile facility planning needs account of the state institutional buildings fund for the fiscal year ending June 30, 2000, for preliminary architectural planning for capacity expansion as identified by the juvenile justice authority: *Provided*, That such planning shall be administered and implemented by the juvenile justice authority in accordance with the policy priorities of the legislature, including (1) violent offenders should be confined in a state-of-the-art maximum juvenile facility or facilities, (2) juvenile facilities should not be overcrowded, and (3) juvenile facilities should be safe and appropriate for juvenile offenders, officers and employees of the juvenile justice authority and the members of the public: *Provided further*, That the capacity expansion plans of the juvenile justice authority shall include plans to concurrently renovate or replace existing deficient space in existing facilities, specifically including such space at the Larned juvenile correctional facility and at the Topeka juvenile correctional facility, and construct new juvenile correctional facility space: *And provided further*, That the long-term capacity expansion plans of the juvenile justice authority shall include plans and provisions to provide satisfactory juvenile correctional facility capacity to meet or exceed the requirements of the juvenile offender incarceration population projections of the Kansas sentencing commission at the times projected by the Kansas sentencing commission

(continued)

and may include contingency plans for utilizing debt financing to satisfy the need for additional satisfactory juvenile correctional facility capacity, either through public building commissions or otherwise.

Sec. 49.

(a) On July 1, 1999, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer \$10,800,300 from the state general fund to the children's health care programs fund.

(b) On July 1, 2000, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer \$10,800,300 from the children's health care programs fund to the state general fund.

Sec. 50.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2000, the following:

Operating expenditures (including official hospitality).....	\$285,107
Postsecondary aid for vocational education.....	\$19,685,124
Adult basic education.....	\$1,100,000
Community college credit hour state aid.....	\$45,870,378
Community college out-district state aid entitlement.....	\$13,750,973
Community college general state aid.....	\$2,642,795
Technology equipment at community colleges and Washburn university.....	\$450,000

Provided, That the state board of regents is hereby authorized to make expenditures from the technology equipment at community colleges and Washburn university account for grants to community colleges and Washburn university pursuant to grant applications for the purchase of technology equipment, in accordance with guidelines established by the state board of regents.

Vocational education capital outlay aid..... \$500,000

Provided, That expenditures from the vocational education capital outlay aid account for each grant of vocational education capital outlay aid shall be matched by the area vocational school, the area vocational-technical school or the technical college in an amount which is equal to 50% of the grant.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2000, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:

GED credentials processing fees fund.....	No limit
Proprietary school fee fund.....	No limit
Adult basic education—federal fund.....	No limit
Truck driver training fund.....	No limit
Economic development initiatives fund.....	\$8,916,110

Provided, That no expenditures shall be made from the economic development initiatives fund of the state board of regents other than for purposes specifically authorized by this or other appropriation act: *Provided, however*, That expenditures from such fund for such purpose shall not exceed the limitations prescribed therefor.

Inservice education workshop fee fund..... No limit

Provided, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences: *Provided further*, That the state board of regents is hereby authorized to fix, charge and collect fees for inservice workshops and conferences: *And provided further*, That such fees shall be fixed in order to recover all or part of such operating expenditures incurred for inservice workshops and conferences: *And provided further*, That all fees received for inservice workshops and conferences shall be deposited in the state treasury and credited to the inservice education workshop fee fund.

Private donations, gifts, grants and bequests fund..... No limit

Tuition and fee waiver reimbursement fund..... \$0

Provided, That all expenditures from the tuition and fee waiver reimbursement fund shall be for tuition and fee waiver reimbursement, in accordance with K.S.A. 75-4364 and amendments thereto, for the dependents of public safety officers killed in the line of duty, pursuant to certification by educational institutions submitted to the state board of regents during the fiscal year in which such tuition and fees were waived.

(c) Expenditures may be made from the economic development initiatives fund of the state board of regents for the fiscal year ending June 30, 2000, for the following purposes, subject to the expenditure limitations prescribed therefor:

Vocational education capital outlay aid..... \$2,000,000

Provided, That expenditures from the vocational education capital outlay aid account for each grant of vocational education capital outlay aid shall be matched by the area vocational school, the area vocational-technical school or the technical college in an amount which is equal to 50% of the grant.

Postsecondary aid for vocational education..... \$6,716,110

Technology innovation and internship program..... \$200,000

(d) On September 15, 1999, December 15, 1999, April 15, 2000, and on June 15, 2000, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$2,226,786 from the Kansas economic development endowment account of the state economic development initiatives fund of the department of commerce and housing to the economic development initiatives fund of the state board of regents.

(e) On July 1, 1999, the position limitation established by section 90(a) of 1999 Senate Bill No. 325 for the state board of regents is hereby increased from 18.0 to 26.0.

Sec. 51.

STATE TREASURER

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

Postsecondary education savings program
For the fiscal year ending June 30, 2000..... \$237,500

(b) On July 1, 1999, the position limitation established by section 90(a) of 1999 Senate Bill No. 325 for the state treasurer is hereby increased from 53.5 to 55.5.

Sec. 52.

LEGISLATIVE COORDINATING COUNCIL

(a) Any unencumbered balance in the legislative coordinating council—Kansas public employees retirement system defined contribution plan evaluation and study account in excess of \$100 as of June 30, 1999, is hereby reappropriated to the legislative coordinating council—studies requested by joint committee on pensions, investments and benefits account, which is hereby established, for fiscal year 2000.

Sec. 53. On July 1, 1999, K.S.A. 1998 Supp. 79-2964, as amended by section 94 of 1999 Senate Bill No. 325, is hereby amended to read as follows: 79-2964. There is hereby created the county and city revenue sharing fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be allocated and distributed in the manner provided herein. The director of accounts and reports in each year on July 15 and December 10, shall make transfers in equal amounts which in the aggregate equal 3.5% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of the Kansas Statutes Annotated and acts amendatory thereof and supplemental thereto during the preceding calendar year from the state general fund to the county and city revenue sharing fund, except that: (a) The transfers on July 15 and December 10 of each year shall be in equal amounts which in the aggregate equal 2.823% of such taxes credited to the state general fund during the preceding calendar year; and (b) the amount of the transfer on each such date during state fiscal year 2000 shall be equal to ~~101.7%~~ 101.0% of the amount transferred on the same date during state fiscal year 1999. All such transfers are subject to reduction under K.S.A. 75-6704 and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.

Sec. 54. (a) In accordance with appropriations for the fiscal year ending June 30, 2000, made by this or other appropriation act of the 1999 regular session of the legislature:

(1) The governor is hereby authorized and directed to modify the pay plan for fiscal year 1999 in accordance with this subsection (a)(1) and to adopt such pay plan as so modified. The existing pay plan for fiscal year 1999 shall be modified to provide for an increase of 1.0% 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, 2000. 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, 2000, and to be distributed on a merit basis from a merit salary increase pool, the average of such increases shall not exceed 3.5% 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 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 June 30, 2000, and to be distributed on a merit basis from a merit salary increase pool, the average of such increases shall not exceed 3.5% 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, 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.

(b) On and after June 13, 1999, 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, 2000, expenditures shall be made by the governor's department from the governor's department account of the state general fund for fiscal year 2001 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 \$3,528.54 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 13, 1999, and which are chargeable to fiscal year 2000.

(c) On and after June 13, 1999, 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, 2000, expenditures shall be made by the lieutenant governor from the operations account of the state general fund for fiscal year 2000 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 \$998.04 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 13, 1999, and which are chargeable to fiscal year 2000.

(d) On and after June 13, 1999, 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, 2000, expenditures shall be made by the secretary of state from the operating expenditures account of the state general fund for fiscal year 2000 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 \$2,741.15 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 13, 1999, and which are chargeable to fiscal year 2000.

(e) On and after June 13, 1999, 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, 2000, expenditures shall be made by the attorney general from the operating expenditures account of the state general fund for fiscal year 2000 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 \$3,152.24 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 13, 1999, and which are chargeable to fiscal year 2000.

(f) On and after June 13, 1999, 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, 2000, expenditures shall be made by the state treasurer from the operating expenditures account of the state general fund for fiscal year 2000 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 \$2,741.15 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 13, 1999, and which are chargeable to fiscal year 2000.

(g) On and after June 13, 1999, 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, 2000, expenditures shall be made by the insurance department from the insurance department service regulation fund for fiscal year 2000 for an additional amount of biweekly compensation for the commissioner of insurance equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$2,741.15 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 13, 1999, and which are chargeable to fiscal year 2000.

(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, 2000, expenditures shall be made by each state agency from the appropriations made for fiscal year 2000 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 \$74.58 per calendar day for each member of a board for any calendar day occurring on or after June 13, 1999, 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 13, 1999, is payable and which are chargeable to fiscal year 2000.

(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, 2000, by 1999 Senate Bill No. 325, this act or any other appropriation act of the 1999 regular session of the legislature, and (ii) which is, 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 13, 1999, and ending June 30, 2000, 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 \$74.58 per calendar day for each member of the Kansas turnpike authority for any calendar day occurring on or after

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June 13, 1999, 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 13, 1999, and prior to July 1, 2000, 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, 2000, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2000 (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 \$74.58 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 13, 1999, 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 \$74.58 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 13, 1999, 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 13, 1999, is payable and which are chargeable to fiscal year 2000.

(k) On and after June 13, 1999, 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, 2000, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2000 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 \$454.18 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 \$231.81 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 \$365.24 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 \$409.75 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 \$409.75 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 13, 1999, and which are chargeable to fiscal year 2000.

(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, 2000, expenditures shall be made by the legislative coordinating council from the legislative coordinating council-operations account of the state general fund for fiscal year 2000 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 \$74.58 per calendar day for each member of the legislative coordinating council for any calendar day occurring on or after June 13, 1999, 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 13, 1999, and which are chargeable to fiscal year 2000.

(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, 2000, 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 2000 (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 \$74.58 per calendar day for each member of the legislative post audit committee for any calendar day occurring on or after June 13, 1999, 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 \$74.58 per calendar day for each member of the contract audit committee for any calendar day occurring on or after June 13, 1999, 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 13, 1999, and which are chargeable to fiscal year 2000.

(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, 2000, expenditures shall be made by the judicial branch from the judiciary operations account of the state general fund for fiscal year 2000 (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 \$74.58 per calendar day for each member of the advisory council on dispute resolution for any calendar day occurring on or after June 13, 1999, 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 \$74.58 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 13, 1999, 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 13, 1999, is payable and which are chargeable to fiscal year 2000.

(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, 2000, expenditures shall be made by the judicial council from the operating expenditures account of the state general fund for fiscal year 2000 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 \$74.58 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 13, 1999, 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 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 13, 1999, is payable and which are chargeable to fiscal year 2000.

Sec. 55. *Appeals to exceed position limitations.* (a) The limitations imposed by this act on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the fiscal year ending June 30, 1999, made in this act or in any appropriation act of the 1998 regular session of the legislature or in any other appropriation act of the 1999 regular session of the legislature may be exceeded upon approval of the state finance council.

(b) The limitations imposed by this act on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the fiscal year ending June 30, 2000, made in this act or in any other appropriation act of the 1999 regular session of the legislature may be exceeded upon approval of the state finance council.

Sec. 56. *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. 57. *Savings.* (a) Any unencumbered balance as of June 30, 1999, in any special revenue fund, or account thereof, of any state agency named in this act which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2000 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2000, for the same use and purpose as the same was heretofore appropriated.

(b) Any unencumbered balance in any special revenue fund, or account thereof, of any state agency named in section 22 of 1999 Senate Bill No. 325 which is not otherwise specifically appropriated or limited for fiscal year 2001 by this or other appropriation act of the 1999 or 2000 regular session of the legislature, is hereby appropriated for fiscal year 2001 for the same use and purpose as the same was heretofore appropriated.

Sec. 58. *Federal grants.* (a) Each federal grant or other federal receipt which is received by a state agency named in this act and which is not otherwise appropriated to that state agency by this or other appropriation act of the 1999 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2000, for that state agency for the purpose set forth in such federal grant or receipt, except that no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom.

(b) Each federal grant or other federal receipt which is received by a state agency named in section 22 of 1999 Senate Bill No. 325 and which is not otherwise appropriated to that state agency for fiscal year 2001 by this or other appropriation act of the 1999 or 2000 regular session of the

legislature, is hereby appropriated for fiscal year 2001 for that state agency for the purpose set forth in such federal grant or receipt, except that no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, for fiscal year 2001, until the governor has authorized the state agency to make expenditures from such federal grant or other federal receipt for fiscal year 2001.

Sec. 59. Any transfers of money during the fiscal year ending June 30, 2000, from any special revenue fund of any state agency named in this act 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, 2000.

Sec. 60. Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 1999 regular session of the legislature, and having an unencumbered balance as of June 30, 1999, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2000, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.

Sec. 61. Any Kansas educational building fund appropriation heretofore appropriated to any institution named in this or other appropriation act of the 1999 regular session of the legislature and having an unencumbered balance as of June 30, 1999, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2000, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

Sec. 62. Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 1999 regular session of the legislature and having an unencumbered balance as of June 30, 1999, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2000, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

Sec. 63. On July 1, 1999, K.S.A. 1998 Supp. 79-2964, as amended by section 94 of 1999 Senate Bill No. 325, is hereby repealed.

Sec. 64. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register May 20, 1999.)

SENATE BILL No. 345

AN ACT enacting the Kansas higher education coordination act; abolishing and reestablishing the state board of regents; prescribing powers, duties and functions; relating to finance of postsecondary educational institutions; amending K.S.A. 12-16, 102, 13-13a25, as amended by section 7 of 1999 House Bill No. 2565, 13-13a26, 13-13a27, 13-13a29, 13-13a31, 13-13a32, 13-13a33, 13-13a34, 71-202, 71-204, 71-211, 71-304, 71-305, 71-306, 71-402, 71-403, 71-601, as amended by section 1 of 1999 House Bill No. 2060, 71-604, 71-605, 71-609a, 71-610, 71-613, 71-615, 71-701, 71-801, 71-802, 71-901, 71-902, 71-1104, 71-1105, 71-1106, 71-1201, 71-1309, 71-1406, 71-1507, 71-1508, 71-1702, 71-1705, 72-4408, as amended by section 1 of 1999 House Bill No. 2062, 72-4416, 72-4417, 72-4418, 72-4421, 72-4424, 72-4427, 72-4429, 72-4444, 72-4453, 72-4454, 72-4460, 72-4466, 72-4517, 72-4518, 72-4521, 72-4525, 72-4530, 72-5015, 72-5017, 72-5018, 72-5019, 72-5020, 72-6501, 72-6503, 72-6504, 72-6505, 72-6506, 72-6508, 72-6509, 72-7518a, 72-9002, 72-9006, 79-5021, 79-5022, 79-5024, 79-5025, 79-5026, 79-5028 and 79-5032 and K.S.A. 1998 Supp. 19-101a, 71-201, 71-301, 71-401, 71-406, 71-407, 71-602, 71-607, 71-609, 71-611, 71-613a, 71-619, 72-4412, as amended by section 2 of 1999 House Bill No. 2062, 72-4468, 72-4469, 72-4470 and 72-4919 and repealing the existing sections; also repealing K.S.A. 13-13a28, 13-13a30, 72-6502, 74-3202, 74-3203, 74-3204 and 74-3205 and K.S.A. 1998 Supp. 19-101i and 74-3201.

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

New Section 1. (a) This act shall be known and may be cited as the Kansas higher education coordination act.

(b) The purpose of this act is to provide for the general improvement of postsecondary education in the state of Kansas and to provide leadership, supervision and coordination for postsecondary educational institutions so that enhanced accessibility, quality, excellence, accountability, research and service may be achieved in the postsecondary educational system for Kansas residents through the efficient and effective utilization and concentration of all available resources and the elimination of costly and undesirable duplication in program and course offerings, facilities and physical facilities at postsecondary educational institutions.

(continued)

New Sec. 2. As used in the Kansas higher education coordination act:

(a) "State board of regents" or "state board" means the state board of regents provided for in the constitution of this state and established by section 3, and amendments thereto, except as otherwise specifically provided in this act.

(b) "State educational institution" means any state educational institution, as defined in K.S.A. 76-711, and amendments thereto.

(c) "Municipal university" means Washburn university of Topeka.

(d) "Community college" means any community college established under the laws of this state.

(e) "Technical college" means any technical college established under K.S.A. 72-4468, and amendments thereto.

(f) "Vocational education school" means any area vocational school or area vocational-technical school established under the laws of this state.

(g) "Public university" means any state educational institution.

(h) "Postsecondary educational institution" means any public university, community college, technical college and vocational education school, and includes any entity resulting from the consolidation or affiliation of any two or more of such postsecondary educational institutions.

(i) "Proprietary school" means any proprietary school as defined in K.S.A. 72-4919, and amendments thereto. The term proprietary school does not include within its meaning any school or educational institution specifically exempted from the definition of proprietary school by the provisions of K.S.A. 72-4920, and amendments thereto.

(j) "Adult basic education program" and "adult supplementary education program" have the meanings respectively ascribed thereto in K.S.A. 72-4517, and amendments thereto.

(k) "Representative of a postsecondary educational institution" means any person who is the holder of an associate degree, a bachelor's degree, or a certificate of completion awarded by a postsecondary educational institution.

New Sec. 3. (a) There is established the state board of regents. The state board of regents shall be composed of nine members appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Except as provided by K.S.A. 1998 Supp. 46-2601, and amendments thereto, no person appointed to the state board of regents shall exercise any power, duty or function as a member of the state board until confirmed by the senate. Each member shall hold office for a term of four years, except as provided in subsection (b) for the first members appointed to the state board, and until a successor is appointed and confirmed. Terms of members shall expire on June 30. No person shall serve more than two terms of office as a member of the state board, except that this limitation shall not include the first term of office of any person appointed and qualified in accordance with subsection (b)(4).

(b) (1) One member of the state board of regents shall be a resident of each congressional district with the remaining members appointed from among all residents of Kansas, except that no two members shall reside in the same county at the time of appointment. Subsequent redistricting of congressional districts shall not disqualify any member of the state board from service for the remainder of the member's term of office.

(2) At no time shall more than five members of the state board of regents be members of the same political party.

(3) At no time shall any person who is an elected official or an officer or employee of any postsecondary educational institution be a member of the state board of regents.

(4) The first members of the state board of regents established under this section shall be appointed by the governor on or before July 1, 1999. Of such members, three shall have a term of office of four years, three shall have a term of office of three years, and three shall have a term of office of two years.

(c) The members of the state board of regents shall meet and organize annually by electing one member as chairperson, except that the governor shall designate the first chairperson of the state board from among the first members appointed.

(d) Members of the state board of regents attending meetings of the state board, or attending a subcommittee meeting thereof authorized by the state board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature.

New Sec. 4. The state board of regents shall meet at least quarterly each year in Topeka on dates fixed by the state board. Special meetings may be held upon the call of the chairperson or upon the petition to the

chief executive officer of the state board by five members of the board, the date and place of all special meetings to be designated in the call. Five members of the state board shall constitute a quorum for the transaction of business but less than five members may adjourn any regular or special meeting to a definite time and place.

New Sec. 5. The state treasurer shall be the treasurer of the state board of regents.

New Sec. 6. (a) In the exercise of its leadership role, the state board of regents shall be an advocate for the provision of adequate resources and sufficient authority for all postsecondary educational institutions so that each postsecondary educational institution can realize, within its prescribed mission, role and scope, its full potential to the benefit of the students who attend such postsecondary educational institution and to the benefit of all Kansas residents in terms of receiving the benefits of a highly educated and vocationally trained populace.

(b) In addition to other duties and functions prescribed by law, the state board of regents shall:

(1) Adopt, from time to time amend, revise or modify, and administer a comprehensive plan for coordination of higher education within this state;

(2) determine institutional roles and review institutional missions and goals;

(3) develop articulation procedures so that maximum freedom of transfer among and between postsecondary educational institutions is ensured;

(4) approve or disapprove for state funding purposes existing and proposed educational programs, courses of instruction and program and course locations;

(5) review budget requests and requests for state funding of postsecondary educational institutions and present a unified budget for higher education to the governor and the legislature each year;

(6) approve core indicators of quality performance for postsecondary educational institutions;

(7) resolve conflicts among and between postsecondary educational institutions;

(8) develop and implement a comprehensive plan for the utilization of distance learning technologies;

(9) develop each year and recommend to the governor and the legislature a policy agenda for higher education, which policy agenda shall assess priorities among proposals for policy change, programmatic recommendations, and state funding requests;

(10) conduct continuous studies of ways to maximize the utilization of resources available for higher education in Kansas and initiate action for improvement;

(11) conduct continuous studies of how state policies affect higher education and how Kansas economic and demographic trends impact upon accessibility and affordability of postsecondary education to Kansas residents, and initiate ways to improve such accessibility and affordability;

(12) receive and consider reports, proposals and recommendations of the commissions and take such actions thereon as are deemed necessary and appropriate;

(13) report annually on the performance of its functions and duties to the governor and the legislature; and

(14) exercise such other powers and perform such other functions and duties as are deemed necessary and appropriate to the fulfillment of its constitutional and statutory responsibilities.

New Sec. 7. The state board of regents shall appoint a chief executive officer. The chief executive officer of the state board shall be in the unclassified service under the Kansas civil service act, shall serve at the pleasure of the state board and shall receive a salary fixed by the state board, subject to approval by the governor. The chief executive officer shall attend all meetings of the state board, keep a full and correct record of its proceedings as approved by the state board and shall perform such other duties and functions as the state board may prescribe.

