

Kansas Register

Ron Thornburgh, Secretary of State

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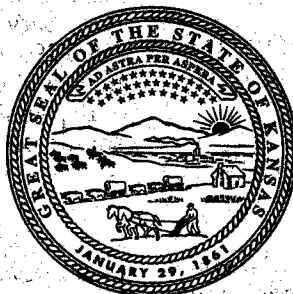
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State of Kansas

Department of Transportation

Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consulting engineering firms for the projects 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 14 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.

50-28 K-7854-01
Finney County

The scope of improvement is to provide for plan production for a grade separation at US-50/US-83 and Spruce Street in Garden City.

83-28 K-7855-01
Finney County

The scope of services is to prepare a conceptual study report to outline possible improvements on US-50/US-83 from US-50/US-83 on the east side of Garden City, north and west to US-50/US-83 on the north side of Garden City. The report should address the critical design issues, controlling features, alignment alternatives and comparative project costs. Potential social, environmental and right-of-way issues should be identified and analyzed. Corridor preservation techniques should be considered to maintain the needed access until the project can be programmed for construction. The study estimate is \$200,000.

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. 025259

State of Kansas

Social and Rehabilitation Services

Request for Proposals

The Department of Social and Rehabilitation Services will accept applications for the provision of social services to refugees for the service period October 1, 2000 through September 30, 2001. Applications must be postmarked by July 14. Applications postmarked after that date will not be considered.

Informational public meetings will be held in June to give interested parties the opportunity to seek clarification of any issues related to the Request for Proposals (RFP). Instructions for completing the application area described in the RFP are available on request from area SRS offices or by contacting Lewis A. Kimsey, Department of Social and Rehabilitation Services, Refugee Resettlement Program, Room 681-W, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612, (785) 368-8115.

Janet Schalansky
Secretary of Social and
Rehabilitation Services

Doc. No. 025243

State of Kansas

Department of Administration
Division of Architectural Services

Notice of Commencement of
Negotiations for Engineering Services

Notice is hereby given of the commencement of negotiations for engineering services for the analysis, review and programming of HVAC, electrical and fume hood upgrades in Willard and Chem/Bio Chem Halls on the main campus of Kansas State University. The facilities are intended to be renovated and upgraded to house new academic departments as existing departments move into newly-constructed space at Ackert Hall.

For information regarding the scope of services, contact Gerald R. Carter, Director of Facilities Planning/University Architect, Kansas State University, (785) 532-6377.

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 2.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 025254

State of Kansas

State Corporation Commission

Notice of Alteration of Public Hearing Agenda
on Proposed Administrative Regulations

The State Corporation Commission has previously scheduled a public hearing on various administrative regulation adoptions at 10 a.m. Friday, June 16, in the first floor hearing room of the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka. The public hearing will continue with regard to the commission's proposed revisions to its motor carrier regulation K.A.R. 82-4-3. The commission is withdrawing revisions to K.A.R. 82-11-4, 82-11-8 and 82-11-10, gas pipeline safety regulations, from consideration at this time for examination at a later date. Separate notices of public hearing were published for the gas pipeline safety regulation revisions and the motor carrier regulation safety revisions in the April 6, 2000 Kansas Register.

Jeffrey S. Wagaman
Executive Director

Doc. No. 025252

State of Kansas

Kansas Water Office

Notice of Hearings

The Kansas Water Office will conduct public hearings on the annual update of the Kansas Water Plan. Formal public comments will be accepted. Presentations by the Kansas Water Office will not be provided. A copy of the updated Kansas Water Plan is available for review on the agency's website (www.kwo.org), at all county clerk's offices, or by calling the Kansas Water Office at 1-888-KAN-WATER.

The dates, times and locations of the public hearings are as follows:

Date	Basin	Time	Location
May 30	CIM	7:00 p.m.	Fire Station 725 W. Carthage Meade
May 31	UARK	7:00 p.m.	Finnup Center for Conservation Education Lee Richardson Zoo 312 Finnup Drive Garden City
June 1	LARK	7:00 p.m.	Sedgwick County Extension Office 7001 W. 21st St. North 4-H Hall A Wichita
June 5		1:30 p.m.	State Capitol Old Supreme Courtroom 3rd Floor 300 S.W. 10th Ave. Topeka
June 7		1:30 p.m.	City Hall Commission Chambers 1507 Main St. Hays

Written comments may be submitted to the Kansas Water Office, 901 S. Kansas Ave., Topeka, 66612-1249, e-mail:

hernst@kwo.ks.us. Comments must be received not later than June 16.

Accommodations for persons with disabilities may be arranged by contacting the Kansas Water Office at (785) 296-3185 or toll free at 1-888-KAN-WATER at least two days before the meeting.

Al LeDoux
Director

Doc. No. 025197

State of Kansas

Kansas Council on Developmental
Disabilities

Notice of Available Grant Funding

The Kansas Council on Developmental Disabilities (KCDD) announces the availability of federal funds to be invested in state plan activities outlined below. Projects listed may be approved for grants for up to one year. Recipients are required to provide a 25 percent nonfederal match for this project. In-kind contributions may be included as part of the 25 percent match. All grant proposals are due by 5 p.m. July 3.

Call for Investment #1—Community Transportation

The council is interested in funding several projects that demonstrate new and innovative strategies in providing integrated, accessible transportation. Funding: A total of \$80,000 for one year among all projects.

Call for Investment #2—Natural Supports,
Needs vs. Wants

The council will fund one project to develop and field test training on the determination of needs versus wants to be provided to consumers, their families and services providers. Funding: \$20,000 for one year.

Call for Investment #3—Self-Determination

The council is interested in funding up to two projects that demonstrate new and innovative strategies in supporting persons with developmental disabilities. Funding: A total of \$50,000 for one year between two projects.

Call for Investment #4—PASS Plan
Training/Consulting

The council will fund one project to provide training/consulting to consumers, families and service providers on the use of PASS Plans. Funding: A total of \$10,000 for one year.

Call for Investment #5—Housing Initiative

The council will fund one project to assist communities in building the capacity to develop affordable, accessible housing. Funding: \$20,000 for one year.

Full copies of the Call for Investments are available upon request by calling the KCDD office at (785) 296-2608 or by e-mail at: kcdd@midusa.net.

Jane Rhys
Executive Director

Doc. No. 025228

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, July 28, at the Kansas Racing and Gaming Commission office, conference room, 3400 Van Buren, Topeka, to consider the adoption of proposed amendments to existing permanent regulations 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 regulations.

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

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

K.A.R. 112-4-1, Occupation licenses. Subsection (a) was amended to include a new occupation license category of kennel owner/trainer. Several kennel owners act as their own trainers and are required to obtain two licenses. This amendment allows the kennel owner to obtain one license and pay only one fee for the combined license.

Economic Impact: The Racing Commission bears the expense of running a computer check of license records from other racing jurisdictions on each licensee, which is done on an annual basis. The commission is a member of the North American Pari-Mutuel Regulators Association (NAPRA) and pays an annual membership fee of \$10,000. The commission also bears the expense of administrative processing of licenses, validation forms and validation stickers, as well as administrative costs for processing fingerprint cards. No additional administrative costs in excess of budgeted amounts are expected.

K.A.R. 112-18-21, Election and recognition of recognized greyhound owners' group. This regulation sets out the duties of, and the number of, persons who will serve as members of each recognized greyhound owners' group. The procedure to be used by the agency for electing each group also is described in detail together with the eligibility requirements for those participating in the election. The regulation states that the agency will hold the election pursuant to K.S.A. 74-8802(gg) and amendments thereto. Provisions are made for the filing of a complaint concerning the conduct of an election, in which case the agency shall commence a hearing in accordance with the Kansas administrative procedure act, K.S.A. 77-501 *et seq.* The amendments to this regulation assign the responsibility to determine how the purse money shall be distributed for horse and greyhound purses and deletes the special provisions that were for calendar year 1996 only.

Economic Impact: The agency will bear the expenses incurred during the election process. The costs to the agency for postage, administrative services and staff support are expected to be less than \$ 1,000.

Myron Scafe
Executive Director

Doc. No. 025227

State of Kansas

Secretary of State

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9 a.m. Wednesday, July 26, in the conference room of the Secretary of State's Office, Room 120W, Memorial Hall, 120 S.W. 10th Ave., Topeka, to consider proposed amended Kansas Administrative Regulations 7-32-1 and 7-32-2, which pertain to delivery fees for law books and prices for the *Kansas Administrative Regulations*, respectively. These regulations are proposed for adoption on a permanent basis.

K.A.R. 7-32-1 amends the fees for delivery of law books to reflect the increased cost of shipping and handling. This regulation will have an economic impact on governmental agencies and the general public by increasing the delivery costs associated with the purchase of law books, such as statute books, supplements to the statute books, session laws, journals of the house or senate, and *Kansas Administrative Regulations*.

K.A.R. 7-32-2 amends the purchase price for the *Kansas Administrative Regulations*, which are published by the Secretary of State. This regulation will have an economic impact on governmental agencies and the general public by increasing the cost of purchasing volumes and sets of K.A.R.s.

This 60-day notice of public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. Comments may be submitted prior to the hearing to Melissa Wangemann, Legal Counsel, Office of the Secretary of State, 1st Floor, Memorial Hall, 120 S.W. 10th Ave., Topeka, 66612-1594.

All interested parties will be given a reasonable opportunity at the hearing to present their views. It may be necessary to request each participant to limit any oral presentation to five minutes. Any person requiring visual or communication aid or assistance, building access assistance or other similar assistance should contact the Secretary of State's Office so appropriate arrangements can be made.

Copies of the regulations and the economic impact statement may be obtained at the address above or by calling (785) 296-2114.

Ron Thornburgh
Secretary of State

Doc. No. 025262

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, June 8, in the offices of the Kansas Development Finance Authority, Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, on the proposal for the Kansas Development Finance Authority to issue its Agricultural Development Revenue Bonds for the project numbered below in the respective maximum principal amount. The bond will be issued to assist the respective borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond of acquiring the project or for the purpose of refunding a bond previously issued to finance the project. The project shall be located as shown:

Project No. 000452, Maximum Principal Amount: \$53,500. Owner/Operator: Mark and Becky Dwerlkotte. Description: Acquisition of 80 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is located at the South Half of the Southeast Quarter of Section 23, Walnut Township, Marshall County, Kansas, approximately 2.5 miles west of Marysville on Highway 36, then south 5 miles on 6th Road to the corner of Pheasant Road.

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

All individuals who appear at the hearing will be given an opportunity to express their views, and all written comments previously filed with the Authority at its offices at Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603, will be considered. Additional information regarding the project may be obtained by contacting the Authority.

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

Kenneth Frahm
President

Doc. No. 025260

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9:30 a.m. Thursday, June 1, in the offices of the Kansas Development Finance Authority, Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, on the proposal for the Kansas Development Finance Authority to issue not to exceed \$50,000,000 principal amount of Health Facilities Revenue Bonds, Series 2000, for the Sisters of Charity of Leavenworth Health Services Corporation, a Kansas not-for-profit corporation. The bonds will be issued in one or more series pursuant to K.S.A. 74-8901 *et seq.* as part of a plan of finance to provide the corporation with a portion of the funds necessary to (i) pay or reimburse the corporation for the payment of the "costs" of acquiring, constructing, renovating, remodeling and equipping a facility operated by Bethany Medical Center, a Kansas not-for-profit corporation; (ii) pay or reimburse the corporation, Bethany, Saint John Hospital, Inc., a Kansas not-for-profit corporation, St. Francis Hospital and Medical Center, Inc., a Kansas not-for-profit corporation, and Providence Medical Center, a Kansas not-for-profit corporation, with Bethany, St. Francis and Saint John (referred to herein as the institutions) for the payment of the "costs" of acquiring, constructing, renovating, remodeling and equipping certain hospital and other health care facilities owned by the corporation and the institutions; (iii) pay or reimburse the corporation or the institutions for the "costs" of acquiring, constructing, renovating, remodeling and equipping an information system center for use by the corporation, the institutions and certain other affiliated corporations in their hospital and health care activities; and (iv) pay certain expenses incurred in connection with the issuance of the bonds.

All of the improvements financed or refinanced by the bonds are owned, operated or managed by the corporation or the institutions, and are or will be located on land owned or leased by the corporation or the institutions, at the following locations:

(i) 4646 N.W. Fielding Road; 1505 S.W. 6th; and 1507 S.W. 6th, all located in Topeka, Shawnee County, Kansas; and

(ii) 51 N. 12th St.; 21 N. 12th St.; 1428 S. 32nd; 667 S. 55th St.; 6013 Leavenworth Road; 1524 N. 86th St.; and 8935 State Ave., all located in Kansas City, Wyandotte County, Kansas.

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

All individuals who appear at the hearing will be given an opportunity to express their views, and all written comments previously filed with the Authority at its of-

ices at Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603, will be considered. Additional information regarding the project described above may be obtained by contacting the Authority.

Kenneth Frahm
President

Doc. No. 025242,

State of Kansas

Department of Commerce
and Housing

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 10 a.m. Thursday, July 27, in Room 4 West B of the Security Benefit Building, 700 S.W. Harrison, Topeka, to consider the adoption of proposed changes in existing rules and regulations for the Kansas High Performance Incentive Program, administered by the Business Development Division.

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 the Secretary of Commerce and Housing, c/o HPIP Manager, 700 S.W. Harrison, Suite 1300, Topeka, 66603-3712. All interested parties will be given 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 that each participant 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 statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting David Bybee at (785) 296-7174 or (785) 296-3487 (TTY). Handicapped and visitor parking is located on the north side of 7th Street, across from the main entrance to the building, which is accessible to individuals with disabilities.

These regulations are proposed for adoption on a permanent basis. A summary of proposed regulations and their economic impact follows.

K.A.R. 110-6-1—Much of this is a deletion of language that is redundant with that in the related statutes, or is a clarification of earlier statutory language. HPIP is intended as an exchange of value between the business and the Kansas taxpayer, and is to work as an incentive. This proposed regulatory change clarifies this concept by incorporating a requirement for submittal of a form by which the business demonstrates an awareness of the program prior to making investment decisions for which it anticipates gaining program benefits. This proposed change also clarifies that the Secretary of Commerce and Housing may alter the normal regulatory timing structure of the program to allow agreements for HPIP certification based on contractual promises by the business of

future, rather than historical, performance, when the magnitude of potential job creation and investment justifies such a timing change. Lastly, a change to this regulation explicitly allows the Department of Commerce and Housing to audit the records on which a business bases its claim of program and benefits eligibility.

This regulation better explains administrative procedures under which this program has been operating. Since this is not a change in the way in which the program has been administered to date, there is no economic impact.

K.A.R. 110-6-1a—This new regulation explains how the statutory training requirement is met under the regulatory timing structure of the program and defines some ineligible types of training expenditures.

Since this is not a change in the way in which the program has been administered to date, there is no economic impact.

K.A.R. 110-6-2—This is a revision of the previous wording for more clarity.

Since this is not a change in the way in which the program has been administered to date, there is no economic impact.

K.A.R. 110-6-3—This regulation deals with definitions of terms used in the program. The proposed changes deal with adding definitions for additional terms used within the program and further clarifying the language used in previous definitions, based on the experience gained to date through administration of the program.

Since this is not a change in the way in which the program has been administered to date, there is no economic impact.

K.A.R. 110-6-4—Proposed changes offer a little more clarification on the type of information that is required in order for a business to obtain reimbursement from the high performance incentive fund for the use of consulting services in those years when the legislature has appropriated monies for that fund.

Since this is not a change in the way in which the program has been administered to date, there is no economic impact.

K.A.R. 110-6-5—Related to K.A.R. 110-6-4, the proposed changes to the wording in this regulation better explain how the business will gain access to the high performance incentive fund for reimbursement of its expenditures on eligible consulting services.

Since this is not a change in the way in which the program has been administered to date, there is no economic impact.

Copies of the regulations and their economic impact statements may be obtained by contacting the HPIP Manager, Business Development Division, Department of Commerce and Housing, 700 S.W. Harrison, Suite 1300, Topeka, 66603-3712, (785) 296-7174, fax (785) 296-3490.

Gary Sherrer
Secretary of Commerce
and Housing

Doc. No. 025230

(Published in the Kansas Register May 25, 2000.)

USDA—Natural Resources Conservation Service

Notice of Kansas Technical Committee Meeting

The Kansas Technical Committee will meet from 9:30 a.m. to 3 p.m. Thursday, June 8, at the NRCS Conference Center, 747 Duvall, Salina. The committee will discuss the Continuous Conservation Reserve Program (CRP) (a USDA Farm Bill program) to determine if maintenance/rates should be established for any or all continuous CRP practices.

For additional information, contact Steve Parkin, USDA—Natural Resources Conservation Service, 760 S. Broadway, Salina, 67401-4624, (785) 823-4568, fax (785) 823-4540.

Mary D. Shaffer
Public Affairs Specialist

Doc. No. 025249

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:

Monday, June 5, 2000

01619

Department of Wildlife and Parks—All Labor and Materials for Kettle and Meter Replacement, Farlington

01626

University of Kansas—Seismic DDP Cables and Jumper Cables

01629

Wichita State University—Equipment and Supplies for Chemistry Department

01671

University of Kansas—Sale of Fuel Oil

Tuesday, June 6, 2000

01535

Statewide—Flashlights and Accessories

Wednesday, June 7, 2000

01628

Emporia State University—Cleaning Chemicals, Supplies and Equipment

01637

Statewide—Dairy Products

01627

Department of Transportation—Trailer Mounted Arrow Board, Various Locations

01631

Department of Transportation—Slope Mower, Hutchinson

01634

Department of Transportation—Full-Size Sport Utility Vehicle, Topeka

01635

Department of Transportation—Truck with High-Lift Dump Bed, Garden City

Thursday, June 8, 2000

A-8978

University of Kansas—ADA Improvements, West Restrooms, Learned Hall

01636

Department of Transportation—Tandem Axle Tilt Type Trailers, Various Locations

01646

Department of Transportation—Tandem Axle Flatbed Truck, Salina

Friday, June 9, 2000

01621

Kansas State University—Frozen Foods, Canned Goods and Miscellaneous Groceries

01649

Kansas Correctional Industries—Tandem Axle Box Truck

01656

University of Kansas Medical Center—Plain Paper Copier

Monday, June 12, 2000

01650

Department of Health and Environment—Clandestine Drug Lab Cleanup Program

01657

Department of Transportation—Radio Equipment and Testing Equipment, Various Locations

Tuesday, June 13, 2000

A-8559

Kansas Historical Society—Rehabilitation of Cottonwood Ranch, Studley

Wednesday, June 14, 2000

A-8163(a)

Emporia State University—ADA and Life Safety Code Implementation, Cram Science Hall

A-8871

Wichita State University—Restrooms Remodel, Fiske Hall

A-8988

Wichita State University—Gymnasium Divider Curtain Replacement, Heskett Center

Thursday, June 15, 2000

A-8960

Wichita State University—Corridor Improvements, Various Buildings, Fiske Hall and Brennan Hall #1

01592
University of Kansas—Telecommunications
Construction Project

Tuesday, June 20, 2000

A-8777

Wichita State University—Lindquist Hall Renovation

A-8853

Topeka Juvenile Correctional Facility—Door and
Frame Replacement, Swimming Pool Building

A-8856

Topeka Juvenile Correctional Facility—Reroof
Cherokee Lodge and Gymnasium

A-9004

Department of Social and Rehabilitation Services—
Chiller Replacement, Chanute

Request for Proposals

Monday, June 5, 2000

01600

Legal Services for the State Board of Technical
Professions

Wednesday, June 7, 2000

01588

Provide and Install Storage Area Networks for the
Department of Transportation

Thursday, June 8, 2000

01510

Storage Area Network (SAN) for Kansas State
University

01653

Automated Fax with E-Mail Interface for the Kansas
Department on Aging

Monday, June 12, 2000

01574

Document Management, Imaging and Workflow for
the Kansas Insurance Department

Friday, June 16, 2000

01567

Rest Area Maintenance, Stafford County, for the
Department of Transportation

Wednesday, June 21, 2000

01622

Professional Computer Services for the Department of
Health and Environment

Friday, June 23, 2000

01644

Rest Area Maintenance, Sabetha, for the Department
of Transportation

Friday, June 30, 2000

01652

RDMS Based, Web Enabled Workers Compensation
System for the Department of Human Resources

John T. Houlihan
Director of Purchases

State of Kansas

Board of Examiners in Optometry

Permanent Administrative
Regulations

Article 5.—LICENSES

65-5-6. Continuing education. (a) Except for any licensee who graduated from an approved optometry school within 12 months before the date of the application for license renewal, each licensed optometrist shall earn 24 hours of documented and approved continuing education during each license renewal period.

(b) On and after June 1, 1996 and until May 31, 2000, at least four hours of the 24 annual hours of documented and approved continuing education shall be on the topics of diagnosis and treatment of glaucoma.

(c) Each academic credit hour shall be equivalent to 15 hours of continuing education. Credit for auditing an academic course shall be given for actual hours attended during which instruction was given and shall not exceed the number of hours allowed for academic credit.

(d) The following educational programs may be used to meet the annual educational requirement:

- (1) Educational meetings of the American optometric association;
- (2) educational meetings of the Kansas optometric association;
- (3) scientific sections of the American academy of optometry;
- (4) postgraduate courses offered at any accredited school of optometry; and
- (5) other educational programs approved by the board.

(e) On and after June 1, 1996, a licensee shall not use the same course to meet the requirements of K.S.A. 65-1505(d)(2) and amendments thereto, and the annual continuing education requirement.

(f) Any provider seeking board approval for a continuing education offering shall submit a copy of the continuing education program, schedule, or outline to the secretary-treasurer at least 60 days before the date of the program.

(g) Each licensee shall submit a certificate of attendance to the secretary-treasurer with or before the licensee's application for renewal. The certificate of attendance shall contain the following:

- (1) The name of the sponsoring organization;
- (2) the name, signature, and address of the licensee;
- (3) the number of hours attended;
- (4) the subject of the approved education program;
- (5) the date of the educational program; and
- (6) any other evidence of attendance required by the board.

(h) The certificate of attendance shall be on a form approved by the board and shall be signed by the licensee and an appropriate representative of the sponsoring organization. (Authorized by K.S.A. 74-1504(a)(6); implementing K.S.A. 1999 Supp. 65-1509a; effective May 18, 1992; amended March 7, 1997; amended June 9, 2000.)

Larry D. Stoppel
President

State of Kansas

Criminal Justice Coordinating Council

Notice of Meeting

The Kansas Criminal Justice Coordinating Council will meet from 9 to 11 a.m. Tuesday, May 30, in the second floor conference room of Memorial Hall, 120 S.W. 10th Ave., Topeka. For further information, call (785) 296-0923.

Barbara Tombs
Executive Director

Doc. No. 025234

State of Kansas

**Department of Agriculture
Division of Weights and Measures**

**Permanent Administrative
Regulations**

Article 26.—FEES

99-26-1. Fees. (a) The following fees and other necessary and incidental expenses incurred shall be charged for requested services rendered by the secretary or the secretary's authorized representative in conjunction with the testing, proving, or evaluation of weights, measures, and devices, at the following rates:

(1) The testing and proving of mass, volume, length, and other standards by the metrology laboratory at the rate of \$30.00 per hour or fraction thereof;

(2) the testing and proving of a grain hopper scale and any weights, measures, and other devices that are used in conjunction with it at the rate of \$50.00 per hour or fraction thereof; and

(3) conducting or assisting with a "national type evaluation program" evaluation at the rate of \$75.00 per hour or fraction thereof.

(b) In addition to the hourly rates in subsection (a), expenses incurred by personnel, including meals, lodging, transportation, and mileage to and from their duty station to the point of testing, equipment, and other incidentals, may be charged. (Authorized by K.S.A. 83-207; implementing K.S.A. 83-214; effective, T-83-25, Sept. 1, 1982; effective May 1, 1983; amended, T-99-11-14-90, Nov. 14, 1990; amended Jan. 14, 1990; amended June 9, 2000.)

Article 27.—CIVIL PENALTY

99-27-1. Civil penalty. Civil penalties shall be assessed based on the harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, any corrective action taken, and any and all relevant circumstances. The penalty shall be based on the following chart. After the maximum penalty is assessed for any violation, the next range of penalties may be applied for any repeat offense.

1 = A penalty ranging from \$1,001 to \$5,000 per violation.

2 = A penalty ranging from \$501 to \$1,000.

3 = A penalty ranging from \$100 to \$500 per violation.

Violation	Penalty
Offering, exposing for sale, or disposing of an incorrect device, when committed by a service company	1
Offering, exposing for sale, or disposing of an incorrect device for which a stop-use order has been issued, when committed by an individual	1
Offering, exposing for sale, or disposing of an incorrect device for which a stop-use order has not been issued, when committed by an individual	2
Using or possessing an incorrect weighing or measuring device after being informed that device is incorrect	2
Unknowingly using or possessing an incorrect weighing or measuring device	3
Without authorization, breaking or removing any tag, mark, or seal on devices or packages whose retail worth is less than or equal to \$1,000	2
Without authorization, breaking or removing any tag, mark, or seal on packages whose retail worth is greater than \$1,000	1
Selling, offering, or exposing for sale less than the represented quantity of any commodity, thing, or service that has a retail value less than or equal to \$500	3
Selling, offering, or exposing for sale, less than the represented quantity of any commodity, thing, or service that has a retail value greater than \$500	2
Repeatedly selling, offering, or exposing for sale, less than the represented quantity of any commodity, thing, or service that has a retail value less than or equal to \$500	2
Repeatedly selling, offering, or exposing for sale, less than the represented quantity of any commodity, thing, or service that has a retail value greater than \$500	1
Unknowingly taking or attempting to take more of the represented quantity of any commodity, thing, or service that has a retail value less than or equal to \$500	3
Unknowingly taking or attempting to take more of the represented quantity of any commodity, thing, or service that has a retail value greater than \$500	2
Repeatedly taking or attempting to take more of the represented quantity of any commodity, thing, or service that has a retail value less than or equal to \$500	2

Repeatedly taking or attempting to take more of the represented quantity of any commodity, thing, or service that has a retail value greater than \$500	1		
Keeping for the purpose of sale or offering or exposing for sale any commodity that is labeled in a manner contrary to law			3
Using a device that is not positioned so that a customer may view its indications			3
Selling, offering for sale or use, or possessing for the purpose of selling or using any device or instrument to be used or calculated to falsify any weight or measure	1		
Disposing of any rejected weight or measure contrary to law or rules and regulations			3
Exposing or offering for sale commodities that are in misleading packaging			3
Repeatedly and after notification by the division of weights and measures, exposing or offering for sale commodities that are in misleading packaging	1		
Misrepresenting or representing in a manner tending to mislead or deceive an actual or prospective purchaser, the price of an item offered, exposed, or advertised for sale at retail			3
Misrepresenting or representing in a manner calculated to mislead or deceive an actual or prospective purchaser, the price of an item offered, exposed, or advertised for sale at retail	1		
Unknowingly using a device that does not correctly compute total price			3
Knowingly using a device that does not correctly compute total price	1		
Charging or attempting to charge a value that is more than the advertised price for an item or commodity at the time of sale			3
Charging or attempting to charge an incorrect price at the time of sale of an item when more than 24 hours have passed after being informed by the division of weights and measures that the price was incorrect		2	
Altering a weight certificate, or using or attempting to use such a certificate for the purpose of altering a weight or delivery, or both	1		
Hindering or obstructing the secretary or an authorized agent in the performance of official duties	1		
Failing to pay all fees and penalties	1		

Failing to keep all inspection reports		2	
Failing to make available all inspection reports	1		
Failing to have any commercial weight, measure, or weighing and measuring device tested			3
Selling or offering or exposing for sale LPG in packages or containers that are not labeled properly			3
Selling, using, removing or otherwise disposing of, or failing to remove from the premises specified, any weighing or measuring device or package or commodity contrary to the terms of any order issued by the secretary	1		
Violating any order issued by the secretary	1		
Acting as or representing such person's self to be a technical representative without having a valid license	1		
Certifying as correct an inaccurate device			3
Certifying as correct an inaccurate device and not following established test procedures		2	
Failing to complete the proper forms in their entirety			3
Filing false reports	1		
Selling a weighing and measuring device that does not have an NTEP certificate of conformance	1		
Failing to notify the secretary within 48 hours of a weighing or measuring device that cannot be approved			3
Offering, selling, or exposing for sale fuel that does not conform to the applicable fuel quality standards			3
Repeatedly offering, selling, or exposing for sale fuel that does not conform to the applicable fuel quality standards		2	
Failing to take proper precautions to prevent the offering, selling, or exposing for sale of fuel that does not conform to the applicable fuel quality standards	1		
Knowingly offering, selling, or exposing for sale fuel that does not conform to the applicable fuel quality standards	1		

(Authorized by and implementing K.S.A. 83-502, K.S.A. 1999 Supp. 55-442, and K.S.A. 1999 Supp. 55-443; effective March 6, 1998; amended June 9, 2000.)

Jamie Clover Adams
Secretary of Agriculture

Doc. No. 025229

State of Kansas

Board of Education

Notice of Hearing on Proposed
Administrative Regulations

The State Board of Education will conduct a public hearing at 1:30 p.m. Tuesday, August 8, in the board room of the State Education Building, 120 S.E. 10th Ave., Topeka, to consider proposed amendments to inservice education regulations numbered K.A.R. 91-1-146a and 91-1-146e. These proposed regulations govern inservice education.

The following is a summary of the substance of each regulation.

K.A.R. 91-1-146a. This proposed regulation provides definitions of terms. This regulation is being amended to define the term "noncontractual times." This proposed regulation is not anticipated to have an economic impact upon the State Board of Education, school districts, other governmental entities, or private businesses or individuals.

K.A.R. 91-1-146e. This proposed regulation governs how inservice education funds may be spent by local school districts for staff development. This proposed change will allow educators to engage in, and be compensated for, staff development activities that occur outside their contracted duty times. This proposed change was requested by educational representatives. It is anticipated that the State Board of Education will spend approximately \$3,500 to reprint and mail revised regulations to schools. There will be no financial impact upon school districts, other governmental entities, or private businesses or individuals.

A copy of each of the proposed regulations and its economic impact statement may be obtained by contacting the secretary of the State Board of Education at the address above prior to the date of the hearing.

All interested persons will be given a reasonable opportunity at the hearing to present their views or arguments, either orally or in writing, in regard to the proposed regulations. In addition, the period of public notice hereby provided constitutes a public comment period for the purpose of receiving written public comments on the proposed regulations. Such written comments may be submitted to the secretary of the State Board of Education at the address above. The hearing shall be conducted in compliance with the public hearing procedures of the State Board of Education.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Lanny Gaston at (785) 296-3906 or (785) 296-8172 (TDD).

Andy Tompkins
Commissioner of Education

Doc. No. 025231

State of Kansas

Board of Education

Notice of Hearing on Proposed
Administrative Regulations

The State Board of Education will conduct a public hearing at 1:35 p.m. Tuesday, August 8, in the board room of the State Education Building, 120 S.E. 10th Ave., Topeka, to consider proposed amendments to institutional accreditation and program approval regulations numbered K.A.R. 91-1-68a to 91-1-68e, and the revocation of 91-1-70b.

These proposed regulations concern standards and procedures for initial and continuing accreditation of teacher education units at colleges and universities, and procedures for initial approval and renewal of teacher education programs. These proposed regulations will not have an economic impact upon the State Board of Education, school districts, other governmental entities, or private businesses or individuals.

The following is a summary of the substance of each regulation.

K.A.R. 91-1-68a. This proposed regulation provides a definition of terms. This regulation is being amended to clarify the meaning of the terms "progress report" and "upgrade report."

K.A.R. 91-1-68b. This regulation outlines the procedures institutions of higher education must follow to be accredited to offer teacher preparation programs. The current language is unclear and confusing to institutions. The proposed change in this regulation clarifies the procedures institutions must follow to be accredited.

K.A.R. 91-1-68c. This regulation outlines the procedures institutions of higher education must follow to get program approval for new teacher preparation programs. The current language is unclear and confusing to institutions. The proposed change more accurately reflects the procedures institutions must follow.

K.A.R. 91-1-68d. This regulation outlines the procedures institutions of higher education must follow to renew the approval of their teacher preparation programs. The current language is unclear and confusing to institutions. The proposed change more accurately reflects the procedures institutions must follow.

K.A.R. 91-1-68e. This regulation outlines the procedures institutions of higher education must follow for continuing accreditation of their institutions. The current language used is unclear and confusing to institutions. The proposed change clarifies the procedures institutions must follow.

K.A.R. 91-1-70b. This regulation provided timelines for transition from former regulations to the current regulations. Since this regulation is no longer needed, it is being revoked.

A copy of each of the proposed regulations and its economic impact statement may be obtained by contacting the secretary of the State Board of Education at the address above prior to the date of the hearing.

All interested persons will be given a reasonable opportunity at the hearing to present their views or arguments, either orally or in writing, in regard to the proposed regulations. In addition, the period of public notice hereby provided constitutes a public comment period for the purpose of receiving written public comments on the proposed regulations. Such written comments may be submitted to the secretary of the State Board of Education at the address above. The hearing shall be conducted in compliance with the public hearing procedures of the State Board of Education.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Lanny Gaston at (785) 296-3906 or (785) 296-8172 (TDD).

Andy Tompkins
Commissioner of Education

Doc. No. 025232

(Published in the Kansas Register May 25, 2000.)

**Summary Notice of Bond Sale
Unified School District No. 355
Barton County, Kansas (Ellinwood)
\$6,188,000**

**General Obligation School Improvement Bonds
Series 2000**

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

Sealed Bids

Subject to the notice of bond sale dated May 8, 2000, sealed bids will be received by the clerk of Unified School District No. 355, Barton County, Kansas (Ellinwood) (the issuer), on behalf of the governing body at the office of the Board of Education, 215 E. 3rd, Ellinwood, KS 67526, until 7:30 p.m. June 7, 2000, for the purchase of \$6,188,000 principal amount of General Obligation School Improvement Bonds, Series 2000. 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, except one bond in the denomination of \$3,000. The bonds will be dated June 1, 2000; and will become due on September 1 in the years as follows:

Year	Principal Amount
2002	\$108,000
2003	200,000
2004	215,000
2005	225,000
2006	240,000
2007	250,000
2008	265,000
2009	280,000
2010	295,000

2011	315,000
2012	335,000
2013	355,000
2014	370,000
2015	395,000
2016	415,000
2017	440,000
2018	470,000
2019	495,000
2020	520,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2001.

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 \$123,760 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about July 5, 2000, to 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, or elsewhere at the expense of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1999 is \$18,237,887. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$6,188,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, 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) 564-3226, or from the financial advisor, George K. Baum & Company, 100 N. Main, Suite 810, Wichita, KS 67202, Attention: Charles M. Bouilly, (316) 264-9351.

Dated May 8, 2000.

Unified School District No. 355
Barton County, Kansas (Ellinwood)

Doc. No. 025245

(Published in the Kansas Register May 25, 2000.)

**Summary Notice of Bond Sale
City of Lenexa, Kansas
\$7,800,000
General Obligation Bonds
Series 2000A**

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

Sealed Bids

Subject to the notice of bond sale dated May 24, 2000, sealed bids will be received by the city clerk of the City of Lenexa, Kansas, on behalf of the governing body at City Hall, 12350 W. 87th St. Parkway, Lenexa, KS 66215, until 11 a.m. Tuesday, June 6, 2000, for the purchase of \$7,800,000 principal amount of General Obligation Bonds, Series 2000A. No bid of less than the entire par value of the bonds, except a discount of not greater than .50 percent of the par value of the bonds, and accrued interest to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated June 1, 2000, and will become due on September 1 in the years as follows:

Maturity September 1	Principal Amount
2001	\$510,000
2002	650,000
2003	685,000
2004	720,000
2005	760,000
2006	800,000
2007	845,000
2008	895,000
2009	940,000
2010	995,000

The bonds will bear interest from that date at rates to be determined when the bonds are sold as provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2001.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States or a financial surety bond in a form that complies with the requirements set forth in the notice of sale in the amount of \$156,000 (2 percent of the principal amount of the bonds).

Delivery

The city will pay for preparation of the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about June 27, 2000, through the facilities of the Depository Trust Company, New York, New York.

Assessed Valuation and Indebtedness.

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1999 is

\$688,226,580. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$37,635,000.

Approval of Bonds

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

Additional Information

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

Dated May 17, 2000.

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

Doc. No. 025250

(Published in the Kansas Register May 25, 2000.)

**Summary Notice of Bond Sale
Unified School District No. 363
Finney County, Kansas (Holcomb)
\$6,000,000
General Obligation School Building Bonds
Series 2000
(General obligation bonds payable from
unlimited ad valorem taxes**

Sealed Bids

Subject to the notice of bond sale dated May 8, 2000, sealed bids will be received by the clerk of Unified School District No. 363, Finney County, Kansas (Holcomb) (the issuer), on behalf of the governing body at the office of the Board of Education, 204 Wiley, Holcomb, KS 67851-0008, until 7:30 p.m. June 12, 2000, for the purchase of \$6,000,000 principal amount of General Obligation School Building Bonds, Series 2000. 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, 2000, and will become due on September 1 in the years as follows:

Year	Principal Amount
2001	\$220,000
2002	310,000
2003	340,000
2004	355,000
2005	375,000
2006	395,000

(Published in the Kansas Register May 25, 2000.)

2007	415,000
2008	440,000
2009	460,000
2010	485,000
2011	510,000
2012	535,000
2013	565,000
2014	595,000

**Summary Notice of Bond Sale
City of Ogden, Kansas
\$230,300**

**General Obligation Internal Improvement Bonds
(General obligation bonds payable from
unlimited ad valorem taxes)**

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2001.

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 \$120,000 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about June 29, 2000, to 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, or elsewhere at the expense of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1999 is \$116,373,758. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$12,330,000.

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) 277-2629, or from the financial advisor, Ranson & Associates, Inc., 250 N. Rock Road, Suite 150, Wichita, KS 67206, Attention: Stephen E. Shogren, (316) 681-3123.

Dated May 8, 2000.

Unified School District No. 363
Finney County, Kansas (Holcomb)

Details of the Sale

Subject to the terms and conditions of the complete official notice of bond sale dated May 17, 2000, of the City of Ogden, Kansas, in connection with the city's General Obligation Internal Improvement Bonds, Series A, 2000, hereinafter described, sealed, written bids shall be received at the office of the city clerk at City Hall, 222 Riley Ave., Ogden, Kansas, until 8 p.m. Wednesday, June 7, 2000, for the purchase of the bonds. All bids shall be publicly opened, read aloud and tabulated on said date and at said time, and shall thereafter be immediately considered and acted upon by the city.

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

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

Details of the Bonds

The bonds to be sold are in the aggregate principal amount of \$230,300, and shall bear a dated date of June 15, 2000. The bonds shall be issued as fully registered bonds in the denomination of \$5,000 or any integral multiple thereof not exceeding the principal amount of bonds maturing in any year, except that one bond maturing in the initial year of maturity shall be in the denomination of \$5,300. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds. The bonds are not subject to redemption and payment prior to their maturities.

Interest on the bonds shall be payable semiannually on June 1 and December 1 in each year, commencing June 1, 2001, and the bonds shall mature serially on December 1 in each of the years and principal amounts as follows:

Maturity Date	Principal Amount
2001	\$5,300
2002	10,000
2003	10,000
2004	10,000
2005	15,000
2006	15,000

(continued)

2007	15,000
2008	15,000
2009	15,000
2010	15,000
2011	20,000
2012	20,000
2013	20,000
2014	20,000
2015	25,000

Redemption of Bonds

The bonds are not subject to redemption and payment prior to their maturities.

Payment of Principal and Interest

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

Security for the Bonds

The bonds and the interest thereon shall constitute general obligations of the city, and the full faith, credit and resources of the city shall be pledged to the payment thereof. The bonds shall be payable as to both the principal of and the interest thereon, in part, from the collection of special assessment taxes that have been levied against certain real properties in the city. To the extent the proceeds of such special assessment taxes are insufficient, the city is obligated to levy ad valorem taxes without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city for the purpose of paying the bonds and the interest thereon.

Delivery of the Bonds

The bonds, duly printed, executed and registered, shall be furnished and delivered at the expense of the city to the successful bidder, or at its direction, on or before Thursday, June 29, 2000, at such bank or trust company or other qualified depository in the State of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere shall be made at the expense of the successful bidder.

Legal Opinion

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

Financial Matters

The city's current equalized assessed tangible valuation is as follows:

Assessed Valuation of Taxable	
Tangible Property	\$ 3,358,700
Taxable Value of Motor Vehicles	653,422
Assessed Tangible Valuation for	
Computation of Bonded Debt	
Limitations	\$4,012,122

K.S.A. 10-308 provides that the authorized and outstanding bonded indebtedness of any city shall not exceed 30 percent of the assessed valuation of the city. As of May 1, 2000, the city's gross outstanding debt is \$387,000. The total indebtedness, after statutory adjustments, as of May 1, 2000, is \$182,830, which is 5 percent of the assessed valuation of the city.

Official Statement

The city has prepared a preliminary official statement relating to the bonds, copies of which may be obtained from the city or the city's bond counsel. The preliminary official statement is in a form "deemed final" by the city for the purpose of the Securities and Exchange Commission Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in the final official statement. The city will provide the purchaser of the bonds or its designated agent, within seven business days after the date of the sale, copies of the city's final official statement, in sufficient quantity to comply with the rules of the Securities and Exchange Commission and the Municipal Securities Rulemaking Board. The city will deliver to the purchaser of the bonds, at the time of delivery of the bonds, a certificate of its authorized officials to the effect that, to the best of their knowledge, in said official notice of bond sale and preliminary official statement and in the official statement, the city has not made an untrue statement of a material fact or omitted to state a material fact necessary in order to make the statements made therein, in light of the circumstances under which they were made, not misleading. Authorization is hereby given to redistribute this official notice of bond sale and the preliminary official statement, but this entire official notice of bond sale and the entire preliminary official statement, and not portions thereof, must be redistributed.

Continuing Disclosure

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

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

Additional Information

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

Vincent L. Kramer II, City Clerk
 City Hall
 222 Riley Ave., P.O. Box C
 Ogden, KS 66517-0843
 (785) 539-0311

Doc. No. 025255

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. 1999 Supp. 12-1675(b)(c)(d), and K.S.A. 75-4201(l) and 75-4209(a)(1)(B).

Effective 5-22-00 through 5-28-00	
Term	Rate
1-89 days	6.39%
3 months	6.04%
6 months	6.55%
9 months	6.61%
12 months	6.68%
18 months	6.86%
24 months	6.84%

Derl S. Treff
Director of Investments

Doc. No. 025226

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Acme Foundry has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to replace an existing sand muller and an existing shakeout/conveyor line with new equipment and new control devices. Acme also plans to install a new core drying oven. Emissions of particulate matter equal to or less than 10 microns in diameter (PM₁₀), particulate matter (PM), and volatile organic compounds (VOCs) were evaluated in determining the potential-to-emit during the permit review process.

Acme Foundry, Coffeyville, owns and operates the stationary source located at 1502 Spruce, Coffeyville, at which the Blowmatic pouring line is to be modified.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during review of the permit application is available for public inspection for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE Southeast District Office, 1500 W. 7th, Chanute. To obtain or review the proposed permit and supporting documentation, contact Alan W. Brooks, (785) 296-6281, at the KDHE central office, or Lynelle Stranghoner, (316) 431-2390, at the KDHE Southeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Alan W. Brooks, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business June 26.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business June 26 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber
Secretary of Health and Environment

Doc. No. 025256

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Grede Foundries has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to install one remanufactured Wheelabrator tumbling blaster and baghouse. Emissions of particulate matter (PM) and particulate matter equal to or less than 10 microns in diameter (PM₁₀) were evaluated during the permit review process.

Grede Foundries owns and operates the stationary source located at 805 E. Boston St., Wichita, at which the remanufactured Wheelabrator tumbling blaster and baghouse is to be installed.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during review of the permit application is available for public inspection for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the Wichita-Sedgwick County Department of Community Health, 1900 E. 9th, Wichita. To obtain or review the proposed permit and supporting documentation, contact Alan W. Brooks, (785) 296-6281, at the KDHE central office, or Randy Owen, (316) 268-8448, at the Wichita-Sedgwick County Department of Community Health. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Alan W. Brooks, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business June 26.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business June 26 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber
Secretary of Health and Environment

Doc. No. 025257

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment has received and reviewed an application from American Roofing, Inc. for a construction/demolition (C/D) landfill permit. The proposed landfill would be located at 1201 E. Gilman Road, Lansing. The landfill would only be used for disposal of C/D waste and would not accept waste from the general public. The landfill has a proposed area of approximately 25 acres located in the SE $\frac{1}{4}$, Section 30, Township 9S, Range 23E, Leavenworth County. The landfill will be developed in two phases, with the first phase being approximately 13 acres in size and the second phase being approximately 12 acres in size. The second phase will not be developed until the closure of the first phase has occurred. The proposed landfill has a disposal capacity of approximately 900,000 cubic yards. The landfill would be operated by American Roofing, Inc. and is located on property leased to American Roofing, Inc. from V.B. Greenamyre. KDHE is providing public notice of its intent to issue a C/D landfill permit to American Roofing, Inc.

A copy of the administrative record, which includes the draft permit and all information regarding this permit action, is available for public review through June 26, during normal business hours, at the following locations:

Kansas Department of Health and Environment
Bureau of Waste Management
Permits Section
Forbes Field, Building 740
Topeka, 66620
Contact: Phil Rosewicz
(785) 296-1594

Lansing City Hall
City Clerk's Office
800 1st Terrace
Lansing, 66043
Contact: Karen Logan
(913) 727-3233

Anyone wishing to comment on the draft permit information should submit written statements postmarked not later than June 26 to Phil Rosewicz (KDHE). KDHE will subsequently respond in writing to all written comments received during the public comment period.

All comments received during this public comment period shall become a part of the permit record and shall be considered in making a final decision on the proposed permit action. After consideration of all comments received, the director of the Division of Environment will make a final decision on whether to issue the proposed permit. Notice of the decision will be given to anyone who submitted written comments during the comment period and to those who requested notice of the final permit decision.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 025261

State of Kansas

Kansas Public Employees Retirement System

Request for Proposals

The Board of Trustees of the Kansas Public Employees Retirement System (KPERs) requests proposals from qualified firms or individuals to assist in conducting a public relations and informational campaign regarding a question slated to be on the Kansas ballot in the November 2000 general election. The campaign will promote support for a proposed amendment to the Kansas Constitution. If approved by a majority of voters, the ballot measure will rescind, as to the state retirement systems, a current provision that effectively prohibits KPERs from owning shares of stock in any banking institutions.

For information on the scope of the project or questions about the RFP, contact Jack Hawn, Deputy Executive Secretary, Kansas Public Employees Retirement System, 611 Kansas Ave., Topeka, 66603, (785) 296-1017.

The scope of the project also can be found on the KPERs web site at www.kpers.org. Proposals must be received by KPERs not later than 5 p.m. June 16.

Meredith Williams
Executive Secretary

Doc. No. 025251

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.

Public Notice No. KS-AG-00-121 Application(s) for New or Expansion of Existing Swine Facilities

Name and Address of Applicant	Owner of Property Where Facility Will Be Located
Maple Creek Farms, LLC Holland Site P.O. Box 718 Leoti, KS 67861	Maple Creek Farms, LLC James C. Hicks P.O. Box 718 Leoti, KS 67861

Legal Description

SE/4 of Section 34,
Township 20S, Range 38W,
Wichita County

Receiving Water

Upper Arkansas River Basin

Application Number A-UAWH-H004 Federal Permit No. KS-0095796

This is an application for a permit for the construction of a new 43,200 head (17,280 animal units) swine facility. A new or modified permit will not be issued without additional public notice.

**Public Notice No. KS-AG-00-122/125
Pending Permits for Confined Feeding Facilities**

**Name and Address
of Applicant**

Burkhart Farms
Norbert L. Burkhart
Route 1, Box 31
Hanston, KS 67849

**Legal
Description**

SW/4 of Section 8,
T22S, R21W,
Hodgeman County

**Receiving
Water**

Upper Arkansas
River Basin

Kansas Permit No. A-UAHG-B010

This is a new permit for an existing facility that is expanding to a maximum of 600 head (300 animal units) of cattle weighing less than 700 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 approved waste management plan shall be adhered to as a condition of the permit. Dewatering equipment shall be obtained by September 1, 2000, and written verification submitted to the department. Permeability tests shall be conducted on the proposed lagoon.

**Name and Address
of Applicant**

Sigel Swinery
Eric & Diana Sigel
Route 1, Box 51
Cottonwood Falls, KS 66845

**Legal
Description**

NE/4 of Section 3,
T20S, R8E, Chase
County

**Receiving
Water**

Neosho River
Basin

Kansas Permit No. A-NECS-H001 Federal Permit No. KS-0090450

This is a permit renewal for an existing facility for 4,370 head (1,748 animal units) of swine weighing over 55 pounds and 800 head (80 animal units) of swine weighing 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: A facility operator shall become certified within six months of permit issuance.

**Name and Address
of Applicant**

Livingston Farms
James Livingston
810 W. 10th
Baxter Springs, KS 66713

**Legal
Description**

SE/4 of Section 30,
T32S, R25E,
Cherokee County

**Receiving
Water**

Neosho River
Basin

Kansas Permit No. A-NECK-F001

This is a renewal of an existing permit for 33,000 head (594 animal units) of turkeys.

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: Existing controls meet KDHE requirements.

**Name and Address
of Applicant**

Sandhill Ranch
13990 S. Sandhill Road
Garden City, KS 67846

**Legal
Description**

NW/4, Section 33,
T26S, R33W, Finney
County

**Receiving
Water**

Upper Arkansas
River Basin

Kansas Permit No. A-UAFL-B004

This is a new permit for an existing facility that is expanding to a maximum of 990 head of cattle weighing over 700 pounds for a total of 990 animal units of cattle.

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

Compliance Schedule: The waste management plan developed by the designer and approved by the department on May 17, 2000, shall be adhered to as a condition of this permit. The plan recommends nutrient analysis of both liquids and solids with applications to meet crop nutrient needs. If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than 1.0 acre inch per acre per year and solids shall be applied at not greater than 20 ton per acre. However, soil sampling is required within sensitive groundwater areas.

Public Notice No. KS-00-105/112

**Name and Address
of Applicant**

Buffalo, City of
P.O. Box 88
Buffalo, KS 66717

Waterway

Verdigris River via
Buffalo Creek via
East Buffalo Creek

**Type of
Discharge**

Treated Domestic
Wastewater

Kansas Permit No. M-VE03-0001 Federal Permit No. KS0079600

Legal: NE $\frac{1}{4}$, S12, T27S, R15E, Wilson County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and effluent flow also will be required. Included in this permit is a schedule of compliance requiring the permittee to complete the necessary improvements to achieve compliance with its NPDES permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water quality based.

**Name and Address
of Applicant**

McLouth, City of
110 N. Union
P.O. Box 35
McLouth, KS 66054

Waterway

Kansas River via
Nine Mile Creek
via Unnamed
Tributary

**Type of
Discharge**

Treated Domestic
Wastewater

Kansas Permit No. M-KS42-0001 Federal Permit No. KS0025704

Legal: NW $\frac{1}{4}$, S16, T10S, R20E, Jefferson County

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and fecal coliform will be required annually. Included in this permit is a schedule of compliance requiring the permittee to complete the necessary improvements to achieve compliance with its NPDES permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

**Name and Address
of Applicant**

Nortonville, City of
P.O. Box 177
Nortonville, KS 66060

Waterway

Stranger Creek via
Crooked Creek via
Unnamed Tributary

**Type of
Discharge**

Treated Domestic
Wastewater

Kansas Permit No. M-KS50-0001 Federal Permit No. KS0047562

Legal: SW $\frac{1}{4}$, S29, T7S, R19E, Jefferson County

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, fecal coliform and pH. Monitoring for ammonia will be required annually. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

(continued)

Name and Address of Applicant
 Shawnee County Public Works
 1515 N.W. Saline
 Topeka, KS 66618

Waterway
 Kansas River via
 Stinson Creek

Type of Discharge
 Treated Domestic
 Wastewater

Facility Name: Shawnee County Sewer District #33
 Kansas Permit No. M-KS72-DO33 Federal Permit No. KS0079324
 Legal: NE¼, S11, T12S, R16E, Shawnee County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, fecal coliform, total residual chlorine, ammonia and pH. Monitoring for effluent flow also will be required. Included in this permit is a schedule of compliance requiring the permittee to complete the necessary improvements to achieve compliance with its NPDES permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

Name and Address of Applicant
 GeoCore Services
 P.O. Box 386
 Salina, KS 67402-0386

Legal Location
 Mule Creek via
 Storm Ditch

Type of Discharge
 Processed
 Wastewater

Kansas Permit No. I-UA23-PO01 Federal Permit No. KS0095176
 Legal: NW¼, S34, T17S, R18W, Rush County

Facility Location: Schaffer Oil Co./ UST Trust Fund, La Crosse, KS 67548
 Facility Description: The proposed action is to issue a new permit for the discharge of processed wastewater. This facility is engaged in a groundwater cleanup. Hydrocarbon-contaminated groundwater is treated with an air stripper prior to being discharged. The proposed permit includes limits for benzene, toluene, ethyl-benzene, xylene, lead (total) and pH. Monitoring for methyl tert-butyl ether and effluent flow also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water quality based.

Name and Address of Applicant
 Klepper Oil Service Station
 13202 W. 98th St.
 Lenexa, KS 66215

Waterway
 Arkansas River via
 Walnut Creek via
 Storm Ditch

Type of Discharge
 Processed
 Wastewater

Kansas Permit No. I-UA16-PO13 Federal Permit No. KS0090174
 Legal: NW¼, S36, T19S, R13W, Barton County
 Facility Location: 2823 10th St., Great Bend, KS 67530

Facility Description: The proposed action is to reissue an existing permit for the discharge of processed wastewater. This facility is engaged in a groundwater cleanup. Hydrocarbon-contaminated groundwater is treated with an air stripper prior to being discharged. The proposed permit includes limits for benzene, toluene, ethyl-benzene, xylene, 1,2-dichloroethane, lead (total) and pH. Monitoring for methyl tert-butyl ether and effluent flow also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water quality based.

Name and Address of Applicant
 Western Resources
 818 Kansas Ave.
 Topeka, KS 66612

Waterway
 Kansas River via
 Tecumseh Creek

Type of Discharge
 Processed
 Wastewater
 and Noncontact
 Cooling Water

Facility Name: Tecumseh Energy Center
 Kansas Permit No. I-KS72-BO01 Federal Permit No. KS0079731
 Legal: NW¼, S31, T11S, R17E, Shawnee County

Facility Location: 2nd and Dupont Road, Tecumseh, KS 66542
 Facility Description: The proposed action is to reissue an existing permit for the discharge of processed wastewater and noncontact cooling water from this energy center. This facility generates electric power

with high pressure steam produced by fossil fuel combustion. Water is brought in from the Kansas River and from the rural water district. Water is treated and used in boilers, cooling towers and other processes. Domestic wastewater is treated with a package sewage treatment plant and discharged to the cinder pit. The proposed permit includes limits for total suspended solids, biochemical oxygen demand, oil and grease, total residual oxidant, free available oxidant and pH. Monitoring for ammonia, fecal coliform, sulfate, temperature and effluent flow also will be required. In addition, the permittee is required to conduct a chronic whole effluent toxicity test and priority pollutant scan. Included in this permit is a schedule of compliance requiring the permittee to complete the necessary improvements to achieve compliance with its NPDES permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water quality based

Name and Address of Applicant
 Wilde Tool Company
 13th and Pottawatomie
 Streets
 P.O. Box 30
 Hiawatha, KS 66434

Waterway
 Missouri River via
 Wolf River

Type of Discharge
 Stormwater
 Runoff
 and Noncontact
 Cooling Water

Kansas Permit No. I-MO08-CO01 Federal Permit No. KS0081353
 Legal: NE¼, S30, T2S, R17E, Brown County

Facility Description: The proposed action is to reissue an existing permit for the discharge of stormwater and noncontact cooling water. This facility manufactures hand tools. Its domestic waste and electroplating wastewater are directed to the city sanitary sewer system. A lagoon is utilized as a holding basin for roof drains, stormwater runoff and noncontact cooling water. This cooling water is recycled and re-used as a supplemental water source in air compressors, resistance and induction heaters. Monitoring of the effluent will not be required unless there is a significant change in the quality or quantity of the subject discharged. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f) and Federal Surface Water Criteria, and are water quality based.

Public Notice No. KS-ND-00-018/019

Name and Address of Applicant
 Dodge City, City of
 806 2nd Ave.
 P.O. Box 880
 Dodge City, KS 67801-0880

Legal Description
 SE¼, S23, T28S,
 R25W,
 Ford County

Type of Discharge
 Nonoverflowing

Kansas Permit No. M-UA11-NO01
 Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The facility is a six-cell nondischarging lagoon system with irrigation. Discharge of wastewater from this treatment facility to the surface waters of the State of Kansas is prohibited by this permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant
 Gorham, City of
 P.O. Box 25
 Gorham, KS 67640

Legal Description
 SE¼, S31, T13S,
 R15W, Russell
 County

Type of Discharge
 Nonoverflowing

Kansas Permit No. M-SH10-NO01
 Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The facility is a three-cell nondischarging wastewater stabilization lagoon system. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator. Discharge of wastewater from this treatment facility to the surface waters of the State of Kansas is prohibited by this permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Public Notice No. KS-EG-00-005

In accordance with K.A.R. 28-46-7 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared for the use of the well(s) described below within the State of Kansas.

Name and Address of Applicant	Well Location
Coastal Refining & Marketing, Inc. 1100 E. 21st St. North Wichita, KS 67214	SE $\frac{1}{4}$, S4, T27S, R1E, Sedgwick County
Facility name: Wichita Refinery	
Injection Well Identification: I-1 through I-40, I-1R through I-8R, I-11R and I-12	
Kansas Permit No. KS-05-173-003	

Facility Description: The proposed action is to reissue a permit to authorize the injection of nonhazardous liquid consisting of treated recovered groundwater for the purpose of remediation of the soil and aquifer, maintain hydraulic control of the site, and to return treated groundwater to the aquifer. This site is a refinery. The area is contaminated as a result of a release of hydrocarbons. The fluids to be injected consist of untreated nonhazardous recovered groundwater. The fluid will be injected to remediate the soil and aquifer, maintain hydraulic control of the site and to return groundwater to the aquifer. The construction, operation and monitoring of the injection wells will meet requirements that apply to Class V injection wells under K.A.R. 28-46-1 through 28-46-42 and K.A.R. 28-30-1 through K.A.R. 28-30-10.

**Public Notice for Intent to Terminate the Kansas
Water Pollution Control Permit for
Kansas Wastewater, Inc., DeSoto, Kansas**

On October 10, 1996, the Kansas Department of Health and Environment issued a Kansas Water Pollution Control Permit, I-KS12-PO05/federal National Pollutant Discharge Elimination System (NPDES) permit, KS-0092126 to Kansas Wastewater, Inc. On May 12, 2000, KDHE issued Administrative Order Case No. 00-E-0097 to Kansas Wastewater Inc. In accordance with Administrative Order Case No. 00-E-0097 and pursuant to K.A.R. 28-16-62(g)(4) and 28-16-62(f)(1) the director of the Kansas Department of Health and Environment hereby provides notice of intent to terminate Kansas Water Pollution Control Permit, I-KS12-PO05/federal National Pollutant Discharge Elimination System (NPDES) permit, KS-0092126, for noncompliance with conditions of the permit. The facility is located at 35425 W. 103rd St., DeSoto, Kansas.

Copies of the Administrative Order, permit and other pertinent documents may be requested by contacting the permit clerk at (785) 296-5519 or fax (785) 296-5509, or by writing the Kansas Department of Health and Environment, Attn: Permit Clerk, Bureau of Water-TSS, Forbes Field, Building 283, Topeka, 66620.

Persons wishing to comment on the proposed permit termination may submit written statements to the above address by June 24.

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

tention 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 24 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-00-121/125, KS-00-105/112, KS-ND-00-018/019, KS-EG-00-005) 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, if appropriate, 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 facilities and for 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 permit(s), 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 offices of the Kansas Department of Health and Environment, Bureau of Water.

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
Secretary of Health
and Environment

Doc. No. 025253

State of Kansas

Employee Award Board

Notice of Meeting

The Employee Award Board will meet at 10 a.m. Wednesday, May 31, in the Division of Personnel Services, Conference Room D, fifth floor, Landon State Office Building, 900 S.W. Jackson, Topeka.

Dan Stanley
Secretary of Administration

Doc. No. 025267

State of Kansas

Secretary of State

Certification of New State Laws

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.

Ron Thornburgh
Secretary of State

(Published in the Kansas Register May 25, 2000.)

SENATE Substitute for Substitute for HOUSE BILL No. 2007

AN ACT prohibiting the sale of fetal organs or tissue; imposing limitations thereon.

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

Section 1. As used in this act:

(a) "Abortion" means an abortion as defined by K.S.A. 65-6701, and amendments thereto.

(b) (1) "Consideration" means:

(A) Any payment made or debt incurred;

(B) any gift, honorarium or recognition of value bestowed;

(C) any price, charge or fee which is waived, forgiven, reduced or indefinitely delayed;

(D) any loan or debt which is canceled or otherwise forgiven; or

(E) the transfer of any item from one person to another or provision of any service or granting of any opportunity for which a charge is customarily made, without charge or for a reduced charge.

(2) "Consideration" shall not mean:

(A) A payment in an amount not to exceed \$25 for the cost of transporting, processing, preserving and storing fetal tissue; or

(B) a payment in an amount not to exceed the actual cost, as documented by the delivery service, of transporting fetal tissue.

(c) "Delivery service" means a common carrier as defined by K.S.A. 66-105, and amendments thereto, or other person or entity used to transport fetal tissue.

(d) "Fetal tissue" means any tissue, cells or organs obtained from a dead human embryo or fetus after an abortion or after a stillbirth.

(e) "Person" means a person as defined by K.S.A. 65-425, and amendments thereto.

(f) "Stillbirth" means a stillbirth as defined by K.S.A. 65-2401, and amendments thereto.

Sec. 2. Except as specifically provided by this act, nothing in this act shall be construed as either permitting or prohibiting the use of fetal tissue for any type of scientific, research, laboratory or other kind of experimentation either prior to or subsequent to any abortion or stillbirth.

Sec. 3. This act shall not apply to:

(a) The transfer of fetal tissue to a pathologist for testing or examination; or

(b) the transfer of fetal tissue for the purpose of immediate burial, cremation, or final disposition.

Sec. 4. (a) No person shall solicit, offer, knowingly acquire or accept or transfer any fetal tissue for consideration.

(b) No person shall solicit, offer or knowingly acquire or accept or transfer any fetal tissue for the purpose of transplantation of such tissue into another person if:

(1) The fetal tissue will be or is obtained pursuant to an abortion; and

(2) (A) the donation of such fetal tissue will be or is made pursuant to a promise to the donating individual that the donated tissue will be transplanted into a recipient specified by such donating individual;

(B) such fetal tissue will be transplanted into a relative of the donating individual; or

(C) the person who solicits or knowingly acquires or accepts the donation of such fetal tissue has provided consideration for the costs associated with such abortion.

(c) Any person who intentionally, knowingly or recklessly violates this section shall be guilty of a severity level 2, nonperson felony.

Sec. 5. (a) Every person who transfers fetal tissue to another person shall submit annually a written report to the secretary of the department of health and environment which contains the following:

(1) The date of transfer;

(2) a description of the fetal tissue;

(3) the name and address of the transferor and the transferee;

(4) the amount of consideration received by the transferor for making the transfer;

(5) the mode of transfer or shipment; and

(6) the name of the delivery service.

(b) The identity of the woman donating the fetal tissue shall be confidential and shall not be included in any report required by this section.

(c) No person shall ship fetal tissue without disclosing to the delivery service that human tissue is contained in such shipment.

(d) Except as provided herein, information obtained by the secretary of health and environment under this section shall be confidential and shall not be disclosed in a manner that would reveal the identity of any person who submits a report to the secretary under this section. Such information, including information identifying any person submitting a report hereunder, may be disclosed to the attorney general upon a showing that a reasonable cause exists to believe that a violation of this act has occurred. Any information disclosed to the attorney general pursuant to this subsection shall be used solely for the purposes of a criminal prosecution.

(e) For the purpose of maintaining confidentiality, reports required by this section shall identify the name and address of the person submitting such report only by confidential code number assigned by the secretary of health and environment to such person and the department of health and environment shall maintain such reports only by such number.

(f) Any person who intentionally, knowingly or recklessly violates this section shall be guilty of a class A nonperson misdemeanor.

Sec. 6. (a) No person shall offer any monetary or other inducement to any other person for the purpose of procuring an abortion for the medical, scientific, experimental or therapeutic use of fetal organs or tissue.

(b) No person shall offer or accept any valuable consideration for the fetal organs or tissue resulting from an abortion. Nothing in this subsection shall prohibit payment for burial or other final disposition of the fetal remains or payment for a pathological examination, autopsy or postmortem examination of the fetal remains.

(c) Any person who intentionally, knowingly or recklessly violates this section shall be guilty of a severity level 2, nonperson felony.

Sec. 7. (a) No person shall use fetal organs or tissue for medical, scientific, experimental or therapeutic use without the voluntary and informed consent of the woman donating such tissue. Such consent shall not be discussed or obtained prior to obtaining the consent required under K.S.A. 1999 Supp. 65-6709, and amendments thereto.