New Sec. 8. For the purpose of expediting the exercise of powers and the performance of functions and duties of the state board of regents, there is derived from the state board a commission for community colleges and vocational/technical education, a commission for public universities, and a commission for higher education coordination. Each commission shall be composed of three members who are members of the state board. At the time a member is appointed to the state board, the governor shall designate the commission on which the member shall serve

so that each member of the state board is designated for service on one of the commissions. At no time after July 1, 2002, shall there be more than one representative of any one postsecondary educational institution designated for service on a commission. The members of each commission shall organize annually by electing one member of their respective commissions as chairperson. The chairperson of the state board may not serve as the chairperson of a commission.

New Sec. 9. (a) The commission for community colleges and vocational/technical education shall meet at Topeka at least quarterly in each year on dates fixed by the commission. Special meetings may be held upon the call of the chairperson of the commission or upon petition to the chairperson by the other two members of the commission. The date and place of all special meetings shall be designated in the call. Two members of the commission shall constitute a quorum for the transaction of business but one member may adjourn any regular or special meeting to a definite time and place.

(b) The commission for community colleges and vocational/technical education shall:

(1) Propose for adoption by the state board rules and regulations for supervision of the community colleges, technical colleges and vocational education schools;

(2) provide state wide planning for community colleges, technical colleges and vocational education schools.

(3) initiate plans for institutional advancement and new educational programs and courses of instruction;

(4) review existing and proposed educational programs, courses of instruction, and program and course locations and make recommendations to the state board for approval or disapproval of such programs, courses and locations for state funding purposes;

(5) review requests of community colleges, technical colleges and vocational education schools for state funding and formulate recommendations thereon;

(6) identify core indicators of quality performance for community colleges, technical colleges and vocational education schools;

(7) develop each year a policy agenda for community colleges, technical colleges and vocational education schools;

(8) conduct continuous studies of ways to maximize the utilization of resources available for community colleges, technical colleges and vocational education schools and formulate recommendations for improvement; and

(9) make reports on the performance of its functions and duties together with any proposals and recommendations it may formulate with respect thereto at each regular meeting of the state board.

New Sec. 10. (a) The commission for public universities shall meet at Topeka at least quarterly in each year on dates fixed by the commission. Special meetings may be held upon the call of the chairperson of the commission or upon petition to the chairperson by the other two members of the commission. The date and place of all special meetings shall be designated in the call. Two members of the commission shall constitute a quorum for the transaction of business but one member may adjourn any regular or special meeting to a definite time and place.

(b) The commission for public universities shall:

(1) Propose for adoption by the state board of rules and regulations for operation and management of the state educational institutions;

(2) initiate plans for institutional advancement and new educational programs and courses of instruction;

(3) formulate budget requests for the state educational institutions;

(4) review existing educational programs and courses of instruction at the public universities and evaluate the educational and economic justification, or lack thereof, for such programs and courses;

(5) identify core indicators of quality performance for public universities;

(6) make recommendations to the state board with respect to the appointment of chief executive officers of the state educational institutions;

(7) develop each year a policy agenda for public universities;

(8) conduct continuous studies of ways to maximize the utilization of resources available for public universities and formulate recommendations for improvement; and

(9) make reports on the performance of its functions and duties together with any proposals and recommendations it may formulate with respect thereto at each regular meeting of the state board.

New Sec. 11. (a) The commission for higher education coordination shall meet at Topeka at least quarterly in each year on dates fixed by the commission. Special meetings may be held upon the call of the chairperson of the commission or upon petition to the chairperson by the other two members of the commission. The date and place of all special meetings shall be designated in the call. Two members of the commission shall constitute a quorum for the transaction of business but one member may adjourn any regular or special meeting to a definite time and place.

(b) The commission for higher education coordination shall:

(1) Conduct continuous review and evaluation of the comprehensive plan for coordination of higher education and make recommendations as deemed necessary and appropriate for amendment, revision or modification of the plan;

(2) review existing and proposed educational programs, courses of instruction, and program and course locations and make recommendations to the state board with respect to the coordination of such programs, courses and locations;

(3) collect and analyze data and maintain a uniform postsecondary education data base;

(4) formulate recommendations for resolution of conflicts among and between postsecondary educational sectors and institutions;

(5) compile and coordinate core indicators of quality performance for postsecondary educational institutions;

(6) broker affiliations and mergers of postsecondary educational institutions;

(7) coordinate a state system interface with the municipal university and with private colleges and universities;

(8) formulate budget requests for state student financial assistance programs; and

(9) make reports on the performance of its functions and duties together with any proposals and recommendations it may formulate with respect thereto at each regular meeting of the state board.

New Sec. 12. (a) During the 2000 fiscal year, the state board of regents (1) shall review the performance indicators developed by the postsecondary educational institutions, including the municipal university; (2) after consideration of the core indicators of quality performance identified by the respective commissions and with the active involvement of the institutions, shall approve those indicators that the state board determines should be implemented; and (3) shall select from among the indicators approved for implementation those indicators that will become determinants for the allocation of state moneys on the basis of performance. The indicators selected may vary among the institutions and among institutional sectors.

(b) During the 2001 fiscal year, the postsecondary educational institutions, including the municipal university, shall develop institutional improvement plans showing how they will implement the performance indicators applicable to their institution and how they will measure performance on the basis of each indicator. Institutional improvement plans shall be revised and submitted to the state board of regents by each institution at least every three years. The board of regents shall provide technical assistance to institutions in the development, implementation, and revision of their improvement plans.

(c) Commencing on July 1, 2001, institutional improvement plans shall be implemented for each postsecondary educational institution, including the municipal university. Each institution shall begin the data collection, measurement, or other documentation necessary in order for its performance to be evaluated with regard to each indicator.

New Sec. 13. On the effective date of this act, the following state agency and office shall be and hereby are abolished:

(a) The state board of regents created by K.S.A. 74-3201, and amendments thereto; and

(b) the office of executive officer of the state board of regents provided to be appointed by K.S.A. 74-3203, and amendments thereto.

New Sec. 14. For the purpose of concluding operations, the state board of regents and the office of executive officer of the state board of regents abolished by this act shall continue in existence until June 30, 1999. During such period of existence the abolished state board of regents and the executive officer of the abolished state board shall exercise all of the powers, duties and functions that were vested therein prior to abolition. Upon the expiration of such period of existence, the abolished state board of regents and the executive officer thereof shall cease all operations and shall have no further authority to act.

(continued)

New Sec. 15. (a) On July 1, 1999, all of the powers, duties, functions, records and property of the state agency and office abolished by this act, including the power to administer, expend and distribute funds now or hereafter made available in accordance with appropriation acts, shall be and hereby are transferred to and conferred and imposed upon the state board of regents established by section 3, and amendments thereto. The state board of regents established by section 3, and amendments thereto, shall be the successor in every way to the powers, duties and functions of the abolished state agency and office, in which the same were vested prior to July 1, 1999. The state board of regents established by section 3, and amendments thereto, shall be a continuation of the abolished state agency and office, and every act performed under the authority of the state board of regents established by section 3, and amendments thereto, shall be deemed to have the same force and effect as if performed by the respective agency or office in which the authority to perform such act was vested prior to July 1, 1999.

(b) On and after July 1, 1999, whenever the state agency or office abolished by this act are referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the state board of regents established by section 3, and amendments thereto.

(c) All rules and regulations of the abolished state board of regents in existence on June 30, 1999, shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the state board of regents established by section 3, and amendments thereto, until revised, amended, revoked or nullified pursuant to law.

(d) All policies, orders and directives of the abolished state board of regents in existence on June 30, 1999, shall continue to be effective and shall be deemed to be orders and directives of the state board of regents established by section 3, and amendments thereto, until revised, amended or nullified pursuant to law.

(e) On July 1, 1999, the state board of regents established by section 3, and amendments thereto, shall succeed to whatever right, title or interest the abolished state board of regents has acquired in any real property in this state, and the state board of regents established by section 3, and amendments thereto, shall hold the same for and in the name of the state of Kansas. On and after July 1, 1999, whenever any statute, contract, deed or other document concerns the power or authority of the abolished state board of regents to acquire, hold or dispose of real property or any interest therein, the state board of regents established by section 3, and amendments thereto, shall succeed to such power or authority.

(f) The state board of regents established by section 3, and amendments thereto, shall be a continuation of the abolished state board of regents.

New Sec. 16. (a) The state board of regents established by section 3, and amendments thereto, shall provide that all officers and employees of the state board of education or the abolished state board of regents who are engaged in the exercise and performance of the powers, duties, and functions transferred by this act are transferred to the state board of regents established by section 3, and amendments thereto, if the state board deems that the transfer of such officers and employees is necessary to the exercise and performance of such powers, duties and functions.

(b) Officers and employees of the state board of education or the abolished state board of regents who are transferred to the state board of regents established by section 3, and amendments thereto, shall retain all retirement benefits and leave rights which had accrued or vested prior to the date of transfer. The service of each such officer and employee so transferred shall be deemed to have been continuous. All transfers, layoffs and abolition of classified service positions under the Kansas civil service act which may result from transfers of powers, duties and functions shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this act shall affect the classified status of any transferred person employed by the state board of education or the abolished state board of regents prior to the date of transfer. The state board of regents established by section 3, and amendments thereto, shall be responsible for administering any layoff that is a part of the transfer. Notwithstanding the date of transfer of personnel from the state board of education or the abolished state board of regents to the state board of regents established by section 3, and amendments thereto, pursuant to the provisions of this act, the date of such transfer shall be effective at the start of a payroll period.

New Sec. 17. (a) When any conflict arises as to the disposition of any power, function or duty or the unexpended balance of any appropriation

as a result of any abolition, transfer or change effected by or under authority of this act, such conflict shall be resolved by the governor, whose decision shall be final.

(b) On July 1, 1999, the state board of regents established by section 3, and amendments thereto, shall succeed to all property and records which were used for or pertain to the performance of the powers, duties and functions transferred to such state board. Any conflict as to the proper disposition of property or records arising under this section, and resulting from any abolition or transfer of powers, duties and functions effected by or under authority of this act, shall be determined by the governor, whose decision shall be final.

New Sec. 18. (a) On and after July 1, 1999, the state board of regents established by section 3, and amendments thereto, shall have the legal custody of all records, memoranda, writings, entries, prints, representations or combinations thereof of any act, transaction, occurrence or event of the abolished state board of regents and the executive officer thereof.

(b) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against the abolished state board of regents or the executive officer thereof in the official capacity of such board or officer or in relation to the discharge of official duties of such board or officer, shall abate by reason of the governmental reorganization effected under the provisions of this act. The court may allow any such suit, action or other proceeding to be maintained by or against the state board of regents established by section 3, and amendments thereto.

(c) No criminal action commenced or which could have been commenced by the state shall abate by reason of the governmental reorganization effected under the provisions of this act.

New Sec. 19. (a) On July 1, 1999, the balance of all funds appropriated and reappropriated to the abolished state board of regents is hereby transferred to the state board of regents established by section 3, and amendments thereto, and shall be used only for the purpose for which the appropriation was originally made.

(b) On July 1, 1999, the liability for all accrued compensation or salaries of officers and employees who, immediately prior to such date, were engaged in the performance of powers, duties or functions of the abolished state board of regents shall be assumed and paid by the state board of regents established by section 3, and amendments thereto.

New Sec. 20. (a) On July 1, 1999, the community colleges established and existing under the laws of this state shall be and hereby are transferred from the supervision of the state board of education to supervision and coordination by the state board of regents. The community colleges shall continue to be operated, managed and controlled by locally elected boards of trustees. The state board of regents shall exercise such supervision and coordination of the operation, management and control of community colleges as may be prescribed by law.

(b) On July 1, 1999, all of the powers, duties, functions, records and property of the state board of education relating to community college operations shall be and are hereby transferred to and conferred and imposed upon the state board of regents.

(c) On and after July 1, 1999, the state board of regents shall be the successor in every way to the powers, duties and functions of the state board of education relating to community college operations in which the same were vested prior to the effective date of this act. Every act performed by the state board of regents shall be deemed to have the same force and effect as if performed by the state board of education in which such functions were vested prior to July 1, 1999.

(d) On and after July 1, 1999, whenever the state board of education, or words of like effect, is referred to or designated by a statute, contract or other document relating to community college operations, such reference or designation shall be deemed to apply to the state board of regents.

(e) The state plan for community colleges, prepared and adopted by the state board of education pursuant to the provisions of the Kansas community college act, which is in existence on July 1, 1999, shall continue to be effective and shall be deemed to be the duly adopted state plan of the state board of regents until revised, amended, revoked or nullified pursuant to law.

(f) All rules and regulations, and all orders and directives of the state board of education relating to community college operations which are in existence on July 1, 1999, shall continue to be effective and shall be deemed to be the duly adopted rules and regulations or orders and directives of the state board of regents until revised, amended, revoked or nullified pursuant to law.

(g) The unexpended balance of any appropriation for and any funds available to the state board of education for purposes relating to community college operations shall be transferred to the state board of regents on July 1, 1999.

(h) On and after July 1, 1999, all books, records and papers of the board of trustees of each community college shall be open and available, at all reasonable times, to the state board of regents and its designated officers, employees and agents.

(i) Except as otherwise specifically provided in this act, the transfer of supervision of the community colleges from the state board of education to supervision and coordination by the state board of regents shall not be construed in any manner so as to change or affect the operation, management and control of any community college or to change or affect any existing power, duty or function of a board of trustees with respect to such operation, management and control.

New Sec. 21. (a) On July 1, 1999, the technical colleges, area vocational schools and area vocational-technical schools established and existing under the laws of this state shall be and hereby are transferred from the supervision of the state board of education to supervision and coordination by the state board of regents. The technical colleges, area vocational schools and area vocational-technical schools shall continue to be operated, managed and controlled by governing boards as provided for in article 44 of chapter 72 of Kansas Statutes Annotated. The state board of regents shall exercise such supervision and coordination of the operation, management and control of technical colleges, area vocational schools and area vocational-technical schools as may be prescribed by law.

(b) On July 1, 1999, all of the powers, duties, functions, records and property of the state board of education relating to operations of technical colleges, area vocational schools and area vocational-technical schools shall be and are hereby transferred to and conferred and imposed upon the state board of regents.

(c) On and after July 1, 1999, the state board of regents shall be the successor in every way to the powers, duties and functions of the state board of education relating to operations of technical colleges, area vocational schools and area vocational-technical schools in which the same were vested prior to July 1, 1999. Every act performed by the state board of regents shall be deemed to have the same force and effect as if performed by the state board of education in which such functions were vested prior to July 1, 1999.

(d) On and after July 1, 1999, whenever the state board of education, or words of like effect, is referred to or designated by a statute, contract or other document relating to operations of technical colleges, area vocational schools or area vocational-technical schools, such reference or designation shall be deemed to apply to the state board of regents established.

(e) The state plan for vocational education, prepared and adopted by the state board of education pursuant to the provisions of the K.S.A. 72-4413, and amendments thereto, which is in existence on July 1, 1999, shall continue to be effective and shall be deemed to be the duly adopted state plan of the state board of regents until revised, amended, revoked or nullified pursuant to law.

(f) All rules and regulations, and all orders and directives of the state board of education relating to operations of technical colleges, area vocational schools and area vocational-technical schools which are in existence on July 1, 1999, shall continue to be effective and shall be deemed to be the duly adopted rules and regulations or orders and directives of the state board of regents until revised, amended, revoked or nullified pursuant to law.

(g) The unexpended balance of any appropriation for and any funds available to the state board of education for purposes relating to operations of technical colleges, area vocational schools and area vocational-technical schools shall be transferred to the state board of regents on July 1, 1999.

(h) On and after July 1, 1999, all books, records and papers of the governing boards of technical colleges, area vocational schools and area vocational-technical schools shall be open and available, at all reasonable times, to the state board of regents and its designated officers, employees and agents.

(i) Except as otherwise specifically provided in this act, the transfer of supervision of the technical colleges, area vocational schools and area vocational-technical schools from the state board of education to supervision and coordination by the state board of regents shall not be construed in any manner so as to change or affect the operation, management

and control of any technical college, area vocational school or area vocational-technical school or to change or affect any existing power, duty or function of the governing board of any technical college, area vocational school or area vocational-technical school with respect to such operation, management and control.

(j) For the purposes of the school district finance and quality performance act, the term approved vocational education program means in the case of vocational education programs offered and provided in the area vocational schools, the area vocational-technical schools, and the technical colleges, the state board of regents; and in the case of vocational education programs offered and provided in the high schools of a school district, the state board of education.

New Sec. 22. (a) On July 1, 1999, the proprietary schools shall be and hereby are transferred from regulation by the state board of education to regulation by the state board of regents. The state board of regents shall exercise such regulatory authority over the operation of proprietary schools as may be prescribed by law.

(b) On July 1, 1999, all of the powers, duties, functions, records and property of the state board of education relating to regulation of proprietary school operations shall be and are hereby transferred to and conferred and imposed upon the state board of regents.

(c) On and after July 1, 1999, the state board of regents shall be the successor in every way to the powers, duties and functions of the state board of education relating to regulation of proprietary school operations in which the same were vested prior to the effective date of this act. Every act performed by the state board of regents shall be deemed to have the same force and effect as if performed by the state board of education in which such functions were vested prior to July 1, 1999.

(d) On and after July 1, 1999, whenever the state board of education, or words of like effect, is referred to or designated by a statute, contract or other document relating to regulation of proprietary school operations, such reference or designation shall be deemed to apply to the state board of regents.

(e) All rules and regulations, and all policies, orders and directives of the state board of education relating to proprietary school operations which are in existence on July 1, 1999, shall continue to be effective and shall be deemed to be the duly adopted rules and regulations or policies, orders and directives of the state board of regents until revised, amended, revoked or nullified pursuant to law.

(f) The unexpended balance of any appropriation for and any funds available to the state board of education for purposes relating to regulation of proprietary school operations shall be transferred to the state board of regents on July 1, 1999.

(g) Except as otherwise specifically provided in this act, the transfer of regulation of the proprietary schools from the state board of education to regulation by the state board of regents shall not be construed in any manner so as to change or affect the operation of any proprietary school or to change or affect any existing power, duty or function of any owner, officer, director, agent or representative of a proprietary school.

New Sec. 23. (a) On July 1, 1999, the responsibility for administration of adult basic education programs and adult supplementary education programs and for supervision of the administration of such programs by boards of education of school districts and boards of trustees of community colleges shall be and hereby is transferred from the state board of education to the state board of regents. Adult education programs shall continue to be conducted, maintained and administered by boards of education of school districts and boards of trustees of community colleges. The state board of regents shall exercise such administrative and supervisory authority over the conduct, maintenance and administration of adult education programs as may be prescribed by law.

(b) On July 1, 1999, all of the powers, duties, functions, records and property of the state board of education relating to administration and supervision of adult education programs shall be and are hereby transferred to and conferred and imposed upon the state board of regents.

(c) On and after July 1, 1999, the state board of regents shall be the successor in every way to the powers, duties and functions of the state board of education relating to administration and supervision of adult education programs in which the same were vested prior to the effective date of this act. Every act performed by the state board of regents shall be deemed to have the same force and effect as if performed by the state board of education in which such functions were vested prior to July 1, 1999.

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(d) On and after July 1, 1999, whenever the state board of education, or words of like effect, is referred to or designated by a statute, contract or other document relating to administration and supervision of adult education programs, such reference or designation shall be deemed to apply to the state board of regents.

(e) The state plan for adult basic education, prepared and adopted by the state board of education pursuant to the provisions of the adult education act, which is in existence on July 1, 1999, shall continue to be effective and shall be deemed to be the duly adopted state plan of the state board of regents until revised, amended, revoked or nullified pursuant to law.

(f) All rules and regulations, and all orders and directives of the state board of education relating to administration and supervision of adult education programs which are in existence on July 1, 1999, shall continue to be effective and shall be deemed to be the duly adopted rules and regulations or orders and directives of the state board of regents until revised, amended, revoked or nullified pursuant to law.

(g) The unexpended balance of any appropriation for and any state and federal funds available to the state board of education for purposes relating to administration and supervision of adult education programs shall be transferred to the state board of regents on July 1, 1999.

(h) Except as otherwise specifically provided in this act, the transfer of responsibility for the administration of adult education programs and for supervision of the administration of adult education programs by boards of education and boards of trustees from the state board of education to administration and supervision by the state board of regents shall not be construed in any manner so as to change or affect the conduct, maintenance and administration of adult education programs.

New Sec. 24. During the period of transition from general supervision by the state board of education of the community colleges, technical colleges, area vocational schools and area vocational-technical schools to supervision and coordination thereof by the state board of regents, from jurisdiction of the abolished state board of regents over the public universities to jurisdiction of the state board of regents established by section 3, and amendments thereto, and from regulation by the state board of education of the proprietary schools to regulation thereof by the state board of regents, the state board of education and the abolished state board of regents shall provide such assistance as the state board of regents established by section 3, and amendments thereto, may request in order to enable such state board of regents to assume in an orderly manner the exercise of powers and the performance of duties and functions transferred under authority of this act. During such period of transition, the state board of regents established by section 3, and amendments thereto, may exercise such powers and perform such duties and functions relating to the control or supervision of postsecondary educational institutions as may be authorized by interagency agreements entered into with the abolished state board of regents or with the state board of education.

New Sec. 25. The legislative educational planning committee shall:

(a) Monitor implementation and operation of the Kansas higher education coordination act;

(b) evaluate the effect of the act on the postsecondary education system of the state;

(c) determine whether operation of the act is successfully effectuating the purpose of the act;

(d) review and evaluate the comprehensive plan, and any amendments, revisions and modifications thereof, for coordination of higher education within the state; and

(e) make an annual report, together with any recommendations or any legislation relating to higher education coordination or to amendment, revision or modification of the act, to the legislature and the governor.

Sec. 26. On July 1, 1999, K.S.A. 1998 Supp. 71-201 shall be and is hereby amended to read as follows: 71-201. (a) The board of trustees, in accordance with the provisions of law and the rules and regulations of the state board of education regents, shall have custody of and be responsible for the property of the community college and shall be responsible for the operation, management and control of the college. The board of trustees shall hold at least one regular meeting each month at a time prescribed by the board. The board shall make an annual report in the manner prescribed by the state board of education regents. Members of the board of trustees shall be paid subsistence allowances, mileage and other actual and necessary expenses incurred in the performance of their official duties.

(b) For effectuation of the purposes of this act, the board of trustees in addition to such other powers expressly granted to it by law and subject to the rules and regulations of the state board of education regents is hereby granted the following powers:

(1) To select its own chairperson and such other officers as it may deem desirable, from among its own membership. The secretary may be chief administrative officer of the college.

(2) To sue and be sued.

(3) To determine the educational program of the college subject to prior approval thereof as provided in this act and to grant certificates of completion of courses or curriculum.

(4) To appoint and fix the compensation and term of office of a president or chief administrative officer of the college.

(5) To appoint upon nomination of the president or the chief administrative officer members of the administrative and teaching staffs, to fix and determine within state adopted standards their specifications, define their duties, and to fix their compensation and terms of employment. No community college teacher shall be required to meet certification requirements greater than those required in the state universities under the control and supervision of the state board of regents educational institutions.

(6) Upon recommendation of the chief administrative officer, to appoint or employ such other officers of the college, agents and employees as may be required to carry out the provisions of law and to fix and determine within state adopted standards their qualifications, duties, compensation, terms of office or employment and all other items and conditions of employment.

(7) To enter into contracts.

(8) To accept from any government or governmental agency, or from any other public or private body, or from any other source, grants or contributions of money or property which the board may use for or in aid of any of its purposes.

(9) To acquire by gift, purchase, lease-purchase, condemnation or otherwise, and to own, lease, use and operate property, whether real, personal, or mixed, or any interest therein, which is necessary or desirable for community college purposes. Any lease-purchase agreement entered into under authority of this subsection shall be subject to the conditions set forth in K.S.A. 10-1116c, and amendments thereto. The term of any lease entered into under authority of this subsection may be for not to exceed 10 years. Such lease may provide for annual or other payment of rent or rental fees and may obligate the community college to payment of maintenance or other expenses. Any lease or lease-purchase agreement entered into under authority of this subsection shall be subject to change or termination at any time by the legislature. Any assignment of rights in any lease or lease-purchase made under this subsection shall contain a citation of this section and a recitation that the lease or lease-purchase agreement and assignment thereof are subject to change or termination by the legislature. To the extent that the provisions of the cash-basis and budget laws conflict with this subsection in such a manner as to prevent the intention of this subsection from being made effective, the provisions of this subsection shall control. This provision is subject to the provisions of subsection (d).

(10) To enter into lease agreements as lessor of any property, whether real, personal, or mixed, which is owned or controlled by the community college. Any such agreement may specify the purposes for which the property may be used, require that the property be maintained and operated by the lessee, and may contain such restrictions or limitations on the use of the property, be entered into for such period of time, and include such other terms and conditions as the board of trustees determines to be necessary and proper. Every such agreement shall be subject to change or termination at any time by the legislature. Any assignment of rights under any such agreement shall be subject to approval by the board of trustees and shall contain a citation of this section and a recitation that the lease agreement and assignment of rights thereunder are subject to change or termination by the legislature.

(11) To determine that any property owned by the college is no longer necessary for college purposes and to dispose of the same in such manner and upon such terms and conditions as provided by law.

(12) To exercise the right of eminent domain, pursuant to chapter 26 of Kansas Statutes Annotated.

(13) To make and promulgate such rules and regulations, not inconsistent with the provisions of law or with rules and regulations of the state board of education regents, that are necessary and proper for the admin-

istration and operation of the community college, and for the conduct of the business of the board of trustees.

(14) To exercise all other powers not inconsistent with the provisions of law or with the rules and regulations of the state board of education regents which may be reasonably necessary or incidental to the establishment, maintenance and operation of a community college.

(15) To appoint a member to fill any vacancy on the board of trustees for the balance of the unexpired term. When a vacancy occurs, the board shall publish a notice one time in a newspaper having general circulation in the community college district stating that the vacancy has occurred and that it will be filled by appointment by the board not sooner than 15 days after such publication.

(16) To contract with one or more agencies, either public or private, whether located within or outside the community college district or whether located within or outside the state of Kansas for the conduct by any such agencies of academic or vocational education for students of the community college, and to provide for the payment to any such agencies for their contracted educational services from any funds or moneys of the community college, including funds or moneys received from student tuition, ~~out-district tuition,~~ and fees, funds received from the state of Kansas or the United States for academic or vocational education, or taxes collected under K.S.A. 71-204 and ~~72-4424,~~ and amendments thereto. Any contract made under this subsection with an institution of another state shall be subject to the provisions of K.S.A. 71-202, and amendments thereto.

(17) To authorize by resolution the establishment of a petty cash fund in an amount not to exceed \$1,000, and to designate in such resolution an employee to maintain such petty cash fund. The employee designated in any resolution provided for in this subsection receiving such funds shall keep a record of all receipts and expenditures from the fund, and shall from time to time, and at the end of the fiscal year, prepare a statement for the board showing all receipts, expenditures, and the balance in the petty cash fund. The board of trustees may authorize the employee designated to maintain any petty cash fund to make a claim for replenishment of the fund to its original amount in advance of approval by the board of trustees if, at any time during the period between regular monthly meetings of the board of trustees, the balance remaining in the fund is insufficient to make needed expenditures for any purpose for which the petty cash fund is maintained. No petty cash fund may be replenished more than one time during each period between regular monthly meetings of the board of trustees. If a petty cash fund is replenished prior to the end of the fiscal year in accordance with the foregoing authorization, the employee authorized to maintain the petty cash fund shall keep an accurate record of all expenditures made therefrom, and the purpose therefor, and shall submit the record to the board of trustees at the next regular monthly meeting thereof. The petty cash fund shall be replenished by payment from the appropriate funds of the community college to the petty cash fund upon proper claim. The fund shall be kept separate from all other funds and shall be used only for authorized expenditures and itemized receipts shall be taken for each expenditure. No part of such fund may be loaned or advanced against the salary of an employee. All employees entrusted with such funds under this subsection shall be bonded by the community college district.

(c) Subject to the provisions of subsection (d), the board of trustees may purchase or otherwise acquire land or land and improvements and may acquire, construct, reconstruct, repair or remodel improvements thereon or additions thereto, including furnishings, equipment, and architectural and incidental expense related thereto, and for such purposes the board of trustees is authorized to issue and sell general obligation bonds, the cumulative total not to exceed the following amounts: Where the community college district has a taxable tangible valuation of less than \$90,000,000 or is located in a county designated as urban under the provisions of K.S.A. 19-3524, and amendments thereto, not to exceed 5% of the taxable tangible property of the community college district, and where the community college district has a taxable tangible valuation of more than \$90,000,000 not to exceed 3% except as provided above for any community college district located in a county designated as urban under the provisions of K.S.A. 19-3524, and amendments thereto, of the taxable tangible property of the community college district. If any increase in the valuation of a community college district results in an outstanding bonded indebtedness in excess of that provided in this subsection, such increase shall not constitute a violation of this subsection. No such bonds shall be issued until the question of their issuance shall have been submitted to a vote of the electors of the community college district at a regular election

or at a special election called for that purpose and the majority of the electors voting on the proposition in such community college district shall have voted in favor of the issuance of the bonds. Such election shall be called, noticed and held and the bonds issued, sold, delivered and retired in accordance with the provisions of the general bond law except as herein otherwise expressly provided.

(d) The board of trustees of a community college may not purchase or otherwise acquire land or land and improvements outside the community college district. Nothing in this subsection shall be construed or operate in any manner to require a board of trustees to sell, convey or otherwise dispose of land or land and improvements located outside the community college district and owned or being acquired by the community college on the effective date of this act, but no board of trustees may enter into a contract for the construction of improvements on any such land after the effective date of this act.

Sec. 27. On July 1, 1999, K.S.A. 71-204 shall be and is hereby amended to read as follows: 71-204. (a) For all the purpose of community college maintenance and operation purposes, the board of trustees is authorized to levy a tax on the taxable tangible property of the community college district.

Such tax levy shall be the amount determined by the board of trustees to be sufficient to finance that part of the budget of the community college which is not financed by either (a) anticipated state aid of any type, (b) anticipated student tuition, or (c) anticipated out-district tuition, or (d) anticipated federal aid of any type from any other source provided by law. The budget of the community college shall be prepared and adopted as provided by law, and the tax levy therefor shall be certified to the county clerk of every county a part of the territory of which is in the community college district.

(b) The tax levy authorized by subsection (a) shall be reduced (1) in the 2001 fiscal year by an amount equal to 80% of the amount of the difference between the amount of state aid received by the community college in the 2000 fiscal year less an amount equal to 25% of the amount of out-district tuition received by the community college in such fiscal year and the amount of the state grant to which the community college is entitled in the 2001 fiscal year and (2) in fiscal years 2002, 2003 and 2004 by an amount equal to 80% of the amount of the difference between the amount of the state grant received by the community college in the preceding fiscal year less an amount equal to 25% of the amount of out-district tuition received by the community college in the 2000 fiscal year and the amount of the state grant to which the community college is entitled in the current fiscal year and (3) in each fiscal year after the 2004 fiscal year by an amount equal to 80% of the amount of the difference between the amount of the state grant received by the community college in the preceding fiscal year and the amount of the state grant to which the community college is entitled in the current fiscal year.

Sec. 28. On July 1, 1999, K.S.A. 1998 Supp. 71-301 shall be and is hereby amended to read as follows: 71-301. (a) The board of trustees shall charge to and collect from each student tuition at rates per credit hour enrolled which shall be established by the board of trustees.

(b) The board of trustees, in accordance with rules and regulations of the state board, shall determine an amount of out-district tuition to be charged for each out-district student attending the community college. The board of county commissioners of any county charged with payment of out-district tuition shall levy a tax on all of the taxable property of the county sufficient to pay all out-district tuition charges authorized by this act. The proceeds from the tax levied under authority of this section shall be deposited in a special fund for payment of out-district tuition. Upon receiving a statement of charges for out-district tuition, the board of county commissioners shall allow and pay the same from the special fund within 45 days from the receipt of such statement. If there is insufficient or no money in the special fund, out-district tuition shall be paid from the county general fund or from the proceeds of the sale of no-fund warrants issued for the purpose of the payment of out-district tuition. If the board of county commissioners fails to pay such amount at the time required under this subsection, the board of trustees shall notify the state board of such failure to pay and shall certify to the state board the amount to be paid. Upon receipt by the state board of such notification, the amount to be paid as certified to the state board shall become an amount due and owing to the state board. The state board shall notify the board of county commissioners that this amount is now due and owing to the state board. If the board of county commissioners fails to pay such amount

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to the state board within 14 days of the receipt of such notification; the state board shall initiate proceedings under K.S.A. 75-6201 *et seq.* for the collection of such money. Money paid to or collected by the state board under this subsection shall be deposited in the out-district tuition suspense account which is hereby created in the state treasury. The state board shall pay moneys from this account, in accordance with rules and regulations of the state board, to the community colleges entitled to receive such money.

(c) The total out-district tuition charged by a community college shall be an amount equal to the number of duly enrolled out-district students times \$24 for each credit hour of each such student.

(d) (1) Out-district tuition shall only be charged for credit hours of out-district students if such students, as determined by the state board, have not more than 64 credit hours from any institution of postsecondary education or the students have not more than 72 credit hours and are enrolled in terminal type nursing courses or freshman-sophomore level preengineering courses.

(2) The credit hour limitations prescribed by provision (1) of this subsection do not apply to credit hours of out-district students if such students, as determined by the state board, are enrolled in an approved vocational education program at a community college for the purpose of receiving vocational or technical training or retraining in preparation for gainful employment.

(3) The provisions of this subsection shall expire on June 30, 1990.

(e) In May of each fiscal year, the board of trustees shall notify the board of county commissioners of the approximate amount of out-district tuition which will be charged to the county in the succeeding fiscal year.

(f) Expenditures for out-district tuition shall be exempt from the budget law of this state to the extent of such payments not anticipated in the budget of the county.

New Sec. 29. (a) The board of trustees, in accordance with rules and regulations of the state board, shall determine an amount of out-district tuition to be charged for each out-district student attending the community college. The board of county commissioners of any county charged with payment of out-district tuition shall levy a tax on all of the taxable property of the county sufficient to pay all out-district tuition charges authorized by this act. The proceeds from the tax levied under authority of this section shall be deposited in a special fund for payment of out-district tuition. Upon receiving a statement of charges for out-district tuition, the board of county commissioners shall allow and pay the same from the special fund within 45 days from the receipt of such statement. If there is insufficient or no money in the special fund, out-district tuition shall be paid from the county general fund or from the proceeds of the sale of no-fund warrants issued for the purpose of the payment of out-district tuition. If the board of county commissioners fails to pay such amount at the time required under this subsection, the board of trustees shall notify the state board of such failure to pay and shall certify to the state board the amount to be paid. Upon receipt by the state board of such notification, the amount to be paid as certified to the state board shall become an amount due and owing to the state board. The state board shall notify the board of county commissioners that this amount is now due and owing to the state board. If the board of county commissioners fails to pay such amount to the state board within 14 days of the receipt of such notification, the state board shall initiate proceedings under K.S.A. 75-6201 *et seq.* for the collection of such money. Money paid to or collected by the state board under this subsection shall be deposited in the out-district tuition suspense account which is hereby created in the state treasury. The state board shall pay moneys from this account, in accordance with rules and regulations of the state board, to the community colleges entitled to receive such money.

(b) The total out-district tuition charged by a community college shall be: (1) For the 2000 fiscal year, an amount equal to the number of duly enrolled out-district students times \$24 for each credit hour of each such student; (2) for the 2001 fiscal year, an amount equal to the number of duly enrolled out-district students times \$18 for each credit hour of each such student; (3) for the 2002 fiscal year, an amount equal to the number of duly enrolled out-district students times \$12 for each credit hour of each such student; and (4) for the 2003 fiscal year, an amount equal to the number of duly enrolled out-district students times \$6 for each credit hour of each such student.

(c) In May of each fiscal year, the board of trustees shall notify the board of county commissioners of the approximate amount of out-district tuition which will be charged to the county in the succeeding fiscal year.

(d) Expenditures for out-district tuition shall be exempt from the budget law of this state to the extent of such payments not anticipated in the budget of the county.

(e) The provisions of this section shall take effect and be in force on July 1, 1999, and shall expire on June 30, 2003.

Sec. 30. On July 1, 1999, K.S.A. 71-304 shall be and is hereby amended to read as follows: 71-304. (a) Notwithstanding any provision contained in chapter 71 of Kansas Statutes Annotated to the contrary, and subject to the provisions of K.S.A. 71-305, and amendments thereto, no out-district tuition shall be charged or paid for any student attending a community college whose residence outside the community college district is in another community college district.

(b) The provisions of this section shall expire on June 30, 2003.

Sec. 31. On July 1, 1999, K.S.A. 71-305 shall be and is hereby amended to read as follows: 71-305. (a) The provisions of K.S.A. 71-304 shall, and amendments thereto, do not apply to any such out-district student when the course of study or program which the student selects, or a course of study or program which is substantially equivalent thereto, is not offered in the community college of the district in which such student resides.

(b) The provisions of this section shall expire on June 30, 2003.

Sec. 32. On July 1, 1999, K.S.A. 71-306 shall be and is hereby amended to read as follows: 71-306. (a) The state board of education regents shall adopt rules and regulations prescribing criteria or guidelines for the purpose of determining which courses of study and programs offered in the community colleges are substantially equivalent. A current, complete list of such courses of study and programs shall be maintained on file in the office of the state department of education board of regents, and shall be open for public inspection at any reasonable time.

(b) The provisions of this section shall expire on June 30, 2003.

New Sec. 33. (a) No out-district tuition charges shall be based upon credit hours in any subject or course the principal part of which is taught at a location outside the county of the main campus of a community college, unless the location of such subject or course is specifically authorized by the state board of regents.

(b) (1) No out-district tuition charges shall be based upon credit hours in any subject or course which is taught in a county in which the main campus of a state educational institution is located, unless the teaching of such subject or course is specifically authorized by the chief executive officer of the state educational institution or by a designee of the chief executive officer. The chief executive officer of each state educational institution may designate and authorize a person or committee to act on behalf of the chief executive officer in granting the authorizations required by this subsection. No authorization required by this subsection shall be considered to be or construed in any manner as an agreement provided for by subsection (c).

(2) For the purposes of this subsection, the term "main campus of a state educational institution" as applied to Kansas state university of agriculture and applied science means and includes the campus of the university located in Riley county and the campus of the university's college of technology located in Saline county.

(3) The provisions of this subsection are subject to the provisions of subsection (c).

(c) No out-district tuition charges shall be based upon credit hours in any subject or course all or the principal part of which is taught at Fort Hays state university or at Wichita state university under an agreement for the teaching of such subject or course entered into by a community college and either such university. An agreement entered into under the provisions of this subsection for the teaching of a subject or course by a community college at Fort Hays state university or at Wichita state university shall constitute the authorization required by subsection (b) for the teaching of such subject or course, and no separate authorization under subsection (b) shall be required.

(d) No out-district tuition charges shall be based upon any course or program if such course or program is taught in an area vocational school, an area vocational-technical school, or a technical college under an agreement with a community college and for which payments of state or federal moneys are made to the area vocational school, the area vocational-technical school, or the technical college under the provisions of article 44 of chapter 72 of Kansas Statutes Annotated.

(e) No out-district tuition charges shall be based upon any motorcycle driver safety course conducted by a community college.

(f) The provisions of this section shall take effect and be in force on July 1, 1999, and shall expire on June 30, 2003.

Sec. 34. On July 1, 1999, K.S.A. 1998 Supp. 71-401 shall be and is hereby amended to read as follows: 71-401. (a) Persons enrolling in a community college who, if adults, have not been, or if minors, whose parents have not been residents of the county in which is located the principal campus of the community college for at least six months prior to enrollment for any term or session are nonresidents of the community college district for the purpose of determining liability of counties for payment of out-district tuition.

(b) *The provisions of this section shall expire on June 30, 2003.*

Sec. 35. On July 1, 1999, K.S.A. 71-402 shall be and is hereby amended to read as follows: 71-402. (a) For the purpose of determining the county of residence of persons, residence of minors shall be determined as provided in K.S.A. 72-1046 and ~~acts amendatory thereof amendments thereto~~ and of adults as provided in subpart *Twenty-third* of K.S.A. 77-201 and ~~acts amendatory thereof amendments thereto~~.

(b) *The provisions of this section shall expire on June 30, 2003.*

Sec. 36. On July 1, 1999, K.S.A. 71-403 shall be and is hereby amended to read as follows: 71-403. (a) The state board of education ~~regents~~ may adopt rules and regulations prescribing criteria or guidelines for determination of residence of students for the purpose of determining liability of counties for out-district tuition of students in community colleges and out-district state aid entitlements. The state board may make conclusive determination of any residence matter for the purpose of determination of out-district tuition and out-district state aid entitlement.

(b) *The provisions of this section shall expire on June 30, 2003.*

Sec. 37. On July 1, 1999, K.S.A. 1998 Supp. 71-406 shall be and is hereby amended to read as follows: 71-406. (a) Subject to the provisions of K.S.A. 1998 Supp. 71-407, and amendments thereto, persons enrolling in a community college who, if adults, have not been, or if minors, whose parents have not been residents of the state of Kansas for at least six months prior to enrollment for any term or session, are nonresidents of the state for the purpose of determining state aid entitlements.

(b) For the purpose of determining the residence of persons enrolling as a student in a community college, residence of minors shall be determined as provided in K.S.A. 72-1046, and amendments thereto, and of adults as provided in subpart *Twenty-third* of K.S.A. 77-201, and amendments thereto. The state board of education ~~regents~~ may adopt rules and regulations governing the determination of residence of students.

Sec. 38. On July 1, 1999, K.S.A. 1998 Supp. 71-407 shall be and is hereby amended to read as follows: 71-407. (a) The following persons, or any class or classes thereof, and their spouses and dependents, may be considered residents of the state of Kansas by the state board for the purpose of determining state aid entitlements of community colleges in the 1997 fiscal year and in fiscal years thereafter: (1) Persons who are in active military service of the United States; (2) persons who are domiciliary residents of the state, who were in active military service prior to becoming domiciliary residents of the state, who were present in the state for a period of not less than two years during their tenure in active military service, whose domiciliary residence was established in the state within 30 days of discharge or retirement from active military service under honorable conditions, but whose domiciliary residence was not timely enough established to meet the residence duration requirement of K.S.A. 71-406, and amendments thereto; (3) persons who are employees of a community college; (4) persons having special domestic relations circumstances; (5) persons who have lost their resident status within six months of enrollment; (6) persons who are not domiciliary residents of the state, who have graduated from a high school accredited by the state board of education within six months of enrollment at a community college, who were domiciliary residents of the state at the time of graduation from high school or within 12 months prior to graduation from high school, and who are entitled to admission at a state educational institution pursuant to K.S.A. 72-116, and amendments thereto; and (7) persons who are domiciliary residents of the state, whose domiciliary residence was established in the state for the purpose of accepting, upon recruitment by an employer, or retaining, upon transfer required by an employer, a position of full-time employment at a place of employment in Kansas, but the domiciliary residence of whom was not timely enough established to meet the residence duration requirement of K.S.A. 71-406, and amendments thereto.