(b) A person who intentionally, knowingly or recklessly violates this section shall be guilty of a severity level 2, nonperson felony.

Sec. 8. If any provision of this section is held to be invalid or unconstitutional, it shall be presumed conclusively that the legislature would have enacted the remainder of this section without such invalid or unconstitutional provision.

Sec. 9. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register May 25, 2000.)

HOUSE Substitute for SENATE BILL No. 40

AN ACT concerning the state institutions building fund; debt service on revenue bonds for certain capital improvement projects; amending K.S.A. 76-6b05 and repealing the existing section.

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

Section 1. K.S.A. 76-6b05 is hereby amended to read as follows: 76-6b05. (a) All moneys received by the state treasurer under K.S.A. 76-6b04, and amendments thereto, shall be credited to the state institutions building fund, which is hereby created in the state treasury, to be appropriated by the legislature as needed used for the construction, reconstruction, equipment and repair of buildings and grounds at institutions specified in K.S.A. 76-6b04, and amendments thereto, and for payment of debt service on revenue bonds issued to finance such projects, all subject to appropriation by the legislature.

(b) Subject to any restrictions imposed by appropriation acts, the juvenile justice authority is authorized to pledge funds appropriated to it from the state institutions building fund or from any other source and transferred to a special revenue fund of the juvenile justice authority specified by statute for the payment of debt service on revenue bonds issued for the purposes set forth in subsection (a). Subject to any restrictions imposed by appropriation acts, the juvenile justice authority is also authorized to pledge any funds appropriated to it from the state institutions building fund or from any other source and transferred to a special revenue fund of the juvenile justice authority specified by statute as a priority for the payment of debt service on such revenue bonds. Neither the state or the juvenile justice authority shall have the power to pledge the faith and credit or taxing power of the state of Kansas for such purposes and any payment by the juvenile justice authority for such purposes shall be subject to and dependent on appropriations being made from time to time by the legislature. Any obligation of the juvenile justice authority for payment of debt service on revenue bonds and any such revenue bonds issued for the purposes set forth in subsection (a) shall not be considered a debt or obligation of the state for the purpose of section 6 of article 11 of the constitution of the state of Kansas.

Sec. 2. K.S.A. 76-6b05 is hereby repealed.

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

(Published in the Kansas Register May 25, 2000.)

HOUSE BILL No. 2355

AN ACT concerning the former Topeka state hospital; providing for a memorial for persons buried in the Topeka state hospital cemetery; advisory committee; Topeka state hospital cemetery memorial gift fund; prescribing certain duties for the secretary of administration.

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

Section 1. (a) There shall be placed on the grounds of the former Topeka state hospital a memorial for the persons who are buried on such grounds. The state shall retain title to that portion of the grounds of the former Topeka state hospital where such persons are buried and such portion of the grounds shall be known as the Topeka state hospital cemetery. The memorial shall include appropriate fencing which shall be placed around the area where such persons are buried and a suitable plaque to identify the nature of the memorial. The plaque shall be inscribed with the names of the persons who are buried in the Topeka state hospital cemetery and shall include such other appropriate information as may be determined by the secretary of administration. The Topeka state hospital cemetery memorial may include such additional memorial features and components as are appropriate, for which funds are available and which are approved by the secretary of administration for the memorial.

(b) The memorial shall be constructed in accordance with design and architectural drawings approved by the director of architectural services. The secretary of administration shall maintain the memorial and the grounds of the Topeka state hospital cemetery. The secretary may contract with private individuals or entities for the maintenance of such memorial and grounds.

(c) The secretary of administration shall appoint an advisory committee of persons who are interested in establishing and maintaining a memorial for persons buried in the Topeka state hospital cemetery to

advise the secretary of administration. The members of the advisory committee shall receive no compensation or expense allowances for their service as members of the advisory committee.

(d) The secretary of administration is hereby authorized to accept on behalf of the state any grants, gifts, contributions, bequests or donations of money for the purposes of the memorial for persons who are buried in the Topeka state hospital cemetery. Prior to accepting any such grant, gift, contribution, bequest or donation, the secretary may consult with the advisory committee appointed by the secretary for the Topeka state hospital cemetery. All moneys donated for the memorial for persons buried in the Topeka state hospital cemetery and received and accepted by the secretary of administration shall be paid to the department of administration and shall be deposited to the credit of the Topeka state hospital cemetery memorial gift fund which is hereby established in the state treasury. All expenditures from the Topeka state hospital cemetery memorial gift fund shall be in accordance with vouchers approved by the secretary of administration or the secretary's designee.

(e) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the Topeka state hospital cemetery memorial gift fund interest earnings based on:

(1) The average daily balance of moneys in the Topeka state hospital cemetery memorial gift fund for the preceding month; and

(2) the net earnings rate for the pooled money investment portfolio for the preceding month.

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

(Published in the Kansas Register May 25, 2000.)

HOUSE BILL No. 2862

AN ACT concerning school districts; relating to the provision of transportation for pupils; amending K.S.A. 1999 Supp. 72-1046b, 72-8302, 72-8303 and 72-8309 and repealing the existing sections.

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

Section 1. K.S.A. 1999 Supp. 72-1046b is hereby amended to read as follows: 72-1046b. (a) As used in this section:

(1) "School district" means a school district organized and operating under the laws of this state and no part of which is located in Johnson county, Sedgwick county, Shawnee county, or Wyandotte county.

(2) "Receiving school district" means a school district of nonresidence of a pupil who is enrolled and in attendance at school in such school district.

(3) "Sending school district" means a school district of residence of a pupil who is enrolled and in attendance at school in a school district not of the pupil's residence.

(4) "Pupil" means a person who is enrolled and in attendance at school in a receiving school district and who (A) lives 10 or more miles from the attendance center the pupil would attend in a sending school district and nearer to an appropriate attendance center in a receiving school district or (B) is a member of the family of a pupil meeting the condition prescribed in subpart (A).

(5) "Member of the family" means a brother or sister of the whole or half blood or by adoption, a stepbrother or sister, and a foster brother or sister.

(b) The parent or legal guardian of a ~~any~~ pupil ~~authorized or required to attend kindergarten or any of grades one through 12~~ may apply to the board of education of a ~~proposed~~ sending school district on or before July 15 of the current school year for authority for such pupil to attend school in a receiving school district and to be furnished or provided transportation to school from the pupil's residence and from school to the pupil's residence by the receiving school district if the pupil lives 10 or more miles from the attendance center the pupil would attend in the proposed sending school district and nearer to an appropriate attendance center in the proposed receiving school district. The application shall be made upon forms prescribed by the state board of education.

(c) Upon receiving any application under this section, the board of education of the ~~proposed~~ a sending school district shall inquire of the ~~proposed~~ receiving school district whether it is willing to receive and furnish or provide transportation for the pupil named in the application. If the board of education of the ~~proposed~~ sending school district deter-

(continued)

mines that the proposed receiving school district is willing to receive and furnish or provide transportation for the pupil and the board of education of the proposed sending school district and the board of education of the proposed receiving school district agree that the condition specified in subsection (b) exists pupil is a pupil as defined in subsection (a)(4)(A) or (B), the board of the proposed sending school district shall issue its an order authorizing enrollment and attendance of the pupil at school in the proposed receiving school district. An order issued by a board of education in accordance with the provisions of this section shall operate so as to constitute consent of the board of education of the sending school district to the furnishing or provision of transportation by the receiving school district for the affected pupil to school from the pupil's residence and to the pupil's residence from school.

(d) Pupils attending school in a receiving school district under an order issued by a board of education in accordance with the provisions of this section shall be counted as regularly enrolled in and attending school in the receiving school district for the purpose of computations, except computation of transportation weighting, under the school district finance and quality performance act and for the purposes of the statutory provisions contained in article 83 of chapter 72 of Kansas Statutes Annotated. No such pupil shall be charged for the costs of attendance at school in a receiving school district.

(e) The provisions of this section shall expire on July 1, 2002.

Sec. 2. K.S.A. 1999 Supp. 72-8303 is hereby amended to read as follows: 72-8303. (a) The board of education of a school district may prescribe the regular school routes on which transportation of its pupils is to be provided, and shall schedule the school bus and motor vehicle routes so that each pupil entitled to transportation will be transported to and from school on every school day.

(b) For the purposes of this section, the term regular school route includes any route arranged by the board of education for (1) transportation of its pupils to and from the residence of such pupils in another school district when such pupils are enrolled in the transporting school district in accordance with an order issued by a board of education under the provisions of K.S.A. 1999 Supp. 72-1046b, and amendments thereto, until expiration of such section on July 1, 2002; and (2) transportation of its pupils to and from any school attended in another school district in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto.

Sec. 3. K.S.A. 1999 Supp. 72-8309 is hereby amended to read as follows: 72-8309. (a) The board of education of a school district shall not furnish or provide transportation for pupils or students who reside in another school district except in accordance with the written consent of the board of education of the school district in which such pupil or student resides, or in accordance with consent constituted by operation of an order issued by a board of education under the provisions of K.S.A. 1999 Supp. 72-1046b, and amendments thereto, until expiration of such section on July 1, 2002, or in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto.

(b) A school district may transport a nonresident pupil or student if such pupil or student boards the school bus within the boundaries or on the boundary of the transporting school district. To the extent that the provisions of this subsection conflict with the provisions of subsection (a), the provisions of subsection (a) shall control.

(c) No pupil or student who is furnished or provided transportation by a school district which is not the school district in which the pupil or student resides shall be counted in the computation of the school district's transportation weighting under article 64 of chapter 72 of Kansas Statutes Annotated.

Sec. 4. K.S.A. 1999 Supp. 72-8302 is hereby amended to read as follows: 72-8302. (a) The board of education of a school district may provide or furnish transportation for pupils who are enrolled in the school district to or from any school of the school district or to or from any school of another school district attended by such pupils in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto.

(b) (1) When any or all of the conditions specified in this provision exist, the board of education of a school district shall provide or furnish transportation for pupils who reside in the school district and who attend any school of the school district or who attend any school of another school district in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto. The

conditions which apply to the requirements of this provision are as follows:

(A) The residence of the pupil is inside or outside the corporate limits of a city, the school building attended is outside the corporate limits of a city and the school building attended is more than 2½ miles by the usually traveled road from the residence of the pupil; or

(B) the residence of the pupil is outside the corporate limits of a city, the school building attended is inside the corporate limits of a city and the school building attended is more than 2½ miles by the usually traveled road from the residence of the pupil; or

(C) the residence of the pupil is inside the corporate limits of one city, the school building attended is inside the corporate limits of a different city and the school building attended is more than 2½ miles by the usually traveled road from the residence of the pupil.

(2) The provisions of this subsection are subject to the provisions of subsections (c) and (d).

(c) The board of education of every school district is authorized to adopt rules and regulations to govern the conduct, control and discipline of all pupils while being transported in school buses. The board may suspend or revoke the transportation privilege or entitlement of any pupil who violates any rules and regulations adopted by the board under authority of this subsection.

(d) The board of education of every school district may suspend or revoke the transportation privilege or entitlement of any pupil who is detained at school at the conclusion of the school day for violation of any rules and regulations governing pupil conduct or for disobedience of an order of a teacher or other school authority. Suspension or revocation of the transportation privilege or entitlement of any pupil specified in this subsection shall be limited to the school day or days on which the pupil is detained at school. The provisions of this subsection do not apply to any pupil who has been determined to be an exceptional child, except gifted children, under the provisions of the special education for exceptional children act.

(e) (1) Subject to the limitations specified in this subsection, the board of education of any school district may prescribe and collect fees to offset, totally or in part, the costs incurred for the provision or furnishing of transportation for pupils. The limitations which apply to the authorization granted by this subsection are as follows:

(A) Fees for the provision or furnishing of transportation for pupils shall be prescribed and collected only to recover the costs incurred as a result of and directly attributable to the provision or furnishing of transportation for pupils and only to the extent that such costs are not reimbursed from any other source provided by law;

(B) fees for the provision or furnishing of transportation may not be assessed against or collected from any pupil who is counted in determining the transportation weighting of the school district under the provisions of the school district finance and quality performance act or any pupil who is determined to be a child with disabilities under the provisions of the special education for exceptional children act or any pupil who is eligible for free or reduced price meals under the national school lunch act or any pupil who is entitled to transportation under the provisions of subsection (a) of K.S.A. 72-8306, and amendments thereto, and who resides 2½ miles or more by the regular route of a school bus from the school attended;

(C) fees for the provision or furnishing of transportation for pupils in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-8233 or 72-8307, and amendments thereto, shall be controlled by the provisions of the agreement.

(2) All moneys received by a school district from fees collected under this subsection shall be deposited in the transportation fund of the district.

Sec. 5. K.S.A. 1999 Supp. 72-1046b, 72-8302, 72-8303 and 72-8309 are hereby repealed.

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

(Published in the Kansas Register May 25, 2000.)

HOUSE BILL No. 2328

AN ACT concerning elections; relating to advance voting; amending K.S.A. 1999 Supp. 25-1122 and 25-1128 and repealing the existing sections.

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

Section 1. K.S.A. 1999 Supp. 25-1122 is hereby amended to read as follows: 25-1122. (a) Any registered voter may file with the county election officer where such person is a resident, or where such person is authorized by law to vote as a former precinct resident, an application for an advance voting ballot. ~~The signed application may be transmitted to the county election officer by facsimile shall be transmitted only to the county election officer by personal delivery, mail, facsimile or as otherwise provided by law.~~

(b) Applications for advance voting ballots to be transmitted to the voter by mail shall be filed only at the following times:

(1) For the primary election occurring on the first Tuesday in August in even-numbered years, between April 1 of such year and the last business day of the week preceding such primary election.

(2) For the general election occurring on the Tuesday succeeding the first Monday in November in even-numbered years, between 90 days prior to such election and the last business day of the week preceding such general election.

(3) For the primary election held five weeks preceding the first Tuesday in April, between January 1 of the year of such election and the last business day of the week preceding such primary election.

(4) For the general election occurring on the first Tuesday in April, between January 1 of the year of such election and the last business day of the week preceding such general election.

(5) For question submitted elections occurring on the date of a primary or general election, the same as is provided for ballots for election of officers at such election.

(6) For question submitted elections not occurring on the date of a primary or general election, between the time of the first published notice thereof and the last business day of the week preceding such question submitted election, except that if the question submitted election is held on a day other than a Tuesday, the county election officer shall determine the final date for mailing of advance voting ballots, but such date shall not be more than three business days before such election.

(7) For any special election of officers, at such time as is specified by the secretary of state.

(8) For the presidential preference primary, between January 1 of the year in which such primary is held and the last business day of the week preceding such primary election.

The county election officer of any county may receive applications prior to the time specified in this subsection (b) and hold such applications until the beginning of the prescribed application period. Such applications shall be treated as filed on that date.

(c) Unless an earlier date is designated by the county election office, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer shall be filed on the Tuesday next preceding the election and on each subsequent business day until no later than 12:00 noon on the day preceding such election. If the county election officer so provides, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer also may be filed on the Saturday preceding the election. Upon receipt of any such properly executed application, the county election officer shall deliver to the voter such ballots and instructions as are provided for in this act.

In any county having a population exceeding 250,000, the county election officer may designate places other than the central county election office as satellite advance voting sites. At any satellite advance voting site, a registered voter may obtain an application for advance voting ballots, such ballots and instructions shall be delivered to the voter in the same manner and subject to the same limitations as otherwise provided by this subsection.

(d) Any person having a permanent physical disability or an illness which has been diagnosed as a permanent illness is hereby authorized to make an application for permanent advance voting status. Applications for permanent advance voting status shall be in the form and contain such information as is required for application for advance voting ballots and

also shall contain information which establishes the voter's right to permanent advance voting status.

(e) On receipt of any application filed under the provisions of this section, the county election officer shall prepare and maintain in such officer's office a list of the names of all persons who have filed such applications, together with their correct post office address and the precinct, ward, township or voting area in which such persons claim to be registered voters or to be authorized by law to vote as former precinct residents and the present resident address of each applicant. Such names and addresses shall remain so listed until the day of such election. The county election officer shall maintain a separate listing of the names and addresses of persons qualifying for permanent advance voting status. All such lists shall be available for inspection upon request in compliance with this subsection by any registered voter during regular business hours. The county election officer upon receipt of such applications shall enter upon a record kept by such officer the name and address of each applicant, which record shall conform to the list above required. Before inspection of any advance voting ballot application list, the person desiring to make such inspection shall provide to the county election officer identification in the form of driver's license or other reliable identification and shall sign a log book or application form maintained by such officer stating such person's name and address and showing the date and time of inspection. All records made by the county election officer shall be subject to public inspection, except that the identifying number on ballots and ballot envelopes and records of such number shall not be made public.

Sec. 2. K.S.A. 1999 Supp. 25-1128 is hereby amended to read as follows: 25-1128. (a) No voter shall mark or transmit to the county election officer more than one advance voting ballot, or set of one of each kind of ballot, if the voter is entitled to vote more than one such ballot at a particular election.

(b) ~~Except as provided in K.S.A. 25-1124, and amendments thereto, no person shall interfere with or delay the transmission of any advance voting ballot application from a voter to the county election officer, nor shall any person mail, fax or otherwise cause the application to be sent to a place other than the county election office. Any person or group engaged in the distribution of advance voting ballot applications shall mail, fax or otherwise deliver any application signed by a voter to the county election office within 48 hours after such application is signed by the applicant.~~

~~(b) No person, unless authorized by K.S.A. 25-1110, and amendments thereto~~

(c) ~~Except as otherwise provided by law, no person other than the voter, shall mark, sign or transmit to the county election officer any advance voting ballot or advance voting ballot envelope.~~

~~(d) No person, unless authorized by K.S.A. 25-1122 or K.S.A. 25-1124, and amendments thereto, shall intercept, interfere with, or delay the transmission of advance voting ballots from the county election officer to the voter.~~

~~(e) No person shall willfully and falsely affirm, declare or subscribe to any material fact in an affirmation form for an advance voting ballot, or set of advance voting ballots if the voter is entitled to vote more than one kind of advance voting ballot at a particular election, or in a declaration form on an advance voting ballot envelope.~~

~~(f) Nothing in this section shall be construed to prohibit any person from mailing, carrying or otherwise conveying advance voting ballots or sets of advance voting ballots to the county election officer upon request of advance voting voters.~~

~~(g) Violation of any provision of this section is a class C misdemeanor.~~

Sec. 3. K.S.A. 1999 Supp. 25-1122 and 25-1128 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 25, 2000.)

SENATE BILL No. 393

AN ACT concerning state agencies, state officers and state office space; amending K.S.A. 46-1109, 74-7286, 74-7295, 74-7296 and 74-72,101 and K.S.A. 1999 Supp. 74-7285, 74-7289, 74-7290, 74-7291, 74-7292, 74-7293, 74-7294, 74-7298, 74-7299, 74-72,100, 74-72,102, 74-72,103 and 74-72,104 and repealing the existing sections; also repealing K.S.A. 74-7297 and K.S.A. 1999 Supp. 74-7288 and 74-72,105.

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

Section 1. K.S.A. 46-1109 is hereby amended to read as follows: 46-1109. (a) In addition to other additional audits which the legislative post audit committee may direct, such committee may direct the audit of any state agency or agencies when so requested in writing by the governor or any member or committee of the legislature. Any such written request shall specify the desired object of the audit requested and the reasons therefor. In directing the post auditor to make any such requested additional audit of a state agency or agencies, the legislative post audit committee may modify the object and direct the details of the audit to be performed.

(b) In accordance with this subsection, the legislative post audit committee may reimburse travel mileage expense incurred by a member of the legislature to attend a meeting of the legislative post audit committee for the presentation of the report of a performance audit that was requested by such member of the legislature and performed at the direction of the legislative post audit committee. The reimbursement for such travel mileage expense shall be for each mile actually traveled by the usual route in going to and returning from the meeting of the legislative post audit committee at the rate fixed under K.S.A. 75-3203a, and amendments thereto, and shall be subject to any restrictions or limitations prescribed by rules adopted by the legislative post audit committee. In the case of a performance audit that was requested by any standing, special, select or joint committee of the legislature, the legislative post audit committee may reimburse travel mileage expense incurred by not more than two members of such committee and not more than one member of any political party. No travel mileage expense shall be reimbursed under this subsection for attendance at a legislative post audit committee meeting held during the time that the legislature is in session, unless the legislature has adjourned for a period of more than two days.

Sec. 2. K.S.A. 1999 Supp. 74-7285 is hereby amended to read as follows: 74-7285. (a) The legislative post audit committee shall direct the post auditor to conduct a performance audit of each state agency which is subject to legislative review and evaluation under the Kansas governmental operations accountability law. Each performance audit conducted pursuant to the requirements of this subsection shall be completed not sooner than two years prior to nor later than the 30th calendar day of the regular session of the legislature set for review and evaluation of the state agency.

(b) Any performance audit directed to be conducted by the post auditor and the division of post audit under the provisions of subsection (a) may be general in scope, addressing all operations of the state agency, or may be restricted to a particular operation of the state agency. In directing the post auditor to conduct any such performance audit, the legislative post audit committee may specify the objectives and scope and direct the details of the audit. In conducting any such audit, the post auditor shall include a determination of the applicable factors specified in subsection (b) of K.S.A. 74-7287, and amendments thereto, and such other factors as may be directed to be included by the legislative post audit committee. Upon completion of the performance audit, the legislative post audit committee shall review and accept the audit report. A copy of the audit report shall be made available to each member of the legislature in accordance with the provisions of K.S.A. 46-1212c, and amendments thereto.

(c) The legislative post audit committee, upon the affirmative vote of not less than seven members of the committee taken at a regular meeting thereof, may designate a different regular session of the legislature during which a state agency is to be subjected to review and evaluation under the Kansas governmental operations accountability law, instead of the regular session of the legislature prescribed by the provisions of the Kansas governmental operations accountability law or as previously designated by the legislative post audit committee pursuant to this subsection, but no such review and evaluation shall be deferred to a regular session occurring after the 2000 2008 regular session of the legislature.

Sec. 3. K.S.A. 74-7286 is hereby amended to read as follows: 74-7286. Each state agency subjected to audit, review and evaluation under the Kansas governmental operations accountability law (K-GOAL) may be retained under such law K-GOAL by act of the legislature and, if so retained, ~~if retained under K-GOAL, such agency shall be subjected to future audit by the post auditor and the division of post audit. Only one state agency shall be retained under K-GOAL in any one act of the legislature and the name of the state agency shall be included in the title of such act.~~ Each such act shall specify a regular session of the legislature in futuro for the next succeeding review and evaluation of the state agency, but no such review and evaluation shall be deferred for a period of time in excess of eight years.

Sec. 4. K.S.A. 1999 Supp. 74-7289 is hereby amended to read as follows: 74-7289. The Kansas department of wildlife and parks and the office of secretary of wildlife and parks, established by K.S.A. 32-801, and amendments thereto, hereby are subjected to audit shall be audited under the Kansas governmental operations accountability law, and to review and evaluation shall be reviewed and evaluated during the 2000 2007 regular session of the legislature, or such other regular session of the legislature designated by the legislative post audit committee in accordance with the provisions of subsection (c) of K.S.A. 74-7285, and amendments thereto.

Sec. 5. K.S.A. 1999 Supp. 74-7290 is hereby amended to read as follows: 74-7290. The state department of education, established by K.S.A. 72-7701, and amendments thereto, hereby is subjected to audit shall be audited under the Kansas governmental operations accountability law, and to review and evaluation shall be reviewed and evaluated during the 1998 2005 regular session of the legislature, or such other regular session of the legislature designated by the legislative post audit committee in accordance with the provisions of subsection (c) of K.S.A. 74-7285, and amendments thereto.

Sec. 6. K.S.A. 1999 Supp. 74-7291 is hereby amended to read as follows: 74-7291. The state board Kansas department of agriculture, created by K.S.A. 74-502 1999 Supp. 74-560, and amendments thereto, hereby is subjected to audit shall be audited under the Kansas governmental operations accountability law, and to review and evaluation shall be reviewed and evaluated during the 1996 2002 regular session of the legislature, or such other regular session of the legislature designated by the legislative post audit committee in accordance with the provisions of subsection (c) of K.S.A. 74-7285, and amendments thereto.

Sec. 7. K.S.A. 1999 Supp. 74-7292 is hereby amended to read as follows: 74-7292. The state corporation commission, created by K.S.A. 74-601, and amendments thereto, hereby is subjected to audit shall be audited under the Kansas governmental operations accountability law, and to review and evaluation shall be reviewed and evaluated during the 1996 2006 regular session of the legislature, or such other regular session of the legislature designated by the legislative post audit committee in accordance with the provisions of subsection (c) of K.S.A. 74-7285, and amendments thereto.

Sec. 8. K.S.A. 1999 Supp. 74-7293 is hereby amended to read as follows: 74-7293. The Kansas water office and the director of the Kansas water office, created by K.S.A. 74-2613, and amendments thereto, hereby is subjected to audit shall be audited under the Kansas governmental operations accountability law, and to review and evaluation shall be reviewed and evaluated during the 1995 2002 regular session of the legislature, or such other regular session of the legislature designated by the legislative post audit committee in accordance with the provisions of subsection (c) of K.S.A. 74-7285, and amendments thereto.

Sec. 9. K.S.A. 1999 Supp. 74-7294 is hereby amended to read as follows: 74-7294. The Kansas water authority, created by K.S.A. 74-2622, and amendments thereto, hereby is subjected to audit shall be audited under the Kansas governmental operations accountability law, and to review and evaluation shall be reviewed and evaluated during the 1995 2002 regular session of the legislature, or such other regular session of the legislature designated by the legislative post audit committee in accordance with the provisions of subsection (c) of K.S.A. 74-7285, and amendments thereto.

Sec. 10. K.S.A. 74-7295 is hereby amended to read as follows: 74-7295. The department of commerce and the office of secretary of commerce housing, created by K.S.A. 74-5002a 74-5002f, and amendment thereto, hereby are subjected to audit shall be audited under the Kansas governmental operations accountability law, and to review and evaluation shall be reviewed and evaluated during the 1994 2001 regular session of

the legislature, or such other regular session of the legislature designated by the legislative post audit committee in accordance with the provisions of subsection (c) of K.S.A. 74-7285, and amendments thereto.

Sec. 11. #K.S.A. 74-7296 is hereby amended to read as follows: 74-7296. The department of administration ~~and the office of secretary of administration~~, created by K.S.A. 75-3702a, and amendments thereto, ~~hereby are subjected to audit shall be audited~~ under the Kansas governmental operations accountability law, and ~~to review and evaluation shall be reviewed and evaluated~~ during the ~~1994 2001~~ regular session of the legislature, or such other regular session of the legislature designated by the legislative post audit committee in accordance with the provisions of subsection (c) of K.S.A. 74-7285, and amendments thereto.

Sec. 12. K.S.A. 1999 Supp. 74-7298 is hereby amended to read as follows: 74-7298. The department of transportation ~~and the office of secretary of transportation~~, established by K.S.A. 75-5001, and amendments thereto, ~~hereby are subjected to audit shall be audited~~ under the Kansas governmental operations accountability law, and ~~to review and evaluation shall be reviewed and evaluated~~ during the ~~1996 2008~~ regular session of the legislature, or such other regular session of the legislature designated by the legislative post audit committee in accordance with the provisions of subsection (c) of K.S.A. 74-7285, and amendments thereto.

Sec. 13. K.S.A. 1999 Supp. 74-7299 is hereby amended to read as follows: 74-7299. The department of revenue ~~and the office of secretary of revenue~~, created by K.S.A. 75-5101, and amendments thereto, ~~hereby are subjected to audit shall be audited~~ under the Kansas governmental operations accountability law, and ~~to review and evaluation shall be reviewed and evaluated~~ during the ~~1997 2008~~ regular session of the legislature, or such other regular session of the legislature designated by the legislative post audit committee in accordance with the provisions of subsection (c) of K.S.A. 74-7285, and amendments thereto.

Sec. 14. K.S.A. 1999 Supp. 74-72,100 is hereby amended to read as follows: 74-72,100. The department of corrections ~~and the office of secretary of corrections~~, established by K.S.A. 75-5203, and amendments thereto, ~~hereby are subjected to audit shall be audited~~ under the Kansas governmental operations accountability law, and ~~to review and evaluation shall be reviewed and evaluated~~ during the ~~2000 2003~~ regular session of the legislature, or such other regular session of the legislature designated by the legislative post audit committee in accordance with the provisions of subsection (c) of K.S.A. 74-7285, and amendments thereto.

Sec. 15. K.S.A. 74-72,101 is hereby amended to read as follows: 74-72,101. The department of social and rehabilitation services ~~and the office of secretary of social and rehabilitation services~~, created by K.S.A. 75-5301, and amendments thereto, ~~hereby are subjected to audit shall be audited~~ under the Kansas governmental operations accountability law, and ~~to review and evaluation shall be reviewed and evaluated~~ during the ~~1993 2004~~ regular session of the legislature, or such other regular session of the legislature designated by the legislative post audit committee in accordance with the provisions of subsection (c) of K.S.A. 74-7285, and amendments thereto.

Sec. 16. K.S.A. 1999 Supp. 74-72,102 is hereby amended to read as follows: 74-72,102. The department of health and environment ~~and the office of secretary of health and environment~~, created by K.S.A. 75-5601, and amendments thereto, ~~hereby are subjected to audit shall be audited~~ under the Kansas governmental operations accountability law, and ~~to review and evaluation shall be reviewed and evaluated~~ during the ~~1995 2002~~ regular session of the legislature, or such other regular session of the legislature designated by the legislative post audit committee in accordance with the provisions of subsection (c) of K.S.A. 74-7285, and amendments thereto.

Sec. 17. K.S.A. 1999 Supp. 74-72,103 is hereby amended to read as follows: 74-72,103. The department of human resources ~~and the office of secretary of human resources~~, established by K.S.A. 75-5701, and amendments thereto, ~~hereby are subjected to audit shall be audited~~ under the Kansas governmental operations accountability law, and ~~to review and evaluation shall be reviewed and evaluated~~ during the ~~1999 2006~~ regular session of the legislature, or such other regular session of the legislature designated by the legislative post audit committee in accordance with the provisions of subsection (c) of K.S.A. 74-7285, and amendments thereto.

Sec. 18. K.S.A. 1999 Supp. 74-72,104 is hereby amended to read as follows: 74-72,104. The department on aging ~~and the office of secretary of aging~~, created by K.S.A. 75-5903, and amendments thereto, ~~hereby~~

~~are subjected to audit shall be audited~~ under the Kansas governmental operations accountability law, and ~~to review and evaluation shall be reviewed and evaluated~~ during the ~~1999 2004~~ regular session of the legislature, or such other regular session of the legislature designated by the legislative post audit committee in accordance with the provisions of subsection (c) of K.S.A. 74-7285, and amendments thereto.

New Sec. 19. The juvenile justice authority, created by K.S.A. 75-7001 *et seq.*, and amendments thereto, shall be audited under the Kansas governmental operations accountability law, and shall be reviewed and evaluated during the 2003 regular session of the legislature, or such other regular session of the legislature designated by the legislative post audit committee in accordance with the provisions of subsection (c) of K.S.A. 74-7285, and amendments thereto.

New Sec. 20. The state board of regents, created pursuant to sections 2 and 3 of article 6 of the constitution of the state of Kansas and K.S.A. 1999 Supp. 74-3202a, and amendments thereto, shall be audited under the Kansas governmental operations accountability law, and shall be reviewed and evaluated during the 2005 regular session of the legislature, or such other regular session of the legislature designated by the legislative post audit committee in accordance with the provisions of subsection (c) of K.S.A. 74-7285, and amendments thereto.

New Sec. 21. The state public safety agencies shall be audited under the Kansas governmental operations accountability law, and shall be reviewed and evaluated during the 2003 regular session of the legislature, or such other regular session of the legislature designated by the legislative post audit committee in accordance with the provisions of subsection (c) of K.S.A. 74-7285, and amendments thereto.

As used in this section, "state public safety agency" shall include the Kansas bureau of investigation, Kansas highway patrol, adjutant general and the division of emergency management, the state fire marshal and other such agencies designated by the legislative post audit committee.

New Sec. 22. (a) On and after the effective date of this act, all leases for office space in nonstate-owned buildings and facilities for state officers and employees shall be negotiated and entered into by the secretary of administration, or the secretary's designee, in accordance with this section and the policies and procedures adopted thereunder. The secretary of administration shall plan and coordinate the leasing of office space in nonstate-owned buildings and facilities for state officers and employees of all state agencies. The head of each state agency shall provide information to and cooperate with the secretary of administration for the purposes of implementing and administering this section and the policies and procedures prescribed by the secretary of administration.

(b) The secretary of administration shall develop and adopt policies and procedures for centralizing the function of leasing of office space in nonstate-owned buildings and facilities for state officers and employees of all state agencies. After June 30, 2000, each existing lease of office space for state officers and employees in nonstate-owned buildings and facilities may be renewed or extended only upon approval by the secretary of administration and in accordance with policies and procedures prescribed by the secretary.