(b) As used in this section:

(1) "Domiciliary resident" means a person who has present and fixed

residence in Kansas where the person intends to remain for an indefinite period and to which the person intends to return following absence.

(2) "Full-time employment" means employment requiring at least 1,500 hours of work per year.

(c) The state board shall prescribe criteria and guidelines for determination of the eligibility of persons specified in subsection (a) to be considered residents of the state and shall specify the evidence necessary to be submitted by such persons as proof of eligibility. Evidence submitted by a person as proof of eligibility claimed under subsection (a)(7) must include, but not by way of limitation, certification of the claim by the employer of the person.

Sec. 39. On July 1, 1999, K.S.A. 71-601, as amended by section 1 of 1999 House Bill No. 2060, shall be and is hereby amended to read as follows: 71-601. (a) "Credit hour" means the basic unit of collegiate level instruction, as determined by the state board, in a subject or course offered at a level not higher than those subjects or courses normally offered to freshmen and sophomores in four-year institutions of postsecondary education which subject or course is approved by the state board. Credit hour does not include within its meaning instruction in a subject or course taken by a student enrolled for audit or in any subject or course not approved by the state board. The state board, in consultation with the state board of regents, shall determine whether the subjects and courses offered in the community colleges are at the level of freshmen and sophomore subjects and courses offered in the state educational institutions and shall not approve any subject or course offered at a higher level.

(b) "Full-time equivalent enrollment" or "FTE enrollment" means the quotient obtained by dividing by 30 the total credit hour enrollment in a fiscal year of students of a community college who are residents of the state of Kansas, or are considered residents of the state of Kansas pursuant to the provisions of K.S.A. 1998 Supp. 71-407, and amendments thereto.

(c) "State grant" means the operating grant provided for under subsection (a) of section 40, and amendments thereto, and if entitlement is determined, the quality performance grant provided for under subsection (b) of section 40, and amendments thereto.

New Sec. 40. (a) In each fiscal year, commencing with the 2001 fiscal year, each community college is entitled to an operating grant from the state general fund in an amount to be determined by the state board. The state board shall:

(1) Determine the average amount of moneys from the state general fund expended per FTE lower division undergraduate student in the preceding fiscal year at the regional state educational institutions;

(2) (A) in the 2001 fiscal year, compute 50% of the amount determined under (1); (B) in the 2002 fiscal year, compute 55% of the amount determined under (1); (C) in the 2003 fiscal year, compute 60% of the amount determined under (1); in the 2004 fiscal year and in each fiscal year thereafter, compute 65% of the amount determined under (1);

(3) multiply the amount computed under (2) by the number of FTE students of the community college. The product is the amount of the operating grant the community college is entitled to receive for the fiscal year.

(b) In each fiscal year, commencing with the 2003 fiscal year, each community college is eligible to receive a quality performance grant from the state general fund. If the state board determines that the community college has demonstrated effectiveness in complying with its role and mission statement and has met or exceeded the core indicators of quality performance for community colleges identified and approved by the state board, the community college shall receive a quality performance grant in an amount which shall be determined by the state board by computing 2% of the amount of the operating grant the community college received in the preceding fiscal year. The computed amount is the amount of the quality performance grant the community college shall receive for the fiscal year.

(c) For the purposes of this section, the FTE enrollment of the community college shall be based on: (1) Enrollment of students who are residents of the state of Kansas, or are considered residents of the state of Kansas pursuant to the provisions of K.S.A. 1998 Supp. 71-407, and amendments thereto; and (2) the greater of FTE enrollment of the community college in the current fiscal year or FTE enrollment in the preceding fiscal year.

(d) As used in this section, the term regional state educational institutions means Emporia state university, Fort Hays state university and Pittsburg state university and the term lower division undergraduate student means a freshman or sophomore.

(continued)

New Sec. 41. (a) In the 2001 fiscal year, each community college is eligible for entitlement to a transitional state grant. Entitlement of a community college to a transitional state grant shall be determined by the state board as provided in this subsection. The state board shall:

(1) Determine the amount of credit hour state aid, out-district state aid and general state aid received by the community college in the 2000 fiscal year;

(2) determine the amount of the operating grant the community college is entitled to receive for the 2001 fiscal year. If the amount determined under (2) is greater than the amount determined under (1), the eligibility of the community college to a transitional state grant shall lapse. If the amount determined under (1) is greater than the amount determined under (2), the community college is entitled to a transitional state grant in an amount which shall be determined by the state board by subtracting the amount determined under (2) from the amount determined under (1). The difference is the amount of the transitional state grant the community college is entitled to receive for the 2001 fiscal year.

(b) The distribution of the appropriation for transitional state grants shall be made at a time to be determined by the state board. The state board shall certify to the director of accounts and reports the amount due to each community college entitled to a transitional state grant, and the director of accounts and reports shall draw a warrant upon the state treasurer in favor of the community college for such amount. Upon receipt of the warrant, the treasurer of the community college shall credit the amount of the warrant to the general fund of the community college.

(c) The provisions of this section shall expire on June 30, 2001.

Sec. 42. On July 1, 1999, K.S.A. 71-604 shall be and is hereby amended to read as follows: 71-604. (a) From the reports and information submitted under K.S.A. 71-603, and amendments thereto, and from other information available to it, the state board shall determine the amount the community college is entitled to receive as provided in K.S.A. 71-602 and 71-607 and K.S.A. 71-619, and amendments to such sections.

(b) If the amount of any appropriation for credit hour state aid shall be *entitlements* insufficient to pay in full the amount each community college is entitled to receive for credit hour state aid, then, the amount so appropriated shall be prorated among all community colleges in proportion to the amount each is entitled to receive. If the amount of any appropriation for out-district state aid shall be insufficient to pay in full the amount each community college is entitled to receive for out-district state aid, then the amount so appropriated shall be prorated among all community colleges in proportion to the amount each is entitled to receive.

(c) The state board may audit the records of any community college applying for a part of any money appropriated for state aid, to verify the accuracy of the reports submitted by the community college. The state board may adopt rules and regulations for the administration of this act and acts amendatory thereof.

(d) In the event (b) If any community college is paid more than the amount it is entitled to receive under any distribution made under this act or acts amendatory thereof, the state board shall notify the community college of the amount of the overpayment and the community college shall remit the same to the state board and *it the state board* shall deposit the same in the state treasury to the credit of the general fund, and if any such community college fails so to remit, the state board shall deduct the excess amount so paid from future payments becoming due to such community college.

(e) In the event (c) If any community college is paid less than the amount to which it is entitled under any distribution made under this act and acts amendatory thereof to receive, the state board shall pay the additional amount due at any time within the fiscal year in which the underpayment was made or within 60 days after the end of such fiscal year.

Sec. 43. On July 1, 2000, K.S.A. 71-605 shall be and is hereby amended to read as follows: 71-605. (a) The distribution of the appropriation for credit hour state aid and out-district state aid shall be made three times each school year as follows: The first payment shall be made on October 1 and shall be in an amount equal to 50% of the preceding school year's credit hour state aid entitlement of the community college. Subject to the provisions of subsection (c), The second payment shall be made on December 1 and shall be in an amount which is equal to the balance of the summer and fall sessions' total credit hour state aid entitlement and the full amount of the summer and fall sessions' out-district

state aid entitlement, with adjustment for any overpayment or underpayment resulting from computation of the first payment. The third payment shall be made on April 1 and shall be the full amount of the spring session's credit hour state aid entitlement and the spring session's out-district state aid entitlement, with adjustment for any underpayments or overpayments theretofore occurring. The state board shall certify, on or before November 25 and March 25 of each year, to the director of accounts and reports the amount due to each community college from such appropriation on the first day of December, or for the December 1, 1987, payment on the date specified in subsection (c) or on the first day of April, as the case may be, and the director of accounts and reports shall draw a warrant upon the state treasurer in favor of the community college for such amount. Upon receipt of the warrant, the treasurer of the community college shall credit the same to the general fund of the community college.

(b) The distribution of the appropriation for general state aid shall be made at a time to be determined by the state board. The state board shall certify to the director of accounts and reports the amount due to each community college from such appropriation, and the director of accounts and reports shall draw a warrant upon the state treasurer in favor of the community college for such amount. Upon receipt of the warrant, the treasurer of the community college shall credit the same to the general fund of the community college.

(c) The credit hour state aid and out-district state aid to be paid December 1, 1987, shall be deferred and shall be paid January 4, 1988 state grants shall be made in substantially equal payments on August 1 and January 1 of each fiscal year, or as soon thereafter as possible. The state board shall certify, on or before July 20 and December 20 of each fiscal year, to the director of accounts and reports the amount due on August 1 or on January 1, as the case may be, to each community college entitled to a state grant from such appropriation, and the director of accounts and reports shall draw a warrant upon the state treasurer in favor of the community college for such amount. Upon receipt of the warrant, the treasurer of the community college shall credit the amount of the warrant to the general fund of the community college.

Sec. 44. On July 1, 1999, K.S.A. 1998 Supp. 71-609 shall be and is hereby amended to read as follows: 71-609. (a) No out-district tuition charges, no out-district state aid entitlement, no credit-hour state aid entitlement, and no general amount of a state aid entitlement shall be based upon credit hours enrollment in any subject or course the principal part of which is taught at a location outside the county of the main campus of the community college, unless the location of such subject or course is specifically authorized by the state board of education regents.

(b) (1) No out-district tuition charges and no out-district amount of a state aid entitlement shall be based upon credit hours enrollment in any subject or course which is taught in a county in which the main campus of a state educational institution is located, unless the teaching of such subject or course is specifically authorized by the chief executive officer of the state educational institution or by a designee of the chief executive officer. The chief executive officer of each state educational institution may designate and authorize a person or committee to act on behalf of the chief executive officer in granting the authorizations required by this subsection. No authorization required by this subsection shall be considered to be or construed in any manner as an agreement provided for by subsection (c).

(2) For the purposes of this subsection, the term "main campus of a state educational institution" as applied to Kansas state university of agriculture and applied science means and includes the campus of the university located in Riley county and the campus of the university's college of technology located in Saline county.

(3) The provisions of this subsection are subject to the provisions of subsection (c).

(c) (1) No out-district tuition charges shall be based upon credit hours in any subject or course all or the principal part of which is taught at Fort Hays state university or at Wichita state university under an agreement for the teaching of such subject or course entered into by a community college and either such university. An agreement entered into under the provisions of this subsection for the teaching of a subject or course by a community college at Fort Hays state university or at Wichita state university shall constitute the authorization required by subsection (b) for the teaching of such subject or course, and no separate authorization under subsection (b) shall be required.

(2) The provisions of this subsection shall expire on June 30, 2000, unless amended by act of the legislature prior to such date.

Sec. 45. On July 1, 1999, K.S.A. 71-609a shall be and is hereby amended to read as follows: 71-609a. ~~No out-district state aid entitlement, no credit hour state aid entitlement, and no general amount of the state aid entitlement of a community college shall be based upon any course or program if such course or program is taught in an area vocational school or, an area vocational-technical school, or a technical college under an agreement with such community college and for which payments of state or federal moneys are made to the area vocational school or, the area vocational-technical school, or the technical college under the provisions of article 44 of chapter 72 of Kansas Statutes Annotated, and no such course or program shall be counted in determining the number of credit hours of out-district students for the purpose of computing the amount of out-district tuition to be charged by a community college.~~

Sec. 46. On July 1, 1999, K.S.A. 71-610 shall be and is hereby amended to read as follows: 71-610. (a) Notwithstanding any provision contained in chapter 71 of Kansas Statutes Annotated to the contrary, whenever there are two community college districts located within one county, no out-district tuition shall be charged for any student residing in such county and attending either such community college. ~~No out-district state aid entitlement shall be based upon enrollment of any student who resides in such a county and attends either community college therein.~~

(b) *The provisions of this section shall expire on June 30, 2003.*

Sec. 47. On July 1, 1999, K.S.A. 1998 Supp. 71-611 shall be and is hereby amended to read as follows: 71-611. (a) "Operating expenses" means the total expenditures and lawful transfers from the general fund of a community college during a school fiscal year for all purposes.

(b) "Legally adopted budget of operating expenses" means the amount legally authorized and budgeted for such operating expenses in the budget general fund of a community college.

(c) "General fund" means the fund of a community college from which operating expenses are paid and, subject to the provisions of K.S.A. 71-613a, and amendments thereto, to which all amounts of credit hour state aid; out-district state aid; general state aid entitlements, property taxes for general purposes, out-district tuition, student tuition, and other moneys provided for by law are credited.

Sec. 48. On July 1, 1999, K.S.A. 71-613 shall be and is hereby amended to read as follows: 71-613. (a) All moneys received by a community college for establishing, conducting, maintaining and administering any vocational education program authorized by under article 44 of chapter 72 of Kansas Statutes Annotated shall be deposited in the vocational education fund, unless required to be deposited in the general fund. The expenses of a community college attributable to vocational education shall be paid from the vocational education fund.

(b) *Community colleges shall maintain fund accounting procedures as may be necessary to assure proper accounting for federal funds for vocational education special projects, whether received directly from the federal government or any of its agencies, or received through the state or any of its agencies.*

Sec. 49. On July 1, 1999, K.S.A. 1998 Supp. 71-613a shall be and is hereby amended to read as follows: 71-613a. All amounts of credit hour state aid; out-district state aid; general state aid; out-district tuition; entitlements and student tuition received by a community college for any program authorized by article 44 of chapter 72 of Kansas Statutes Annotated may be deposited in the vocational education fund of the community college.

Sec. 50. On July 1, 1999, K.S.A. 71-615 shall be is hereby amended to read as follows: 71-615. ~~In case~~ If a community college expends in any fiscal year an amount for operating expenses which exceeds its legally adopted budget of operating expenses, the state board of education regents shall determine the excess and deduct the same from amounts payable to the community college during the next fiscal year.

Sec. 51. On July 1, 1999, K.S.A. 71-801 shall be and is hereby amended to read as follows: 71-801. (a) Community colleges are under the supervision of the state board of education regents.

(b) *The state board of regents shall identify and approve core indicators of quality performance for community colleges and shall establish and implement a data management system that includes a process and format for collecting, aggregating and reporting common and institution-specific information documenting effectiveness of the colleges in meeting the role and mission thereof.*

Sec. 52. On July 1, 1999, K.S.A. 71-1508 shall be and is hereby

amended to read as follows: 71-1508. (a) There is hereby established in every community college conducting a motorcycle driver safety course a fund which shall be called the "motorcycle driver safety" fund. The motorcycle driver safety fund shall consist of all moneys deposited therein or transferred thereto according to law. All moneys received by community colleges from distributions made from the motorcycle safety fund and from tuition, fees or charges for motorcycle driver safety courses shall be credited to the motorcycle driver safety fund. The expenses of community colleges directly attributable to motorcycle driver safety courses shall be paid from the motorcycle driver safety fund.

(b) ~~No out-district tuition shall be charged or paid for any student on the basis of enrollment in a motorcycle driver safety course and no out-district state aid entitlement, credit hour state aid entitlement, or general amount of the state aid entitlement of a community college shall be based upon a motorcycle driver safety course conducted by the community college.~~

Sec. 53. On July 1, 1999, K.S.A. 71-1702 shall be and is hereby amended to read as follows: 71-1702. (a) The governing body of an area vocational school or area vocational-technical school which is consolidated with and made a part of a community college in accordance with the provisions of this act shall enter into a consolidation agreement with the board of trustees of the community college with which such area vocational school or area vocational-technical school is consolidated.

(b) Every consolidation agreement entered into under this section shall provide for:

(1) The disposition of all real property of the affected area vocational school or area vocational-technical school, which disposition shall not be in contravention of the provisions of subsection (d) of K.S.A. 71-201, and amendments thereto;

(2) the disposition of all personal property, records and moneys, including state and federal financial aid, of the affected area vocational school or area vocational-technical school;

(3) the payment of all lawful debts of the affected area vocational school or area vocational-technical school, including any outstanding bonded indebtedness attributable to the operation thereof;

(4) the payment of all accrued compensation or salaries of all personnel of the affected area vocational school or area vocational-technical school;

(5) the transfer of personnel, if such personnel are deemed necessary, in the employment of the affected area vocational school or area vocational-technical school to the employment of the community college; and

(6) such other matters as may need to be addressed as the result of such consolidation by the affected area vocational school or area vocational-technical school and the community college.

(c) Immediately upon execution of each consolidation agreement entered into under this section, the state board of education regents shall be notified thereof by the board of trustees of the affected community college. The state board shall review and approve such consolidation agreement and upon approval of such agreement, the state board, for purpose of determining credit hour state aid under K.S.A. 71-602, and amendments thereto, shall issue an order officially designating the community college as an area vocational school.

(d) When any conflict arises as to the proper disposition of property, records or funds or as to the assumption and payment of any debts as a result of any consolidation effected under this act, such conflict shall be determined and resolved by the state board of education regents and such determination and resolution shall be final.

Sec. 54. On July 1, 1999, K.S.A. 71-1705 shall be and is hereby amended to read as follows: 71-1705. (a) Notwithstanding any provision contained in chapter 71 of Kansas Statutes Annotated to the contrary, whenever any area vocational school or area vocational-technical school consolidates with a community college in accordance with the provisions of this act, no out-district tuition shall be charged for any student enrolled in any vocational education course or program offered by the community college if such course or program was taught in the area vocational school or area vocational-technical school immediately prior to the consolidation of such area vocational school or area vocational-technical school with such community college and as a result of such consolidation such course or program is now being offered by the community college.

(b) *The provisions of this section shall expire on June 30, 2003.*

Sec. 55. On July 1, 1999, K.S.A. 1998 Supp. 71-602 shall be and is hereby amended to read as follows: 71-602. (a) Each community college

(continued)

is entitled to receive credit hour state aid. The basis for payments of credit hour state aid for community colleges for each credit hour of each duly enrolled student shall be: (1) For each credit hour in any subject or course which is not part of a vocational education program approved by the state board under the provisions of article 44 of chapter 72 of Kansas Statutes Annotated, an amount which shall be provided for by the legislature in acts making appropriations for the credit hour state aid entitlement of community colleges; and (2) for each credit hour in any subject or course which is part of a vocational education program approved by the state board under the provisions of article 44 of chapter 72 of Kansas Statutes Annotated, an amount which shall be determined by the state board by multiplying by 1½ the amount provided for by the legislature under (1), except that the amount provided for by the legislature under (1) for each credit hour of each student shall be multiplied by two if the credit hour is in any subject or course which is part of an approved vocational education program which is offered in a community college which is also officially designated as an area vocational school by the state board, or if the credit hour is in any subject or course which is part of an approved vocational education program transferred to a community college in accordance with an agreement made and entered into under authority of K.S.A. 71-1507, and amendments thereto.

(b) Credit hour state aid payments shall be made only for credit hours of duly enrolled students if such students, as determined by the state board, are residents of the state of Kansas or are considered residents of the state of Kansas pursuant to the provisions of K.S.A. 1998 Supp. 71-407, and amendments thereto.

(c) The determination of credit hours of duly enrolled students shall be made at times prescribed by the state board of education.

(d) *The provisions of this section shall expire on June 30, 2000.*

Sec. 56. On July 1, 1999, K.S.A. 1998 Supp. 71-607 shall be and is hereby amended to read as follows: 71-607. (a) Each community college is entitled to receive out-district state aid payments in amounts determined as provided in this section. From reports and information provided by each community college, and from such additional audits and investigations as are conducted by the state department of education board of regents, the state board shall determine the amount of out-district tuition each community college is entitled to bill to counties each year, and the entitlement to out-district state aid of each community college shall be an amount equal thereto plus (1) an amount equal to the amount of out-district tuition disallowed under the provisions of K.S.A. 71-304, and amendments thereto, and (2) an amount equal to the amount of out-district tuition disallowed under the provisions of subsection (c) of K.S.A. 71-609 section 33, and amendments thereto, and (3) an amount equal to the number of duly enrolled students considered residents of the state pursuant to the provisions of K.S.A. 1998 Supp. 71-407, and amendments thereto, times the amount specified in subsection (e) of K.S.A. 71-301 (b) of section 29, and amendments thereto, for each credit hour of each such duly enrolled student.

(b) (1) Out-district state aid payments shall be made only for credit hours of students specified in provision (3) of subsection (a) if such students, as determined by the state board, have not more than 64 credit hours from any institution of postsecondary education or the students have not more than 72 credit hours and are enrolled in terminal type nursing courses or freshman-sophomore level preengineering courses.

(2) The credit hour limitations prescribed by provision (1) of this subsection do not apply to credit hours of students if such students, as determined by the state board, are enrolled in an approved vocational education program at a community college for the purpose of receiving vocational or technical training or retraining in preparation for gainful employment.

(3) *The provisions of this subsection shall expire on June 30, 1999.*

(c) *The provisions of this section shall expire on June 30, 2000.*

Sec. 57. On July 1, 1999, K.S.A. 1998 Supp. 71-619 shall be and is hereby amended to read as follows: 71-619. (a) Each community college is entitled to receive general state aid payments in amounts determined by the state board as provided in this section.

(b) In each fiscal year, the state board shall:

(1) Determine full-time equivalent enrollment of each community college and total full-time equivalent enrollment of all community colleges.

(2) Determine the assessed valuation of each community college.

(3) Compute the assessed valuation per student of each community college by dividing its assessed valuation by its full-time equivalent en-

rollment. The quotient is the assessed valuation per student of the community college.