(c) The secretary of administration may delegate authority to any state agency to negotiate and enter into leases for office space in nonstate-owned buildings and facilities for state officers and employees of the state agency, including renewals or extensions of existing leases, under conditions and procedures prescribed by the secretary in accordance with this section.

(d) No lease of office space for state officers and employees in nonstate-owned buildings or facilities, which is for the lease of more than 10,000 net assignable square feet or for a term longer than 24 months, shall be entered into or approved by the secretary of administration unless the secretary of administration has first advised and consulted with the joint committee on state building construction.

(e) The secretary of administration is hereby authorized to fix, charge and collect a lease negotiation service fee to recover the costs incurred by the department in providing lease negotiation services under this section. Such fee shall be paid in annual installments over the term of such lease. Such fees shall be deposited in the state treasury and credited to the state buildings operating fund.

(f) Nothing in this section shall be construed as requiring the renegotiation of the terms of any lease in existence on July 1, 2000. At the request of an agency, the secretary may renegotiate a lease in existence on July 1, 2000.

(continued)

Sec. 23. K.S.A. 46-1109, 74-7286, 74-7295, 74-7296, 74-7297 and 74-72,101 and K.S.A. 1999 Supp. 74-7285, 74-7288, 74-7289, 74-7290, 74-7291, 74-7292, 74-7293, 74-7294, 74-7298, 74-7299, 74-72,100, 74-72,102, 74-72,103, 74-72,104 and 74-72,105 are hereby repealed.

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

(Published in the Kansas Register May 25, 2000.)

HOUSE BILL No. 3019

AN ACT concerning the Kansas development finance authority; authorizing the issuance of bonds for certain purposes; amending K.S.A. 1999 Supp. 74-8905 and repealing the existing section; also repealing K.S.A. 1999 Supp. 74-8905a.

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

Section 1. K.S.A. 1999 Supp. 74-8905 is hereby amended to read as follows: 74-8905. (a) The authority is hereby authorized and empowered to may issue bonds, either for a specific activity or on a pooled basis for a series of related or unrelated activities or projects duly authorized by a political subdivision or group of political subdivisions of the state in such amounts as shall be amounts determined by the authority for the purpose of financing projects of statewide as well as local importance as defined pursuant to K.S.A. 12-1744, and amendments thereto, capital improvement facilities, educational facilities, health care facilities and housing developments. Nothing in this act shall be construed to authorize the authority to issue bonds or use the proceeds thereof to:

(1) Purchase, condemn; or otherwise acquire a utility plant or distribution system owned or operated by a regulated public utility or;

(2) finance any capital improvement facilities, educational facilities; or health care facilities which are authorized under the laws of the state to may be financed by the issuance of general obligation or utility revenue bonds of a political subdivision, except that the acquisition by the authority of general obligation or utility revenue bonds issued by political subdivisions with the proceeds of pooled bonds shall not violate the provisions of the foregoing; or

(3) purchase, acquire, construct, reconstruct, improve, equip, furnish, repair, enlarge or remodel property for any swine production facility on agricultural land which is owned, acquired, obtained or leased by a corporation, limited liability company, limited partnership, corporate partnership or trust.

Nothing in this subsection (a) shall prohibit the issuance of bonds by the authority when any statute specifically authorizes the issuance of bonds by the authority or approves any activity or project of a state agency for purposes of authorizing any such issuance of bonds in accordance with this section and provides an exemption from the provisions of this subsection (a).

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

(c) The authority is hereby authorized and empowered to may issue bonds for the purpose of financing industrial enterprises, agricultural business enterprises, educational facilities, health care facilities and housing developments, or any combination of such facilities, or any interest in facilities, including without limitation leasehold interests in and mortgages on such facilities. No less than 30 days prior to the issuance of any bonds authorized under this act with respect to any project or activity which is to be undertaken for the direct benefit of any person or entity which is not a state agency or a political subdivision, written notice of the intention of the authority to provide financing and issue bonds therefor

shall be given by the president of the authority to the governing body of the city in which the project or activity is to be located, or. If the project or activity is not proposed to be located within a city, such notice shall be given to the governing body of the county. No bonds for the financing of the project or activity shall be issued by the authority for a one-year period if, within 15 days after the giving of such notice, the governing body of the political subdivision in which the project or activity is proposed to be located shall have duly enacted adopted an ordinance or resolution stating express disapproval of the project or activity and shall have notified the president of the authority of such disapproval.

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

(e) The authority is hereby authorized and empowered to may issue bonds in one or more series for the purpose of financing a project of statewide as well as local importance in connection with a redevelopment plan that is approved by the authority in accordance with K.S.A. 1999 Supp. 74-8921 and 74-8922, and amendments thereto.

(f) After receiving and approving the feasibility study required pursuant to section 2, and amendments thereto, the authority may issue bonds in one or more series for the purpose of financing a multi-sport athletic project in accordance with sections 2 through 4, and amendments thereto. If the project is to be constructed in phases, a similar feasibility study shall be performed prior to issuing bonds for the purpose of financing each subsequent phase.

(g) The authority may issue bonds for the purpose of financing resort facilities, as defined in subsection (a) of K.S.A. 32-867, and amendments thereto, in an amount or amounts not to exceed \$30,000,000 for any one resort. The bonds and the interest thereon shall be payable solely from revenues of the resort and shall not be deemed to be an obligation or indebtedness of the state within the meaning of section 6 of article 11 of the constitution of the state of Kansas. The authority may contract with a subsidiary corporation formed pursuant to subsection (v) of K.S.A. 74-8904, and amendments thereto, or others to lease or operate such resort. The provisions of K.S.A. 32-867, 32-868, 32-870 through 32-873 and 32-874a through 32-874d, and amendments thereto, shall apply to resorts and bonds issued pursuant to this subsection.

(h) The authority is hereby authorized and empowered to may use the proceeds of any bond issues herein authorized, together with any other available funds, for venture capital investments or for purchasing, leasing, constructing, restoring, renovating, altering or repairing facilities as herein authorized, for making loans, purchasing mortgages or security interests in loan participations and paying all incidental expenses therewith, paying expenses of authorizing and issuing the bonds, paying interest on the bonds until revenues thereof are available in sufficient amounts, purchasing bond insurance or other credit enhancements on the bonds, and funding such reserves as the authority deems necessary and desirable. All moneys received by the authority, other than moneys received by

virtue of an appropriation, are hereby specifically declared to be cash funds, restricted in their use and to be used solely as provided herein. No moneys of the authority other than moneys received by appropriation shall be deposited with the state treasurer.

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

(h) (j) Any time the authority issues bonds pursuant to this section, the authority shall publish notification of such issuance of bonds at least 14 days prior to any bond hearing in the official county newspaper where such bonds will be used of the county in which the project or activity financed by such bonds are located and in the Kansas register.

New Sec. 2. (a) As used in this act:

(1) "Board" means the board of trustees of Kansas City Kansas community college;

(2) "foundation" means the Kansas multi-sport and recreation foundation;

(3) "increment" means that amount of state and local sales tax revenue imposed pursuant to K.S.A. 12-187 *et seq.* and 79-3601 *et seq.*, and amendments thereto, collected from taxpayers doing business within the boundaries of the project area that is in excess of the amount of such taxes collected prior to the date the resolution authorizing the project was adopted by the board;

(4) "project" means the construction of a multi-sport athletic complex and the improvement of facilities within the project area; and

(5) "project area" means the boundaries of the area in which the project will be undertaken as described by the board, but shall not include the boundaries of any redevelopment district in a major tourism area which includes an auto race track facility located in Wyandotte county as follows: Beginning at the intersection of Interstate 70 and Interstate 435; west along Interstate 70 to 118th Street; north along 118th Street to State Avenue; northeasterly along proposed relocated State Avenue to 110th Street; north along 110th Street to Parallel Parkway; east along Parallel Parkway to Interstate 435; South along Interstate 435 to Interstate 70.

(b) The board or the foundation on behalf of the board may undertake a project. Such a project may be undertaken in one or more phases. Prior to undertaking a project, the board shall adopt a resolution stating its intent to undertake the project, describing the nature of the proposed project, a detailed description of all of the buildings and facilities that are proposed to be constructed or improved in the project area, describing the boundaries of the area in which the proposed project will be undertaken, giving an estimate of the cost of such project and establishing a date for completion of the project. Any addition or changes to the project which are contrary to such resolution shall be ratified by the same procedure as the original resolution of intent.

(c) If the project area identified by the resolution adopted by the board requires the project area be expanded outside of the boundaries of the college's campus, the governing body of the county in which such property is located first shall approve the boundaries of the project area after holding a public hearing. Prior to holding the public hearing, the governing body shall adopt a resolution stating that such boundaries are subject to approval. Such resolution shall: (1) Give notice that a public hearing will be held to consider the proposed boundaries and fix the date, hour and place of such public hearing; (2) describe the proposed boundaries; (3) describe a proposed project that identifies all of the proposed area and that identifies in a general manner all of the buildings and facilities that are proposed to be constructed or improved in the project area; and (4) state that the governing body will consider approving such expansion beyond the campus boundaries.

A copy of the resolution providing for the public hearing shall be delivered to the board of education of any school district levying taxes on property within the proposed project area. The resolution shall be published once in the official county newspaper not less than one week nor more than two weeks preceding the date fixed for the public hearing. If the resolution approving the boundaries of the project area is adopted by the governing body of the county, no sales tax increment collected from taxpayers doing business within the project area, but outside the boundaries of the college campus shall be pledged pursuant to section 3 as debt service for payment of principle and interest on any bonds issued for the project until it is first subject to a county-wide election and has received the approval of a majority of the electors of the county voting thereon at

an election held pursuant to the notice, publication and other election procedures prescribed by K.S.A. 12-187 and amendments thereto.

(d) Any project may be undertaken in separate development phases. Any project shall be completed on or before the final scheduled maturity of the first series of bonds issued to finance the project.

(e) Any moneys which represent the increment as defined by section 2, and amendments thereto, shall be apportioned to a special fund established by the Kansas development finance authority for the payment of the costs of the project, including the payment of principal and interest on any bonds issued to finance such project pursuant to this act and may be pledged to the payment of principal and interest on such bonds. The maximum maturity of bonds issued to finance projects pursuant to this act shall not exceed 30 years from the date of the issuance of the bonds to finance the project.

(f) Before any project is undertaken, the board shall enter into a contract with the lowest responsible bidder among nationally recognized consultants for the preparation of a comprehensive feasibility study. The study shall include:

(1) A determination of whether sufficient revenues may be pledged to pay the debt service on bonds issued to finance the project;

(2) an estimate of revenues likely to be realized through existing sources of income which may be pledged to finance such bonds;

(3) an identification of other sources of revenue which might be necessary to be pledged to finance the bonds;

(4) an identification of future economic trends which may affect the feasibility of the project;

(5) an identification of opportunity costs created by the project; and

(6) any other considerations which may be relevant to determining the feasibility of the project.

New Sec. 3. (a) Any bonds issued by the authority under subsection (f) of K.S.A. 74-8905, and amendments thereto, to finance the undertaking of the project in accordance with the provisions of this act, shall be made payable, both as to principal and interest:

(1) from revenues of the college or the foundation derived from or held in connection with the undertaking and carrying out of any redevelopment plan under this act;

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

(3) from sales tax increments from any sales taxes collected within the boundaries of the project area as described by the resolution of the board of trustees; or

(4) by any combination of these methods.

(b) Such revenue may be pledged to the repayment of such bonds prior to, simultaneously with or subsequent to the issuance of such bonds.

(c) No funds derived from student tuition shall be used to pay the principal or interest on bonds issued by the authority under subsection (f) of K.S.A. 74-8905, and amendments thereto.

New Sec. 4. (a) Until the date the bonds issued to finance the project undertaken in the project area have been paid in full, any revenue realized from sales tax from a countywide retailers' sales tax imposed and collected under K.S.A. 1999 Supp. 12-187 and amendments thereto, the state retailers' sales tax pursuant to K.S.A. 79-3603, and amendments thereto which have been certified by the director of taxation to have been derived from taxpayers located in the project area shall be remitted to the state treasurer.

(b) The state treasurer shall transfer all such revenues to the fund established by the authority. The state treasurer shall make such distributions on dates mutually agreed upon by the treasurer and the authority. The authority shall use all such moneys received pursuant to this section to pay the costs of the project. Any revenues not needed or committed for the payment of bonds as determined by the authority may be remitted by the state treasurer proportionately to the appropriate taxing subdivisions.

Sec. 5. K.S.A. 1999 Supp. 74-8905 and K.S.A. 1999 Supp. 74-8905a are hereby repealed.

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

(Published in the Kansas Register May 25, 2000.)

SENATE Substitute for HOUSE BILL No. 2513

AN ACT making and concerning appropriations for the fiscal years ending June 30, 2000, June 30, 2001, and June 30, 2002; 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. 1999 Supp. 79-34,147, as amended by section 106 of 2000 House Substitute for Senate Bill No. 326, 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, 2000, June 30, 2001, and June 30, 2002, 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 2000 and shall constitute the omnibus reconciliation spending limit bill for the 2000 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.

STATE TREASURER

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

Operating expenditures	
For the fiscal year ending June 30, 2000.....	\$10,000
Postsecondary education savings program	
For the fiscal year ending June 30, 2001.....	\$133

(b) On July 1, 2000, of the \$1,728,882 appropriated for the above agency for the fiscal year ending June 30, 2001, by section 9 (a) of 2000 House Substitute for Senate Bill No. 326 from the state general fund in the operating expenditures account, the sum of \$295,692 is hereby lapsed.

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

Postsecondary education savings program expense fund	
For the fiscal year ending June 30, 2001.....	No limit

Sec. 3.

DEPARTMENT OF ADMINISTRATION

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

Budget analysis	
For the fiscal year ending June 30, 2001.....	\$9,040
Long-term care ombudsman	
For the fiscal year ending June 30, 2001.....	\$1,071
Performance review board	
For the fiscal year ending June 30, 2001.....	\$1,798

(b) On July 1, 2000, of the \$16,836,819 appropriated for the above agency for the fiscal year ending June 30, 2001 by section 20 (a) of 2000 House Substitute for Senate Bill No. 326 from the state general fund in the department of administration operations account, the sum of \$77,371 is hereby lapsed.

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

Capitol restoration project revenue fund	
For the fiscal year ending June 30, 2001.....	No limit

Provided, That the department of administration may make expenditures from the capitol restoration project revenue fund for the capital improvement project to construct, equip, furnish, renovate, reconstruct, and repair the state capitol: Provided, however, That expenditures from this fund for such capital improvement project shall not exceed \$40,000,000, plus all amounts required for costs of bond issuance, costs of interest on

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

Public broadcasting digital television fund

For the fiscal year ending June 30, 2001..... No limit

Provided, That the department of administration may make expenditures from the public broadcasting digital television fund for capital improvement projects and equipment acquisition for the conversion of public television stations to digital broadcasting: Provided, however, That expenditures from this fund for such capital improvement projects and equipment acquisition shall not exceed \$6,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement projects and equipment acquisition during the construction of such projects and acquisitions and any required reserves for the payment of principal and interest on the bonds: Provided further, That such capital improvement projects and equipment acquisition are hereby approved for the department of administration for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: And provided further, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund: And provided further, That all expenditures from this fund shall be used to match federal funding for capital improvement projects and equipment acquisition for the conversion of public television stations to digital broadcasting.

Municipal accounting and training services recovery fund..... No limit

Provided, That expenditures may be made from the municipal accounting and training services recovery fund to provide general ledger, payroll reporting, utilities billing, data processing, and accounting services to municipalities and to provide training programs conducted for municipal government personnel, including official hospitality: Provided further, That the director of accounts and reports is hereby authorized to fix, charge and collect fees for such services and programs: And provided further, That such fees shall be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality: And provided further, That all fees received for such services and programs, including official hospitality, shall be credited to this fund.

Closure health insurance fund

For the fiscal year ending June 30, 2001..... No limit

Closure term life insurance fund

For the fiscal year ending June 30, 2001..... No limit

(d) On July 15, 2000, the director of accounts and reports shall transfer \$50,000 from the state emergency fund to the state general fund.

(e) On the effective date of this act, the expenditure limitation established by section 42(b) of chapter 132 of the 1999 Session Laws of Kansas on the motor pool service fund is hereby increased from \$ 2,570,075 to \$2,994,357.

(f) On July 1, 2000, the expenditure limitation established by section 20(b) of 2000 House Substitute for Senate Bill No. 326 on the architectural services recovery fund is hereby increased from \$1,691,096 to \$1,694,540.

(g) In addition to the other purposes for which expenditures may be made by the department of administration from the state buildings operating fund for fiscal year 2001 as authorized by section 20(b) of 2000 House Substitute for Senate Bill No. 326, expenditures may be made by the above agency from the state buildings operating fund for fiscal year 2001 for relocation of blind services and the Kansas industries for the blind: Provided, however, That such expenditures shall not be made except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed by subsection (c) of K.S.A. 75-3711c and amendments thereto.

(h) On July 1, 2000, the position limitation established by section 69(a)

of 2000 House Substitute for Senate Bill No. 326 for the department of administration is hereby decreased from 884.4 to 874.4.

(i) The director of accounts and reports shall not make the transfer of all moneys in the municipal accounting and training services recovery fund to the accounting services recovery fund which was directed to be made on July 1, 2000, by section 20(k) of 2000 House Substitute for Senate Bill No. 326. The liabilities of the municipal accounting and training services recovery fund shall not be transferred to and imposed upon the accounting services recovery fund on July 1, 2000, by section 20(k) of 2000 House Substitute for Senate Bill No. 326. The municipal accounting and training services recovery fund are hereby specifically continued in existence on and after July 1, 2000, and shall not be abolished by section 20(k) of 2000 House Substitute for Senate Bill No. 326.

(j) On July 1, 2000, the director of accounts and reports shall transfer \$3,552,000 from the state general fund to the flexible spending fund.

(k) The director of accounts and reports shall not make the transfer of all moneys in the closure health insurance fund and the closure term life insurance fund to the state general fund which was directed to be made on July 1, 2000, by section 20(l) of 2000 House Substitute for Senate Bill No. 326. The liabilities of the closure health insurance fund and the closure term life insurance fund shall not be transferred to and imposed upon the state general fund on July 1, 2000, by section 20(l) of 2000 House Substitute for Senate Bill No. 326. The closure health insurance fund and the closure term life insurance fund is hereby specifically continued in existence on and after July 1, 2000, and shall not be abolished by section 20(l) of 2000 House Substitute for Senate Bill No. 326.

Sec. 4.

DEPARTMENT OF REVENUE

(a) There is hereby appropriated 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
For the fiscal year ending June 30, 2001.....	\$1,080,858

(b) On July 1, 2000, the position limitation established by section 69(a) of 2000 House Substitute for Senate Bill No. 326 for the department of revenue is hereby increased from 1,157.0 to 1,162.0.

(c) On the July 1, 2000, the expenditure limitation established by section 22(b) of 2000 House Substitute for Senate Bill No. 326 on the division of vehicles operating fund is hereby increased from \$30,544,804 to \$30,613,887.

Sec. 5.

STATE BOARD OF REGENTS

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

Operating expenditures (including official hospitality)	
For the fiscal year ending June 30, 2001.....	\$150

(b) On July 1, 2000, the expenditure limitation established by section 50(b) of 2000 House Substitute for Senate Bill No. 326 on the economic development initiatives fund is hereby increased from \$9,566,110 to \$10,066,110.

(c) On July 1, 2000, the expenditure limitation established by section 50(c) of 2000 House Substitute for Senate Bill No. 326 on the vocational education capital outlay aid account of the economic development initiatives fund is hereby increased from \$2,200,000 to \$2,700,000.

(d) On July 15, 2000, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$500,000 from the Kansas economic development endowment account of the state economic development initiatives fund of the department of commerce and housing to the economic development initiatives fund of the state board of regents.

Sec. 6.

EMPORIA STATE UNIVERSITY

(a) On July 1, 2000, of the \$29,378,363 appropriated for the above agency for the fiscal year ending June 30, 2001 by section 45(a) of 2000 House Substitute for Senate Bill No. 326 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$78,865 is hereby lapsed.

(b) On the effective date of this act, of the \$28,701,695 appropriated for the above agency for the fiscal year ending June 30, 2000 by section 67(a) of chapter 132 of the 1999 Session Laws of Kansas from the state

general fund in the operating expenditures (including official hospitality) account, the sum of \$32,227 is hereby lapsed.

(c) On July 1, 2000, the expenditure limitation established by section 45(b) of 2000 House Substitute for Senate Bill No. 326 on the general fees fund is hereby increased from \$8,855,138 to \$8,888,734.

(d) On the effective date of this act, the expenditure limitation established by section 45(b) of 2000 Senate Bill No. 39 on the general fees fund is hereby increased from \$8,317,742 to \$8,349,969.

Sec. 7.

FORT HAYS STATE UNIVERSITY

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

Operating expenditures (including official hospitality)	
For the fiscal year ending June 30, 2000.....	\$1,863
For the fiscal year ending June 30, 2001.....	\$3,693

(b) On the effective date of this act, the expenditure limitation established by section 42(b) of 2000 Senate Bill No. 39 on the general fees fund is hereby decreased from \$8,239,479 to \$8,237,616.

Sec. 8.

PITTSBURG STATE UNIVERSITY

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

Operating expenditures (including official hospitality)	
For the fiscal year ending June 30, 2000.....	\$74,765
For the fiscal year ending June 30, 2001.....	\$107,448

(b) On the effective date of this act, the expenditure limitation established by section 47(b) of 2000 Senate Bill No. 39 on the general fees fund is hereby decreased from \$10,497,103 to \$10,422,338.

(c) On July 1, 2000, the expenditure limitation established by section 46(b) of 2000 House Substitute for Senate Bill No. 326 on the general fees fund is hereby decreased from \$11,159,978 to \$11,048,357.

Sec. 9.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) On July 1, 2000, of the \$98,539,396 appropriated for the above agency for the fiscal year ending June 30, 2001 by section 48(a) of 2000 House Substitute for Senate Bill No. 326 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$65,544 is hereby lapsed.

(b) On July 1, 2000, the expenditure limitation established by section 48(b) of 2000 House Substitute for Senate Bill No. 326 on the general fees fund is hereby increased from \$11,033,864 to \$11,099,315.

(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 shall not exceed the following:

Wahl hall renovation fund	No limit
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Provided, That the university of Kansas medical center may make expenditures from the Wahl hall renovation fund for the capital improvement project to construct, equip, furnish, renovate, reconstruct, and repair Wahl hall.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the children's initiatives fund for fiscal year 2001, expenditures may be made by the above agency from the children's initiatives fund for fiscal year 2001 for the following specified purposes subject to the expenditure limitations prescribed therefor:

Children's initiatives fund—Telekid health care link.....	\$250,000
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Provided, That all expenditures by the above agency from the children's initiatives fund for fiscal year 2001 from the children's initiatives fund—Telekid health care link account shall be in addition to any expenditure limitation imposed on the children's initiatives fund for fiscal year 2001.

Children's initiatives fund—pediatric biomedical research	\$1,000,000
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Provided, That all expenditures by the above agency from the children's initiatives fund for fiscal year 2001 from the children's initiatives fund—pediatric biomedical research account shall be in addition to any expenditure limitation imposed on the children's initiatives fund for fiscal year 2001.

(continued)

Sec. 10.

KANSAS, INC.

(a) On July 1, 2000, the expenditure limitation established by section 26(a) of 2000 House Substitute for Senate Bill No. 326 on the EDIF fund is hereby increased from \$377,137 to \$377,949.

(b) On July 1, 2000, the expenditure limitation established by section 26(b) of 2000 House Substitute for Senate Bill No. 326 on the operations (including official hospitality) account of the EDIF fund is hereby increased from \$377,137 to \$377,949.

(c) On July 15, 2000, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$812 from the Kansas economic development endowment account of the state economic development initiatives fund of the department of commerce and housing to the EDIF fund of Kansas, Inc.

Sec. 11.

KANSAS TECHNOLOGY ENTERPRISE CORPORATION

(a) On July 1, 2000, the expenditure limitation established by section 27(a) of 2000 House Substitute for Senate Bill No. 326 on the economic development research and development fund is hereby increased from \$12,523,562 to \$13,088,590.

(b) On July 1, 2000, the expenditure limitation established by section 27(b) of 2000 House Substitute for Senate Bill No. 326 on the operations, assistance and grants (including official hospitality) account of the economic development research and development fund is hereby increased from \$12,523,562 to \$13,088,590.

(c) On January 15, 2001, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$315,028 from the Kansas economic development endowment account of the state economic development initiatives fund of the department of commerce and housing to the economic development research and development fund of the Kansas technology enterprise corporation.

Sec. 12.

DEPARTMENT OF COMMERCE AND HOUSING

(a) On July 1, 2000, the expenditure limitation established by section 25(b) of 2000 House Substitute for Senate Bill No. 326 on the Kansas economic development account of the state economic development initiatives fund is hereby increased from \$16,061,331 to \$16,578,179.

(b) On July 1, 2000, the expenditure limitation established by section 25(c) of 2000 House Substitute for Senate Bill No. 326 on the Kansas industrial training and Kansas industrial retraining program account of the Kansas economic development endowment account of the state economic development initiatives fund is hereby increased from \$3,300,000 to \$3,600,000.

(c) On July 1, 2000, the expenditure limitation established by section 25(c) of 2000 House Substitute for Senate Bill No. 326 on the tourism grants account of the Kansas economic development endowment account of the state economic development initiatives fund is hereby increased from \$852,100 to \$1,052,100.

(d) On July 1, 2000, the expenditure limitation established by section 25(c) of 2000 House Substitute for Senate Bill No. 326 on the state operations (including official hospitality) account of the Kansas economic development endowment account is hereby increased from \$9,167,931 to \$9,184,779.

(e) In addition to the other purposes for which expenditures may be made by the department of commerce and housing from the Kansas economic development endowment account of the state economic development initiatives fund for fiscal year 2000, expenditures may be made by the above agency from the Kansas economic development endowment account of the state economic development initiatives fund for fiscal year 2000 for grants to the Kansas sports hall of fame: *Provided*, That expenditures for such purpose from the Kansas economic development endowment account of the state economic development initiatives fund for fiscal year 2000 shall not exceed \$50,000: *Provided further*, That all such expenditures for such purpose shall be in addition to any expenditure limitation on the Kansas economic development endowment account of the state economic development initiatives fund for fiscal year 2000.

Sec. 13.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2000, by section 17(a) of 2000 Senate Bill No. 39 on the agency operations account of the Kansas public

employees retirement fund is hereby increased from \$4,918,994 to \$4,986,334.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2000, by section 37(b) of chapter 132 of the 1999 Session Laws of Kansas on the bonus awards to unclassified employees subaccount of the agency operations account of the Kansas public employees retirement fund is hereby increased from \$75,000 to \$91,540.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2000, by section 17(b) of 2000 Senate Bill No. 39 on the investment related expenses account of the Kansas public employees retirement fund is hereby decreased from \$26,644,408 to \$26,011,735.

(d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2000, by section 6(b) of chapter 160 of the 1999 Session Laws of Kansas on the technology project account of the Kansas public employees retirement fund is hereby decreased from \$2,451,255 to \$100,000.

(e) On July 1, 2000, the expenditure limitation established for the fiscal year ending June 30, 2001, by section 15(b) of 2000 House Substitute for Senate Bill No. 326 on the agency operations account of the Kansas public employees retirement fund is hereby increased from \$5,989,105 to \$6,100,616.

(f) On July 1, 2000, the expenditure limitation established for the fiscal year ending June 30, 2001, by section 15(b) of 2000 House Substitute for Senate Bill No. 326 on the bonus awards to unclassified employees subaccount of the agency operations account of the Kansas public employees retirement fund is hereby increased from \$75,000 to \$91,540.

(g) On July 1, 2000, the expenditure limitation established for the fiscal year ending June 30, 2001, by section 15(b) of 2000 House Substitute for Senate Bill No. 326 on the investment related expenses account of the Kansas public employees retirement fund is hereby increased from \$26,876,393 to \$26,909,271.

(h) 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:

Senior services trust fund

For the fiscal year ending June 30, 2000.....	No limit
For the fiscal year ending June 30, 2001.....	No limit

(i) In addition to the other purposes for which expenditures may be made by the above agency from the agency operations account of the Kansas public employees retirement fund for fiscal year 2000, as authorized by section 37(b) of chapter 132 of the 1999 Session Laws of Kansas, or for fiscal year 2001, as authorized by section 15(b) of 2000 House Substitute for Senate Bill No. 326, expenditures may be made by the above agency for fiscal year 2000 and fiscal year 2001 for the purpose of paying fees and expenses associated with the search for a new executive secretary pursuant to procedures established by the board of trustees of the Kansas public employees retirement system: *Provided*, That any expenditures for such purpose shall be in addition to any expenditure limitation on the agency operations account of such fund for fiscal year 2000 and fiscal year 2001: *Provided, however*, That the aggregate amount of expenditures for such fees and expenses for fiscal year 2000 and fiscal year 2001 shall not exceed \$50,000 for the two-year period.

(j) In addition to the other purposes for which expenditures may be made by the above agency from the agency operations account of the Kansas public employees retirement fund for the fiscal year ending June 30, 2001, as authorized by section 15(b) of 2000 House Substitute for Senate Bill No. 326, expenditures may be made by the above agency for fiscal year 2001 for the purpose of paying expenses associated with the technology project as approved by the board of trustees of the Kansas public employees retirement system: *Provided*, That any expenditures for such purpose shall be in addition to any expenditure limitation on the agency operations account of such fund: *Provided, however*, That the total amount of expenditures for such expenses for fiscal year 2001 shall not exceed \$2,283,913: *Provided further*, That any contract negotiated for the technology project shall be reviewed and approved by the chief information technology officer of the executive branch who also shall consider that the technology project is in compliance with the provisions of K.S.A. 75-7209 and amendments thereto.

(k) In addition to other purposes for which expenditures may be made

by the Kansas public employees retirement system from the Kansas public employees retirement fund, for fiscal year 2001 as authorized by this or other appropriation act of the 2000 regular session of the legislature, and notwithstanding any provisions of K.S.A. 74-4904 and amendments thereto to the contrary, the board of trustees of the Kansas public employees retirement system is hereby authorized and directed to make expenditures from the Kansas public employees retirement fund for fiscal year 2001 for a hearing under K.S.A. 74-4904 and amendments thereto for one active member of the Kansas police and firemen's retirement system who currently serves in the Kansas highway patrol, who is in tier 1 instead of tier 2 under the Kansas police and firemen's retirement system as a result of no election pursuant to K.S.A. 74-4955a and amendments thereto and, who at the end of calendar year 1999 was 51 years of age and had 28 years of total projected service.

Sec. 14.

KANSAS LOTTERY

(a) On July 1, 2000, the expenditure limitation established by section 23(a) of 2000 House Substitute for Senate Bill No. 326 on the lottery operating fund is hereby increased from \$8,998,099 to \$9,010,196.

(b) On July 1, 2000, the provisions of section 23(b) of 2000 House Substitute for Senate Bill No. 326 are hereby declared to be null and void and shall have no force and effect.

(c) Notwithstanding the provisions of K.S.A. 74-8711 and amendments thereto, each monthly transfer credited for the fiscal year ending June 30, 2001, from the lottery operating fund to the state gaming revenue fund pursuant to subsection (d) of K.S.A. 74-8711 and amendments thereto shall be an amount equal to not less than 30.00% of total monthly revenues from the sales of lottery tickets and shares less estimated returned tickets.

Sec. 15.

KANSAS RACING AND GAMING COMMISSION

(a) On the effective date of this act, the position limitation established by section 90(a) of chapter 132 of the 1999 Session Laws of Kansas for the Kansas racing and gaming commission—state racing operations is hereby increased from 42.0 to 51.0.

(b) On July 1, 2000, the position limitation established by section 69(a) of 2000 House Substitute for Senate Bill No. 326 for the Kansas racing and gaming commission—state racing operations is hereby increased from 43.0 to 52.0.

(c) On the effective date of this act, the expenditure limitation established by section 26(a) of 2000 Senate Bill No. 39 on the state racing fund is hereby increased from \$3,283,383 to \$3,423,383.

(d) On July 1, 2000, the expenditure limitation established by section 24(a) of 2000 House Substitute for Senate Bill No. 326 on the state racing fund is hereby increased from \$3,217,143 to \$3,813,653.

(e) Notwithstanding the provisions of subsection (c) of K.S.A. 74-8826 and amendments thereto, and notwithstanding any agreements between the director of accounts and reports and the executive director of the state racing and gaming commission that set a \$300,000 maximum amount of reserve balance for the state racing fund, the state racing fund may have an amount of not to exceed \$440,000 as an unencumbered cash balance on June 30, 2000, and such unencumbered cash balance shall not be subject to transfer to the state gaming revenues fund for the fiscal year ending June 30, 2000.