(4) Determine the median assessed valuation per student of all community colleges by ranking the community colleges from high to low on the basis of assessed valuation per student of each community college and identify the community college which is located at the median. The median assessed valuation per student of all community colleges is the assessed valuation per student of the community college identified as being located at the median.

(5) Compute the wealth factor of each community college by dividing the median assessed valuation per student of all community colleges by the assessed valuation per student of the community college. The quotient is the wealth factor of the community college.

(6) Determine on the basis of total full-time equivalent enrollment of all community colleges a per student guarantee by computing the amount thereof which is required to distribute to the community colleges the total amount of the appropriation from the state general fund for general state aid for the fiscal year.

(7) Multiply the per student guarantee determined in provision (6) by the full-time equivalent enrollment of the community college.

(8) Multiply the product obtained in provision (7) by the wealth factor of the community college. The product is the amount of general state aid to which the community college is entitled.

(c) As used in this section:

(1) "Assessed valuation of a community college" means the assessed valuation of the taxable tangible property within the community college district.

(2) "Taxable tangible property" means all real and tangible personal property which is subject to general ad valorem taxation.

(3) "Full-time equivalent enrollment" means the quotient obtained by dividing by 15 the total credit hour enrollment of students of a community college who on September 15 are residents of the state of Kansas or are considered residents of the state of Kansas pursuant to the provisions of K.S.A. 1998 Supp. 71-407, and amendments thereto, plus the total credit hour enrollment of such students of the community college for courses taught in the summer term and for courses approved to be conducted as of September 15, the beginning dates of which courses are after September 15 but prior to December 1.

(d) *The provisions of this section shall expire on June 30, 2000.*

Sec. 58. On July 1, 2000, K.S.A. 72-6501 shall be and is hereby amended to read as follows: 72-6501. As used in this act:

(a) "University" means Washburn university of Topeka; and

(b) "state board" means the state board of regents; and

(c) "state grant" means the operating grant provided for under subsection (a) of K.S.A. 72-6503, and amendments thereto, and if entitlement is determined, the quality performance grant provided for under subsection (b) of K.S.A. 72-6503, and amendments thereto.

New Sec. 59. (a) The state board shall: (1) Review the university's mission and goals statement, strategies for achieving mission focus and attaining identified goals, academic and administrative program review process, and established priorities for enhancement of academic disciplines; and (2) identify and approve core indicators of quality performance for the university. The core indicators of quality performance identified and approved for the university shall be consonant with the core indicators of quality performance identified and approved for the state educational institutions.

(b) From reports, documents, data and such other information as the university may provide in each fiscal year, the state board shall determine the effectiveness of the university in complying with its mission and goals statement and in meeting the core indicators of quality performance.

Sec. 60. On July 1, 2000, K.S.A. 72-6503 shall be and is hereby amended to read as follows: 72-6503. (a) In each fiscal year, commencing with fiscal year 1992 2001, the university is entitled to receive an operating grant from the state general fund in an amount provided therefor by appropriation act to be determined by the state board. (b) For fiscal years after fiscal year 1992, the president of the university shall submit to the state board a budget estimate for the university and a request for an operating grant from the state. The budget estimate and request shall be submitted in the manner and at the time prescribed by the state board. The state board shall:

(1) Determine an amount to be received by the university as an operating grant from the state by reviewing the budget estimate submitted by the university and approving or adjusting and approving the amount

requested. The state board shall submit the amount so determined, along with the amount of the request made by the university, to the director of the budget for presentation to the governor and submission to the legislature in the manner and at the time prescribed by law for submission of budget estimates and requests by state agencies the average amount of moneys from the state general fund expended per FTE lower division undergraduate student in the preceding fiscal year at the regional state educational institutions;

(2) (A) in the 2001 fiscal year, compute 50% of the amount determined under (1); (B) in the 2002 fiscal year, compute 55% of the amount determined under (1); (C) in the 2003 fiscal year, compute 60% of the amount determined under (1); (D) in the 2004 fiscal year and in each fiscal year thereafter, compute 65% of the amount determined under (1);

(3) multiply the amount computed under (2) by the number of FTE students of the university. The product is the amount of the operating grant the university is entitled to receive for the fiscal year.

(b) In each fiscal year, commencing with the 2003 fiscal year, the university is eligible to receive a quality performance grant from the state general fund. If the state board determines that the university has demonstrated effectiveness in complying with its mission and goals statement and has met or exceeded the core indicators of quality performance identified and approved for the university by the state board, the university shall receive a quality performance grant in an amount which shall be determined by the state board by computing 2% of the amount of the operating grant the university received in the preceding fiscal year. The computed amount is the amount of the quality performance grant the university shall receive for the fiscal year.

(c) (1) For the purposes of this section, the FTE enrollment of the university shall be based on: (A) Enrollment of students who are residents of the state of Kansas; and (B) the greater of FTE enrollment in the current fiscal year or FTE enrollment in the preceding fiscal year.

(2) As used in this section, the term regional state educational institutions means Emporia state university, Fort Hays state university and Pittsburg state university and the term lower division undergraduate student means a freshman or sophomore.

(e) (d) Moneys received as operating state grants from the state general fund shall not be expended for the purpose of expansion of graduate programs or for the purpose of expansion of off-campus programs without the prior approval of the state board.

New Sec. 61. (a) In the 2001 fiscal year, the university is eligible for entitlement to a transitional state grant. Entitlement of the university to a transitional state grant shall be determined by the state board as provided in this subsection. The state board shall:

(1) Determine the amount of the operating grant received by the university in the 2000 fiscal year;

(2) determine the amount of the operating grant the university is entitled to receive for the 2001 fiscal year. If the amount determined under (2) is greater than the amount determined under (1), the eligibility of the university to a transitional state grant shall lapse. If the amount determined under (1) is greater than the amount determined under (2), the university is entitled to a transitional state grant in an amount which shall be determined by the state board by subtracting the amount determined under (2) from the amount determined under (1). The difference is the amount of the transitional state grant the university is entitled to receive for the 2001 fiscal year.

(b) The distribution of the appropriation for a transitional state grant to the university if entitlement to the grant is determined shall be made at a time to be determined by the state board. The state board shall certify to the director of accounts and reports the amount due to the university, and the director of accounts and reports shall draw a warrant upon the state treasurer in favor of the university for such amount.

(c) The provisions of this section shall expire on June 30, 2001.

Sec. 62. On July 1, 2000, K.S.A. 72-6504 shall be and is hereby amended to read as follows: 72-6504. (a) On or before November 1 and on or before April 1 of each year, the president and treasurer of the university shall certify under oath to the state board the total number of duly enrolled credit hours of students of the university during the current school term who meet the state residence requirement. The state board may require the university to furnish any additional information deemed necessary by it to carry out the provisions of this act and shall prescribe such forms, to be approved by the attorney general, as may be necessary for making such reports.

(b) Persons enrolling in the university who, if adults, have not been, or if minors, whose parents have not been residents of the state of Kansas

for at least six (6) months prior to enrollment for any school term are nonresidents for the purpose of determination of entitlement from the municipal university fund to state grants. The state board may adopt rules and regulations prescribing criteria or guidelines for determination of residence of students, so long as such criteria or guidelines are not in conflict with the provisions of this section, and may make conclusive determination of any residence matter for the purpose of determination of entitlement from the municipal university fund to state grants.

Sec. 63. On July 1, 2000, K.S.A. 72-6505 shall be and is hereby amended to read as follows: 72-6505. From the enrollment reports and student residency information so submitted by the university and other information available to it information, the state board shall determine the amount the university is entitled to receive as provided in K.S.A. 72-6503 a state grant. The state board and the post auditor may audit the records of the university to verify the accuracy of the reports and other information submitted by the university. The state board may promulgate rules and regulations governing the administration of this act. In the event If the university is paid more than it is entitled to receive under any distribution made hereunder as a state grant, the state board shall notify the university of the amount of such overpayment, and the university shall remit the same to the state board, who which shall deposit the same in the state treasury to the credit of the municipal university state general fund, and if the university fails so to remit, the state board shall deduct the excess amount so paid from future payments becoming due to the university.

Sec. 64. On July 1, 2000, K.S.A. 72-6506 shall be and is hereby amended to read as follows: 72-6506. The payment to the university of the total amount of its operating grant state grant shall be made in substantially equal amounts on August 1 and January 1 of each year, or as soon thereafter as possible. The state board shall certify, on or before July 20 and December 20 of each year, to the director of accounts and reports the amount due the university from the state general fund on August 1 or on January 1, as the case may be, and the director shall draw a warrant upon the state treasurer in favor of the university for such amount. Upon receipt of such warrant, the treasurer of the university shall credit the same to the general fund of the university. All moneys received by the university under this section shall be used to pay current operating expenses of the university, and shall not be used for the making of capital improvements.

Sec. 65. On July 1, 2000, K.S.A. 72-6508 shall be and is hereby amended to read as follows: 72-6508. The university shall be eligible to receive payments of operating state grants from the state general fund to continue and further its traditional program of operating a liberal arts college, a school of business, a school of law, a school of nursing and a school of applied studies. While receiving payments from the state general fund, the university shall be limited to associates, bachelors, masters and juris doctor degree work and shall not establish specialized schools such as journalism, medicine, pharmacy and engineering, or other new educational schools unless authorized by act of the legislature.

Sec. 66. On July 1, 2000, K.S.A. 72-6509 shall be and is hereby amended to read as follows: 72-6509. The university shall not be eligible to receive payments of operating state grants from the state general fund unless it is currently a member in good standing of the north central association of colleges and universities.

Sec. 67. On July 1, 1999, K.S.A. 13-13a25, as amended by section 7 of 1999 House Bill No. 2565, shall be and is hereby amended to read as follows: 13-13a25. (a) As used in K.S.A. 13-13a25 through 13-13a34, and amendments thereto:

(a) (1) "Board of levy" means the board of county commissioners of every county in which there is not located a municipal university and the township trustee, township clerk and township treasurer, acting as a board, of every township within every county in which there is located a municipal university, except that board of levy shall not include a township within a county in which there is located a municipal university which has levied a countywide retailer's sales tax.

(b) (2) "Municipal university" means a municipal university established under the provisions of article 13a of chapter 13 of Kansas Statutes Annotated.

(c) (3) "Municipal university district" means the taxing district of a municipal university.

(d) (4) "Taxing subdivision" means every county in which there is not

(continued)

located a municipal university and every township within every county in which there is located a municipal university, except that taxing subdivision shall not include a township within a county in which there is located a municipal university which has levied a countywide retailer's sales tax.

(e) (5) "State board" means the state board of education regents.

(b) *The provisions of this section shall expire on June 30, 2003.*

Sec. 68. On July 1, 1999, K.S.A. 13-13a26 shall be and is hereby amended to read as follows: 13-13a26. (a) The board of regents of a municipal university, in accordance with rules and regulations of the state board, shall determine and collect an amount of out-district tuition to be charged for each student attending the municipal university whose residence is outside of the municipal university district.

(b) The board of levy of any taxing subdivision charged with payment of out-district tuition shall levy a tax on all of the taxable property of the taxing subdivision sufficient to pay all out-district tuition charges authorized by this act.

(c) The proceeds from the tax levied under authority of this section shall be deposited in a special fund for payment of out-district tuition. Upon receiving a statement of charges for out-district tuition the board of levy shall allow and pay the same promptly from the special fund. If there is insufficient or no money in the special fund, out-district tuition shall be paid from the general fund of the taxing subdivision or from the proceeds of the sale of no-fund warrants issued for the purpose of the payment of out-district tuition.

(d) The total out-district tuition charged by a municipal university shall be: (1) *For the 2000 fiscal year*, an amount equal to the number of duly enrolled out-district students times \$24 for each credit hour of each such duly enrolled out-district student; (2) *for the 2001 fiscal year*, an amount equal to the number of duly enrolled out-district students times \$18 for each credit hour of each such student; (3) *for the 2002 fiscal year*, an amount equal to the number of duly enrolled out-district students times \$12 for each credit hour of each such student; and (4) *for the 2003 fiscal year*, an amount equal to the number of duly enrolled out-district students times \$6 for each credit hour of each such student.

(e) Out-district tuition shall only be charged for credit hours of students if such students, as determined by the state board, have not more than 64 credit hours from any institution of postsecondary education or the students have not more than 72 credit hours and are enrolled in terminal type nursing courses or freshman-sophomore preengineering courses.

(f) Expenditures for out-district tuition shall be exempt from the budget law of this state to the extent of such payments not anticipated in the budget of the taxing subdivision.

(g) The levy of taxes and the payment of out-district tuition by counties required under the provisions of this section shall not be subject to the exercise of home rule by counties under the provisions of article 1 of chapter 19 of Kansas Statutes Annotated. Counties shall have no power to exempt from, or effect changes in, the provisions of this section.

(h) Taxes levied by townships under the authority of this section shall be in addition to all other tax levies authorized or limited by law and shall not be subject to or within the aggregate tax levy limit prescribed by K.S.A. 79-1962, and amendments thereof.

(i) In May of each fiscal year, the board of regents shall notify each board of levy of the approximate amount of out-district tuition which will be charged to the taxing subdivision in the succeeding fiscal year.

(j) *The provisions of this section shall expire on June 30, 2003.*

Sec. 69. On July 1, 1999, K.S.A. 13-13a27 shall be and is hereby amended to read as follows: 13-13a27. (a) Out-district tuition shall be based only upon enrollments of students who are residents of the state of Kansas. For the purpose of determination of out-district tuition: (1) Persons enrolling in a municipal university who, if adults, have not been, or if minors, whose parents have not been, residents of the state of Kansas for six months prior to enrollment for any term or session are nonresidents of the state of Kansas; and (2) persons enrolling in a municipal university who, if adults, have not been, or if minors, whose parents have not been, residents of the municipal university district for six months prior to enrollment for any term or session are nonresidents of the municipal university district.

(b) For the purpose of determining residence of persons, the residence of minors shall be determined as provided in K.S.A. 72-1046, and amendments thereto, and of adults as provided in subpart *twenty-third* of K.S.A. 77-201 and amendments thereto.

(c) The state board of education regents may adopt rules and regulations prescribing criteria or guidelines for determination of residence of students and shall make conclusive determination of any residence matter for the purpose of determination of liability of taxing subdivisions for out-district tuition.

(d) *The provisions of this section shall expire on June 30, 2003.*

Sec. 70. On July 1, 1999, K.S.A. 13-13a29 shall be and is hereby amended to read as follows: 13-13a29. (a) The determination of credit hours of duly enrolled out-district students shall be made at the end of the fifth week of the regular spring and fall semesters and at the end of the equivalent period for summer sessions. The determination of credit hours of duly enrolled out-district students for payments for short-term courses shall be made at such times as are prescribed by the state board of education regents.

(b) On or before November 1 and on or before April 1 of each year, the president and treasurer of a municipal university shall certify under oath to the state board the total number of duly enrolled credit hours of out-district students of the municipal university during the current school term. The state board may require a municipal university to furnish any additional information deemed necessary by it to carry out the provisions of this act and shall prescribe such forms, to be approved by the attorney general, as may be necessary for making such reports.

(c) The state board and the post auditor may audit the records of a municipal university to verify the accuracy of the reports submitted by the municipal university. The state board may promulgate rules and regulations for the administration of this act.

(d) *The provisions of this section shall expire on June 30, 2003.*

Sec. 71. On July 1, 1999, K.S.A. 13-13a31 shall be and is hereby amended to read as follows: 13-13a31. (a) Subject to the provisions of subsection (b), no out-district tuition shall be charged or paid for any student attending a municipal university whose residence outside the municipal university district is in a taxing subdivision in which there is located a community college.

(b) The provisions of subsection (a) shall not apply to any such out-district student when the course of study or program which the student selects, or a course of study or program which is substantially equivalent thereto, is not offered in the community college which is located in the taxing subdivision in which such student resides.

(c) *The provisions of this section shall expire on June 30, 2003.*

Sec. 72. On July 1, 1999, K.S.A. 13-13a32 shall be and is hereby amended to read as follows: 13-13a32. (a) Subject to the provisions of subsection (b), no out-district tuition shall be charged to or paid by any county in which there is located a municipal university for any student attending a community college whose residence outside the community college district is in a county in which there is located a municipal university.

(b) The provisions of subsection (a) shall not apply to any such out-district student when the course of study or program which the student selects, or a course of study or program which is substantially equivalent thereto, is not offered in the municipal university which is located in the county in which such student resides.

(c) In addition to out-district state aid to which a community college is entitled under the provisions of K.S.A. 71-607, and amendments thereof, the community college shall be entitled to an amount of out-district state aid equal to the amount of out-district tuition disallowed under the provisions of this section shall expire on June 20, 2003.

Sec. 73. On July 1, 1999, K.S.A. 13-13a33 shall be and is hereby amended to read as follows: 13-13a33. (a) The state board of education regents shall adopt rules and regulations prescribing criteria or guidelines for the purpose of determining which courses of study and programs offered in the community colleges are substantially equivalent to the courses of study and programs offered in municipal universities. A current, complete list of such courses of study and programs shall be maintained on file in the state department of education office of the state board of regents, and shall be open for public inspection at any reasonable time.

(b) *The provisions of this section shall expire on June 30, 2003.*

Sec. 74. On July 1, 1999, K.S.A. 13-13a34 shall be and is hereby amended to read as follows: 13-13a34. (a) No out-district tuition charged by a municipal university shall be based upon any course or program which is taught in an *area vocational school, an area vocational-technical school, or a technical college* under an agreement with the municipal university and for which payments of state or federal monies are made

to the *area vocational school*, area vocational-technical school, or *technical college* under the provisions of article 44 of chapter 72 of Kansas Statutes Annotated.

(b) *The provisions of this section shall expire on June 30, 2003.*

New Sec. 75. (a) The state board of regents shall identify and approve core indicators of quality performance for the state educational institutions and shall establish and implement a data management system that includes a process and format for collecting, aggregating and reporting common and institution-specific information documenting effectiveness of the institutions in meeting the role and mission thereof.

(b) In each fiscal year, commencing with the 2003 fiscal year, each state educational institution is eligible to receive a quality performance grant from the state general fund. If the state board determines that the state educational institution has demonstrated effectiveness in complying with its role and mission statement and has met or exceeded the core indicators of quality performance for the state educational institutions identified and approved by the state board, the state educational institution shall receive a quality performance grant in an amount that shall be determined by the state board by computing 2% of the amount of the institution's appropriation from the state general fund for the preceding fiscal year. The computed amount is the amount of the quality performance grant the state educational institution shall receive for the fiscal year.

New Sec. 76. (a) In each of the fiscal years 2001 through 2004, the state educational institutions are entitled to faculty salary enhancement grants in amounts to be determined by the state board. The state board shall:

(1) Determine in the 2001 fiscal year the difference between the amount of state aid received by the community colleges in the 2000 fiscal year less the amount of out-district tuition received by the community colleges in such fiscal year and the amount of operating grants to which the community colleges are entitled in the 2001 fiscal year less the amount of out-district tuition supplanted by such operating grants; and

(2) determine in each of the 2002 through 2004 fiscal years the difference between the amount of operating grants received by the community colleges in the preceding fiscal year less the amount of out-district tuition received by the community colleges in such fiscal year and the amount of operating grants to which the community colleges are entitled in the current fiscal year less the amount of out-district tuition supplanted by such operating grants.

(b) An amount equal to the amount of the difference determined under provisions (1) and (2) of subsection (a) in each of the fiscal years 2001 through 2004 shall be allocated by the state board of regents as faculty salary enhancement grants to the state educational institutions.

(c) *The provisions of this section shall expire on June 30, 2004.*

New Sec. 77. (a) The state board of regents shall identify and approve core indicators of quality performance for vocational education schools and technical colleges and shall establish and implement a data management system that includes a process and format for collecting, aggregating and reporting common and institution-specific information documenting effectiveness of the schools and colleges in meeting the role and mission thereof.

(b) In each fiscal year, commencing with the 2003 fiscal year, each vocational education school and technical college is eligible to receive a quality performance grant from the state general fund. If the state board determines that the school or college has demonstrated effectiveness in complying with its role and mission statement and has met or exceeded the core indicators of quality performance for vocational education schools and technical colleges identified and approved by the state board, the school or college shall receive a quality performance grant in an amount which shall be determined by the state board by computing 2% of the amount of postsecondary aid the school or college received in the preceding fiscal year. The computed amount is the amount of the quality performance grant the school or college shall receive for the fiscal year.

(c) The distribution of the appropriation for quality performance grants to vocational education schools and technical colleges entitled to such grants shall be made at a time to be determined by the state board. The state board shall certify to the director of accounts and reports the amount due to each vocational education school and technical college entitled to a grant, and the director of accounts and reports shall draw a warrant upon the state treasurer in favor of the school or college for such amount. Upon receipt of the warrant, the treasurer of the school or college shall credit the amount of the warrant to the general fund.

Sec. 78. On July 1, 1999, K.S.A. 12-16,102 shall be and is hereby amended to read as follows: 12-16,102. (a) Except as provided in this section, "taxing subdivision" means any city, county, township, community college district or other political subdivision of the state of Kansas having authority to levy taxes on taxable tangible property. A *community college district shall not be considered a taxing subdivision for the purpose of this section*. A school district shall not be considered a taxing subdivision for the purpose of this section except that any school district operating a public library pursuant to K.S.A. 72-1623, and amendments thereto, for that purpose, shall be considered a taxing subdivision for the purpose of this section.