(f) Notwithstanding the provisions of K.S.A. 74-8826 and amendments thereto, or any other provision of law to the contrary, no expenditures shall be made for a period of more than 90 days after the date of the start of simulcasting at the Camptown race track from the state racing fund for the fiscal years ending June 30, 2000, and June 30, 2001, for the purpose of regulating simulcasting at the Camptown race track located in Frontenac, Kansas, unless revenues derived from live racing at the Camptown race track are deposited in the state racing fund within 100 days of the start of simulcasting.

Sec. 16.

DEPARTMENT OF TRANSPORTATION

(a) On July 1, 2000, the expenditure limitation established by section 68(b) of 2000 House Substitute for Senate Bill No. 326 on the agency operations account of the state highway fund is hereby increased from \$209,875,792 to \$210,266,469.

(b) 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 year 2001, as authorized by this or other 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 2001 for loans or grants to qualified entities pursuant to the provisions of K.S.A. 75-5048, and amendments thereto, in addition to such other terms and conditions, the secretary of transportation shall require any qualified entity receiving such loans or grants to maintain or to improve services on such railroad line: *Provided*, That such qualified entity shall provide to the secretary of transportation demonstrable evidence of improvements of services on such railroad line: *Provided further*, That improvements in services shall include but shall not be limited to, the rehabilitation of the track including rail, ties and roadbed, the use of heavier weight rail, increased service to shippers, and any other maintenance that improves services on such railroad line.

Sec. 17.

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, 2000.....	\$20,000
For the fiscal year ending June 30, 2001.....	\$401,818

(b) In addition to the other purposes for which expenditures may be made by the secretary of state from the uniform commercial code fee fund for fiscal year 2001, expenditures may be made by the above agency from the uniform commercial code fee fund for fiscal year 2001 for operating expenditures, including expenditures for 2.0 additional full-time equivalent positions, for implementation of 2000 Senate Bill No. 366: *Provided*, That all such expenditures from the uniform commercial code fee fund for fiscal year 2001 for such purpose shall be in addition to any expenditure limitation established for the uniform commercial code fee fund for fiscal year 2001: *Provided, however*, That expenditures from the uniform commercial code fee fund for fiscal year 2001 for operating expenditures for implementation of 2000 Senate Bill No. 366 shall not exceed \$45,000: *Provided further*, That such 2.0 additional full-time equivalent positions shall be in addition to any other limitation established for the secretary of state 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, 2001, made in this or other appropriation act of the 2000 regular session of the legislature: *And provided further*, That, on June 30, 2000, if 2000 Senate Bill No. 366 is not enacted by the legislature during the 2000 regular session and signed into law by the governor, then the provisions of this subsection (b) are hereby declared to be null and void and shall be of no force and effect.

(c) On July 1, 2000, the position limitation established by section 69 (a) of 2000 House Substitute for Senate Bill No. 326 for the secretary of state is hereby increased from 54.0 to 55.0.

Sec. 18.

GOVERNMENTAL ETHICS 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, 2001.....	\$1,325
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(b) On July 1, 2000, the expenditure limitation established by section 16(b) of 2000 House Substitute for Senate Bill No. 326 on the governmental ethics commission fee fund is hereby increased from \$131,692 to \$148,192: *Provided*, That, on June 30, 2000, if 2000 Senate Bill No. 481 is not enacted by the legislature during the 2000 regular session and signed into law by the governor, then the provisions of this subsection (b) are hereby declared to be null and void and shall be of no force and effect.

(c) On July 1, 2000, of the \$415,796 appropriated for the above agency for the fiscal year ending June 30, 2001 by section 16(a) of 2000 House Substitute for Senate Bill No. 326 from the state general fund in the operating expenditures account, the sum of \$16,500 is hereby lapsed: *Provided*, That, on June 30, 2000, if 2000 Senate Bill No. 481 is not enacted by the legislature during the 2000 regular session and signed into law by the governor, then the provisions of this subsection (c) are hereby declared to be null and void and shall be of no force and effect.

(continued)

Sec. 19.

KANSAS COMMISSION ON VETERANS AFFAIRS

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

Operating expenditures—veterans' affairs	
For the fiscal year ending June 30, 2001.....	\$5,048
Operating expenditures—Kansas soldiers' home	
For the fiscal year ending June 30, 2001.....	\$11,910
Operating expenditures—Kansas veterans' home	
For the fiscal year ending June 30, 2001.....	\$14,518

(b) There is appropriated for the above agency from the state institutions building fund for the fiscal year or years specified, for the capital improvement project or projects specified as follows:

State veterans cemeteries planning costs	
For the fiscal year ending June 30, 2001.....	\$50,000

Sec. 20.

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:

State operations	
For the fiscal year ending June 30, 2001.....	\$1,050
Other medical assistance	
For the fiscal year ending June 30, 2001.....	\$3,509,385
Youth services aid and assistance	
For the fiscal year ending June 30, 2001.....	\$400,000
Larned state hospital—operating expenditures	
For the fiscal year ending June 30, 2001.....	\$7,611
Osawatomie state hospital—operating expenditures	
For the fiscal year ending June 30, 2001.....	\$13,121
Parsons state hospital and training center—operating expenditures	
For the fiscal year ending June 30, 2001.....	\$11,139
Mental health and retardation services aid and assistance	
For the fiscal year ending June 30, 2001.....	\$2,867,559

(b) On July 1, 2000, of the \$51,312,197 appropriated for the above agency for the fiscal year ending June 30, 2001, by section 33(a) of 2000 House Substitute for Senate Bill No. 326 from the state general fund in the cash assistance account, the sum of \$2,410,000 is hereby lapsed.

(c) On the effective date of this act, of the \$53,328,276 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 55(a) of chapter 132 of the 1999 Session Laws of Kansas from the state general fund in the cash assistance account, the sum of \$1,010,000 is hereby lapsed.

(d) On the effective date of this act, of the \$165,360,603 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 55(a) of chapter 132 of the 1999 Session Laws of Kansas from the state general fund in the mental health and retardation services aid and assistance and state institutions operations account, the sum of \$104,969 is hereby lapsed.

(e) On the effective date of this act, of the \$30,937,751 appropriated for the above agency for the fiscal year ending June 30, 2001, by section 33(a) of 2000 House Substitute for Senate Bill No. 326 from the state general fund in the community based services account, the sum of \$800,000 is hereby lapsed.

(f) On the effective date of this act, of the \$10,100,000 appropriated for the above agency for the fiscal year ending June 30, 2001, by section 33(a) of 2000 House Substitute for Senate Bill No. 326 from the state general fund in the children's health insurance account, the sum of \$1,000,000 is hereby lapsed.

(g) 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:

Flexible spending fund—nursing facilities quality enhancement wage pass-through pursuant to 1999 Senate Bill No. 126 (K.S.A. 1999 Supp. 39-971)

For the fiscal year ending June 30, 2001..... \$39,205

Provided, That no expenditures shall be made from the flexible spending fund—nursing facilities quality enhancement wage pass-through pursuant to 1999 Senate Bill No. 126 (K.S.A. 1999 Supp. 39-971), except upon

approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto and acting on this matter after receiving the certification of the director of the budget that sufficient moneys are available in the state medicaid match fund—SRS.

Flexible spending fund—HCBS/PD waiver

For the fiscal year ending June 30, 2001..... \$2,600,000

Provided, That no expenditures shall be made from the flexible spending fund—HCBS/PD waiver except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto and acting on this matter after receiving the certification of the director of the budget that sufficient moneys are not available in the flexible spending fund pursuant to the intergovernmental transfer program.

Grant to Horizon health plan fund

For the fiscal year ending June 30, 2001..... \$1,000,000

Provided, That all expenditures from the grant to Horizon health plan fund shall be for a grant to Horizon Health Plan, Inc., a Kansas domestic health maintenance organization, to provide a donation of financial aid to assist the grantee in satisfying the claims of Kansas hospitals and other health care providers which provided health care services under title XIX or title XXI of the federal social security act to Kansans through Horizon Health Plan, Inc., in accordance with the plan for liquidation approved and entered as a final order of the district court in the case entitled IN THE MATTER OF THE LIQUIDATION OF HORIZON HEALTH PLAN, INC., Case No. 99-C-1802. *Provided further*, That the grant to Horizon Health Plan, Inc., shall not constitute the assumption by the state of Kansas of any liability or responsibility for the liabilities, activities or operations of Horizon Health Plan, Inc., or any other claims or possible causes of action against Horizon Health Plan, Inc., whatsoever.

(h) On July 1, 2000, the expenditure limitation established by section 33(b) of 2000 House Substitute for Senate Bill No. 326 on the HCBS programs fund is hereby increased from \$800,000 to \$6,000,000.

(i) On July 1, 2000, the expenditure limitation established by section 33(b) of 2000 House Substitute for Senate Bill No. 326 on the social welfare fund is hereby increased from \$54,753,127 to \$55,353,127.

(j) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2001 as authorized by this or other appropriation act of the 2000 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2001 to initiate one or more pilot programs for crisis stabilization of mentally ill individuals.

(k) On the effective date of this act, of the \$1,800,000 appropriated for the above agency for the fiscal year ending June 30, 2001, by section 33(a) of 2000 House Substitute for Senate Bill No. 326 from the state general fund in the children's mental health initiative account, the sum of \$800,000 is hereby lapsed.

(l) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2001 as authorized by this or other appropriation act of the 2000 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2001 to adopt and to implement policies and procedures requiring that of the moneys appropriated in the social welfare fund for fiscal year 2001, the amount of \$600,000 shall be used exclusively for matching federal medicaid program funds for clients with mental illness in order to maximize all funding sources available to community mental health centers for the provision of services for clients with mental illness. *Provided*, That the secretary of social and rehabilitation services shall prepare and submit a report to the legislature at the beginning of the regular session in 2001 setting forth the number of individuals served with such \$600,000 and the amount of enhanced funding generated by the expenditure of such \$600,000. *Provided further*, That the secretary of social and rehabilitation services shall continue the current homeless mentally ill services from within existing agency resources, which may include the additional federal leveraged funds.

(m) 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 2001, as authorized by this or other appropriation act of the 2000 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 2001 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.

(n) (1) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from the youth services aid and assistance account of the state general fund for the fiscal year ending June 30, 2000, and June 30, 2001, by this or other appropriation act of the 2000 regular session of the legislature, expenditures shall be made from the youth services aid and assistance account of the state general fund for fiscal years 2000 and 2001 for the secretary of social and rehabilitation services (SRS) to provide assistance to contractors by accelerating contractual payments which are owed or will be owed by the department of social and rehabilitation services under the terms of fiscal year 2000 contracts: *Provided*, That the secretary of social and rehabilitation services shall work with each contractor to assure that such accelerated payments are used to pay any existing delinquent accounts contractors have with the subcontractors as a priority: *Provided further*, That the secretary of social and rehabilitation services shall assure that payments by the department of social and rehabilitation services to such contractors for foster care and adoption contractors are paid in the time period prescribed by subsection (b) of K.S.A. 75-6403, and amendments thereto, to facilitate steady cash flow for the contractors and their ability to maintain timely payments to their subcontractors: *And provided further*, That the department of social and rehabilitation services shall maintain regular monitoring of their contractors' business activities, including but not limited to, the status of their payments to their subcontractors which are to be a priority: *And provided further*, That should any SRS contractor regularly fail to maintain timely reimbursement to their subcontractors, the department of social and rehabilitation services shall require the development of a corrective action plan by such contractor: *And provided further*, That continued failure by an SRS contractor to make timely payments to subcontractors after the implementation of a corrective action plan may be the basis for the department of social and rehabilitation services seeking new bids for that contractor's area of responsibility.

(2) As used in this subsection:

(A) "Subcontractor" means a qualified entity providing adoption or foster care services pursuant to a contract with a contractor.

(B) "Contractor" means an entity providing adoption or foster care service pursuant to a contract with the department of social and rehabilitation services.

(o) On July 1, 2000, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$39,205 from the flexible spending fund of the department of administration to the flexible spending fund—nursing facilities quality enhancement wage pass-through pursuant to 1999 Senate Bill No.126 (K.S.A. 1999 Supp. 39-971) of the department of social and rehabilitation services: *Provided*, That no transfer shall be made under this subsection except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto and acting on this matter after receiving the certification of the director of the budget that sufficient moneys are available in the flexible spending fund pursuant to the intergovernmental transfer program.

(p) During the fiscal year ending June 30, 2001, no expenditures shall be made by the department of social and rehabilitation services from the moneys appropriated in the state Medicaid match fund—SRS except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto and acting on this matter after receiving the certification of the director of the budget that sufficient moneys are available in the

state Medicaid match fund—SRS pursuant to the intergovernmental transfer program: *Provided*, That the state finance council may authorize the department of social and rehabilitation services to make expenditures from the state Medicaid match fund—SRS for the HCBS/MR waiver program and for the HCBS/PD waiver program: *Provided, however*, That (1) expenditures from the state Medicaid match fund—SRS for the HCBS/MR waiver program shall not exceed \$15,300,000, and (2) expenditures from the state Medicaid match fund—SRS for the HCBS/PD waiver program shall not exceed \$800,000.

(q) On July 1, 2000, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$2,600,000 from the flexible spending fund of the department of administration to the flexible spending fund—HCBS/PD waiver of the department of social and rehabilitation services: *Provided*, That no transfer shall be made under this subsection except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto and acting on this matter after receiving the certification of the director of the budget that sufficient moneys are not available in the flexible spending fund pursuant to the intergovernmental transfer program.

(r) In addition to the other purposes for which expenditures may be made from the children's initiatives fund for fiscal year 2001, expenditures may be made by the above agency from the children's initiatives fund for fiscal year 2001 for the following specified purposes subject to the expenditure limitations prescribed therefor:

Children's initiatives fund—children's mental health waiver..... \$1,800,000

Provided, That all expenditures by the above agency from the children's initiatives fund for fiscal year 2001 from the children's initiatives fund—children's mental health waiver account shall be in addition to any expenditure limitation imposed on the children's initiatives fund for fiscal year 2001.

Children's initiatives fund—family centered system of care..... \$5,000,000

Provided, That all expenditures by the above agency from the children's initiatives fund for fiscal year 2001 from the children's initiatives fund—family centered system of care account shall be in addition to any expenditure limitation imposed on the children's initiatives fund for fiscal year 2001.

Children's initiatives fund—therapeutic preschool..... \$1,000,000

Provided, That all expenditures by the above agency from the children's initiatives fund for fiscal year 2001 from the children's initiatives fund—therapeutic preschool account shall be in addition to any expenditure limitation imposed on the children's initiatives fund for fiscal year 2001: *Provided, however*, That the secretary of social and rehabilitation services shall adopt and implement policies and procedures requiring community mental health centers to aggressively use the Medicaid program for preschool clients of the program in order to maximize all funding sources available to community mental health centers for the provision of services for preschool clients.

Children's initiatives fund—child care..... \$1,400,000

Provided, That all expenditures by the above agency from the children's initiatives fund for fiscal year 2001 from the children's initiatives fund—child care account shall be in addition to any expenditure limitation imposed on the children's initiatives fund for fiscal year 2001.

Children's initiatives fund—community services for child welfare..... \$2,600,000

Provided, That all expenditures by the above agency from the children's initiatives fund for fiscal year 2001 from the children's initiatives fund—community services for child welfare account shall be in addition to any expenditure limitation imposed on the children's initiatives fund for fiscal year 2001.

Children's initiatives fund—HealthWave..... \$1,000,000

Provided, That all expenditures by the above agency from the children's initiatives fund for fiscal year 2001 from the children's initiatives fund—HealthWave account shall be in addition to any expenditure limitation imposed on the children's initiatives fund for fiscal year 2001.

Children's initiatives fund—children's cabinet early childhood discretionary grant program..... \$2,750,000

(continued)

Provided, That all expenditures by the above agency from the children's initiatives fund for fiscal year 2001 from the children's initiatives fund—children's cabinet early childhood discretionary grant program account shall be in addition to any expenditure limitation imposed on the children's initiatives fund for fiscal year 2001: *Provided further*, That the Kansas children's cabinet shall develop and administer a discretionary competitive grant program designed to fund innovative, research-driven, outcomes-based early childhood focused prevention initiatives: *And provided further*, That the cabinet shall adopt criteria for awarding, monitoring and evaluating the grants which may include elements of such models as the cabinet may determine appropriate but any such models must be compatible with the "Communities That Care Model": *Provided, however*, That such grants shall be managed by the office of prevention administration within the department of social and rehabilitation services: *And provided further*, That grant funds may not be used to supplant any grantee's existing fund: *And provided further*, That the cabinet shall fund only those programs, services and/or initiatives which they specifically find comply with the criteria set forth in subsection (a) of K.S.A. 1999 Supp. 38-2,102 and amendments thereto.

Children's initiatives fund—children's cabinet accountability fund \$250,000

Provided, That all expenditures by the above agency from the children's initiatives fund for fiscal year 2001 from the children's initiatives fund—children's cabinet accountability fund account shall be in addition to any expenditure limitation imposed on the children's initiatives fund for fiscal year 2001.

(s) (1) On July 1, 2000, the director of accounts and reports shall transfer all moneys credited as of June 30, 2000, in the Kansas endowment for youth fund—children's mental health waiver account of the Kansas endowment for youth fund to the children's initiatives fund—children's mental health waiver account in the children's initiatives fund established by subsection (s). On July 1, 2000, and after such transfer, (A) all encumbrances and other liabilities of the Kansas endowment for youth fund—children's mental health waiver account of the Kansas endowment for youth fund are hereby transferred to and imposed upon the children's initiatives fund—children's mental health waiver account in the children's initiatives fund established pursuant to subsection (s), (B) the Kansas endowment for youth fund—children's mental health waiver account of the above agency in the Kansas endowment for youth fund is hereby abolished, and (C) any appropriation of moneys in the Kansas endowment for youth fund—children's mental health waiver account of the above agency for the fiscal year ending June 30, 2001, by any provision of chapter 132 or chapter 160 of the 1999 Session Laws of Kansas or this or other appropriation act of the 2000 regular session of the legislature, is hereby lapsed.

(2) On July 1, 2000, the director of accounts and reports shall transfer all moneys credited as of June 30, 2000, in the Kansas endowment for youth fund—family centered system of care account of the Kansas endowment for youth fund to the children's initiatives fund—family centered system of care account in the children's initiatives fund established by subsection (s). On July 1, 2000, and after such transfer, (A) all encumbrances and other liabilities of the Kansas endowment for youth fund—family centered system of care account of the Kansas endowment for youth fund are hereby transferred to and imposed upon the children's initiatives fund—family centered system of care account in the children's initiatives fund established pursuant to subsection (s), (B) the Kansas endowment for youth fund—family centered system of care account of the above agency in the Kansas endowment for youth fund is hereby abolished, and (C) any appropriation of moneys in the Kansas endowment for youth fund—family centered system of care account of the Kansas endowment for youth fund for the above agency for the fiscal year ending June 30, 2001, by any provision of chapter 132 or chapter 160 of the 1999 Session Laws of Kansas or this or other appropriation act of the 2000 regular session of the legislature, is hereby lapsed.

(3) On July 1, 2000, the director of accounts and reports shall transfer all moneys credited as of June 30, 2000, in the Kansas endowment for youth fund—CDDO rate reimbursement account of the Kansas endowment for youth fund to the children's initiatives fund—children's mental health waiver account in the children's initiatives fund established by subsection (s). On July 1, 2000, and after such transfer, (A) all encumbrances and other liabilities of the Kansas endowment for youth fund—CDDO rate reimbursement account of the Kansas endowment for youth fund are hereby transferred to and imposed upon the children's initiatives

fund—children's mental health waiver account in the children's initiatives fund established pursuant to subsection (s), (B) the Kansas endowment for youth fund—CDDO rate reimbursement account of the above agency in the Kansas endowment for youth fund is hereby abolished, and (C) any appropriation of moneys in the Kansas endowment for youth fund—CDDO rate reimbursement account of the Kansas endowment for youth fund for the above agency for the fiscal year ending June 30, 2001, by any provision of chapter 132 or chapter 160 of the 1999 Session Laws of Kansas or this or other appropriation act of the 2000 regular session of the legislature, is hereby lapsed.

(4) On July 1, 2000, the director of accounts and reports shall transfer all moneys credited as of June 30, 2000, in the Kansas endowment for youth fund—home and community based services for physically disabled account of the Kansas endowment for youth fund to the children's initiatives fund—children's mental health waiver account in the children's initiatives fund, which is established by subsection (s). On July 1, 2000, and after such transfer, (A) all encumbrances and other liabilities of the Kansas endowment for youth fund—home and community based services for physically disabled account of the Kansas endowment for youth fund are hereby transferred to and imposed upon the children's initiatives fund—children's mental health waiver account in the children's initiatives fund, (B) the Kansas endowment for youth fund—home and community based services for physically disabled account of the above agency in the Kansas endowment for youth fund is hereby abolished, and (C) any appropriation of moneys in the Kansas endowment for youth fund—home and community based services for physically disabled account of the Kansas endowment for youth fund for the above agency for the fiscal year ending June 30, 2001, by any provision of chapter 132 or chapter 160 of the 1999 Session Laws of Kansas or this or other appropriation act of the 2000 regular session of the legislature, is hereby lapsed.

(5) On July 1, 2000, the director of accounts and reports shall transfer all moneys credited as of June 30, 2000, in the Kansas endowment for youth fund—home and community based services for mental retardation account of the Kansas endowment for youth fund to the children's initiatives fund—children's mental health waiver account in the children's initiatives fund established by subsection (s). On July 1, 2000, and after such transfer, (A) all encumbrances and other liabilities of the Kansas endowment for youth fund—home and community based services for mental retardation account of the above agency in the Kansas endowment for youth fund are hereby transferred to and imposed upon the children's initiatives fund—children's mental health waiver account in the children's initiatives fund, (B) the Kansas endowment for youth fund—home and community based services for mental retardation account of the above agency in the Kansas endowment for youth fund is hereby abolished, and (C) any appropriation of moneys in the Kansas endowment for youth fund—home and community based services for mental retardation account of the Kansas endowment for youth fund for the above agency for the fiscal year ending June 30, 2001, by any provision of chapter 132 or chapter 160 of the 1999 Session Laws of Kansas or this or other appropriation act of the 2000 regular session of the legislature, is hereby lapsed.

(6) In addition to the other purposes for which expenditures may be made from the children's initiatives fund for fiscal year 2001 as authorized by this or other appropriation act of the 2000 regular session of the legislature, expenditures may be made by the above agency from the children's initiatives fund for fiscal year 2001, from the unencumbered balance as of July 1, 2000, in each account of the children's initiatives fund that is established by subsection (s) and into which moneys are transferred pursuant to this subsection (t) and in each account of the children's initiatives fund that is established by this subsection (t): *Provided*, That all expenditures from the unencumbered balance of any such account of the children's initiatives fund shall not exceed the amount of the unencumbered balance in such account on July 1, 2000: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be, in addition to any expenditure limitation imposed on the children's initiatives fund for fiscal year 2001.

(t) On the effective date of this act, the amounts specified in section 34(m) of 2000 Senate Bill No. 39 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 neurolog-

ical institute is hereby decreased from \$7,640,245 to \$7,633,917; (2) the amount for Larned state hospital is hereby decreased from \$11,210,786 to \$11,199,279; (3) the amount for Osawatomi state hospital is hereby decreased from \$5,790,631 to \$5,775,055; (4) the amount for Parsons state hospital and training center is hereby decreased from \$5,799,369 to \$5,782,829; and (5) the amount for Rainbow mental health facility is hereby decreased from \$719,111 to \$705,996.

(u) On the effective date of this act, the expenditure limitation established by section 55(b) of chapter 132 of the 1999 Session Laws of Kansas on the Osawatomi state hospital fee fund is hereby decreased from \$1,943,508 to \$1,927,933.

(v) On the effective date of this act, the expenditure limitation established by section 55(b) of chapter 132 of the 1999 Session Laws of Kansas on the Parsons state hospital and training center fee fund is hereby decreased from \$793,081 to \$777,682.

(w) On July 1, 2000, of the \$8,517,075 appropriated for the above agency for the fiscal year ending June 30, 2001, by section 33(a) of 2000 House Substitute for Senate Bill No. 326 from the state general fund in the Kansas neurological institute—operating expenditures account, the sum of \$24,487 is hereby lapsed.

(x) On July 1, 2000, of the \$1,333,972 appropriated for the above agency for the fiscal year ending June 30, 2001, by section 33(a) of 2000 House Substitute for Senate Bill No. 326 from the state general fund in the Rainbow mental health facility—operating expenditures account, the sum of \$12,733 is hereby lapsed.

(y) On July 1, 2000, the expenditure limitation established by section 33(b) of 2000 House Substitute for Senate Bill No. 326 on the Larned state hospital fee fund is hereby decreased from \$3,293,118 to \$3,224,006.

(z) On July 1, 2000, the expenditure limitation established by section 33(b) of 2000 House Substitute for Senate Bill No. 326 on the Osawatomi state hospital fee fund is hereby decreased from \$5,635,313 to \$5,534,639.

(aa) On July 1, 2000, the expenditure limitation established by section 33(b) of 2000 House Substitute for Senate Bill No. 326 on the Parsons state hospital and training center fee fund is hereby decreased from \$779,407 to \$734,771.

(bb) On the effective date of this act, or as soon thereafter as any moneys are credited to the long-term care loan and grant fund, the director of accounts and reports shall transfer amounts which equal in the aggregate \$1,000,000 from the long-term care loan and grant fund of the department on aging to the grant to Horizon health plan fund of the department of social and rehabilitation services: *Provided*, That the first \$1,000,000 that is credited to the long-term care loan and grant fund under the intergovernmental transfer program shall be transferred from the long-term care loan and grant fund of the department on aging to the grant to Horizon health plan fund of the department of social and rehabilitation services in accordance with this subsection.

(cc) In the event that the department of social and rehabilitation services issues a request for proposal for the title XXI program children's health insurance program, the secretary shall consider the following factors in developing the request for proposal: (1) The combination of title XIX and title XXI programs as such programs relate to children, and (2) the inclusion of all marketing and outreach efforts relating to the children's health insurance program: *Provided*, That the department of social and rehabilitation services shall consider all options to initiate a medicare managed care program in Sedgwick county: *Provided further*, That the department of social and rehabilitation services shall work in support with the Kansas business health partnership.

Sec. 21.

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.....	\$246,392
For the fiscal year ending June 30, 2001.....	\$57,593
Long-term care	
For the fiscal year ending June 30, 2000.....	\$3,440,000
Program grants	
For the fiscal year ending June 30, 2001.....	\$126,500

Provided, That all expenditures from the program grants account for retired senior volunteer program (RSVP) grant awards shall give first pri-

ority to volunteers for the nutrition programs and other area agencies on aging programs: *Provided further*, That the secretary of aging shall report back to the legislature at the beginning of the regular session in 2001 about the different methods of providing food service for the elderly with recommendations to eliminate duplication of services in the nutrition programs when appropriate: *And provided further*, That the secretary of aging is hereby authorized to expend all federal funds available for nutrition and other food service programs for the elderly: *And provided further*, That, if the state and federal funds available for nutrition and other food service programs for the elderly are estimated to be insufficient to meet the needs for such programs during fiscal year 2001, the secretary of aging shall prepare and submit a budget request to the governor and to the legislature for an emergency supplemental appropriation for fiscal year 2001 for nutrition and other food service programs for the elderly.

(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:

Flexible spending fund—nursing facilities quality enhancement wage pass-through pursuant to 1999 Senate Bill No.126 (K.S.A. 1999 Supp. 39-971)

For the fiscal year ending June 30, 2001..... \$1,660,795

Provided, That no expenditures shall be made from the flexible spending fund—nursing facilities quality enhancement wage pass-through pursuant to 1999 Senate Bill No.126 (K.S.A. 1999 Supp. 39-971) except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto and acting on this matter after receiving the certification of the director of the budget that sufficient moneys are available in the state medicaid match fund—department on aging.

Flexible spending fund—long-term care
For the fiscal year ending June 30, 2001..... \$12,252,000

Provided, That no expenditures shall be made from the flexible spending fund—long-term care except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto and acting on this matter after receiving the certification of the director of the budget that sufficient moneys are available in the state medicaid match fund—department on aging.

Long-term care loan and grant fund
For the fiscal year ending June 30, 2000..... \$0
For the fiscal year ending June 30, 2001..... \$11,000,000

Provided, That no expenditures shall be made from the long-term care loan and grant fund pursuant to 2000 Senate Bill No. 248 for fiscal year 2000 or fiscal year 2001 except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto and acting on this matter after receiving the certification of the director of the budget that sufficient moneys are available in the fund pursuant to the intergovernmental transfer program.

Senior services fund
For the fiscal year ending June 30, 2000..... No limit
For the fiscal year ending June 30, 2001..... No limit

Provided, That no expenditures shall be made from the senior services fund pursuant to 2000 Senate Bill No. 248 for fiscal year 2000 or fiscal year 2001 except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto and acting on this matter after receiving the certification of the director of the budget that sufficient moneys are available in the fund pursuant to the intergovernmental transfer program.

Intergovernmental transfer fund
For the fiscal year ending June 30, 2000..... No limit
For the fiscal year ending June 30, 2001..... No limit
Intergovernmental transfer administration fund
For the fiscal year ending June 30, 2000..... No limit

(continued)

For the fiscal year ending June 30, 2001..... No limit

(c) On July 1, 2000, of the \$121,808,000 appropriated for the above agency for the fiscal year ending June 30, 2001, by section 32(a) of 2000 House Substitute for Senate Bill No. 326 from the state general fund in the long term care account, the sum of \$4,800,000 is hereby lapsed.

(d) During the fiscal year ending June 30, 2000, the secretary of aging, 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 department on aging to another item of appropriation for fiscal year 2000 from the state general fund for the department on aging. The secretary of aging 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.

(e) On July 1, 2000, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$2,637,734 from the flexible spending fund of the department of administration to the flexible spending fund—nursing facilities quality enhancement wage pass-through pursuant to 1999 Senate Bill No.126 (K.S.A. 1999 Supp. 39-971) of the department on aging. Provided, That no transfer shall be made under this subsection except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto and acting on this matter after receiving the certification of the director of the budget that sufficient moneys are available in the flexible spending fund pursuant to the intergovernmental transfer program.

(f) On July 1, 2000, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$12,252,000 from the flexible spending fund of the department of administration to the flexible spending fund—long term care of the department on aging. Provided, That no transfer shall be made under this subsection except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto and acting on this matter after receiving the certification of the director of the budget that sufficient moneys are available in the flexible spending fund pursuant to the intergovernmental transfer program.

Sec. 22. 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:

Kansas City satellite laboratory
For the fiscal year ending June 30, 2000..... \$86,000

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2000, is hereby reappropriated for fiscal year 2001.

Operating expenditures
For the fiscal year ending June 30, 2001..... \$18,610

Sec. 23. KANSAS PAROLE BOARD

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

Parole from adult correctional institutions
For the fiscal year ending June 30, 2001..... \$110,024

(b) On July 1, 2000, the position limitation established by section 69(a) of 2000 House Substitute for Senate Bill No. 326 for the Parole Board is hereby increased from 3.0 to 4.0.

Sec. 24. 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, 2001..... \$1,084

Criminal justice information system
For the fiscal year ending June 30, 2000..... \$115,681
For the fiscal year ending June 30, 2001..... \$322,815

Provided, That any unencumbered balance in the criminal justice information system account in excess of \$100 as of June 30, 2000, is hereby reappropriated for fiscal year 2001.

(b) On the effective date of this act, the amount of expenditures pre-

scribed by section 80(a) of chapter 132 of the 1999 Session Laws of Kansas to be made by the Kansas sentencing commission for fiscal year 2000 from the reappropriated balance in the state matching funds account of the state general fund for a payment to the Kansas highway patrol is hereby decreased from \$75,000 to \$0. Provided, That, in addition to the other purposes for which expenditures may be made by the Kansas sentencing commission from the reappropriated balance in the state matching funds account of the state general fund for fiscal year 2000 and within the expenditure limitation of \$75,000 on expenditures from such reappropriated balance established by section 80(a) of chapter 132 of the 1999 Session Laws of Kansas, the Kansas sentencing commission may make expenditures from such reappropriated balance for fiscal year 2000 for operating expenditures. Provided, however, That expenditures from such reappropriated balance for fiscal year 2000 for operating expenditures shall not exceed \$56,706. Provided further, That, in addition to the other purposes for which expenditures may be made by the Kansas sentencing commission from the reappropriated balance in the state matching funds account of the state general fund for fiscal year 2000 and within the expenditure limitation of \$75,000 on expenditures from such reappropriated balance established by section 80(a) of chapter 132 of the 1999 Session Laws of Kansas, the Kansas sentencing commission may make expenditures from such reappropriated balance for fiscal year 2000 for core project costs of the criminal justice information system. And provided further, That expenditures from such reappropriated balance for fiscal year 2000 for core project costs of the criminal justice information system shall not exceed \$18,294.