(b) Any taxing subdivision may create and establish employee benefits contribution funds for (1) the taxing subdivision or (2) any political subdivision for which a tax is levied by such taxing subdivision for the purpose of paying the employer's share of any employee benefits, exclusive of any salaries, wages or other direct payments to such employees, as may be prescribed in the ordinance or resolution of the governing body creating such funds. The taxing subdivision may receive and place in such funds any moneys from any source whatsoever which may be lawfully utilized for the purposes stated in the ordinance or resolution creating such funds, including the proceeds of tax levies authorized by law for such purposes.

(c) The governing body of any taxing subdivision having established employee benefits funds under subsection (b) is hereby authorized to levy an annual tax upon all taxable tangible property within the taxing subdivision in an amount determined by the governing body to be necessary for the purposes for which such funds were created and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county.

Sec. 79. On July 1, 1999, K.S.A. 1998 Supp. 19-101a shall be and is hereby amended to read as follows: 19-101a. (a) The board of county commissioners may transact all county business and perform all powers of local legislation and administration it deems appropriate, subject only to the following limitations, restrictions or prohibitions:

(1) Counties shall be subject to all acts of the legislature which apply uniformly to all counties.

(2) Counties may not consolidate or alter county boundaries.

(3) Counties may not affect the courts located therein.

(4) Counties shall be subject to acts of the legislature prescribing limits of indebtedness.

(5) In the exercise of powers of local legislation and administration authorized under provisions of this section, the home rule power conferred on cities to determine their local affairs and government shall not be superseded or impaired without the consent of the governing body of each city within a county which may be affected.

(6) Counties may not legislate on social welfare administered under state law enacted pursuant to or in conformity with public law No. 271—74th congress, or amendments thereof.

(7) Counties shall be subject to all acts of the legislature concerning elections, election commissioners and officers and their duties as such officers and the election of county officers.

(8) Counties shall be subject to the limitations and prohibitions imposed under K.S.A. 12-187 to 12-195, inclusive, and amendments thereto, prescribing limitations upon the levy of retailers' sales taxes by counties.

(9) Counties may not exempt from or effect changes in statutes made nonuniform in application solely by reason of authorizing exceptions for counties having adopted a charter for county government.

(10) No county may levy ad valorem taxes under the authority of this section upon real property located within any redevelopment area established under the authority of K.S.A. 12-1772, and amendments thereto, unless the resolution authorizing the same specifically authorized a portion of the proceeds of such levy to be used to pay the principal of and interest upon bonds issued by a city under the authority of K.S.A. 12-1774, and amendments thereto.

(11) Counties shall have no power under this section to exempt from any statute authorizing or requiring the levy of taxes and providing substitute and additional provisions on the same subject, unless the resolution authorizing the same specifically provides for a portion of the proceeds of such levy to be used to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto.

(12) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4601 to 19-4625, inclusive, and amendments thereto.

(continued)

(13) Except as otherwise specifically authorized by K.S.A. 12-1,101 to 12-1,109, inclusive, and amendments thereto, counties may not levy and collect taxes on incomes from whatever source derived.

(14) Counties may not exempt from or effect changes in K.S.A. 19-430, and amendments thereto. Any charter resolution adopted by a county prior to July 1, 1983, exempting from or effecting changes in K.S.A. 19-430, and amendments thereto, is null and void.

(15) Counties may not exempt from or effect changes in K.S.A. 19-302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.

(16) (A) Counties may not exempt from or effect changes in K.S.A. 13-13a26, and amendments thereto. Any charter resolution adopted by a county, prior to the effective date of this act, exempting from or effecting changes in K.S.A. 13-13a26, and amendments thereto, is null and void.

(B) *This provision shall expire on June 30, 2003.*

(17) (A) Counties may not exempt from or effect changes in K.S.A. 71-301, and amendments thereto. Any charter resolution adopted by a county, prior to the effective date of this act, exempting from or effecting changes in K.S.A. 71-301, and amendments thereto, is null and void.

(B) *This provision shall expire on June 30, 2003.*

(18) Counties may not exempt from or effect changes in K.S.A. 19-15,139, 19-15,140 and 19-15,141, and amendments thereto. Any charter resolution adopted by a county prior to the effective date of this act, exempting from or effecting changes in such sections is null and void.

(19) Counties may not exempt from or effect changes in the provisions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c and 12-1226, and amendments thereto, or the provisions of K.S.A. 1998 Supp. 12-1260 to 12-1270, inclusive, and amendments thereto, and 12-1276, and amendments thereto.

(20) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-211, and amendments thereto.

(21) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4001 to 19-4015, inclusive, and amendments thereto.

(22) Counties may not regulate the production or drilling of any oil or gas well in any manner which would result in the duplication of regulation by the state corporation commission and the Kansas department of health and environment pursuant to chapter 55 and chapter 65 of the Kansas Statutes Annotated, and any rules and regulations adopted pursuant thereto. Counties may not require any license or permit for the drilling or production of oil and gas wells. Counties may not impose any fee or charge for the drilling or production of any oil or gas well.

(23) Counties may not exempt from or effect changes in K.S.A. 79-41a04, and amendments thereto.

(24) Counties may not exempt from or effect changes in K.S.A. 79-1611, and amendments thereto.

(25) Counties may not exempt from or effect changes in K.S.A. 79-1494, and amendments thereto.

(26) Counties may not exempt from or effect changes in subsection (b) of K.S.A. 19-202, and amendments thereto.

(27) Counties may not exempt from or effect changes in subsection (b) of K.S.A. 2-1915, 19-204, and amendments thereto.

(28) Counties may not levy or impose an excise, severance or any other tax in the nature of an excise tax upon the physical severance and production of any mineral or other material from the earth or water. Any resolution adopted by any county prior to the effective date of this act imposing or levying any such tax is null and void.

(29) Counties may not exempt from or effect changes in K.S.A. 79-2017 or 79-2101, and amendments thereto. Any charter resolution adopted prior to the effective date of this act, which affected the provisions of K.S.A. 79-2017 or 79-2101, and amendments thereto, is hereby declared to be null and void.

(30) *Counties may not exempt from or effect changes in K.S.A. 2-1915, 2-3302, 2-3305, 2-3307, 17-5904, 17-5908, 47-1219, 65-171d, 74-5065, 74-5066, 74-8902, 74-8905 and 79-32,117, K.S.A. 1998 Supp. 65-1,178 through 65-1,198, 2-3318, 79-32,204, 65-1,199 and 17-5909 and amendments thereto or revoters thereof.*

(b) Counties shall apply the powers of local legislation granted in subsection (a) by resolution of the board of county commissioners. If no statutory authority exists for such local legislation other than that set forth in subsection (a) and the local legislation proposed under the authority of such subsection is not contrary to any act of the legislature, such local legislation shall become effective upon passage of a resolution of the board and publication in the official county newspaper. If the legislation proposed by the board under authority of subsection (a) is contrary to an act of the legislature which is applicable to the particular county but not

uniformly applicable to all counties, such legislation shall become effective by passage of a charter resolution in the manner provided in K.S.A. 19-101b, and amendments thereto.

Sec. 80. On July 1, 1999, K.S.A. 79-5021 shall be and is hereby amended to read as follows: 79-5021. As used in K.S.A. 79-5021 to 79-5035, inclusive, and amendments thereto: (a) "Taxing subdivision" means every taxing district in the state of Kansas other than the state and the community colleges organized and operating under the laws of the state; (b) "base year" means either 1988 or 1989, whichever is designated by the taxing subdivision as its base year; and (c) "assessed valuation amount for 1989" means the taxable tangible assessed valuation as shown on the November 1, 1989, abstract transmitted to the director of property valuation pursuant to K.S.A. 79-1806 adjusted by changes in valuations which were made prior to July 1, 1990.

Sec. 81. On July 1, 1999, K.S.A. 79-5022 shall be and is hereby amended to read as follows: 79-5022. (a) In 1990 and in each year thereafter, all existing statutory fund mill levy rate and aggregate levy rate limitations on taxing subdivisions are hereby suspended.

(b) Except as otherwise provided in K.S.A. 79-5024 to 79-5027, inclusive, and amendments thereto, no city, county, township, or municipal university or community college shall certify to the county clerk of the county any tax levies upon tangible property, excluding levies specified in K.S.A. 79-5028, and amendments thereto, which in the aggregate will produce an amount in excess of the amount which was levied by such taxing subdivision in the base year.

(c) In 1990, and each year thereafter, the fund levy limits shall be increased by multiplying the dollar amount produced by the levy limit for 1988 by the quotient determined by dividing the assessed tangible valuation amount of the current year by the assessed valuation amount for 1989. The provisions of this subsection shall not be applicable to any city, county, township, or municipal university or community college.

Sec. 82. On July 1, 1999, K.S.A. 79-5024 shall be and is hereby amended to read as follows: 79-5024. (a) Whenever the taxable assessed tangible valuation of any city, county, township, or municipal university or community college is increased by new improvements on real estate or by increased personal property valuation, or both, the amount which would be produced by the aggregate tax levy authorized under K.S.A. 79-5022, and amendments thereto, shall be adjusted to increase the amount authorized in the proportion that the assessed valuation of the new improvements and the increased personal property valuation bears to the total assessed valuation amount for 1989. With respect to community colleges, whenever the enrollment of any such college in any school year is greater than such enrollment in the 1989-1990 school year, the amount which would be produced by the aggregate tax levy authorized under K.S.A. 79-5022, and amendments thereto, shall be adjusted to increase the amount authorized in the proportion that the enrollment of such college for the current school year bears to the enrollment of such college in the 1989-1990 school year.

(b) Such city, county, township, or municipal university or community college may then levy the amount permitted under K.S.A. 79-5022, and amendments thereto, and in addition thereto the amount produced by the levy on such new improvements and added personal property as provided in this section and, with respect to community colleges, in addition thereto the amount produced as a result of increased enrollment as provided in this section.

Sec. 83. On July 1, 1999, K.S.A. 79-5025 shall be and is hereby amended to read as follows: 79-5025. In the event that any territory is added to an existing city, county, township, or municipal university or community college, the amount which would be produced by the aggregate tax levy otherwise authorized under K.S.A. 79-5022 and 79-5024, and amendments thereto, shall be adjusted to increase the amount authorized in the proportion that the assessed valuation of the tangible taxable property in the territory added bears to the total taxable assessed tangible valuation of the city, county, township, or municipal university or community college, excluding the property in such added territory.

Sec. 84. On July 1, 1999, K.S.A. 79-5026 shall be and is hereby amended to read as follows: 79-5026. In the event that any taxable tangible property is excluded from the boundaries of any city, county, township, or municipal university or community college, the amount which would be produced by the aggregate tax levy authorized under the provisions of K.S.A. 79-5022 and 79-5024, and amendments thereto, shall be adjusted to decrease the amount authorized in the proportion that the assessed valuation of the tangible property excluded bears to the total

taxable assessed valuation of the city, county, township, or municipal university or community college, including such excluded property.

Sec. 85. On July 1, 1999, K.S.A. 79-5028 shall be and is hereby amended to read as follows: 79-5028. The provisions of K.S.A. 79-5021 to 79-5036, inclusive, and amendments thereto, shall not apply to or limit the levy of taxes for the payment of:

(a) Principal and interest upon state infrastructure loans, bonds, temporary notes, no-fund warrants and payments made to a public building commission;

(b) judgments, settlements and expenses for protection against liability to the extent such expenses are authorized by article 61 of chapter 75 of the Kansas Statutes Annotated and amendments thereto;

(c) employer contributions for social security, workers compensation, unemployment insurance, health care costs, employee benefit plans, and employee retirement and pension programs;

(d) expenses incurred by counties for district court operations under the provisions of K.S.A. 20-348 or 20-349, and amendments thereto, and expenses incurred by counties for the detention of juveniles;

(e) expenses incurred by counties for payment of out-district tuition to community colleges pursuant to K.S.A. 71-301, and amendments thereto, and expenses incurred by counties and townships for payment of out-district tuition to municipal universities pursuant to K.S.A. 13-13a26, and amendments thereto, until expiration of this provision on June 30, 2003;

(f) expenses incurred for the first time on and after January 1, 1996, by cities in effectuating programs specifically enacted and administered for the purpose of preventing juvenile delinquency and crime;

(g) expenses incurred by any taxing subdivision for rebates to owners of property in connection with a neighborhood revitalization program instituted in accordance with K.S.A. 1997 Supp. 12-17,114 et seq., and amendments thereto; or

(h) expenses incurred by any taxing subdivision necessary to interface with the state criminal justice information system.

The provisions of K.S.A. 79-5021 to 79-5036, inclusive, and amendments thereto, do not apply to the tax levies authorized or required under K.S.A. 19-4004, 19-4011, 65-212 and 65-215 and amendments thereto.

Amounts produced from any taxes levied for purposes specified in this section shall not be used in computing any aggregate limitation under the provisions of this act. In addition, amounts needed to be produced from the levy of taxes by a taxing subdivision to replace the difference between the amount of revenue estimated to be received by such taxing subdivision pursuant to K.S.A. 79-5101 et seq., and amendments thereto, in 1990, and the amount of such revenue estimated to be received by such taxing subdivision in each year thereafter shall not be used in computing any aggregate limitation under the provisions of this act. On or before June 1 of each year, information necessary to make such computation shall be provided to each taxing subdivision by the appropriate county treasurer.

Sec. 86. On July 1, 1999, K.S.A. 79-5032 shall be and is hereby amended to read as follows: 79-5032. Whenever any city, county, township, or municipal university or community college shall be required by law to levy taxes for the financing of the budget of any political or governmental subdivision of this state which is not authorized by law to levy taxes on its own behalf, and the governing body of such city, county, township, or municipal university or community college is not authorized or empowered to modify or reduce the amount of taxes levied therefor, the tax levies of such political or governmental subdivision shall not be included in or considered in computing the aggregate limitations upon the property tax levies of the city, county, township, or municipal university or community college levying taxes for such political or governmental subdivision. The fund levy limits of such political or governmental subdivision shall be established in accordance with subsection (c) of K.S.A. 79-5022, and amendments thereto.

Sec. 87. On July 1, 1999, K.S.A. 71-202 shall be and is hereby amended to read as follows: 71-202. Whenever a contract is made by a community college with one or more public or private institutions or agencies located without outside the state of Kansas for academic or vocational education, the provisions of this section shall apply thereto.

(a) Such contracts shall be made only with respect to places of instruction located in one or more states adjoining the state of Kansas.

(b) Whenever such a contract is made with a private agency or institution, the same shall be limited to courses or programs related to the healing arts or medical skills or techniques and medical science. Every such contract shall contain a provision that the same may be nullified by

a written notice at any time prior to May 1 of any year, with the nullification taking effect on June 1 of such year.

(c) Such contracts shall be subject to limitation, change or termination by the legislature, and shall contain a provision to such effect.

(d) No such agreement shall take effect until approved by the state board of education.

Every board of trustees which makes a contract to which this section applies shall make such periodic and special reports of statistical and financial information to the state board of education as it may request. The state board of education and its officers and agents may inspect and audit any of the financial records of any such board and may enter and inspect any physical facility related to any such contract whether in this state or in another state.

Sec. 88. On July 1, 1999, K.S.A. 71-211 shall be and is hereby amended to read as follows: 71-211. (a) The director of accounts and reports, with the advice of the state board of education regents and the legislative educational planning committee, shall formulate, devise and prescribe a standardized and uniform chart of accounts for use by all community colleges. Such chart of accounts shall be compatible with the revenues and expenditures classification system developed by the national association of college and university business officers. The chart of accounts shall be adaptable to manual or automated systems, and use of such chart of accounts is hereby required for all community colleges.

(b) The standardized and uniform chart of accounts required by this section for community colleges shall be prescribed not later than July 1, 1980.

Sec. 89. On July 1, 1999, K.S.A. 71-701 shall be and is hereby amended to read as follows: 71-701. As used in this act, unless the context otherwise requires:

(a) The term "Community college" means a public community college established under the provisions of this act. The official name of such a community college shall be "the _____ community college" and the blank shall be filled with the name of the city or county.

(b) The term "State board" means the state board of education regents.

(c) The term "Community college district" means the taxing district of a community college.

(d) The term "Board of trustees" means the governing body of a community college.

(e) The term "State plan" means the plan adopted for community colleges as heretofore provided by law, and such plan as it is from time to time amended by the state board upon recommendation of the advisory council; such plan may include other matters listed in the "community college act" and acts amendatory thereof, or supplemental thereto.

(f) The term "Campus" means the location of all or part of the buildings and facilities of a community college.

(g) The term "Advisory council" means the advisory council provided for by K.S.A. 71-901, and amendments thereto.

(h) The term "state department of education" means the department of, and which is administered by and under the direction of, the state board.

(i) The term "director" means the person appointed by the state board to be responsible for staff duties of the supervision of community colleges.

(j) The term "Student tuition" means the charge made to and paid by students for the privilege of attending a community college and participation participating in the institutional program.

(k) The term (l) "Chief school administrator administrative officer" means the president or one so appointed by the board of trustees.

Sec. 90. On July 1, 1999, K.S.A. 71-802 shall be and is hereby amended to read as follows: 71-802. At any time, if the state board of education regents finds that a community college previously approved or deemed approved has failed to comply with the provisions of this act or with any provision of a rule or regulation adopted pursuant to this act, or fails to meet the standards contained in this act, the state board of education regents shall so advise the board of trustees thereof. If after twelve (12) 12 calendar months after any such notification such board of trustees has failed to correct the deficiency noted, the state board of education regents shall withdraw approval of the community college and it shall not be entitled to state aid during the continuance of any such period of withdrawal. Any action of the state board of education regents in granting,

(continued)

denying or withdrawing approval of a community college shall be subject to review by the legislature.

Sec. 91. On July 1, 1999, K.S.A. 71-901 shall be and is hereby amended to read as follows: 71-901. There is hereby established the advisory council of community colleges which shall be composed of eleven (11) members who shall be appointed by the governor with qualifications and terms as follows:

(a) One member of the ~~board of regents commission for community colleges and vocational/technical education~~ nominated by the state board of regents for a term concurrent with his or her the member's term as member of the ~~board of regents commission~~;

(b) one member of the state board of education nominated by the state board of education for a term concurrent with his or her the member's term as member of the state board of education;

(c) one chief administrator administrative officer of a community college for a term concurrent with his or her the officer's term as such chief administrator administrative officer but not exceeding to exceed four (4) years;

(d) one member of a the board of trustees of a community college for a term concurrent with his or her the member's term on such board of trustees but not to exceed four (4) years;

(e) a representative of private colleges nominated by the Kansas association of private colleges for a term not to exceed four (4) years;

(f) a representative of the secondary schools for a term not to exceed four (4) years;

(g) a president the chief executive officer of one of the state universities educational institutions for a term not to exceed four (4) years;

(h) four (4) persons selected by the governor who are representative of labor, business and industry, agriculture, and the professions for terms of four years.

As vacancies occur or terms expire for members of the advisory council, appointments of successors shall be made as for the appointments of their predecessors.

The state board and the director of vocational education chief executive officer of the state board shall be notified of all meetings of the advisory council and may attend the same such meetings but, except for the member of the state board who is a member of the advisory council, shall not be voting members thereof of the advisory council.

Members of the advisory council attending meetings of such council, or attending a subcommittee meeting thereof authorized by such council, shall be paid amounts provided in subsection (e) of K.S.A. 75-3223, and amendments thereto.

Sec. 92. On July 1, 1999, K.S.A. 71-902 shall be and is hereby amended to read as follows: 71-902. The advisory council shall hold two regular meetings each year. The council shall elect a chairman chairperson and vice-chairman vice-chairperson. The director shall serve as secretary of the advisory council but he shall not be a voting member thereof. Meetings of the advisory council may be called by the state board of education regents or by the chairman chairperson and one member of the advisory council or by any four (4) members of the advisory council. All meetings of the advisory council shall be held in the city of Topeka or at such place as shall be determined by the advisory council.

Sec. 93. On July 1, 1999, K.S.A. 71-1104 shall be and is hereby amended to read as follows: 71-1104. Whenever an election for approval of the establishment of a community college is held as provided in subsection (d) of K.S.A. 71-1103, and amendments thereto, the results of such election shall be certified to the state board by the election officer of each county in which there is located any part of the territory of the proposed community college, to. The state board of education who shall tabulate and canvass the vote if more than one county is involved, and shall examine the vote if only one county is involved. After such examination or canvass the state board of education shall announce the result of the election and if it finds that a majority of those voting at the election voted in favor of the proposition to establish the community college, it shall so announce and issue an order establishing the same.

Sec. 94. On July 1, 1999, K.S.A. 71-1105 shall be and is hereby amended to read as follows: 71-1105. The order of the state board of education establishing any community college shall specify contain the following:

- (1) Describe (a) A description of the territory of the community college district.
- (2) State (b) A statement of the legal name of the community college.

(3) Fix (c) The effective date of the establishment of the community college for the purpose of taxation.

(4) Fix (d) The date that courses may first be offered by the community college.

(5) Fix (e) The date of the first election of members of the board of trustees, and a date two weeks prior thereto upon which the primary election, if needed, shall be held.

(6) Name (f) A designation of the voting plan and method of election which shall initially apply in such community college district, and the voting plan and method of election shall be selected from those specified in chapter 71 of Kansas Statutes Annotated. If a member district method is selected the boundary of each member district shall be set forth.

(7) Specify (g) A specification of the election officer or officers who shall be locally responsible for conduct of the first election of trustees, and if more than one election officer is involved, the order shall also provide for certification of the results in each county to the state board of education for canvass of the vote and announcement and certification of the final result thereof, both in the primary and general elections.

(8) Fix (h) The date and place of the first meeting of the board of trustees.