(c) In addition to the other purposes for which expenditures may be made by the Kansas sentencing commission from moneys appropriated in the sentencing commission forfeiture fund for fiscal year 2000 as authorized by chapter 132 or chapter 160 of the 1999 Session Laws of Kansas, expenditures may be made by the Kansas sentencing commission for fiscal year 2000 from the moneys appropriated in the sentencing commission forfeiture fund for all purposes for which expenditures may be made for operating expenditures.

(d) In addition to the other purposes for which expenditures may be made by the Kansas sentencing commission from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2001, expenditures shall be made by the Kansas sentencing commission for fiscal year 2001 from moneys appropriated from the state general fund or any special revenue fund for the position of project manager for the criminal justice information system, which position is hereby created for the Kansas sentencing commission and which shall be the project manager for the consolidated criminal justice information system. Provided, That the project manager shall report directly to the director of the Kansas sentencing commission on the implementation, completion, maintenance and funding of the criminal justice information system. Provided further, That all expenditures and revenues related and effecting the implementation, completion, and continued maintenance of the criminal justice information system and those agencies in which those revenues and expenditures are budgeted within, shall submit all fiscal information relating to the criminal justice information system to the project manager thus creating a unified consolidated criminal justice information system budget.

(e) On July 1, 2000, the position limitation established by section 69(a) of 2000 House Substitute for Senate Bill No. 326 for the Kansas sentencing commission is hereby increased from 9.0 to 10.0.

Sec. 25. ADJUTANT GENERAL

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

Operating expenditures
For the fiscal year ending June 30, 2000..... \$60,000
For the fiscal year ending June 30, 2001..... \$5,352

(b) On the effective date of this act, of the \$1,107,592 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 39(a) of chapter 160 of the 1999 Session Laws of Kansas from the state general fund in the disaster relief account, the sum of \$60,000 is hereby lapsed.

Sec. 26. KANSAS HIGHWAY PATROL

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

Operating expenditures

For the fiscal year ending June 30, 2000.....	\$203,400
For the fiscal year ending June 30, 2001.....	\$15,959

(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:

Special services fund

For the fiscal year ending June 30, 2001.....	\$1,000,000
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(c) On the effective date of this act, the director of accounts and reports shall transfer \$1,000,000 from the state highway fund of the department of transportation to the special services fund of the Kansas highway patrol for the purpose of financing operating expenditures of the Kansas highway patrol.

(d) On the effective date of this act, of the \$25,236,627 appropriated for the above agency for the fiscal year ending June 30, 2001, by section 56(a) of 2000 House Substitute for Senate Bill No. 326 from the state general fund in the operating expenditures account, the sum of \$1,000,000 is hereby lapsed.

(e) On July 1, 2000, the expenditure limitation established by section 56(b) of 2000 House Substitute for Senate Bill No. 326 on the motor carrier inspection fund is hereby increased from \$8,931,251 to \$9,042,951.

(f) On July 1, 2000, the position limitation established by section 69(a) of 2000 House Substitute for Senate Bill No. 326 for the Kansas highway patrol is hereby increased from 807.8 to 823.8.

Sec. 27.

STATE FIRE MARSHAL

(a) On July 1, 2000, the expenditure limitation established by section 54(a) of 2000 House Substitute for Senate Bill No. 326 on the fire marshal fee fund is hereby increased from \$2,729,164 to \$2,736,071.

Sec. 28.

CITIZENS' UTILITY RATEPAYER BOARD

(a) On July 1, 2000, the expenditure limitation established for the fiscal year ending June 30, 2001, by section 19(a) of 2000 House Substitute for Senate Bill No. 326 on the utility regulatory fee fund is hereby increased from \$470,195 to \$471,003.

(b) On July 1, 2000, October 1, 2000, January 1, 2001, and April 1, 2001, or as soon after each such date as moneys are available, and upon receipt of certification by the state corporation commission of the amount to be transferred, the director of accounts and reports shall transfer from the public service regulation fund of the state corporation commission to the utility regulatory fee fund of the citizens' utility ratepayer board all moneys assessed by the state corporation commission for the citizens' utility ratepayer board under K.S.A. 66-1502 or 66-1503 and amendments thereto and deposited in the state treasury to the credit of the public service regulation fund.

Sec. 29.

STATE CORPORATION COMMISSION

(a) On July 1, 2000, the expenditure limitation established for the fiscal year ending June 30, 2001, by section 18(b) of 2000 House Substitute for Senate Bill No. 326 on the public service regulation fund, the motor carrier license fees fund, and the conservation fee fund, in the aggregate, is hereby increased from \$12,169,603 to \$12,201,166.

Sec. 30.

INSURANCE DEPARTMENT

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2000, by section 13(a) of 2000 Senate Bill No. 39 on the insurance department service regulation fund is hereby increased from \$6,686,972 to \$6,698,972.

(b) On July 1, 2000, the expenditure limitation established for the fiscal year ending June 30, 2001, by section 10(a) of 2000 House Substitute for Senate Bill No. 326 on the insurance department service regulation fund is hereby increased from \$6,943,491 to \$6,951,327.

(c) On July 1, 2000, the position limitation established for the fiscal year ending June 30, 2001, by section 69(a) of 2000 House Substitute for Senate Bill No. 326 for the insurance department is hereby decreased from 159.0 to 157.0.

(d) There is appropriated for the above agency from the following special revenue fund for the fiscal year or years specified, all moneys now or

hereafter lawfully credited to and available in such fund, except that expenditures other than refunds authorized by law shall not exceed the following:

Surety bond and escrow payment fund

For the fiscal year ending June 30, 2000.....	No limit
For the fiscal year ending June 30, 2001.....	No limit

Sec. 31.

KANSAS REAL ESTATE COMMISSION

(a) On July 1, 2000, the expenditure limitation established for the fiscal year ending June 30, 2001, by section 73(a) of 2000 House Substitute for Senate Bill No. 326 on the real estate fee fund is hereby decreased from \$685,757 to \$657,427.

(b) On July 1, 2000, the position limitation established for the fiscal year ending June 30, 2001, by section 22 of chapter 132 of the 1999 Session Laws of Kansas for the Kansas real estate commission is hereby decreased from 14.0 to 13.0.

Sec. 32.

HEALTH CARE STABILIZATION FUND
BOARD OF GOVERNORS

(a) On July 1, 2000, the expenditure limitation established for the fiscal year ending June 30, 2001, by section 11(b) of 2000 House Substitute for Senate Bill No. 326 on expenditures from the health care stabilization fund for operating expenditures is hereby increased from \$895,049 to \$897,146.

Sec. 33.

STATE BANK COMMISSIONER

(a) On July 1, 2000, the expenditure limitation established for the fiscal year ending June 30, 2001, by section 72(a) of 2000 House Substitute for Senate Bill No. 326 on the bank commissioner fee fund is hereby increased from \$4,000,720 to \$4,012,919.

Sec. 34.

STATE BOARD OF HEALING ARTS

(a) On July 1, 2000, the expenditure limitation established for the fiscal year ending June 30, 2001, by section 7(a) of chapter 132 of the 1999 Session Laws of Kansas on the healing arts fee fund is hereby increased from \$1,654,921 to \$1,655,771: *Provided*, That, on June 30, 2000, if 2000 Senate Bill No. 599 is not enacted by the legislature during the 2000 regular session and signed into law by the governor, then the provisions of this subsection (a) are hereby declared to be null and void and shall be of no force and effect.

Sec. 35.

STATE LIBRARY

(a) In addition to the other purposes for which expenditures may be made from the children's initiatives fund for fiscal year 2001, expenditures may be made by the above agency from the children's initiatives fund for fiscal year 2001 for the following specified purposes subject to the expenditure limitations prescribed therefor:

Children's initiatives fund—children's access network..... \$70,000

Provided, That all expenditures by the above agency from the children's initiatives fund for fiscal year 2001 from the children's initiatives fund—children's access network account shall be in addition to any expenditure limitation imposed on the children's initiatives fund for fiscal year 2001.

Sec. 36.

JUVENILE JUSTICE AUTHORITY

(a) In addition to the other purposes for which expenditures may be made from the children's initiatives fund for fiscal year 2001, expenditures may be made by the above agency from the children's initiatives fund for fiscal year 2001 for the following specified purposes subject to the expenditure limitations prescribed therefor:

Children's initiatives fund—prevention program grants..... \$5,000,000

Provided, That all expenditures by the above agency from the children's initiatives fund for fiscal year 2001 from the children's initiatives fund—prevention program grants account shall be in addition to any expenditure limitation imposed on the children's initiatives fund for fiscal year 2001: *Provided further*, That money awarded as grants from this account shall be distributed according to the percentage distribution of a judicial district's high school graduation, failure rate, averaged over a period of three years, and be subject to the requirement that no judicial district shall receive less than \$50,000: *And provided further*, That money awarded as

(continued)

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 initiatives fund—intervention and graduated sanctions community grants \$2,000,000

Provided, That all expenditures by the above agency from the children's initiatives fund for fiscal year 2001 from the children's initiatives fund—intervention and graduated sanctions community grants account shall be in addition to any expenditure limitation imposed on the children's initiatives fund for fiscal year 2001.

(b) (1) On July 1, 2000, the director of accounts and reports shall transfer all moneys credited as of June 30, 2000, in the Kansas endowment for youth fund—prevention program grants account of the Kansas endowment for youth fund to the children's initiatives fund—prevention program grants account in the children's initiatives fund established by subsection (a). On July 1, 2000, and after such transfer, (A) all encumbrances and other liabilities of the Kansas endowment for youth fund—prevention program grants account of the Kansas endowment for youth fund are hereby transferred to and imposed upon the children's initiatives fund—prevention program grants account in the children's initiatives fund, (B) the Kansas endowment for youth fund—prevention program grants account of the above agency in the Kansas endowment for youth fund is hereby abolished, and (C) any appropriation of moneys in the Kansas endowment for youth fund—prevention program grants account of the Kansas endowment for youth fund for the above agency for the fiscal year ending June 30, 2001, by any provision of chapter 132 or chapter 160 of the 1999 Session Laws of Kansas or this or other appropriation act of the 2000 regular session of the legislature, is hereby lapsed.

(2) On July 1, 2000, the director of accounts and reports shall transfer all moneys credited as of June 30, 2000, in the Kansas endowment for youth fund—intervention and graduated sanctions community grants account of the Kansas endowment for youth fund to the children's initiatives fund—intervention and graduated sanctions community grants account in the children's initiatives fund established by subsection (a). On July 1, 2000, and after such transfer, (A) all encumbrances and other liabilities of the Kansas endowment for youth fund—intervention and graduated sanctions community grants account of the Kansas endowment for youth fund are hereby transferred to and imposed upon the children's initiatives fund—intervention and graduated sanctions community grants account in the children's initiatives fund, (B) the Kansas endowment for youth fund—intervention and graduated sanctions community grants account of the above agency in the Kansas endowment for youth fund is hereby abolished, and (C) any appropriation of moneys in the Kansas endowment for youth fund—intervention and graduated sanctions community grants account of the Kansas endowment for youth fund for the above agency for the fiscal year ending June 30, 2001, by any provision of chapter 132 or chapter 160 of the 1999 Session Laws of Kansas or this or other appropriation act of the 2000 regular session of the legislature, is hereby lapsed.

(3) On July 1, 2000, the director of accounts and reports shall establish the children's initiatives fund—community management information systems projects account in the children's initiatives fund and shall transfer all moneys credited as of June 30, 2000, in the Kansas endowment for youth fund—community management information systems projects account of the Kansas endowment for youth fund to the children's initiatives fund—community management information systems projects account in the children's initiatives fund, which is hereby established. On July 1, 2000, and after such transfer, (A) all encumbrances and other liabilities of the Kansas endowment for youth fund—community management information systems projects account of the Kansas endowment for youth fund are hereby transferred to and imposed upon the children's initiatives fund—community management information systems projects account in the children's initiatives fund, (B) the Kansas endowment for youth fund—community management information systems projects account of the above agency in the Kansas endowment for youth fund is hereby abolished, and (C) any appropriation of moneys in the Kansas endowment for youth fund—community management information systems projects account of the Kansas endowment for youth fund for the above agency for the fiscal year ending June 30, 2001, by any provision of chapter 132 or chapter 160 of the 1999 Session Laws of Kansas or this or other appropriation act of the 2000 regular session of the legislature, is hereby lapsed.

(4) In addition to the other purposes for which expenditures may be

made from the children's initiatives fund for fiscal year 2001 as authorized by this or other appropriation act of the 2000 regular session of the legislature, expenditures may be made by the above agency from the children's initiatives fund for fiscal year 2001, from the unencumbered balance as of July 1, 2000, in each account of the children's initiatives fund that is established by subsection (a) and into which account moneys are transferred pursuant to this subsection (b) and in each account of the children's initiatives fund that is established by this subsection (b): *Provided*, That all expenditures from the unencumbered balance of any such account of the children's initiatives fund shall not exceed the amount of the unencumbered balance in such account on July 1, 2000: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the children's initiatives fund for fiscal year 2001.

(c) There is appropriated for the above agency from the state institutions building fund for the fiscal year or years specified, for the capital improvement project or projects specified as follows:

Construction/remodeling of juvenile correctional facilities—SIBF
For the fiscal year ending June 30, 2001..... \$4,500,000

Provided, That the juvenile justice authority may make expenditures from the construction/remodeling of juvenile correctional facilities—SIBF account to renovate or replace existing deficient space in existing facilities, specifically including space at the Larned juvenile correctional facility and at the Topeka juvenile correctional facility, and to construct new juvenile correctional space.

(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:

Construction/remodeling of juvenile correctional facilities fund
For the fiscal year ending June 30, 2001..... No limit

Provided, That the juvenile justice authority may make expenditures from the construction/remodeling of juvenile correctional facilities fund for capital improvement projects to remodel a living unit at Beloit juvenile correctional facility, construct a new medium security juvenile correctional facility on the Larned state hospital grounds, raze and reconstruct medium security living units at Topeka juvenile correctional facility, and construct new maximum security buildings at Topeka juvenile correctional facility: *Provided further*, That the capital improvement project to construct a new medium security juvenile correctional facility on the Larned state hospital grounds shall include an additional 32 beds, either in new construction of an additional 32-bed pod, or renovation of the Meyer building on the Larned state hospital grounds, within the approved budget for such capital improvement project: *And provided further*, That the juvenile justice authority is hereby authorized to make expenditures for fiscal year 2001 to utilize the Meyer building on the Larned state hospital grounds for relief of overcrowding: *And provided further*, That the capital improvement project to construct new maximum security buildings at Topeka juvenile correctional facility shall include (1) a secured commons area which shall be constructed on the east end of the campus for institutional services which shall include, but not limited to, food and medical services, and a visitors center, and (2) on the east side of the commons area of the campus, facilities for (A) up to 150 maximum security beds, (B) up to 60 beds for system-wide and facility classification and diagnostic purposes, and (C) up to 15 medical beds: *And provided further*, That one superintendent shall be the chief administrative officer over all existing, renovated, or new buildings and facilities of the Topeka juvenile correctional facility: *And provided further*, That the capital improvement projects to construct new maximum security buildings at the Topeka juvenile correctional facility, construct a new medium security juvenile correctional facility on the Larned state hospital grounds, raze and reconstruct medium security living units at Topeka juvenile correctional facility, and remodel a living unit at Beloit juvenile correctional facility are hereby approved for the juvenile justice authority 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: *Provided, however*, That total expenditures from this fund for such capital improvement projects shall not exceed \$50,000,000, plus all amounts required for cost of bond issuance, cost of interest on the bonds during the construction of the projects and required reserves for the payment of principal and interest

on the bonds. *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.

Construction of juvenile correctional facilities fund— VOI/TIS

For the fiscal year ending June 30, 2001..... No limit

Provided, That the juvenile justice authority may make expenditures from the construction of juvenile correctional facilities fund—VOI/TIS to construct new maximum security buildings at Topeka juvenile correctional facility. *Provided, however*, That expenditures from this fund to construct new maximum security buildings at Topeka juvenile correctional facility shall not exceed \$5,500,000.

Sec. 37.

EMERGENCY MEDICAL SERVICES BOARD

(a) There is appropriated for the above agency from the following special revenue fund 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:

Rural health options grant fund

For the fiscal year ending June 30, 2000..... No limit

(b) In addition to the other purposes for which expenditures may be made by the above agency from the KSIP account established in the state general fund for the above agency under the Kansas savings incentive program pursuant to section 91 of chapter 132 of the 1999 Session Laws of Kansas for the fiscal year ending June 30, 2000, expenditures may be made by the above agency from the KSIP account of the above agency in the state general fund for fiscal year 2000 for operating expenditures: *Provided*, That expenditures for operating expenditures from the KSIP account of the above agency in the state general fund for fiscal year 2000 shall not exceed \$34,047.

Sec. 38.

KANSAS DEPARTMENT OF AGRICULTURE

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

Operating expenditures

For the fiscal year ending June 30, 2001..... \$17,499

(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:

Grain commodities commission services fund

For the fiscal year ending June 30, 2001..... No limit

Kansas agricultural remediation board fund

For the fiscal year ending June 30, 2001..... \$150,000

Kansas agricultural remediation fund

For the fiscal year ending June 30, 2001..... No limit

(c) On July 1, 2000, the expenditure limitation established by section 61(b) of 2000 House Substitute for Senate Bill No. 326 on the feeding stuffs fee fund is hereby increased from \$491,867 to \$501,875.

(d) On July 1, 2000, the expenditure limitation established by section 61(b) of 2000 House Substitute for Senate Bill No. 326 on the fertilizer fee fund is hereby increased from \$417,688 to \$427,765.

(e) On July 1, 2000, the expenditure limitation established by section 61(b) of 2000 House Substitute for Senate Bill No. 326 on the agricultural liming materials fee fund is hereby decreased from \$40,300 to \$23,044.

(f) On July 1, 2000, the expenditure limitation established by section 61(b) of 2000 House Substitute for Senate Bill No. 326 on the warehouse fee fund is hereby increased from \$616,480 to \$618,169.

(g) On July 1, 2000, the director of accounts and reports shall transfer \$1,854 from the state water plan fund of the Kansas water office to the water plan special revenue fund of the Kansas department of agriculture.

(h) On July 1, 2000, the expenditure limitation established by section 61(b) of 2000 House Substitute for Senate Bill No. 326 on expenditures from the water plan special revenue fund for salaries and wages is hereby increased from \$577,677 to \$579,531.

(i) On July 1, 2000, the appropriation of all moneys credited to and available in the Kansas corn commission fund for the fiscal year ending June 30, 2001, by section 61(b) of 2000 House Substitute for Senate Bill No. 326 is hereby lapsed and the Kansas corn commission fund in the state treasury is hereby abolished.

(j) On July 1, 2000, the appropriation of all moneys credited to and available in the Kansas grain sorghum commission fund for the fiscal year ending June 30, 2001, by section 61(b) of 2000 House Substitute for Senate Bill No. 326 is hereby lapsed and the Kansas grain sorghum commission fund in the state treasury is hereby abolished.

(k) On July 1, 2000, the director of accounts and reports shall transfer \$426,223 from the grain inspection fee fund of the Kansas department of agriculture to the Kansas agricultural remediation board fund of the Kansas department of agriculture.

(l) On July 1, 2000, the position limitation established by section 69(a) of 2000 House Substitute for Senate Bill No. 326 for the Kansas department of agriculture is hereby decreased from 305.5 to 303.2.

(m) In addition to the other purposes for which expenditures may be made by the Kansas department of agriculture from moneys appropriated from the state general fund or from any special revenue fund for the fiscal year ending June 30, 2001, from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2000 regular session of the legislature, expenditures may be made by the Kansas department of agriculture from such moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2001 for four full-time equivalent positions in the unclassified service under the Kansas civil service act: *Provided*, That all such additional full-time equivalent positions in the unclassified service under the Kansas civil service act shall be in addition to other positions within the Kansas department of agriculture in the unclassified service as prescribed by law and shall be established by the secretary of agriculture within any position limitation established for the Kansas department of agriculture on 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 2001 made by this or other appropriation act of the 2000 regular session of the legislature: *Provided, however*, That the authority to establish such additional positions in the unclassified service shall not affect the classified service status of any person who is an employee of the Kansas department of agriculture and who is in a position in the classified service under the Kansas civil service act on June 30, 2000.

Sec. 39.

KANSAS WHEAT COMMISSION

(a) Notwithstanding the provisions of any other statute to the contrary, during the fiscal year ending June 30, 2000, the aggregate amount of expenditures from the Kansas wheat commission fund by the Kansas wheat commission for the new market plan for the Kansas wheat commission shall not exceed \$463,000: *Provided*, That all expenditures from the Kansas wheat commission fund by the Kansas wheat commission for the new market plan for the Kansas wheat commission shall be within the overall expenditure limitation established for the Kansas wheat commission fund for fiscal year 2000: *Provided, however*, That the expenditure limitation established by this subsection on the aggregate amount of expenditures from the Kansas wheat commission fund by the Kansas wheat commission for the new market plan for the Kansas wheat commission for fiscal year 2000 shall not be increased except upon specific authorization by act of the legislature and shall not be increased by the state finance council: *Provided further*, That, on and after the effective date of this act, the provisions of subsection (b) of section 65 of 2000 Senate Bill No. 39 are hereby declared to be null and void and of no force and effect.

(b) On July 1, 2000, the appropriation of all moneys credited to and available in the Kansas wheat commission fund for the fiscal year ending June 30, 2001, by section 64(b) of 2000 House Substitute for Senate Bill No. 326 is hereby lapsed and the Kansas wheat commission fund in the state treasury is hereby abolished.

(c) On July 1, 2000, the appropriation of all moneys credited to and available in the wheat research reserve fund for the fiscal year ending June 30, 2001, by section 64(b) of 2000 House Substitute for Senate Bill No. 326 is hereby lapsed and the wheat research reserve fund in the state treasury is hereby abolished.

Sec. 40.

STATE FAIR BOARD

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, for the capital improvement project or projects specified as follows:

ADA, EPA and fire safety compliance

For the fiscal year ending June 30, 2001..... \$150,000

(continued)

Sec. 41.

KANSAS ANIMAL HEALTH DEPARTMENT

(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, 2001..... \$3,310

(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:

Poultry improvements fee fund

For the fiscal year ending June 30, 2000..... No limit
For the fiscal year ending June 30, 2001..... No limit

Provided, That expenditures may be made from the poultry improvements fee fund for fiscal year 2000 and fiscal year 2001 for operating expenditures for the disease control program of the animal health department: Provided further, That the livestock commissioner is hereby authorized to fix, charge and collect fees for administration and regulatory activities under the poultry disease control act during fiscal years 2000 and 2001: And provided further, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for administration of the poultry disease control act during fiscal years 2000 and 2001.

Sec. 42.

STATE CONSERVATION COMMISSION

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

Operating expenditures

For the fiscal year ending June 30, 2001..... \$1,714

Sec. 43.

KANSAS WATER OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2001, the following:

Water resources operating expenditures

For the fiscal year ending June 30, 2001..... \$4,185

(b) On July 1, 2000, the expenditure limitation established by section 66(b) of 2000 House Substitute for Senate Bill No. 326 on the state water plan fund is hereby increased from \$2,826,474 to \$2,896,500.

(c) (1) Subject to the limitations of this section, whenever it appears that the resources in the fiscal year ending June 30, 2001, are insufficient to meet in full the estimated expenditures as they become due to meet duties imposed by law on the water marketing fund of the Kansas water office as a result of increases in water rates, fees or charges imposed by the federal government, the pooled money investment board is authorized and directed to loan to the director of the Kansas water office sufficient funds to reimburse the water marketing fund for increases in water rates, fees or charges imposed by the federal government, and to allow the Kansas water office to spread such increases to consumers over a longer period, except that no such loan shall be made unless the terms thereof have been approved by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for such loan. Each such loan shall bear interest at a rate equal to the interest rate being paid on state inactive account moneys at the time of the making of such loan. Such loan shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas.

(2) Upon certification by the pooled money investment board by the director of the Kansas water office of the amount of each loan authorized pursuant to subsection (d)(1), the pooled money investment board shall transfer each such amount certified by the director of the Kansas water office from the state bank account or accounts prescribed in subsection (d)(1) to the water marketing fund of the Kansas water office.

(3) The principal and interest of each loan authorized pursuant to subsection (d)(1) shall be repaid in payments payable at least annually for a period of not more than five years.

(4) The aggregate outstanding balance of all loans pursuant to this subsection (c) shall not exceed \$1,000,000 at any one time.

Sec. 44.

KANSAS STATE SCHOOL FOR THE BLIND

(a) On the effective date of this act, of the \$4,287,704 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 60(a) of chapter 132 of the 1999 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$1,676 is hereby lapsed.

(b) On the effective date of this act, the expenditure limitation established by section 60(b) of chapter 132 of the 1999 Session Laws of Kansas on the general fees fund is hereby increased from \$9,349 to \$19,349.

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

Operating expenditures

For the fiscal year ending June 30, 2001..... \$16,472

Sec. 45.

KANSAS STATE SCHOOL FOR THE DEAF

(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, 2001..... \$4,207

(b) On July 1, 2000, the position limitation established by section 69(a) of 2000 House Substitute for Senate Bill No. 326 for the Kansas state school for the deaf is hereby decreased from 174.5 to 173.5.

Sec. 46.

STATE HISTORICAL SOCIETY

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

Operating expenditures

For the fiscal year ending June 30, 2001..... \$14,072

(b) On the effective date of this act, of the \$6,009,530 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 62(a) of chapter 132 of the 1999 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$9,667 is hereby lapsed.

(c) On July 1, 2000, of the \$5,769,882 appropriated for the above agency for the fiscal year ending June 30, 2001, by section 40(a) of 2000 House Substitute for Senate Bill No. 326 from the state general fund in the operating expenditures account, the sum of \$25,240 is hereby lapsed.

(d) In addition to the other purposes for which expenditures may be made by the state historical society from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2000 or fiscal year 2001 as authorized by this or other appropriation act of the 2000 regular session of the legislature, expenditures shall be made by the state historical society for fiscal year 2000 and fiscal year 2001 from the moneys appropriated from the state general fund or any special revenue fund for the following capital improvement projects, in the following order of priority from the highest to the lowest priority, subject to the aggregate expenditure limitations prescribed therefor:

Table with 2 columns: Project Name and Amount. Projects include First territorial capitol (\$71,000), Hollenberg pony express station (\$28,406), Shawnee Indian mission (\$20,000), Constitution Hall (\$2,200), Fort Hays blockhouse (\$50,000), and Native American heritage museum (\$3,200).

Provided, That no expenditures shall be made for any such project unless each of the capital improvement projects that have a higher priority, as prescribed by this subsection, have been initiated during fiscal years 2000 and 2001: Provided further, That expenditures for any such project shall not exceed, in the aggregate during fiscal years 2000 and 2001, the amount prescribed by this subsection for such project: And provided further, That, if expenditures are necessary for emergency repair projects for the fiscal year 2000 or 2001, expenditures may be made by the state historical society for the purpose of initiating and completing such emergency repair projects at any time and notwithstanding the other provisions of this subsection and the priorities for capital improvement projects prescribed by this subsection for the state historical society.

(e) On July 1, 2000, the position limitation established by section 69(a) of 2000 House Substitute for Senate Bill No. 326 for the state historical society is hereby decreased from 137.5 to 136.5.

Sec. 47.

KANSAS HUMAN RIGHTS 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, 2001..... \$5,426

(b) In addition to the other purposes for which expenditures may be made by the Kansas human rights commission from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2000 or fiscal year 2001 as authorized by this or other appropriation act of the 2000 regular session of the legislature, expenditures may be made by the Kansas human rights commission for fiscal year 2000 and fiscal year 2001 from the moneys appropriated from the state general fund or any special revenue fund for the operating expenditures associated with reassigning one or more positions from the investigator I job class to the investigator II job class and from the investigator II job class to the public service administrator II job class, if the Kansas human rights commission determines that such action is appropriate and adequate funds are available therefor within appropriations for the Kansas human rights commission.

Sec. 48.

DEPARTMENT OF HUMAN RESOURCES

(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, 2001..... \$3,884

(b) In addition to the other purposes for which expenditures may be made by the department of human resources from moneys appropriated from any special revenue fund for fiscal year 2000 or fiscal year 2001 as authorized by this or other appropriation act of the 2000 regular session of the legislature, expenditures may be made by the department of human resources for fiscal year 2000 and fiscal year 2001 from the moneys appropriated from any special revenue fund for the expenses of the sale, exchange or other disposition conveying title for any portion or all of the real estate of the department of human resources: *Provided*, That such expenditures may be made and such sale, exchange or other disposition conveying title for any portion or all of the real estate of the department of human resources may be executed or otherwise effectuated only upon specific authorization by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto and acting after receiving the recommendations of the joint committee on state building construction: *Provided, however*, That no such sale, exchange or other disposition conveying title for any portion of the real estate of the department of human resources until the proposed sale, exchange or other disposition conveying title for such real estate has been reviewed by the joint committee on state building construction: *Provided further*, That the net proceeds from the sale of any of the real estate of the department of human resources shall be deposited in the state treasury to the credit of the employment security administration property sale fund of the department of human resources.

(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:

Workforce investment act state operations fund	
For the fiscal year ending June 30, 2000.....	No limit
For the fiscal year ending June 30, 2001.....	No limit
Workforce investment act non-state operations fund	
For the fiscal year ending June 30, 2000.....	No limit
For the fiscal year ending June 30, 2001.....	No limit
Employment security administration property sale fund	
For the fiscal year ending June 30, 2000.....	No limit
For the fiscal year ending June 30, 2001.....	No limit

Provided, That the secretary of human resources, in consultation with the secretary of administration, is hereby authorized to make expenditures for fiscal year 2000 and fiscal year 2001 from the employment security administration property sale fund to purchase or acquire by exchange additional real estate to provide space for the job service and unemployment insurance programs of the department of human resources, including the initiation and completion of capital improvements on such real

estate for such purposes: *Provided, however*, That no expenditures shall be made from this fund for a proposed purchase or other acquisition of additional real estate to provide space for the job service and unemployment insurance programs of the department of human resources until such proposed purchase or other acquisition, including the preliminary plans and program statement for any capital improvement project that is proposed to be initiated and completed by or for the department of human resources on such real estate for such purposes, have been reviewed by the joint committee on state building construction.

(d) On July 1, 2000, the position limitation established by section 69(a) of 2000 House Substitute for Senate Bill No. 326 for the department of human resources is hereby decreased from 996.5 to 964.3.

Sec. 49.

DEPARTMENT OF REVENUE—HOMESTEAD PROPERTY TAX REFUNDS

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

Operating expenditures
For the fiscal year ending June 30, 2000..... \$1,200,000

Sec. 50.

KANSAS ARTS COMMISSION

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

Operating expenditures
For the fiscal year ending June 30, 2001..... \$1,247

Sec. 51.

LEGISLATIVE COORDINATING COUNCIL

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

Legislative coordinating council—operations	
For the fiscal year ending June 30, 2001.....	\$2,162
Legislative research department—operations	
For the fiscal year ending June 30, 2001.....	\$8,223
Office of the revisor of statutes—operations	
For the fiscal year ending June 30, 2001.....	\$5,300

Sec. 52.

DIVISION OF POST AUDIT

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

Operations (including legislative post audit committee)
For the fiscal year ending June 30, 2001..... \$3,890

Sec. 53.

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, 2001..... \$37,512

(b) 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 fiscal year 2001, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2001 for an interim study to be conducted by the SRS transition oversight committee to study and develop priorities for services to be provided under the home and community based services (HCBS) waiver programs of the department of social and rehabilitation services and the department on aging and such other matters as may be specified by the legislative coordinating council.

Sec. 54.

GOVERNOR'S DEPARTMENT

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

Governor's department
For the fiscal year ending June 30, 2001..... \$910

Sec. 55.

UNIVERSITY OF KANSAS

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

Operating expenditures (including official hospitality)
For the fiscal year ending June 30, 2001..... \$33,986

(continued)

Geological survey

For the fiscal year ending June 30, 2001..... \$2,764

(b) In addition to the other purposes for which expenditures may be made by the university of Kansas from the restricted fees fund for fiscal year 2000, as authorized by chapter 132 or 160 of the 1999 Session Laws of Kansas or by this or other appropriation act of the 2000 regular session of the legislature, expenditures may be made by the university of Kansas from the appropriate account or accounts of the restricted fees fund during fiscal year 2000 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Renovate Strong hall west wing..... No limit

(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:

Construct student recreation center—special revenue fund For the fiscal year ending June 30, 2001..... No limit

Provided, That the university of Kansas may make expenditures from the construct student recreation center—special revenue fund for the capital improvement project to construct a new student recreation center in addition to the expenditure of other moneys appropriated therefor: Provided, however, That expenditures from this fund for such capital improvement project shall not exceed \$17,000,000 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 the university of Kansas for the purposes of subsection (b) of K.S.A. 75-8905 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.

Geological survey cost fund For the fiscal year ending June 30, 2001..... No limit Sec. 56.

KANSAS STATE UNIVERSITY

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

Operating expenditures (including official hospitality) For the fiscal year ending June 30, 2001..... \$95,819 Sec. 57.

KANSAS STATE UNIVERSITY EXTENSION SYSTEMS AND AGRICULTURE RESEARCH PROGRAMS

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

Operating expenditures (including official hospitality) For the fiscal year ending June 30, 2001..... \$62,063 Cooperative extension service (including official hospitality) For the fiscal year ending June 30, 2001..... \$113,996 Agricultural experiment stations (including official hospitality) For the fiscal year ending June 30, 2001..... \$18,431 Sec. 58.

KANSAS STATE UNIVERSITY VETERINARY MEDICAL CENTER

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

Operating expenditures (including official hospitality) For the fiscal year ending June 30, 2001..... \$12,854 Sec. 59.

WICHITA STATE UNIVERSITY

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

Operating expenditures (including official hospitality) For the fiscal year ending June 30, 2001..... \$50,967 Sec. 60.

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:

Operating expenditures (including official hospitality) For the fiscal year ending June 30, 2001..... \$212,444 School district juvenile detention facilities and Flint Hills job corps center grants For the fiscal year ending June 30, 2001..... \$870,931 KPERS—employer contributions For the fiscal year ending June 30, 2001..... \$3,924,071

Provided, That, as a condition of such grant, the Kansas cultural heritage and arts center shall develop a plan exploring the feasibility of affiliating with a state agency that has as its mission historical preservation and research and shall present such plan to the legislature at the beginning of the 2001 regular session.

Mentor teacher program grants For the fiscal year ending June 30, 2001..... \$1,000,000

Provided, That expenditures shall be made from the mentor teacher program grants account of the state department of education for payment of stipends to mentor teachers in accordance with the provisions of 2000 Senate Bill No. 432.

Environmental education program For the fiscal year ending June 30, 2001..... \$30,000 Governor's teaching excellence awards For the fiscal year ending June 30, 2001..... \$5,000

Any unencumbered balance in excess of \$100 as of June 30, 2000, in each of the following accounts is hereby reappropriated for FY 2001: Supplemental general state aid.

(b) On July 1, 2000, of the \$1,813,086,000 appropriated for the above agency for the fiscal year ending June 30, 2001, by section 35(a) of 2000 House Substitute for Senate Bill No. 326 from the state general fund in the general state aid account, the sum of \$12,746,896 is hereby lapsed.

(c) On July 1, 2000, of the \$81,779,000 appropriated for the above agency for the fiscal year ending June 30, 2001, by section 35(a) of 2000 House Substitute for Senate Bill No. 326 from the state general fund in the supplemental general state aid account, the sum of \$4,052,365 is hereby lapsed.

(d) On July 1, 2000, of the \$59,000 appropriated for the above agency for the fiscal year ending June 30, 2001, by section 35(a) of 2000 House Substitute for Senate Bill No. 326 from the state general fund in the governor's teaching excellence scholarships account, the sum of \$5,000 is hereby lapsed.

(e) On July 1, 2000, the expenditure limitation established by section 35(a) of 2000 House Substitute for Senate Bill No. 326 on expenditures from the reappropriated balance in the KPERS—employer contributions account of the state general fund is hereby increased from \$504,371 to \$2,092,433.

(f) Any unencumbered balance in the general state aid account of the state general fund of the department of education in excess of \$100 as of June 30, 2000, is hereby reappropriated in the general state aid account of the state general fund of the department of education for fiscal year 2001: Provided, That the amount reappropriated from such unencumbered balance shall not exceed \$13,841,896 and any additional remaining amount in such unencumbered balance for general state aid shall not be reappropriated and is hereby lapsed: Provided, however, That expenditures from such reappropriated balance shall not exceed \$11,841,896 except upon approval of the state finance council: Provided, further, That any portion of the amount of such reappropriated balance in excess of \$11,841,896 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: And provided further, That the amount transferred to the inservice education aid account from such unencumbered balance under this subsection (f)(2) shall not exceed \$2,000,000.

(g) (1) On the effective date of this act, the appropriation of all moneys credited to and available in the flexible spending fund—general state aid of the above agency for the fiscal year ending June 30, 2001, by section 35(a) of 2000 House Substitute for Senate Bill No. 326 is hereby lapsed.

(2) The director of accounts and reports shall not make the transfer on July 1, 2000, or as soon thereafter as moneys are available, of \$7,761,000 from the flexible spending fund of the department of administration to the flexible spending fund—general state aid of the department of education pursuant to section 35(e) of 2000 House Substitute for Senate Bill No. 326 and the provisions of section 35(e) of 2000 House Substitute for

Senate Bill No. 326 are hereby declared to be void and of no force and effect.

(h) 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:

Grant for Kansas cultural heritage center fund	
For the fiscal year ending June 30, 2001.....	\$100,000
Economic development initiatives fund	
For the fiscal year ending June 30, 2001.....	\$50,000

Provided, That no expenditures shall be made from the economic development initiatives fund of the department of education other than for purposes specifically authorized by this or other appropriation act: *Provided, however*, That expenditures may be made by the department of education for fiscal year 2001 from the economic development initiatives fund for the following purposes, subject to the expenditure limitation prescribed therefor:

Challenger project.....	\$50,000
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(i) On July 1, 2000, or as soon after such date as moneys are available, the director of accounts and reports shall transfer \$50,000 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.

(j) In addition to the other purposes for which expenditures may be made from the children's initiatives fund for fiscal year 2001, expenditures may be made by the above agency from the children's initiatives fund for fiscal year 2001 for the following specified purposes subject to the expenditure limitations prescribed therefor:

Children's initiatives fund—grant to the Kansas optometric association for vision study.....	\$250,000
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Provided, That all expenditures by the above agency from the children's initiatives fund for fiscal year 2001 from the children's initiatives fund—grant to the Kansas optometric association for vision study account shall be in addition to any expenditure limitation imposed on the children's initiatives fund for fiscal year 2001: *Provided further*, That all expenditures from the children's initiatives fund—grant to the Kansas optometric association for vision study account shall be for a grant to the Kansas optometric association to conduct a pilot study of vision problems known as convergence insufficiency and convergence excess, accommodative insufficiency, and ocular motor dysfunction and their relationship to academic performance and special education referral for students in early elementary grades: *And provided further*, That the Kansas optometric association shall make a progress report to the legislature during the 2001 regular session and a final report to the legislative budget committee and governor on or before September 1, 2001.

Children's initiatives fund—parent education program.....	\$1,500,000
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Provided, That all expenditures by the above agency from the children's initiatives fund for fiscal year 2001 from the children's initiatives fund—parent education program account shall be in addition to any expenditure limitation imposed on the children's initiatives fund for fiscal year 2001: *Provided, however*, That all expenditures from the children's initiatives fund—parent education program account for each grant under the parent education program shall be matched by the school district in an amount which is equal to not less than 65% of the grant.

Children's initiatives fund—general state aid four-year-old at-risk.....	\$1,000,000
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Provided, That all expenditures by the above agency from the children's initiatives fund for fiscal year 2001 from the children's initiatives fund—general state aid four-year-old at-risk account shall be in addition to any expenditure limitation imposed on the children's initiatives fund for fiscal year 2001.

Children's initiatives fund—school violence prevention.....	\$500,000
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Provided, That all expenditures by the above agency from the children's initiatives fund for fiscal year 2001 from the children's initiatives fund—school violence prevention account shall be in addition to any expenditure limitation imposed on the children's initiatives fund for fiscal year 2001.

(k) (1) On July 1, 2000, the director of accounts and reports shall transfer all moneys credited as of June 30, 2000, in the Kansas endowment for youth fund—parent education program account of the Kansas endow-

ment for youth fund to the children's initiatives fund—parent education program account in the children's initiatives fund established by subsection (j). On July 1, 2000, and after such transfer, (A) all encumbrances and other liabilities of the Kansas endowment for youth fund—parent education program account of the Kansas endowment for youth fund are hereby transferred to and imposed upon the children's initiatives fund—parent education program account in the children's initiatives fund, (B) the Kansas endowment for youth fund—parent education program account of the above agency in the Kansas endowment for youth fund is hereby abolished, and (C) any appropriation of moneys in the Kansas endowment for youth fund—parent education program account of the Kansas endowment for youth fund for the above agency for the fiscal year ending June 30, 2001, by any provision of chapter 132 or chapter 160 of the 1999 Session Laws of Kansas or this or other appropriation act of the 2000 regular session of the legislature, is hereby lapsed.

Children's initiatives fund—communities in schools program fund.....	\$125,000
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Provided, That all expenditures by the above agency from the children's initiatives fund for fiscal year 2001 from the children's initiatives fund—communities in schools program fund account shall be in addition to any expenditure limitation imposed on the children's initiatives fund for fiscal year 2001.

Children's initiatives fund—mentoring program grants.....	\$500,000
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Provided, That expenditures shall be made by the department of education from the mentoring program grants account for grants to school districts to provide for mentoring programs in reading, mathematics and language arts: *Provided further*, That receipt of a mentoring program grant shall be conditioned upon the school district providing the legislature by the end of the 2001 session with longitudinal data as the state department of education requires, including special education enrollment as a percentage of district-wide enrollment for at least five years prior to the implementation of a mentoring program grant, and the effect, if any, of implementation of the program on the percentage of special education enrollment to district-wide enrollment.

(2) On July 1, 2000, the director of accounts and shall transfer all moneys credited as of June 30, 2000, in the Kansas endowment for youth fund—national geographic society education foundation endowment account of the Kansas endowment for youth fund to the children's initiatives fund—national geographic society education foundation endowment account in the children's initiatives fund, which is hereby established. On July 1, 2000, and after such transfer, (A) all encumbrances and other liabilities of the Kansas endowment for youth fund—national geographic society education foundation endowment account of the Kansas endowment for youth fund are hereby transferred to and imposed upon the children's initiatives fund—national geographic society education foundation endowment account in the children's initiatives fund, (B) the Kansas endowment for youth fund—national geographic society education foundation endowment account of the above agency in the Kansas endowment for youth fund is hereby abolished, and (C) any appropriation of moneys in the Kansas endowment for youth fund—national geographic society education foundation endowment account of the Kansas endowment for youth fund for the above agency for the fiscal year ending June 30, 2001, by any provision of chapter 132 or chapter 160 of the 1999 Session Laws of Kansas or this or other appropriation act of the 2000 regular session of the legislature, is hereby lapsed.

(3) On July 1, 2000, the director of accounts and reports shall transfer all moneys credited as of June 30, 2000, in the Kansas endowment for youth fund—experimental wraparound Kansas project account of the Kansas endowment for youth fund to the children's initiatives fund—experimental wraparound Kansas project account in the children's initiatives fund, which is hereby established. On July 1, 2000, and after such transfer, (A) all encumbrances and other liabilities of the Kansas endowment for youth fund—experimental wraparound Kansas project account of the Kansas endowment for youth fund are hereby transferred to and imposed upon the children's initiatives fund—experimental wraparound Kansas project account in the children's initiatives fund, (B) the Kansas endowment for youth fund—experimental wraparound Kansas project account of the above agency in the Kansas endowment for youth fund is hereby abolished, and (C) any appropriation of moneys in the Kansas endowment for youth fund—experimental wraparound Kansas project account of the Kansas endowment for youth fund for the above agency for the fiscal year ending June 30, 2001, by any provision of chapter 132

(continued)

or chapter 160 of the 1999 Session Laws of Kansas or this or other appropriation act of the 2000 regular session of the legislature, is hereby lapsed.

(4) In addition to the other purposes for which expenditures may be made from the children's initiatives fund for fiscal year 2001 as authorized by this or other appropriation act of the 2000 regular session of the legislature, expenditures may be made by the above agency from the children's initiatives fund for fiscal year 2001, from the unencumbered balance as of July 1, 2000, in each account of the children's initiatives fund that is established by subsection (j) and into which moneys are transferred pursuant to this subsection (k) and in each account of the children's initiatives fund that is established by this subsection (k): *Provided*, That all expenditures from the unencumbered balance of any such account of the children's initiatives fund shall not exceed the amount of the unencumbered balance in such account on July 1, 2000: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the children's initiatives fund for fiscal year 2001.

(l) On July 1, 2000, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$100,000 from the state highway fund of the department of transportation to the grant for the Kansas cultural heritage center fund of the department of education for the purpose of developing the Dodge City train depot as a historical transportation site.

(m) In addition to the directives provided in section 35(a) of 2000 House Substitute for Senate Bill No. 326 for expenditures from the special education services aid account of the above agency, fully-trained reading recovery teacher leaders, selected by the agency in accordance with established criteria, shall be considered to be special teachers as defined in subsection (j)(1) of K.S.A. 72-962 and amendments thereto for the purpose of determining amounts of payments to be made to school districts in accordance with the provisions of K.S.A. 72-978 and amendments thereto from the amount remaining in the special education services aid account after deduction of expenditures made in accordance with the provisions of K.S.A. 1999 Supp. 72-893 and amendments thereto: *Provided, however*, That expenditures for fully-trained reading recovery teacher leaders, considered to be special teachers shall not exceed \$160,000: *Provided*, That consideration of reading recovery teacher leaders as special teachers for determination of the amount of the special education services aid of a school district shall be conditioned upon the school district providing the legislature by the end of the 2001 session with longitudinal data as the state department of education requires, including special education enrollment as a percentage of district-wide enrollment for at least five years prior to implementation of a reading recovery program and the effect, if any, of implementation of the program on the percentage of special education enrollment to district-wide enrollment.

Sec. 61.

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, 2001..... \$155,551

(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 and transfers to other state agencies shall not exceed the following:

Judicial branch nonjudicial salary initiative fund

For the fiscal year ending June 30, 2001..... \$3,900,000

Sec. 62.

ATTORNEY GENERAL

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

Operating expenditures

For the fiscal year ending June 30, 2001..... \$9,313

(b) In addition to the other purposes for which expenditures may be made by the attorney general from the moneys received pursuant to K.S.A. 23-128a, and amendments thereto, and credited to the crime victims assistance fund and appropriated in the crime victims assistance fund for fiscal year 2001, as authorized by this or other appropriation act of the 2000 regular session of the legislature, expenditures shall be made by

the attorney general from such moneys appropriated in the crime victims assistance fund for fiscal year 2001 and which are not needed for use as matching funds for meeting any federal requirement for the purposes of establishing child exchange and visitation centers pursuant to K.S.A. 1999 Supp. 75-720 and amendments thereto, for salary and wages and other operating expenditures for the statewide DARE (Drug Abuse Resistance Education) coordinator and staff provided for in K.S.A. 1999 Supp. 75-721 and amendments thereto: *Provided*, That such expenditures for salaries and wages and other operating expenditures for the statewide DARE (Drug Abuse Resistance Education) coordinator and staff provided for in K.S.A. 1999 Supp. 75-721 and amendments thereto shall not exceed \$159,956: *Provided further*, That such expenditures may include expenditures for official hospitality for training session: *And provided further*, That the attorney general shall report to the 2001 legislature on available research that documents the effectiveness of the DARE program nationwide and on efforts to develop data on the effectiveness of the DARE program that is specific to Kansas.

(c) On July 1, 2000, the director of accounts and reports shall transfer all moneys credited as of June 30, 2000, in the Kansas endowment for youth fund—DARE (Drug Abuse Resistance Education), coordinator, support staff, training and program expenditures account of the Kansas endowment for youth fund to the children's initiatives fund. On July 1, 2000, and after such transfer, (A) all encumbrances and other liabilities of the Kansas endowment for youth fund—DARE (Drug Abuse Resistance Education) coordinator, support staff, training and program expenditures account of the Kansas endowment for youth fund are hereby transferred to and imposed upon the children's initiatives fund, (B) the Kansas endowment for youth—DARE (Drug Abuse Resistance Education) coordinator, support staff, training and program expenditures account of the above agency in the Kansas endowment for youth fund is hereby abolished, and (C) any appropriation of moneys in the Kansas endowment for youth fund—DARE (Drug Abuse Resistance Education) coordinator, support staff, training and program expenditures account of the Kansas endowment for youth fund for the above agency for the fiscal year ending June 30, 2001, by any provision of chapter 132 or chapter 160 of the 1999 Session Laws of Kansas or this or other appropriation act of the 2000 regular session of the legislature, is hereby lapsed.

Sec. 63.

DEPARTMENT OF HEALTH AND ENVIRONMENT

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

Operating expenditures (including official hospitality)

For the fiscal year ending June 30, 2001..... \$87,698

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2000, in the salaries and wages account, any unencumbered balance in excess of \$100 as of June 30, 2000, in the other operating expenditures (including official hospitality) account, any unencumbered balance in excess of \$100 as of June 30, 2000, in the salaries and wages for swine production facility inspectors account, any unencumbered balance in excess of \$100 as of June 30, 2000, in the child care licensing operating expenditures account, any unencumbered balance in excess of \$100 as of June 30, 2000, in the adult care homes criminal record checks operating expenditures account, and any unencumbered balance in excess of \$100 as of June 30, 2000, in the operating expenditures—implementation of Substitute for 1999 House Bill No. 2469 account are hereby reappropriated to the operating expenditures (including official hospitality) account for fiscal year 2001.

Any unencumbered balance in excess of \$100 as of June 30, 2000, in each of the following accounts is hereby reappropriated for FY 2001: Vaccine purchases; infant and toddler program; aid to local units; aid to local units—primary health projects; teen pregnancy prevention activities; immunization programs.

(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 and transfers to other state agencies shall not exceed the following:

Sunflower army ammunition plant remediation trust fund

For the fiscal year ending June 30, 2001..... No limit

(c) On July 1, 2000, the expenditure limitation established by section 31(b) of 2000 House Substitute for Senate Bill No. 326 on the water plan special revenue fund is hereby increased from \$4,136,452 to \$4,137,270.

(d) On July 1, 2000, of the \$2,492,000 appropriated for the above agency for the fiscal year ending June 30, 2001, by section 31(a) of 2000 House Substitute for Senate Bill No. 326 from the state general fund in the infant and toddler program account, the sum of \$500,000 is hereby lapsed.

(e) On July 1, 2000, the director of accounts and reports shall transfer \$818 from the state water plan fund of the Kansas water office to the water plan special revenue fund of the department of health and environment.

(f) In addition to the other purposes for which expenditures may be made by the department of health and environment from the health and environment publication fee fund for fiscal year 2001, as authorized by section 31(b) of 2000 House Substitute for Senate Bill No. 326 or other appropriation act of the 2000 regular session of the legislature, and notwithstanding the provisions of section 31(b) of 2000 House Substitute for Senate Bill No. 326 or K.S.A. 75-5662 and amendments thereto to the contrary, expenditures may be made by the department of health and environment from the health and environment publication fee fund for fiscal year 2001 for development, publication and distribution of brochures containing information about infection control techniques which are appropriate for hair braiding outside the salon setting, as prescribed by section 2 of 2000 Senate Bill No. 513: *Provided*, That all moneys received for fees charged and collected under section 2 of 2000 Senate Bill No. 513 shall be deposited in the state treasury to the credit of the health and environment publication fee fund.

(g) On July 1, 2000, the position limitation established by section 69(a) of 2000 House Substitute for Senate Bill No. 326 on the department of health and environment is hereby decreased from 842.5 to 840.5.

(h) In addition to the other purposes for which expenditures may be made from the children's initiatives fund for fiscal year 2001, expenditures may be made by the above agency from the children's health care programs fund for fiscal year 2001 for the following specified purposes subject to the expenditure limitations prescribed therefor:

Children's initiatives fund—healthy start..... \$250,000

Provided, That all expenditures by the above agency from the children's initiatives fund for fiscal year 2001 from the children's initiatives fund—healthy start account shall be in addition to any expenditure limitation imposed on the children's initiatives fund for fiscal year 2001.

Children's initiatives fund—infants and toddlers program..... \$500,000

Provided, That all expenditures by the above agency from the children's initiatives fund for fiscal year 2001 from the children's initiatives fund—infants and toddlers program account shall be in addition to any expenditure limitation imposed on the children's initiatives fund for fiscal year 2001.

Children's initiatives fund—smoking prevention grants fund..... \$500,000

Provided, That expenditures shall be made from the children's initiatives fund—smoking prevention grants fund for the purpose of matching federal funds for programs that have proven outcomes: *Provided further*, That all expenditures by the above agency from the children's initiatives fund for fiscal year 2001 from the children's initiatives fund—smoking prevention grants fund shall be in addition to any expenditure limitation imposed on the children's initiatives fund for fiscal year 2001.

(i) (1) On July 1, 2000, the director of accounts and reports shall transfer all moneys credited as of June 30, 2000, in the Kansas endowment for youth fund—healthy start account of the Kansas endowment for youth fund to the children's initiatives fund—healthy start program account in the children's initiatives fund established by subsection (h). On July 1, 2000, and after such transfer, (A) all encumbrances and other liabilities of the Kansas endowment for youth fund—healthy start account of the Kansas endowment for youth fund are hereby transferred to and imposed upon the children's initiatives fund—healthy start account in the children's initiatives fund, (B) the Kansas endowment for youth fund—healthy start account of the above agency in the Kansas endowment for youth fund is hereby abolished, and (C) any appropriation of moneys in the Kansas endowment for youth fund—healthy start account of the Kansas endowment for youth fund for the above agency for the fiscal year ending June 30, 2001, by any provision of chapter 132 or chapter 160 of the 1999 Session Laws of Kansas or this or other appropriation act of the 2000 regular session of the legislature, is hereby lapsed.

(2) On July 1, 2000, the director of accounts and reports shall transfer

all moneys credited as of June 30, 2000, in the Kansas endowment for youth fund—infants and toddlers program account of the Kansas endowment for youth fund to the children's initiatives fund—infants and toddlers program account in the children's initiatives fund established by subsection (h). On July 1, 2000, and after such transfer, (A) all encumbrances and other liabilities of the Kansas endowment for youth fund—infants and toddlers program account of the Kansas endowment for youth fund are hereby transferred to and imposed upon the children's initiatives fund—infants and toddlers program account in the children's initiatives fund, (B) the Kansas endowment for youth fund—infants and toddlers program account of the above agency in the Kansas endowment for youth fund is hereby abolished, and (C) any appropriation of moneys in the Kansas endowment for youth fund—infants and toddlers program account of the Kansas endowment for youth fund for the above agency for the fiscal year ending June 30, 2001, by any provision of chapter 132 or chapter 160 of the 1999 Session Laws of Kansas or this or other appropriation act of the 2000 regular session of the legislature, is hereby lapsed.

(3) On July 1, 2000, the director of accounts and reports shall transfer all moneys credited as of June 30, 2000, in the Kansas endowment for youth fund—neonatal screening account of the Kansas endowment for youth fund to the children's initiatives fund—neonatal screening account in the children's initiatives fund, which is hereby established. On July 1, 2000, and after such transfer, (A) all encumbrances and other liabilities of the Kansas endowment for youth fund—neonatal screening account of the Kansas endowment for youth fund are hereby transferred to and imposed upon the children's initiatives fund—neonatal screening account in the children's initiatives fund, (B) the Kansas endowment for youth fund—neonatal screening account of the above agency in the Kansas endowment for youth fund is hereby abolished, and (C) any appropriation of moneys in the Kansas endowment for youth fund—neonatal screening account of the Kansas endowment for youth fund for the above agency for the fiscal year ending June 30, 2001, by any provision of chapter 132 or chapter 160 of the 1999 Session Laws of Kansas or this or other appropriation act of the 2000 regular session of the legislature, is hereby lapsed.

(4) On July 1, 2000, the director of accounts and reports shall transfer all moneys credited as of June 30, 2000, in the Kansas endowment for youth fund—vaccine purchases account of the Kansas endowment for youth fund to the children's initiatives fund—vaccine purchases account in the children's initiatives fund, which is hereby established. On July 1, 2000, and after such transfer, (A) all encumbrances and other liabilities of the Kansas endowment for youth fund—vaccine purchases account of the Kansas endowment for youth fund are hereby transferred to and imposed upon the children's initiatives fund—vaccine purchases account in the children's initiatives fund, (B) the Kansas endowment for youth fund—vaccine purchases account of the above agency in the Kansas endowment for youth fund is hereby abolished, and (C) any appropriation of moneys in the Kansas endowment for youth fund—vaccine purchases account of the Kansas endowment for youth fund for the above agency for the fiscal year ending June 30, 2001, by any provision of chapter 132 or chapter 160 of the 1999 Session Laws of Kansas or this or other appropriation act of the 2000 regular session of the legislature, is hereby lapsed.

(5) In addition to the other purposes for which expenditures may be made from the children's initiatives fund for fiscal year 2001 as authorized by this or other appropriation act of the 2000 regular session of the legislature, expenditures may be made by the above agency from the children's initiatives fund for fiscal year 2001, from the unencumbered balance as of July 1, 2000, in each account of the children's initiatives fund that is established by subsection (h) and into which moneys are transferred pursuant to this subsection (i) and in each account of the children's initiatives fund that is established by this subsection (i): *Provided*, That all expenditures from the unencumbered balance of any such account of the children's initiatives fund shall not exceed the amount of the unencumbered balance in such account on July 1, 2000: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the children's initiatives fund for fiscal year 2001.

(j) On the effective date of this act, of the \$2,492,000 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 53(a) of chapter 132 of the 1999 Session Laws of Kansas from the state general fund in the infant and toddler account, the sum of \$500,000 is hereby lapsed.

(continued)

Sec. 64.

JUDICIAL COUNCIL

(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, 2001..... \$15,525

Sec. 65.

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, 2001..... \$21,514

Sec. 66.

STATE BOARD OF TAX APPEALS

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

Operating expenditures
For the fiscal year ending June 30, 2001..... \$9,071

Sec. 67.

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:

Ellsworth correctional facility—facility operations
For the fiscal year ending June 30, 2001..... \$3,924
Larned correctional mental health facility—facility operations
For the fiscal year ending June 30, 2001..... \$29,451
Norton correctional facility—facility operations
For the fiscal year ending June 30, 2001..... \$11,310
Winfield correctional facility—facility operations
For the fiscal year ending June 30, 2001..... \$2,703
Central administration operations and parole and post-release supervision operations
For the fiscal year ending June 30, 2001..... \$24,105

(b) On July 1, 2000, of the \$30,894,098 appropriated for the above agency for the fiscal year ending June 30, 2001, by section 51(a) of 2000 House Substitute for Senate Bill No. 326 from the state general fund in the Lansing correctional facility—facility operations account, the sum of \$320,787 is hereby lapsed.

(c) On July 1, 2000, of the \$22,996,537 appropriated for the above agency for the fiscal year ending June 30, 2001, by section 51(a) of 2000 House Substitute for Senate Bill No. 326 from the state general fund in the Hutchinson correctional facility—facility operations account, the sum of \$348,414 is hereby lapsed.

(d) On July 1, 2000, of the \$17,290,354 appropriated for the above agency for the fiscal year ending June 30, 2001, by section 51(a) of 2000 House Substitute for Senate Bill No. 326 from the state general fund in the El Dorado correctional facility—facility operations account, the sum of \$326,258 is hereby lapsed.

(e) On July 1, 2000, of the \$13,658,283 appropriated for the above agency for the fiscal year ending June 30, 2001, by section 51(a) of 2000 House Substitute for Senate Bill No. 326 from the state general fund in the Topeka correctional facility—facility operations account, the sum of \$41,577 is hereby lapsed.

(f) In addition to other purposes for which expenditures may be made by the department of corrections from the state of Kansas—department of corrections inmate benefit fund for fiscal year 2001, as authorized by section 51 (b) of 2000 House Substitute for Senate Bill No. 326, expenditures may be made by the above agency from the state of Kansas—department of corrections inmate benefit fund for operating the therapeutic community program at Lansing correctional facility: *Provided*, That expenditures for such purposes from the state of Kansas—department of corrections inmate benefit fund for fiscal year 2001 shall not exceed \$495,000: *Provided further*, That all such expenditures for such purposes from the state of Kansas—department of corrections inmate benefit fund for fiscal year 2001 shall be made from the projected ending cash balance in the state of Kansas—department of corrections inmate benefit fund as of June 30, 2000, and shall not result in any reduction of funding from the state of Kansas—department of corrections inmate benefit fund for other projects within the approved budget of expenditures from such fund as authorized by section 51(b) of 2000 House Substitute for Senate Bill No. 326.

(g) On the effective date of this act, the amounts specified in section

73 (c) of chapter 132 of the 1999 Session Laws of Kansas as being included in the facilities operations account of the state general fund for the following correctional facilities for the fiscal year ending June 30, 2000, are hereby changed to the amounts specified, but expenditures from the facilities operations account of the state general fund for such correctional facilities shall not be limited to, or be required to be made in, the amounts listed for the correctional facilities, as follows: (1) The amount for Larned correctional mental health facility is hereby increased from \$6,875,937 to \$6,877,925; (2) the amount for Hutchinson correctional facility is hereby decreased from \$22,487,669 to \$22,476,313; and (3) the amount for Topeka correctional facility is hereby increased from \$13,198,883 to \$13,189,787.

(h) On the effective date of this act, of the \$12,361,004 appropriated for the above agency for the fiscal year ending June 30, 2000, by 73(a) of chapter 132 of the 1999 Session Laws of Kansas from the state general fund in the central administration operations and parole and post-release supervision operations account, the sum of \$4,037 is hereby lapsed.

(i) In addition to the other purposes for which expenditures may be made by the department of corrections from the local jail payments account of the state general fund for fiscal year 2001 as authorized by section 51(a) of 2000 House Substitute for Senate Bill No. 326, expenditures may be made by the department of corrections from the local jail payments account of the state general fund for fiscal year 2001 for reimbursement costs incurred during fiscal year 2000.

(j) On July 1, 2000, the position limitation established by section 69(a) of 2000 House Substitute for Senate Bill No. 326 for the above agency is hereby decreased from 3,063.0 to 3,059.0.

Sec. 68.

DEPARTMENT OF WILDLIFE AND PARKS

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

Operating expenditures
For the fiscal year ending June 30, 2001..... \$7,140

(b) On July 1, 2000, the expenditure limitation established by section 67(b) of 2000 House Substitute for Senate Bill No. 326, on the wildlife fee fund is hereby decreased from \$22,139,970 to \$21,801,503.

(c) On July 1, 2000, the expenditure limitation established by section 67(b) of 2000 House Substitute for Senate Bill No. 326, on the EDIF—local government outdoor recreation grants fund is hereby increased from \$250,000 to \$500,000.

(d) On July 1, 2000, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$250,000 from the Kansas economic development endowment account of the state economic development initiatives fund of the department of commerce and housing to the EDIF—local government outdoor recreation grants fund of the department of wildlife and parks.

(e) On July 1, 2000, the expenditure limitation established by section 67(b) of 2000 House Substitute for Senate Bill No. 326, on the parks fee fund is hereby increased from \$4,460,870 to \$4,468,010.

Sec. 69.

OMBUDSMAN OF CORRECTIONS

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

Adult corrections oversight
For the fiscal year ending June 30, 2001..... \$500

Sec. 70. (a) In addition to the other purposes for which expenditures may be made by each state agency named in this act from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2001 as authorized by this or other appropriation act of the 2000 regular session of the legislature, expenditures shall be made by each state agency named in this act from the moneys appropriated from the state general fund or from any special revenue funds for fiscal year 2001, to prepare a report identifying in detail all funding that will be requested by such agency from the state general fund or any special revenue funds for any and all substance abuse treatment, prevention or education programs, including the administration of such programs, for the fiscal year ending June 30, 2002: *Provided*, That each such agency shall submit such report to the Kansas center for prevention leadership of the department of social and rehabilitation services on or before September 15, 2000: *Provided further*, That each such agency shall submit a copy of such report to the division of the budget and to the legislative

research department at the same time it is submitted to the Kansas center for prevention leadership of the governor's department.

(b) On July 1, 2000, the provisions of section 71 of 2000 House Substitute for Senate Bill No. 326 are hereby declared to be null and void and shall be of no force and effect.

Sec. 71. On July 1, 2000, K.S.A. 1999 Supp. 79-34,147, as amended by section 106 of 2000 House Substitute for Senate Bill No. 326, is hereby amended to read as follows: 79-34,147. (a) (1) On July 1, 1999, and quarterly thereafter the secretary of revenue shall certify to the director of accounts and reports the amount equal to 7.628% of the total revenues received by the secretary from the taxes imposed under the Kansas retailers' sales tax act and deposited in the state treasury and credited to the state general fund during the preceding three calendar months.

(2) On July 1, 2001, and quarterly thereafter, the secretary of revenue shall certify to the director of accounts and reports the amount equal to 9.5% of the total revenues received by the secretary from the taxes imposed under the Kansas retailers' sales tax act and deposited in the state treasury and credited to the state general fund during the preceding three calendar months.