Sec. 95. On July 1, 1999, K.S.A. 71-1106 shall be and is hereby amended to read as follows: 71-1106. The order establishing any new community college shall be certified to the election officer or officers of the county or counties in which any part of the territory of the community college is located, and to the board of education of any sponsoring school district, and a copy of such order shall be filed in the records of the state board of education.

Sec. 96. July 1, 1999, K.S.A. 71-1201 shall be and is hereby amended to read as follows: 71-1201. Territory may be added to any community college district which has been established under this act either by deemed approval or by election approval by one of the following methods:

(a) The board of education of any unified district a part of which is in the community college district or which touches and adjoins a community college district may petition the state board of education for attachment of the territory of such unified district to the community college district for community college purposes. Upon receiving any petition under this subsection, the same shall be submitted to the advisory council for its advice and recommendations which, together with the petition, shall be presented to the state board of education. After considering the petition the state board of education may approve such attachment, if the advisory council has so recommended. If the advisory council has not so recommended the state board of education shall so inform the board of trustees of the community college involved and may request its recommendation as to such attachment. If such request is made and if such board of trustees recommends such attachment the same may be approved by the state board of education. Upon granting any approval for attachment of territory the state board of education shall so inform the county election officers of counties in which the territory to be attached is located, and such county election officers shall conduct an election for approval for such attachment in the area petitioned for attachment. Such election shall be conducted in accordance with the procedure for approval for establishment of a community college as specified in this act. The question submitted shall be: "Shall the proposed attachment of territory to the _____ community college district be approved?", and the blank shall be filled by with the name of the community college. The expenses of the election shall be paid by the community college. In the event that such attachment is so approved by such election the state board of education shall issue an order attaching the same to the community college district. The provision provisions of subsection (b) of K.S.A. 71-1102, and amendments thereto, shall also apply to this subsection.

(b) Any board of trustees may petition the state board of education for the attachment of any adjoining territory to the community college district. Such petition shall be processed as in subsection (a) of this section, except that in the event of disapproval by the advisory council the state board of education shall so inform the board of trustees and in such case such attachment shall not be made. If the advisory council approves such petition, the state board of education shall direct notify the county election officers of counties in which the territory to be attached is located, and such county election officers shall conduct an election for approval of such attachment in the area petitioned for attachment. No attachment of territory shall be made under this subsection (b) unless such attachment has been approved by a majority of those voting in the territory to be attached. Such election shall be conducted in accordance with

the procedure for approval of the establishment of community colleges as specified in this act. The question submitted shall be: "Shall the proposed attachment of territory to the _____ community college district be approved?" and the blank shall be filled with the name of the community college. In the event that such attachment is so approved by such election the state board of education shall issue an order attaching the same to the community college district. The expenses of the election shall be paid by the community college.

(c) No territory shall be attached to any community college district within one hundred and twenty (120) 120 days prior to the general election of members of the board of trustees.

(d) ~~In the event that~~ If the community college attaching territory under subsection (a) or (b) of this section has member district method of election, no approval thereof shall be given by the state board of education and no proposition for approval thereof shall be submitted to any election until new proposed member districts for the community college territory as the same will exist after the addition of territory have been established by the state board of education.

Sec. 97. On July 1, 1999, K.S.A. 71-1309 shall be and is hereby amended to read as follows: 71-1309. ~~Unless the context otherwise requires;~~ As used in article 13 of chapter 71 of Kansas Statutes Annotated:

(a) State board" means the constitutional state board of education regents.

(b) "County election officer" means the election commissioner, in counties having which have an election commissioner, and the county clerk in counties which do not have an election commissioner.

Sec. 98. On July 1, 1999, K.S.A. 71-1406 shall be and is hereby amended to read as follows: 71-1406. (a) Determination of any community college to change from one method of election to another method of election shall be by either one of the following:

(1) The board, by a majority vote of the members-elect thereof, may adopt a resolution to change the method of election. Such resolution shall specify the existing method of election, and the proposed method of election, together with a statement that the change will be made only after the proposed change and plan for change are first approved by the state board of education.

(2) The board, by a majority vote of the members-elect thereof, may adopt a resolution to change the method of election. Such resolution shall specify the existing method of election and the proposed method of election, together with a statement that the change will not be made unless approved by a majority of the electors of the community college district voting at an election at which the question is submitted. Such resolution shall state that the plan of change is filed in the office of the clerk of the board.

(b) Every plan of change shall also state the existing and proposed voting plan of the community college district, and such voting plan shall be one of the three (3) voting plans specified in K.S.A. 71-1420, and amendments thereto.

Sec. 99. On July 1, 1999, K.S.A. 71-1507 shall be and is hereby amended to read as follows: 71-1507. (a) The board of trustees of any community college and the board of any area vocational school or area vocational-technical school may make and enter into agreements providing for the transfer from the area vocational school or area vocational-technical school to the community college of any approved vocational education program being offered and taught at the postsecondary level in the area vocational school or area vocational-technical school.

(b) In the event the board of trustees of a community college and the board of an area vocational school or area vocational-technical school enter into an agreement authorized under subsection (a), the following conditions shall apply:

(1) The state board of education regents shall be notified of the agreement at the time the agreement is executed.

(2) The agreement shall be effective only after approval by the state board of education regents.

(3) Any vocational education program transferred in accordance with the agreement shall be offered and taught in the community college only after approval of the program by the state board of education regents.

(4) The agreement shall be subject to change or termination by the legislature.

(5) (A) The duration of the agreement shall be perpetual unless terminated in accordance with provision (B).

(B) Termination of the agreement may be accomplished only upon approval by the state board of education regents of a joint petition to it for termination by the contracting boards after adoption of a resolution

to that effect by each such board. The state board of education regents shall consider the petition and approve or disapprove termination of the agreement. Upon termination of the agreement, any program transferred thereunder shall be discontinued.

Sec. 100. On July 1, 1999, K.S.A. 72-4408, as amended by section 1 of 1999 House Bill No. 2062, shall be and is hereby amended to read as follows: 72-4408. The state of Kansas hereby accepts the provisions and benefits of the Carl D. Perkins vocational and technical education act of 1998, and acts amendatory thereof and supplemental thereto. The state board of education regents is hereby designated as the sole agency for supervision of the administration of vocational education by local educational agencies. The state board of education regents is authorized to prepare, from time to time amend, and administer the state plan for vocational education as provided in the above cited federal act.

Sec. 101. On July 1, 1999, K.S.A. 1998 Supp. 72-4412, as amended by section 2 of 1999 House Bill No. 2062, shall be and is hereby amended to read as follows: 72-4412. As used in this act:

(a) "Board" means the board of education of any school district, the board of trustees of any community college, the board of regents of any municipal university, the board of control of any area vocational-technical school, the governing body of any technical college, or the state board of regents chief executive officer of any state educational institution.

(b) "Area vocational school" means any vocational education school established under authority of the laws of this state, approved and officially designated as an area vocational school by the state board, and operated under the any board of education of a school district, the board of trustees of a community college, the state board of regents, or the board of regents of a municipal university. Any area vocational school, except for purposes of the construction of this act, may retain and use the name given to such school prior to the effective date of this act, even though such name includes the words "area vocational-technical school." Until this provision is amended by or repealed from law, the state board shall not approve the establishment or operation of any area vocational school which has not been approved for establishment or officially designated as an area vocational school prior to the effective date of this act, except that a community college which is consolidated with an area vocational school or area vocational-technical school under the provisions of K.S.A. 71-1701 through 71-1706, and amendments thereto, may be designated as an area vocational school.

(c) "Area vocational-technical school" means any vocational education school which was classified as a type II area vocational-technical school under authority of former laws or which is established and classified as a type II area vocational-technical school under authority of this act. The schools to which this definition applies are:

- (1) Southeast Kansas area vocational-technical school;
- (2) Northwest Kansas area vocational-technical school; and
- (3) Johnson county area vocational-technical school.

The governing body of an area vocational-technical school shall be called a board of control and shall be constituted as is provided by agreement of the boards participating therein. Members of the board of control shall be paid subsistence allowances, mileage and other actual and necessary expenses incurred in the performance of their official duties. The state board may adopt special rules and regulations applicable to the conduct, operation and administration of area vocational-technical schools. Nothing in this act shall be construed to authorize the establishment or operation of any area vocational-technical school not specifically designated in this subsection. Unless approved by the state board of education regents, no area vocational-technical school shall construct or reconstruct or acquire any building or land until this provision is amended or repealed from the law. Nothing in this act shall be deemed to prevent any board from entering into an agreement for participation in the operation of any area vocational-technical school designated in this subsection; nor shall any board which is now or hereafter a participant in the operation of such an area vocational-technical school be prevented by the provisions of this act from withdrawing therefrom in the absence of a written agreement to the contrary.

(d) "School district" means any school district organized under the laws of this state.

(e) "Community college" means any community college organized and operating under the laws of this state.

(f) "Municipal university" means a municipal university established under the provisions of article 13a of chapter 13 of Kansas Statutes Annotated.

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(g) "State educational institution" means the university of Kansas, Kansas state university of agriculture and applied science, Wichita state university, Emporia state university, Pittsburg state university, Fort Hays state university, and Kansas state university—Salina, college of technology.

(h) "Technical college" means an educational institution that formerly was an area vocational school or an area vocational-technical school and that has been converted to, established as, and officially designated a technical college under authority of this act.

(i) "State board" means the state board of education *regents*.

(j) "School year" means the twelve-month period ending on June 30.

(k) "Vocational education" means organized educational programs offering a sequence of courses which are directly related to the preparation of individuals in paid or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degree. Such programs shall include competency-based applied learning which contributes to an individual's academic knowledge, higher-order reasoning, and problem-solving skills, work attitudes, general employability skills, and the occupational-specific skills necessary for economic independence as a productive and contributing member of society. The term vocational education also includes technology education.

(l) "Technology education" means an applied discipline designed to promote technological literacy which provides knowledge and understanding of the impacts of technology including its organizations, techniques, tools and skills to solve practical problems and extend human capabilities in technological areas.

(m) "State plan" means a document or set of documents, together with attachments and supplements thereto, containing such provisions as are authorized by this act and required by the Carl D. Perkins vocational and technical education act of 1998, and acts amendatory thereof or supplemental thereto.

(n) "Associate of applied science degree program" means a program that is offered and maintained by a technical college, composed of vocational, technology, and general education courses of instruction for which individuals may earn college credit, designed to prepare individuals for gainful employment in technical or technological occupations requiring other than a baccalaureate or advanced degree or to qualify individuals for transfer to another college or university and, after satisfactory completion of the requirements for graduation, results in the conferral of an associate of applied science degree. For the purpose of awarding college credit for completion of coursework leading to the conferral of an associate of applied science degree, a credit hour shall consist of 15 clock hours of instruction in general education courses or 30 clock hours of instruction in vocational or technology education courses.

Sec. 102. On July 1, 1999, K.S.A. 72-4416 shall be and is hereby amended to read as follows: 72-4416. (a) Subject to the provisions of subsection (b), any board may present a plan to the state board for the establishment and operation of an area vocational school. The plan may specify that the area vocational school is to be a department or a division of a school district or a community college or a state educational institution under the state board of regents or a municipal university. The plan shall be prepared in such form as is prescribed by the state board.

Information included in support of the plan shall include, but not be limited to the following:

- (1) Concentration of population within a reasonable service area;
- (2) total enrollments in the elementary and secondary schools within the area, separately;
- (3) number of persons graduating from high school within the area;
- (4) probability of growth in elementary and secondary school enrollments within the area;
- (5) identification of vocational education services needed within the area;
- (6) local interest and attitudes toward the program;
- (7) ability to contribute to the financial support of the program; and
- (8) consideration of the area in relation to other programs or requests for programs of vocational education to prevent, as nearly as is practicable, overlapping or duplication of educational services.

Upon receipt and examination of a plan, the state board shall conduct such public hearings and make such investigations related to the plan as it deems appropriate. If the plan submitted is approved, or approved after amendment, the state board shall issue an order authorizing the establishment of an area vocational school.

(b) The state board shall not approve any plan submitted to it under

subsection (a) after the effective date of this act until this subsection is amended by or repealed from law.

Sec. 103. On July 1, 1999, K.S.A. 72-4417 shall be and is hereby amended to read as follows: 72-4417. (a) Students admitted to a vocational education course or program which is conducted by the school district in which the student is enrolled may be charged fees but shall not be charged tuition.

(b) Postsecondary students admitted to a vocational education course or program shall pay tuition and fees as provided by laws applicable thereto.

(c) (1) Except as provided in paragraph (2) of this subsection, students admitted to a vocational education course or program which is conducted by a community college shall pay tuition and fees as provided by laws applicable to community colleges and the provisions of this section shall not apply thereto, nor shall any provisions of this act which are inconsistent with laws relating to community college tuition and fees apply to community colleges.

(2) Students admitted to a vocational education course or program under the provision of K.S.A. 71-1706 and which is conducted by a community college which is consolidated with an area vocational school or area vocational-technical school may be charged fees but tuition shall be paid as provided in paragraph (2) of subsection (d). Nothing in this act shall be construed to amend, repeal or in any way change laws relating to community college student or out-district tuition.

(d) Students admitted to a vocational education course or program which is not conducted by the school district in which the student is enrolled shall be charged tuition and fees determined in accordance with subsection (e), subject however to the following: (1) Tuition or fees, or tuition and fees may be paid for the student in accordance with any agreement made under K.S.A. 72-4421, and amendments thereto; or

(2) if tuition of a student is not paid under provision (1) of this subsection, the tuition of the student shall be paid by the school district in which the student is enrolled. No school district shall pay tuition for a student who is a postsecondary student, and no school district shall be required to pay tuition or fees of a student who is eligible to have tuition and fees for the course or training the student selects paid by any state or federal agency from moneys, funds or appropriations made available under any one or more federal programs. Any state agency administering any one or more such programs shall pay such tuition and fees upon proper application by a student therefor.

(e) All tuition and fees charged for vocational education by any board shall be in such amounts as are authorized by rules and regulations adopted by the state board which shall establish general guidelines for tuition and fee schedules in vocational education courses and programs, except that tuition of postsecondary students shall be fixed in accordance with K.S.A. 72-4433, and amendments thereto. The particular tuition and fee schedule of every vocational education program shall be subject to annual approval of the state board. A current complete schedule of tuition and fees for each vocational education course and program of each board as approved by the state board shall be maintained on file in the office of the state department of education board, and shall be open for public inspection at any reasonable time.

Sec. 104. On July 1, 1999, K.S.A. 72-4418 shall be and is hereby amended to read as follows: 72-4418. (a) Consonant with the provisions of subsection (b), the state board of education *regents* shall adopt rules and regulations relating to enrollment procedures for students in vocational education courses or programs.

(b) Any person may apply to the board of education of the school district in which the person is enrolled for admittance to a vocational education course or program conducted in another school district. The application shall be approved by the board of education subject to the following conditions:

(1) The person is approved for admittance by the board administering the vocational education course or program.

(2) The course or program applied for is not offered in the vocational education department of the school district in which the student is enrolled, nor in a program which is available to residents of the school district in which the applicant is enrolled under the terms of an agreement made under K.S.A. 72-4421, and amendments thereto.

(3) The person applying is capable of benefiting from the instruction.

(c) Any eligible person may apply for admittance as a postsecondary student to a vocational education course or program of a school, as de-

fined by subsection (k) of K.S.A. 72-4430, and amendments thereto, and shall be approved for admittance in accordance with rules adopted by the board of the school to which application is made.

(d) Any person may apply for admittance to a vocational education course or program of a community college and shall be approved for admittance in accordance with rules adopted by the community college to which application is made.

(e) Any person admitted to any vocational education course or program shall meet such requirements of minimum age as are provided by law for the specific occupation or training courses or programs in which the person is enrolled.

(f) Any person who duly makes application for admission to a vocational education course or program, and whose application is denied for any reason, may request a review of the denial by the state board of education regents in accordance with the provisions of K.S.A. 77-527, and amendments thereto.

Sec. 105. On July 1, 1999, K.S.A. 72-4421 shall be and is hereby amended to read as follows: 72-4421. Any board may enter into a vocational education agreement with any other board or boards, subject to the following:

(a) Such agreement shall be for a term of at least three years but not exceeding five years.

(b) Such agreement shall be subject to change or cancellation by the legislature at any time in accordance with article 6, section 5 of the constitution of Kansas.

(c) Such agreement shall be approved by the state board before the same has any force or effect.

(d) Such agreement may provide for payment between boards of moneys for vocational education tuition or fees, or for establishing, conducting, maintaining or administering an area vocational school or any vocational education course or program.

(e) Such agreement may provide that the tuition of students enrolled in any of the contracting districts, when such students attend a vocational education course or program not offered in one of the contracting districts, shall be paid by the board receiving funds under this agreement.

(f) Such agreement may provide that certain vocational educational education courses or programs will be offered only in certain districts.

(g) Such agreement may provide that certain vocational education courses or programs are to be contracted for under conditions specified in the agreement.

(h) Such agreement shall make appropriate provision for modification thereof in the event of cancellation, discontinuance or disapproval of any course or program by the state board of education, whether the same constitutes a loss of current designation as an area vocational school or not.

(i) Such agreement shall provide that the school district, community college or board of regents owning or having jurisdiction over physical facilities used for vocational education shall retain the ownership of or jurisdiction over such physical facilities; however, such agreement may provide for the use of such physical facilities during the term of the agreement or a shorter period of time. Any agreement under this section may provide for a different method of ownership and or disposition of real or personal property or interest therein, if such provision has received the prior approval of the state board and the attorney general of this state.

Sec. 106. On July 1, 1999, K.S.A. 72-4427 shall be and is hereby amended to read as follows: 72-4427. The secretary of human resources and the state board of education regents are hereby authorized to participate in the federal job training partnership act (public law 97-300), and amendments thereto, by providing from funds made available under the federal act and appropriated by the legislature for vocational training in accordance with and to the extent required by the federal act.

Sec. 107. On July 1, 1999, K.S.A. 72-4429 shall be and is hereby amended to read as follows: 72-4429. The board of education of any school district which is operating an area vocational school or the board of control of any area vocational-technical school may make agreements for students enrolled in a public school of another state which adjoins this state to attend vocational education courses or programs in the vocational education schools of this state upon such terms as students enrolled in a vocational education school of this state are permitted to attend vocational education courses or programs in the public vocational education schools of the other state. Agreements under this act shall be for a period of not to exceed three years, and shall contain a provision that the same may be nullified by a written notice at any time prior to May 1, with the nullifi-

cation taking effect on June 1. Agreements under this act shall be subject to limitation, change or termination by the legislature, and shall contain a provision to such effect. Any agreement entered into under this act may provide for such additional matters relating to vocational education as are authorized by rules and regulations of the state board of education and as are consonant with the state plan for vocational education of this state. The state board of education shall adopt rules and regulations for the administration of this act. No agreement made under the provisions of this act shall take effect until approved by the state board of education. Every board of education or board of control which makes an agreement under authority of this act shall make periodic and special reports of statistical and financial information to the state board of education as it may request. The state board of education and its officers and agents may inspect and audit any of the financial or other records of any such board and may enter and inspect any physical facility related to any such agreement, whether in this state or in another state.

Sec. 108. On July 1, 1999, K.S.A. 72-4444 shall be and is hereby amended to read as follows: 72-4444. As used in this act:

(a) "Area vocational school" and "area vocational-technical school" have the meanings respectively ascribed thereto by K.S.A. 72-4412, and amendments thereto.

(b) "Community college" means any community college organized and operating under the laws of this state.

(c) "School" means any area vocational school, any area vocational-technical school, and any community college.

(d) "Instructional equipment" means any scientific, technical, or computer equipment which is useful for vocational education purposes.

(e) "Vocational education" has the meaning ascribed thereto by K.S.A. 72-4412, and amendments thereto.

(f) "State board" means the state board of education regents.

Sec. 109. On July 1, 1999, K.S.A. 72-4453 shall be and is hereby amended to read as follows: 72-4453. (a) The board of trustees of every community college and the governing board of every area vocational school or area vocational-technical school shall make and enter into agreements providing the transferability of substantially equivalent courses of study and programs which are offered at such educational institutions in order to facilitate the articulation of students to and among such educational institutions.

(b) The following conditions shall apply to the agreements required under subsection (a):

(1) The state board of education regents shall be notified of the agreement at the time the agreement is executed; and

(2) the agreement shall be effective only after approval by the state board of education regents.

(c) The state board of education regents shall prescribe criteria or guidelines for the purpose of determining which courses of study and programs offered in the area vocational schools and area vocational-technical schools are: (1) Substantially equivalent to courses of study and programs offered in the community colleges; and (2) transferable to the community colleges. A current, complete list of such courses of study and programs shall be maintained on file in the office of the state department of education board regents and shall be open for public inspection at any reasonable time.

Sec. 110. On July 1, 1999, K.S.A. 72-4454 shall be and is hereby amended to read as follows: 72-4454. The state board of education and the state board of regents shall adopt a joint policy requiring articulation agreements among area vocational schools, area vocational-technical schools, community colleges, technical colleges and state educational institutions providing for the transferability of substantially equivalent courses of study and programs which are offered at area vocational schools, area vocational-technical schools, community colleges, technical colleges and state educational institutions in order to facilitate articulation of students in technical programs to and among area vocational schools, area vocational-technical schools, community colleges, technical colleges and state educational institutions.

Sec. 111. On July 1, 1999, K.S.A. 72-4460 shall be and is hereby amended to read as follows: 72-4460. As used in this act:

(a) "Vocational education scholarship" means the award of a financial grant-in-aid by this state under this act to a vocational education scholar.

(b) "Vocational education scholar" means a person who: (1) Is a resident of Kansas; (2) has been graduated from a high school accredited by

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the state board of education or has received general educational development credentials issued by the state board of education regents; (3) is enrolled in or has been accepted for admission to a vocational education program operated by a designated educational institution; and (4) has qualified on the basis of a competitive examination of ability and aptitude for the award of a vocational education scholarship or has previously so qualified and remains qualified on the basis of satisfactory performance for the renewal of the award of a vocational education scholarship.

(c) "Vocational education program" means a vocational education program operated at the postsecondary level by a designated educational institution.

(d) "Designated educational institution" means an educational institution which qualifies as an eligible institution for the federal guaranteed-loan program under the higher education act of 1965 (P.L. 89-329), as amended, and the main campus or principal place of operation of which is located in Kansas.

(e) "Program term" means 1/2 the duration of the period of time required for completion of a vocational education program when such period of time encompasses more than one school year.

(f) "School year" means the period of time beginning on July 1 in each calendar year and ending on June 30 in the succeeding calendar year.

(g) "Board of regents" means the state board of regents provided for in the constitution of this state.

Sec. 112. On July 1, 1999, K.S.A. 72-4466 shall be and is hereby amended to read as follows: 72-4466. As used in this act:

(a) "Area vocational school," "area vocational-technical school," and "community college" have the meanings respectively ascribed thereto in K.S.A. 72-4412, and amendments thereto.

(b) "Vocational education institution" means any area vocational school, area vocational-technical school or community college.

(c) "Board" means the state board of education regents.

(d) "Program" means Kansas technology innovation and internship program.

Sec. 113. On July 1, 1999, K.S.A. 1998 Supp. 72-4468 shall be and is hereby amended to read as follows: 72-4468. (a) An area vocational school or an area vocational-technical school may be converted to, established as, and officially designated a technical college with the approval of the state board of education regents pursuant to standards adopted by the state board and subject to specific authorization by act of the legislature. Standards adopted by the state board for approval of the establishment of a technical college shall address such factors as present and projected need in the area of the proposed technical college for expansion or alteration of existing educational programs, types and capacities of other postsecondary institutions present in the area of the proposed technical college, potential enrollment in the program or programs to be offered and maintained by the proposed technical college, effect on delivery of vocational education programs to secondary students in the area, operation and accreditation of the proposed technical college, and such other factors as the state board may determine to be relevant to consideration of proposals for conversion of area vocational schools and area vocational-technical schools to technical colleges.

(b) A proposal to convert an area vocational school or an area vocational-technical school to a technical college may be effectuated as follows:

(1) The board of an area vocational school may propose, by resolution approved by a majority of the members of the board, the establishment of a technical college; or

(2) the board of control of an area vocational-technical school may propose, by resolutions approved by a majority of the members of each participating board, the establishment of a technical college.

(c) A proposal for the establishment of a technical college, approved by resolution as provided in subsection (b), shall be accompanied by an analysis, including supporting data, which documents how the educational interests of the state will be better served by the conversion of the area vocational school or area vocational-technical school to a technical college. Such analysis shall include an appraisal of how the benefits to the educational system of the state would be furthered by merger of the area vocational school or area vocational-technical school with a community college, municipal university or state educational institution, together with the rationale for the determination that conversion of the school to a technical college better furthers the educational interests of the state than merger with a community college, municipal university or state educational institution.

(d) If a resolution proposing the establishment of a technical college is approved as provided in subsection (b), the proposal shall be submitted to the state board of education regents for its consideration and approval or disapproval. The state board shall consider the proposal and make a determination concerning whether establishment of the technical college is in the best interest of the educational system of the state. In so doing, the state board shall evaluate whether the educational interests of the state would be better served by a merger between the area vocational school or area vocational-technical school and a community college, municipal university or state educational institution than by the proposal of technical college establishment. If the state board determines that a merger between the area vocational school or area vocational-technical school and a community college, municipal university or state educational institution would better serve the educational interests of the state or, for some other reason, determines approval of the proposal should not be given, the state board shall deny approval of the proposal and make a report thereon to the legislature. Otherwise, the state board shall approve the proposal and recommend establishment of the technical college to the legislature. In evaluating whether the educational interests of the state would be better served by a merger between the area vocational school or area vocational-technical school and a state educational institution, the state board of education shall consult with and consider the advice of the state board of regents.

Sec. 114. On July 1, 1999, K.S.A. 1998 Supp. 72-4469 shall be and is hereby amended to read as follows: 72-4469. Technical colleges shall be under the general supervision of the state board of education regents. All rules and regulations of the state board of education regents which relate to supervision of area vocational schools and area vocational-technical schools shall be construed to apply to technical colleges until revised, amended, repealed or nullified by the state board.

Sec. 115. On July 1, 1999, K.S.A. 1998 Supp. 72-4470 shall be and is hereby amended to read as follows: 72-4470. (a) The governing body of a technical college shall be the board of the former area vocational school or the board of control of the former area vocational-technical school, whichever is applicable. Such board or board of control shall operate, control and manage a technical college in the same manner and to the same extent that was provided by law for the operation, management and control of the former area vocational school or area vocational-technical school and nothing in this act shall be applied or construed in any manner so as to change or affect any power, duty or function of a board or board of control with respect to such operation, management and control.

(b) The board or board of control of a technical college, in addition to such other powers expressly granted by law and subject to rules and regulations of the state board of education regents, is hereby granted the following powers:

(1) To determine the vocational, technology, and general education courses of instruction that will comprise the associate of applied science degree programs of the college;

(2) to establish the requirements for satisfactory completion of the associate of applied science degree programs of the college;

(3) to confer the associate of applied science degree upon students who successfully complete an associate of applied science degree program of the college and to award a certificate or diploma to students who successfully complete a vocational education program of the college;

(4) to appoint teaching staff and to fix and determine teacher qualifications, duties and compensation. No teacher appointed to teach courses comprising the associate of applied science degree programs of the college shall be required to meet certification requirements greater than those required in the state educational institutions under the control of the state board of regents.

Sec. 116. On July 1, 1999, K.S.A. 72-4517 shall be and is hereby amended to read as follows: 72-4517. As used in this act, unless the context otherwise requires: (a) "Board" means the board of education of any school district or the board of trustees of any community junior college.

(b) "State board" means the state board of education regents.

(c) "Department" means the state department of education.

(d) "State plan" means the plan for adult basic education programs prepared and adopted by the state board in accordance with state and federal law.

(e)(d) "Adult basic education program" means a program of one or more courses in general education subjects taught at the grade school or high school level under the supervision of a board for eligible persons

which is included in the state plan and for which federal funds are received pursuant to federal law.

(f) "Eligible persons" means persons who (1) have attained the age of sixteen, (2) have not graduated from high school and have not been recognized as having achieved an equivalent level of education, and (3) are not now regularly enrolled in school.

(g) "Adult supplementary education program" means a program of one or more courses in any subject, other than courses in the adult basic education program, taught for personal enrichment, which is conducted under the supervision of a board for persons who have attained the age of sixteen.

(h) "Federal law" means the adult education act of 1966 (title III, P.L. 89-750), and acts amendatory thereof.

Sec. 117. On July 1, 1999, K.S.A. 72-4518 shall be and is hereby amended to read as follows: 72-4518. (a) The state of Kansas does hereby accept the provisions and benefits of federal law relating to adult basic education programs. The state board is hereby designated as the agency for administration of adult basic education programs and for supervision of the administration of adult basic education programs by boards. The state board is authorized to prepare, from time to time amend, and administer the state plan in accordance with state and federal law.

(b) The state board shall enter into agreements with the United States department of health, office of education and welfare and other agencies of the federal government for the purpose of participation in adult basic education programs provided for by federal law. Any such agreement may contain provisions required or authorized by federal law, so long as the same are not in conflict with the provisions of this act.

Sec. 118. On July 1, 1999, K.S.A. 72-4521 shall be and is hereby amended to read as follows: 72-4521. The state board may enter into agreements with any board for the establishment and operation of adult basic education programs and any board desiring to secure state and federal funds for the cost of conducting the same shall certify and file an application with the department state board for the approval of such adult basic education program. Said The application shall be on a form prescribed and furnished by the department and state board, shall contain such information as the state board shall require, and shall be filed on or before July 1 of each year. Approval of the application and the program shall be prerequisite to payment of state and federal funds to any board.

Sec. 119. On July 1, 1999, K.S.A. 72-4525 shall be and is hereby amended to read as follows: 72-4525. (a) Any board may establish and maintain an adult supplementary education program for the instruction of persons desirous of attending the same such a program.

(b) The cost of instruction for adult supplementary education programs shall be borne by the school district or community junior college and the board shall obtain and furnish the necessary teaching personnel and supplies. Tuition or fees shall be charged by the board to offset expense of operation of adult supplementary education programs in part or in total.

(c) There is hereby established in every school district and in every community junior college a fund which shall be called the adult supplementary education fund, which fund shall consist of all moneys deposited therein or transferred thereto according to law. All moneys received by a board for adult supplementary education shall be deposited in the adult supplementary education fund established by this section. The expenses of a school district or a community junior college attributable to adult supplementary education shall be paid from the adult supplementary education fund.

Sec. 120. On July 1, 1999, K.S.A. 72-4530 shall be and is hereby amended to read as follows: 72-4530. (a) The state board of education regents may adopt rules and regulations relating to the processing and issuance of general educational development (GED) credentials.

(b) Each application to the state board of education regents for issuance or duplication of general educational development credentials shall be accompanied by a fee which shall be established by the state board of education regents and shall be in an amount of not more than \$10. On or before August 1, 1999, and on or before July 1 of each year thereafter, commencing in 1982, the state board of education regents shall determine the amount of revenue which will be required to properly administer the provisions of this section during the next ensuing fiscal year, and shall establish the GED credentials processing fee for such year in the amount deemed necessary for such purposes. Such fee shall become effective on the succeeding January 1 of each year. The state board of education regents shall remit all moneys received by or for it from

GED credentials processing fees to the state treasurer at least monthly. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury and the same shall be credited to the GED credentials processing fees fund, which fund is hereby established in the state treasury, and shall be used only for the payment of expenses connected with the processing, issuance or duplication of GED credentials, and for the keeping of records by the state department of education board of regents. All expenditures from the GED credentials processing fees fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state board of education regents or by a person or persons designated by the state board.

Sec. 121. On July 1, 1999, K.S.A. 1998 Supp. 72-4919 shall be and is hereby amended to read as follows: 72-4919. As used in this act:

(a) "Proprietary school" or "school" means any business enterprise, whether operated on a profit or not-for-profit basis, which:

(1) Maintains a place of business within the state of Kansas, or solicits business within the state of Kansas;

(2) is not specifically exempted by the provisions of this act; and

(3) offers a course or courses of instruction or study through classroom contact or by correspondence, or both, for the purpose of training or preparing persons for a field of endeavor in a business, trade, technical, or industrial occupation, except as hereinafter excluded.

(b) "Owner" of a school means:

(1) In the case of a school owned by an individual, that individual;

(2) in the case of a school owned by a partnership, all full, silent, and limited partners; and

(3) in the case of a school owned by a corporation, the corporation, its directors, officers and each shareholder owning shares of issued and outstanding stock aggregating at least 10% of the total of the issued and outstanding shares.

(c) "Branch school" means any subsidiary place of business maintained within the state of Kansas by a school at a site which is separate from the site of the principal place of business maintained by the school and at which subsidiary place of business the school offers a course or courses of instruction or study identical to the course or courses of instruction or study offered by the school at its principal place of business.

(d) "School employee" means any person, other than an owner, who directly or indirectly receives compensation from a proprietary school for services rendered.

(e) "Representative" means any person employed by a proprietary school to act as an agent, solicitor, or broker to procure students or enrollees for the school by solicitation within this state at any place other than the office or a place of business of the school.

(f) "State board" means the state board of education regents, or such person or persons as may be designated by the state board to administer the provisions of this act.

(g) "Support" or "supported" means the primary source and means by which a school derives revenue to perpetuate operation of the school.

(h) "Person" means any individual, firm, partnership, association, or corporation.

Sec. 122. On July 1, 1999, K.S.A. 72-5015 shall be and is hereby amended to read as follows: 72-5015. As used in this act: (a) "Driver training motor vehicle" means an automobile or motorcycle acquired by a board pursuant to an agreement with a motor vehicle manufacturer or dealer for use in driver training courses; but does not include within its meaning any motor vehicle which is rented, leased, or owned by any school district, nonpublic school or community junior college.

(b) "Board" means the board of education of a school district, the governing authority of any nonpublic school offering any of grades kindergarten through 12 or the board of trustees of any community junior college.

(c) "Multi-vehicle driving range" means an off-street area in which several motor vehicles are used simultaneously to provide (1) laboratory instruction under the supervision of one (1) or more instructors, or (2) the simultaneous education of several student drivers under the supervision of one (1) instructor.

(d) "Division" means the division of vehicles of the department of revenue.

(e) "State board" means in the case of school districts and nonpublic schools, the state board of education and in the case of community colleges, the state board of regents.

(continued)

Sec. 123. On July 1, 1999, K.S.A. 72-5017 shall be and is hereby amended to read as follows: 72-5017. (a) The state board of education may adopt rules and regulations for the administration of this act.

(b) The state department of education board shall prepare, on or before July 1, 1974, and on or before July 1 of each succeeding year, prepare a list of schools accredited by the state board of education and conducting an approved course in driver training. Such list shall be prepared from the reports required under K.S.A. 8-272, and amendments thereto, and shall be sent to the division and other governmental agencies having need thereof.

(c) Any board desiring to conduct driver training courses must first have such courses approved by the state department of education board and shall then be eligible to enter into agreements for driver training motor vehicles.

Sec. 124. On July 1, 1999, K.S.A. 72-5018 shall be and is hereby amended to read as follows: 72-5018. No school shall have more than one (1) driver training motor vehicle for each certified instructor teaching in a driver training program unless there is an approved program using a multi-vehicle range. Each such instructor must have an assignment in driver training. In the event there is an approved program in multi-vehicle range instruction, the state department of education board shall certify the number of cars needed.

Sec. 125. On July 1, 1999, K.S.A. 72-5019 shall be and is hereby amended to read as follows: 72-5019. No person shall use a driver training motor vehicle except during driver training course instruction. Any person using a driver training motor vehicle for purposes other than for such instruction shall be guilty of a misdemeanor, punishable by a fine not exceeding fifty dollars (\$50.00) \$50 for the first offense, and on subsequent offenses by a fine not exceeding five hundred dollars (\$500.00) \$500. No person shall be in violation of this act in the event he if the person is required by the dealer or a school administrator to house or otherwise protect any such vehicle at his the person's home or other facility.

Sec. 126. On July 1, 1999, K.S.A. 72-5020 shall be and is hereby amended to read as follows: 72-5020. The contract of any employee of any educational institution which participates in the state safety fund, who officially sanctions the use of driver training motor vehicles in violation of this act shall have his contract be suspended for the remainder of the term for which said the contract was made and two (2) or more violations under this section by any employee of an educational institution in any one (1) year shall result in the loss of subsequent participation in such fund by such educational institution.

Sec. 127. On July 1, 1999, K.S.A. 72-7518a shall be and is hereby amended to read as follows: 72-7518a. (a) The state board of education, or any institution under the jurisdiction of such the state board, with the approval of the state board of education thereof, may apply for, accept and receive any private donation, gift, grant or bequest made for any purpose related to the operation or function of such board or institution. Such board or institution may hold, administer and expend any such gift, grant or bequest in accordance with any terms or conditions imposed by the donor.

(b) The provisions of subsection (a) of this section shall do not apply to any school district or any community junior college.

Sec. 128. On July 1, 1999, K.S.A. 72-9002 shall be and is hereby amended to read as follows: 72-9002. As used in this act:

(a) "Board" means the board of education of a school district, the governing authority of any nonpublic school offering any of grades kindergarten through 12 in accredited schools, the board of control of an area vocational-technical school, and the board of trustees of a community college.

(b) "State board" means, in the case of school districts and nonpublic schools, the state board of education; and in the case of area vocational-technical schools and community colleges, the state board of regents.

(c) "Employees" means all certificated employees of school districts and of nonpublic schools, all instructional and administrative employees of area vocational-technical schools and all full-time employees of community colleges.

(d) "Full-time employees of community colleges" means instructional and administrative employees who are under contract for services to a community college for a term of not less than nine months and whose services to a community college are considered their principal employment.

(e) "School year" means the period from July 1 to June 30.

(f) "Accredited" means accredited by the state board of education.

Sec. 129. On July 1, 1999, K.S.A. 72-9006 shall be and is hereby amended to read as follows: 72-9006. (a) Upon request of any board, the state board shall provide for assistance in the preparation of policies of personnel evaluation or amendments thereto.

(b) If, in the case of school districts and nonpublic schools, any board fails to file an adopted policy as provided by this act, or if any such board fails to file any adopted amendment to such policy within a reasonable time after adoption thereof, the state board of education may apply penalties as prescribed by rules and regulations applicable to accreditation of schools.

(c) If, in the case of community colleges and area vocational-technical schools, any board fails to file an adopted policy as provided by this act, or if any such board fails to file any adopted amendment to such policy within a reasonable time after adoption thereof, the state board of regents may apply penalties as prescribed by rules and regulations applicable to approval of community colleges and area vocational-technical schools.

Sec. 130. On July 1, 1999, K.S.A. 72-4424 shall be and is hereby amended to read as follows: 72-4424. (a) The board of trustees of any community college may levy a tax of not to exceed two mills for the purpose of providing revenue for establishing, conducting, maintaining and administering any vocational education courses or programs approved by the state board. Such tax levy shall be budgeted and maintained as a separate fund to be known as the vocational education fund, and no money in such fund shall be transferred to any other fund of the community college, except as provided in K.S.A. 79-2958, and amendments thereto.

(b) Community colleges shall maintain fund accounting procedures as may be necessary to assure proper accounting for federal funds for vocational education special projects, whether received directly from the federal government or any of its agencies, or received through the state or any of its agencies. The provisions of this section shall expire on June 30, 2000.

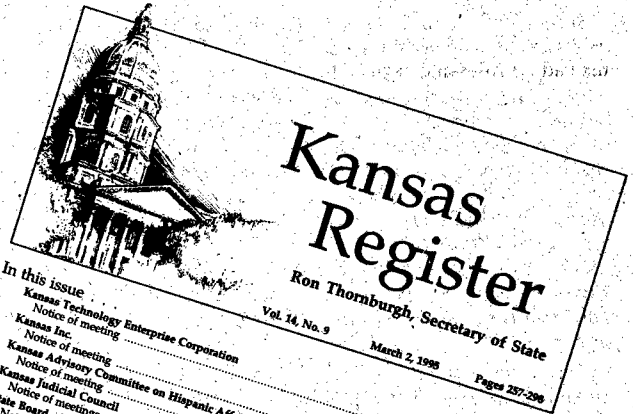
New Sec. 131. The state board of regents shall conduct a comprehensive analysis of the methodology provided in the Kansas higher education coordination act for state funding of community colleges and the municipal university. In conducting such analytical review, the state board should consider issues such as equity of financial support within and between sectors of the postsecondary education system, the appropriate degrees of reliance on various funding sources in financing the total postsecondary education system, and the degree to which the funding methodology for community colleges and the municipal university, together with the existing funding mechanisms employed for state educational institutions, contributes to the enhancement of educational quality and efficiency in Kansas. In its report, the state board shall present a complete set of findings together with its analysis and any recommendations for change to be considered by the 2000 Kansas legislature. The state board shall submit its report of findings and recommendations to the governor and the legislative educational planning committee by December 1, 1999.

Sec. 132. On July 1, 1999, K.S.A. 12-16,102, 13-13a25, as amended by section 7 of 1999 House Bill No. 2565, 13-13a26, 13-13a27, 13-13a28, 13-13a29, 13-13a30, 13-13a31, 13-13a32, 13-13a33, 13-13a34, 71-202, 71-204, 71-211, 71-304, 71-305, 71-306, 71-402, 71-403, 71-601, as amended by section 1 of 1999 House Bill No. 2060, 71-604, 71-609a, 71-610, 71-613, 71-615, 71-701, 71-801, 71-802, 71-901, 71-902, 71-1104, 71-1105, 71-1106, 71-1201, 71-1309, 71-1406, 71-1507, 71-1508, 71-1702, 71-1705, 72-4408, as amended by section 1 of 1999 House Bill No. 2062, 72-4416, 72-4417, 72-4418, 72-4421, 72-4424, 72-4427, 72-4429, 72-4444, 72-4453, 72-4454, 72-4460, 72-4466, 72-4517, 72-4518, 72-4521, 72-4525, 72-4530, 72-5015, 72-5017, 72-5018, 72-5019, 72-5020, 72-7518a, 72-9002, 72-9006, 74-3202, 74-3203, 74-3204, 74-3205, 79-5021, 79-5022, 79-5024, 79-5025, 79-5026, 79-5028 and 79-5032 and K.S.A. 1998 Supp. 19-101a, 19-101i, 71-201, 71-301, 71-401, 71-406, 71-407, 71-602, 71-607, 71-609, 71-611, 71-613a, 71-619, 72-4412, as amended by section 2 of 1999 House Bill No. 2062, 72-4468, 72-4469, 72-4470, 72-4919 and 74-3201 shall be and are hereby repealed.

Sec. 133. On July 1, 2000, K.S.A. 71-605, 72-6501, 72-6502, 72-6503, 72-6504, 72-6505, 72-6506, 72-6508 and 72-6509 shall be and are hereby repealed.

Sec. 134. This act shall take effect and be in force from and after its publication in the Kansas register.

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