(3) On July 1, 2002, and quarterly thereafter, the secretary of revenue shall certify to the director of accounts and reports the amount equal to 11% of the total revenues received by the secretary from the taxes imposed under the Kansas retailers' sales tax act and deposited in the state treasury and credited to the state general fund during the preceding three calendar months.

(4) On July 1, 2003, and quarterly thereafter, the secretary of revenue shall certify to the director of accounts and reports the amount equal to 11.25% of the total revenues received by the secretary from the taxes imposed under the Kansas retailers' sales tax act and deposited in the state treasury and credited to the state general fund during the preceding three calendar months.

(5) On July 1, 2004, and quarterly thereafter, the secretary of revenue shall certify to the director of accounts and reports the amount equal to 12% of the total revenues received by the secretary from the taxes imposed under the Kansas retailers' sales tax act and deposited in the state treasury and credited to the state general fund during the preceding three calendar months.

(b) Upon receipt of each certification under subsection (a), the director of accounts and reports shall transfer from the state general fund to the state highway fund an amount equal to the amount so certified, on each July 1, October 1, January 1 and April 1, except that (1)(A) the amount of the transfer on each such date during state fiscal year 2000 shall not exceed the amount equal to 101.7% of the amount of the transfer on each such date during state fiscal year 1999 and (B) the aggregate amount of all such transfers during state fiscal year 2000 shall not exceed \$62,240,428; and (2) the amount of the transfer on each such date during state fiscal year 2001 shall not exceed ~~\$12,820,480.50~~ \$12,927,149.75. All transfers made pursuant to this section are subject to reduction under K.S.A. 75-6704, and amendments thereto.

(c) All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.

Sec. 72. On July 1, 2000, K.S.A. 1999 Supp. 79-34,147, as amended by section 106 of 2000 House Substitute for Senate Bill No. 326, is hereby repealed.

Sec. 73. (a) Notwithstanding the provisions of subsection (b) of K.S.A. 74-4927f and amendments thereto, no participating employer under the Kansas public employees retirement system shall pay any amount to the system for the cost of the plan of death and long-term disability benefits under K.S.A. 74-4927f and amendments thereto for the period from April 1, 2000, through June 30, 2001.

(b) On the effective date of this act, the amount in each account of the state general fund of each state agency that is appropriated for the fiscal year ending June 30, 2000, by chapter 132 or chapter 160 of the 1999 Session Laws of Kansas or by 2000 Senate Bill No. 39 and that is budgeted for payment of the cost of the plan of death and long-term disability benefits under K.S.A. 74-4927f and amendments thereto, as certified by the director of the budget to the director of accounts and reports, for the period from April 1, 2000, through June 30, 2000, is hereby lapsed.

Sec. 74. (a) On July 1, 2000, the director of accounts and reports shall transfer the unencumbered balance as of June 30, 2000, in each account of the children's initiatives fund to the Kansas endowment for youth fund.

(b) On July 1, 2001, the director of accounts and reports shall transfer

the unencumbered balance as of June 30, 2001, in each account of the children's initiatives fund to the Kansas endowment for youth fund.

Sec. 75. *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, 2000, made in chapter 132 or 160 of the 1999 Session Laws of Kansas or in any other appropriation act of the 2000 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, 2001, made in chapter 132 or 160 of the 1999 Session Laws of Kansas or in this or in any other appropriation act of the 2000 regular session of the legislature may be exceeded upon approval of the state finance council.

Sec. 76. *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. 77. *Savings.* (a) Any unencumbered balance as of June 30, 2000, 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, 2001, 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 chapter 132 of the 1999 Session Laws of Kansas 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. 78. *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 2000 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 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.

(b) Each federal grant or other federal receipt which is received by a state agency named in section 22 of chapter 132 of the 1999 Session Laws of Kansas 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. 79. Any transfers of money during the fiscal year ending June 30, 2001, 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, 2001.

Sec. 80. Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2000 regular session of the legislature, and having an unencumbered balance as of June 30, 2000, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2001, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.

Sec. 81. Any Kansas educational building fund appropriation heretofore appropriated to any institution named in this or other appropriation act

(continued)

of the 2000 regular session of the legislature and having an unencumbered balance as of June 30, 2000, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2001, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

Sec. 82. Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2000 regular session of the legislature and having an unencumbered balance as of June 30, 2000, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2001, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

Sec. 83. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register May 25, 2000.)

HOUSE Substitute for SENATE BILL No. 323

AN ACT concerning crimes, criminal procedure and punishment; relating to probation and suspension of sentence, jail confinement, community corrections, conditional violators, dispositions; postrelease supervision; placement of inmates and offenders; revocation of nonprison sanction for certain offenders; making and concerning appropriations for the fiscal years ending June 30, 2001, and June 30, 2002, for the department of corrections; amending K.S.A. 21-4602, 21-4606b, 22-3431, 22-3716 and 75-52,129 and K.S.A. 1999 Supp. 21-4603, 21-4603d, 21-4610, 21-4611, 22-3717 and 75-5291 and repealing the existing sections:

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

Section 1. K.S.A. 21-4602 is hereby amended to read as follows: 21-4602. As used in K.S.A. 21-4601 through 21-4621, and amendments thereto:

(a) "Court" means any court having jurisdiction and power to sentence offenders for violations of the laws of this state.

(b) "Suspension of sentence" means a procedure under which a defendant, found guilty of a crime, upon verdict or plea, is released by the court without imposition of sentence. The release may be with or without supervision in the discretion of the court. In felony cases, the court may include confinement in a county jail not to exceed 90 days, which need not be served consecutively, as a condition of suspension of sentence pursuant to subsection (b)(4) of K.S.A. 21-4603 and amendments thereto.

(c) "Probation" means a procedure under which a defendant, found guilty of a crime upon verdict or plea, is released by the court after imposition of sentence, without imprisonment except as provided in felony cases, subject to conditions imposed by the court and subject to the supervision of the probation service of the court or community corrections. In felony cases, the court may include confinement in a county jail not to exceed 90 days, which need not be served consecutively, as a condition of an original probation sentence and up to 60 days in a county jail upon each revocation of the probation sentence pursuant to subsection (b)(3) of K.S.A. 21-4603 and amendments thereto.

(d) "Parole" means the release of a prisoner to the community by the Kansas parole board prior to the expiration of such prisoner's term, subject to conditions imposed by the board and to the secretary of correction's supervision. Parole also means the release by a court of competent jurisdiction of a person confined in the county jail or other local place of detention after conviction and prior to expiration of such person's term, subject to conditions imposed by the court and its supervision. Where a court or other authority has filed a warrant against the prisoner, the Kansas parole board or paroling court may release the prisoner on parole to answer the warrant of such court or authority.

(e) "Correctional institution" means the Lansing correctional facility, Hutchinson correctional facility, Topeka correctional facility, Norton correctional facility, Ellsworth correctional facility, Winfield correctional facility, Osawatomie correctional facility, Larned correctional mental health facility, Toronto correctional work facility, Stockton correctional facility, Wichita work release facility, El Dorado correctional facility, and any other correctional institution established by the state for the confinement of offenders, and under control of the secretary of corrections.

(f) "Community correctional services program" means a program which operates under the community corrections act and to which a defendant is assigned for supervision, confinement, detention, care or treatment, subject to conditions imposed by the court. A defendant assigned to a community correctional services program shall be subject to the con-

tinuing jurisdiction of the court and in no event shall be considered to be in the custody of or under the supervision of the secretary of corrections.

(g) "Postrelease supervision," for crimes committed on or after July 1, 1993, means the same as provided in K.S.A. 21-4703 and amendments thereto.

Sec. 2. K.S.A. 1999 Supp. 21-4603 is hereby amended to read as follows: 21-4603. (a) Whenever any person has been found guilty of a crime and the court finds that an adequate presentence investigation cannot be conducted by resources available within the judicial district, including mental health centers and mental health clinics, the court may require that a presentence investigation be conducted by the Topeka correctional facility or by the state security hospital. If the offender is sent to the Topeka correctional facility or the state security hospital for a presentence investigation under this section, the correctional facility or hospital may keep the offender confined for a maximum of 60 days, except that an inmate may be held for a longer period of time on order of the secretary, or until the court calls for the return of the offender. While held at the Topeka correctional facility or the state security hospital the defendant may be treated the same as any person committed to the secretary of corrections or secretary of social and rehabilitation services for purposes of maintaining security and control, discipline, and emergency medical or psychiatric treatment, and general population management except that no such person shall be transferred out of the state or to a federal institution or to any other location unless the transfer is between the correctional facility and the state security hospital. The correctional facility or the state security hospital shall compile a complete mental and physical evaluation of such offender and shall make its findings and recommendations known to the court in the presentence report.

(b) Except as provided in subsection (c), whenever any person has been found guilty of a crime, the court may adjudge any of the following:

(1) Commit the defendant to the custody of the secretary of corrections or, if confinement is for a term less than one year, to jail for the term provided by law;

(2) impose the fine applicable to the offense;

(3) release the defendant on probation subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution. In felony cases, the court may include confinement in a county jail not to exceed 90 days, which need not be served consecutively, as a condition of an original probation sentence and up to 60 days in a county jail upon each revocation of the probation sentence;

(4) suspend the imposition of the sentence subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution. In felony cases, the court may include confinement in a county jail not to exceed 90 days, which need not be served consecutively, as a condition of suspension of sentence;

(5) assign the defendant to a community correctional services program subject to the provisions of K.S.A. 75-5291, and amendments thereto, and such conditions as the court may deem appropriate, including orders requiring full or partial restitution;

(6) assign the defendant to a conservation camp for a period not to exceed six months;

(7) assign the defendant to a house arrest program pursuant to K.S.A. 21-4603b and amendments thereto;

(8) order the defendant to attend and satisfactorily complete an alcohol or drug education or training program as provided by subsection (3) of K.S.A. 21-4502 and amendments thereto;

(9) order the defendant to pay the administrative fee authorized by K.S.A. 1999 Supp. 22-4529 and amendments thereto, unless waived by the court; or

(10) impose any appropriate combination of subsections (b)(1) through (b)(9).

In addition to or in lieu of any of the above, the court shall order the defendant to submit to and complete an alcohol and drug evaluation, and pay a fee therefor, when required by subsection (4) of K.S.A. 21-4502 and amendments thereto.

In addition to any of the above, the court shall order the defendant to reimburse the state general fund for all or a part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required

to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment. The amount of attorney fees to be included in the court order for reimbursement shall be the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less.

In imposing a fine the court may authorize the payment thereof in installments. In releasing a defendant on probation, the court shall direct that the defendant be under the supervision of a court services officer. If the court commits the defendant to the custody of the secretary of corrections or to jail, the court may specify in its order the amount of restitution to be paid and the person to whom it shall be paid if restitution is later ordered as a condition of parole or conditional release.

The court in committing a defendant to the custody of the secretary of corrections shall fix a maximum term of confinement within the limits provided by law. In those cases where the law does not fix a maximum term of confinement for the crime for which the defendant was convicted, the court shall fix the maximum term of such confinement. In all cases where the defendant is committed to the custody of the secretary of corrections, the court shall fix the minimum term within the limits provided by law.

(c) Whenever any juvenile felon, as defined in K.S.A. 38-16,112, prior to its repeal, has been found guilty of a class A or B felony, the court shall commit the defendant to the custody of the secretary of corrections and may impose the fine applicable to the offense.

(d) (1) Except when an appeal is taken and determined adversely to the defendant as provided in subsection (d)(2), at any time within 120 days after a sentence is imposed, after probation or assignment to a community correctional services program has been revoked, the court may modify such sentence, revocation of probation or assignment to a community correctional services program by directing that a less severe penalty be imposed in lieu of that originally adjudged within statutory limits and shall modify such sentence if recommended by the Topeka correctional facility unless the court finds and sets forth with particularity the reasons for finding that the safety of members of the public will be jeopardized or that the welfare of the inmate will not be served by such modification.

(2) If an appeal is taken and determined adversely to the defendant, such sentence may be modified within 120 days after the receipt by the clerk of the district court of the mandate from the supreme court or court of appeals.

(e) The court shall modify the sentence at any time before the expiration thereof when such modification is recommended by the secretary of corrections unless the court finds and sets forth with particularity the reasons for finding that the safety of members of the public will be jeopardized or that the welfare of the inmate will not be served by such modification. The court shall have the power to impose a less severe penalty upon the inmate, including the power to reduce the minimum below the statutory limit on the minimum term prescribed for the crime of which the inmate has been convicted. The recommendation of the secretary of corrections, the hearing on the recommendation and the order of modification shall be made in open court. Notice of the recommendation of modification of sentence and the time and place of the hearing thereon shall be given by the inmate, or by the inmate's legal counsel, at least 21 days prior to the hearing to the county or district attorney of the county where the inmate was convicted. After receipt of such notice and at least 14 days prior to the hearing, the county or district attorney shall give notice of the recommendation of modification of sentence and the time and place of the hearing thereon to any victim of the inmate's crime who is alive and whose address is known to the county or district attorney or, if the victim is deceased, to the victim's next of kin if the next of kin's address is known to the county or district attorney. Proof of service of each notice required to be given by this subsection shall be filed with the court.

(f) After such defendant has been assigned to a conservation camp but prior to the end of 180 days, the chief administrator of such camp shall file a performance report and recommendations with the court. The court shall enter an order based on such report and recommendations modi-

fying the sentence, if appropriate, by sentencing the defendant to any of the authorized dispositions provided in subsection (b), except to reassign such person to a conservation camp as provided in subsection (b)(6).

(g) Dispositions which do not involve commitment to the custody of the secretary of corrections and commitments which are revoked within 120 days shall not entail the loss by the defendant of any civil rights. Placement of offenders pursuant to subsection (b)(6) in a conservation camp established by the secretary of corrections shall not entail the loss by the defendant of any civil rights.

(h) This section shall not deprive the court of any authority conferred by any other Kansas statute to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty as a result of conviction of crime.

(i) An application for or acceptance of probation, suspended sentence or assignment to a community correctional services program shall not constitute an acquiescence in the judgment for purpose of appeal, and any convicted person may appeal from such conviction, as provided by law, without regard to whether such person has applied for probation, suspended sentence or assignment to a community correctional services program.

(j) When it is provided by law that a person shall be sentenced pursuant to K.S.A. 21-4628, and amendments thereto, the provisions of this section shall not apply.

(k) The provisions of this section shall apply to crimes committed before July 1, 1993.

Sec. 3. K.S.A. 1999 Supp. 21-4603d is hereby amended to read as follows: 21-4603d. (a) Whenever any person has been found guilty of a crime, the court may adjudge any of the following:

(1) Commit the defendant to the custody of the secretary of corrections if the current crime of conviction is a felony and the sentence presumes imprisonment, or the sentence imposed is a dispositional departure to imprisonment; or, if confinement is for a misdemeanor, to jail for the term provided by law;

(2) impose the fine applicable to the offense;

(3) release the defendant on probation if the current crime of conviction and criminal history fall within a presumptive nonprison category or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate. In felony cases except for violations of K.S.A. 8-1567 and amendments thereto, the court may include confinement in a county jail not to exceed 60 days, which need not be served consecutively, as a condition of an original probation sentence and up to 60 days in a county jail upon each revocation of the probation sentence, or community corrections placement;

(4) assign the defendant to a community correctional services program in presumptive nonprison cases as provided in K.S.A. 75-5291, and amendments thereto, or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution;

(5) assign the defendant to a conservation camp for a period not to exceed six months as a condition of probation followed by a six-month period of follow-up through adult intensive supervision by a community correctional services program, if the offender successfully completes the conservation camp program;

(6) assign the defendant to a house arrest program pursuant to K.S.A. 21-4603b and amendments thereto;

(7) order the defendant to attend and satisfactorily complete an alcohol or drug education or training program as provided by subsection (3) of K.S.A. 21-4502 and amendments thereto;

(8) order the defendant to repay the amount of any reward paid by any crime stoppers chapter, individual, corporation or public entity which materially aided in the apprehension or conviction of the defendant; repay the amount of any costs and expenses incurred by any law enforcement agency in the apprehension of the defendant, if one of the current crimes of conviction of the defendant includes escape, as defined in K.S.A. 21-3809 and amendments thereto or aggravated escape, as defined in K.S.A. 21-3810 and amendments thereto; or repay the amount of any public funds utilized by a law enforcement agency to purchase controlled substances from the defendant during the investigation which leads to the defendant's conviction. Such repayment of the amount of any such costs and expenses incurred by a law enforcement agency or any public funds utilized by a law enforcement agency shall be deposited and credited to

(continued)

the same fund from which the public funds were credited to prior to use by the law enforcement agency;

(9) order the defendant to pay the administrative fee authorized by K.S.A. 1999 Supp. 22-4529 and amendments thereto, unless waived by the court;

(10) impose any appropriate combination of (1), (2), (3), (4), (5), (6), (7), (8) and (9); or

(11) suspend imposition of sentence in misdemeanor cases.

In addition to or in lieu of any of the above, the court shall order the defendant to pay restitution, which shall include, but not be limited to, damage or loss caused by the defendant's crime, unless the court finds compelling circumstances which would render a plan of restitution unworkable. If the court finds a plan of restitution unworkable, the court shall state on the record in detail the reasons therefor.

If the court orders restitution, the restitution shall be a judgment against the defendant which may be collected by the court by garnishment or other execution as on judgments in civil cases. If, after 60 days from the date restitution is ordered by the court, a defendant is found to be in noncompliance with the plan established by the court for payment of restitution, and the victim to whom restitution is ordered paid has not initiated proceedings in accordance with K.S.A. 60-4301 *et seq.* and amendments thereto, the court shall assign an agent procured by the attorney general pursuant to K.S.A. 75-719 and amendments thereto to collect the restitution on behalf of the victim. The administrative judge of each judicial district may assign such cases to an appropriate division of the court for the conduct of civil collection proceedings.

In addition to or in lieu of any of the above, the court shall order the defendant to submit to and complete an alcohol and drug evaluation, and pay a fee therefor, when required by subsection (4) of K.S.A. 21-4502 and amendments thereto.

In addition to any of the above, the court shall order the defendant to reimburse the county general fund for all or a part of the expenditures by the county to provide counsel and other defense services to the defendant. Any such reimbursement to the county shall be paid only after any order for restitution has been paid in full. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

In imposing a fine the court may authorize the payment thereof in installments. In releasing a defendant on probation, the court shall direct that the defendant be under the supervision of a court services officer. If the court commits the defendant to the custody of the secretary of corrections or to jail, the court may specify in its order the amount of restitution to be paid and the person to whom it shall be paid if restitution is later ordered as a condition of parole or conditional release.

When a new felony is committed while the offender is incarcerated and serving a sentence for a felony or while the offender is on probation, assignment to a community correctional services program, parole, conditional release, or postrelease supervision for a felony, a new sentence shall be imposed pursuant to the consecutive sentencing requirements of K.S.A. 21-4608, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure. When a new felony is committed while the offender is on release for a felony pursuant to the provisions of article 28 of chapter 22 of the Kansas Statutes Annotated, a new sentence may be imposed pursuant to the consecutive sentencing requirements of K.S.A. 21-4608 and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

Prior to imposing a dispositional departure for a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing

guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H, 3-I, 4-E or 4-F of the sentencing guidelines grid for drug crimes, or prior to revocation of a nonprison sanction of a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid or grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H, 3-I, 4-E or 4-F of the sentencing guidelines grid for drug crimes, the court shall consider placement of the defendant in the Labette correctional conservation camp, conservation camps established by the secretary of corrections pursuant to K.S.A. 75-52,127, and amendment thereto or a community intermediate sanction center. Pursuant to this paragraph the defendant shall not be sentenced to imprisonment if space is available in a conservation camp or a community intermediate sanction center and the defendant meets all of the conservation camp's or a community intermediate sanction center's placement criteria unless the court states on the record the reasons for not placing the defendant in a conservation camp or a community intermediate sanction center.

The court in committing a defendant to the custody of the secretary of corrections shall fix a term of confinement within the limits provided by law. In those cases where the law does not fix a term of confinement for the crime for which the defendant was convicted, the court shall fix the term of such confinement.

In addition to any of the above, the court shall order the defendant to reimburse the state general fund for all or a part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment. The amount of attorney fees to be included in the court order for reimbursement shall be the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less.

(b) Dispositions which do not involve commitment to the custody of the secretary of corrections shall not entail the loss by the defendant of any civil rights. Placement of offenders in a conservation camp established by the secretary of corrections pursuant to K.S.A. 75-52,127, and amendments thereto, as a nonimprisonment disposition shall not entail the loss by the defendant of any civil rights.

(c) This section shall not deprive the court of any authority conferred by any other Kansas statute to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty as a result of conviction of crime.

(d) An application for or acceptance of probation or assignment to a community correctional services program shall not constitute an acquiescence in the judgment for purpose of appeal, and any convicted person may appeal from such conviction, as provided by law, without regard to whether such person has applied for probation, suspended sentence or assignment to a community correctional services program.

(e) The secretary of corrections is authorized to make direct placement to the Labette correctional conservation camp or a conservation camp established by the secretary pursuant to K.S.A. 75-52,127, and amendments thereto, of an inmate sentenced to the secretary's custody if the inmate: (1) Has been sentenced to the secretary for a probation revocation, as a departure from the presumptive nonimprisonment grid block of either sentencing grid, or for an offense which is classified in grid blocks 5-H, 5-I, or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H, 3-I, 4-E, or 4-F of the sentencing guidelines grid for drug crimes; and (2) otherwise meets admission criteria of the camp. If the inmate successfully completes the six-month-a conservation camp program, the secretary of corrections shall report such completion to the sentencing court and the county or district attorney. The inmate shall then be assigned by the court to six months of follow-up supervision conducted by the appropriate community corrections services program. The court may also order that supervision continue there-

after for the length of time authorized by K.S.A. 21-4611 and amendments thereto.

(f) When it is provided by law that a person shall be sentenced pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, the provisions of this section shall not apply.

Sec. 4. K.S.A. 21-4606b is hereby amended to read as follows: 21-4606b. (a) If probation is not granted pursuant to K.S.A. 21-4606a, and amendments thereto, *subject to the provisions of K.S.A. 75-5291, and amendments thereto*, the presumptive sentence for a person convicted of a class D or E felony shall be assignment to a community correctional services program on terms the court determines.

(b) In determining whether to impose the presumptive sentence provided by this section, the court shall consider whether any of the following aggravating circumstances existed:

(1) Whether the crime is a felony violation of the uniform controlled substances act or an attempt to commit such an offense;

(2) whether the crime is a crime specified in article 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated or an attempt to commit such an offense; or

(3) any prior record of the person's having been convicted of a felony or having been adjudicated to have committed, while a juvenile, an offense which would constitute a felony if committed by an adult.

(c) The provisions of this section shall not apply to crimes committed on or after July 1, 1993.

Sec. 5. K.S.A. 1999 Supp. 21-4610 is hereby amended to read as follows: 21-4610. (a) Except as required by *this subsection and subsection (d)*, nothing in this section shall be construed to limit the authority of the court to impose or modify any general or specific conditions of probation, suspension of sentence or assignment to a community correctional services program, except that the court shall condition any order granting probation, suspension of sentence or assignment to a community correctional services program on the defendant's obedience of the laws of the United States, the state of Kansas and any other jurisdiction to the laws of which the defendant may be subject. *The provisions of K.S.A. 75-5291, and amendments thereto, shall be applicable to any assignment to a community correctional services program pursuant to this section.*

(b) The court services officer or community correctional services officer may recommend, and the court may order, the imposition of any conditions of probation, suspension of sentence or assignment to a community correctional services program. For crimes committed on or after July 1, 1993, in presumptive nonprison cases, the court services officer or community correctional services officer may recommend, and the court may order, the imposition of any conditions of probation or assignment to a community correctional services program. The court may at any time order the modification of such conditions, after notice to the court services officer or community correctional services officer and an opportunity for such officer to be heard thereon. The court shall cause a copy of any such order to be delivered to the court services officer and the probationer or to the community correctional services officer and the community corrections participant, as the case may be. *The provisions of K.S.A. 75-5291, and amendments thereto, shall be applicable to any assignment to a community correctional services program pursuant to this section.*

(c) The court may impose any conditions of probation, suspension of sentence or assignment to a community correctional services program that the court deems proper, including but not limited to requiring that the defendant:

(1) Avoid such injurious or vicious habits, as directed by the court, court services officer or community correctional services officer;

(2) avoid such persons or places of disreputable or harmful character, as directed by the court, court services officer or community correctional services officer;

(3) report to the court services officer or community correctional services officer as directed;

(4) permit the court services officer or community correctional services officer to visit the defendant at home or elsewhere;

(5) work faithfully at suitable employment insofar as possible;

(6) remain within the state unless the court grants permission to leave;

(7) pay a fine or costs, applicable to the offense, in one or several sums and in the manner as directed by the court;

(8) support the defendant's dependents;

(9) reside in a residential facility located in the community and participate in educational, counseling, work and other correctional or rehabilitative programs;

(10) perform community or public service work for local governmental agencies, private corporations organized not for profit, or charitable or social service organizations performing services for the community;

(11) perform services under a system of day fines whereby the defendant is required to satisfy fines, costs or reparation or restitution obligations by performing services for a period of days determined by the court on the basis of ability to pay, standard of living, support obligations and other factors;

(12) participate in a house arrest program pursuant to K.S.A. 21-4603b, and amendments thereto;

(13) order the defendant to pay the administrative fee authorized by K.S.A. 1999 Supp. 22-4529 *and amendments thereto*, unless waived by the court; or

(14) in felony cases, except for violations of K.S.A. 8-1567 and amendments thereto, be confined in a county jail not to exceed ~~30~~ 60 days, which need not be served consecutively.

(d) In addition to any other conditions of probation, suspension of sentence or assignment to a community correctional services program, the court shall order the defendant to comply with each of the following conditions:

(1) Make reparation or restitution to the aggrieved party for the damage or loss caused by the defendant's crime, in an amount and manner determined by the court and to the person specified by the court, unless the court finds compelling circumstances which would render a plan of restitution unworkable. If the court finds a plan of restitution unworkable, the court shall state on the record in detail the reasons therefor;

(2) pay the probation or community correctional services fee pursuant to K.S.A. 21-4610a, and amendments thereto; and

(3) reimburse the state general fund for all or a part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment. The amount of attorney fees to be included in the court order for reimbursement shall be the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less.

Sec. 6. K.S.A. 1999 Supp. 21-4611 is hereby amended to read as follows: 21-4611. (a) The period of suspension of sentence, probation or assignment to community corrections fixed by the court shall not exceed five years in felony cases involving crimes committed prior to July 1, 1993, or two years in misdemeanor cases, subject to renewal and extension for additional fixed periods not exceeding five years in such felony cases, nor two years in misdemeanor cases. In no event shall the total period of probation, suspension of sentence or assignment to community corrections for a felony committed prior to July 1, 1993, exceed the greatest maximum term provided by law for the crime, except that where the defendant is convicted of nonsupport of a child, the period may be continued as long as the responsibility for support continues. Probation, suspension of sentence or assignment to community corrections may be terminated by the court at any time and upon such termination or upon termination by expiration of the term of probation, suspension of sentence or assignment to community corrections, an order to this effect shall be entered by the court. *The provisions of K.S.A. 75-5291, and amendments thereto, shall be applicable to any assignment to a community correctional services program pursuant to this section.*

(b) The district court having jurisdiction of the offender may parole any misdemeanor sentenced to confinement in the county jail. The period of such parole shall be fixed by the court and shall not exceed two

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years and shall be terminated in the manner provided for termination of suspended sentence and probation.

(c) For all crimes committed on or after July 1, 1993, the recommended duration of probation in all felony cases sentenced for the following severity levels on the sentencing guidelines grid for nondrug crimes and the sentencing guidelines grid for drug crimes is as follows:

(1) For nondrug crimes the recommended duration of probations is:

(A) Thirty-six months for crimes in crime severity levels 1 through 5; and

(B) 24 months for crimes in crime severity levels 6 through 10 and 7; and

(2) For drug crimes:

(A) Thirty-six the recommended duration of probation is 36 months for crimes in crime severity levels 1 through 3 and 2, and

(B) 24 months for crimes in crime severity level 4.

(3) In felony cases sentenced at severity levels 9 and 10 on the sentencing guidelines grid for nondrug crimes and severity level 4 on the sentencing guidelines grid for drug crimes, if a nonprison sanction is imposed, the court shall order the defendant to serve a period of probation, or assignment to a community correctional services program as provided under K.S.A. 75-5291 et seq., and amendments thereto, of up to 12 months in length.

(4) In felony cases sentenced at severity level 8 on the sentencing guidelines grid for nondrug crimes and severity level 3 on the sentencing guidelines grid for drug crimes, if a nonprison sanction is imposed, the court shall order the defendant to serve a period of probation, or assignment to a community correctional services program, as provided under K.S.A. 75-5291 et seq., and amendments thereto, of up to 18 months in length.

(5) If the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will be jeopardized or that the welfare of the inmate will not be served by the length of the probation terms provided in subsections (c)(3) and (c)(4), the court may impose a longer period of probation. Such an increase shall not be considered a departure and shall not be subject to appeal.

(6) Except as provided in subsections (c)(4) and (c)(5) (c)(7) and (c)(8), the total period in all cases shall not exceed 60 months, or the maximum period of the prison sentence that could be imposed whichever is longer. Nonprison sentences may be terminated by the court at any time.

(4) (7) If the defendant is convicted of nonsupport of a child, the period may be continued as long as the responsibility for support continues. If the defendant is ordered to pay full or partial restitution, the period may be continued as long as the amount of restitution ordered has not been paid.

(5) (8) The court may modify or extend the offender's period of supervision, pursuant to a modification hearing and a judicial finding of necessity. Such extensions may be made for a maximum period of five years or the maximum period of the prison sentence that could be imposed, whichever is longer, inclusive of the original supervision term.

(d) The provisions of subsection (c), as amended by this act, shall be applied retroactively. The sentencing court shall direct that a review of all persons serving a nonprison sanction for a crime in severity levels 8, 9 or 10 of the sentencing guidelines grid for nondrug crimes or a crime in severity levels 3 or 4 of the sentencing guidelines grid for drug crimes be conducted. On or before September 1, 2000, the duration of such person's probation shall be modified in conformity with the provisions of subsection (c).

Sec. 7. K.S.A. 22-3431 is hereby amended to read as follows: 22-3431.

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

(b) Upon receiving such notice, the district court shall order that a hearing be held. The court shall give notice of the hearing to: (1) The state hospital or state security hospital where the defendant is under commitment; (2) the district or county attorney of the county from which the defendant was originally committed; (3) the defendant; and (4) the defendant's attorney. The court shall inform the defendant that such defendant is entitled to counsel and that counsel will be appointed to rep-

resent the defendant if the defendant is not financially able to employ an attorney as provided in K.S.A. 22-4503 et seq., and amendments thereto. The hearing shall be held within 30 days after the receipt by the court of the chief medical officer's notice.

(c) At the hearing, the defendant shall be sentenced, committed, granted probation, assigned to a community correctional services program, as provided by K.S.A. 75-5291 and amendments thereto, or discharged as the court deems best under the circumstance. The time spent in a state or local institution pursuant to a commitment under K.S.A. 22-3430 and amendments thereto shall be credited against any sentence, confinement or imprisonment imposed on the defendant.

Sec. 8. K.S.A. 22-3716 is hereby amended to read as follows: 22-3716.

(a) At any time during probation, assignment to a community correctional services program, suspension of sentence or pursuant to subsection (d) for defendants who committed a crime prior to July 1, 1993, and at any time during which a defendant is serving a nonprison sanction for a crime committed on or after July 1, 1993, or pursuant to subsection (d), the court may issue a warrant for the arrest of a defendant for violation of any of the conditions of release or assignment, a notice to appear to answer to a charge of violation or a violation of the defendant's nonprison sanction. The notice shall be personally served upon the defendant. The warrant shall authorize all officers named in the warrant to return the defendant to the custody of the court or to any certified detention facility designated by the court. Any court services officer or community correctional services officer may arrest the defendant without a warrant or may deputize any other officer with power of arrest to do so by giving the officer a written statement setting forth that the defendant has, in the judgment of the court services officer or community correctional services officer, violated the conditions of the defendant's release or a nonprison sanction. The written statement delivered with the defendant by the arresting officer to the official in charge of a county jail or other place of detention shall be sufficient warrant for the detention of the defendant. After making an arrest, the court services officer or community correctional services officer shall present to the detaining authorities a similar statement of the circumstances of violation. Provisions regarding release on bail of persons charged with a crime shall be applicable to defendants arrested under these provisions.

(b) Upon arrest and detention pursuant to subsection (a), the court services officer or community correctional services officer shall immediately notify the court and shall submit in writing a report showing in what manner the defendant has violated the conditions of release or assignment or a nonprison sanction. Thereupon, or upon an arrest by warrant as provided in this section, the court shall cause the defendant to be brought before it without unnecessary delay for a hearing on the violation charged. The hearing shall be in open court and the state shall have the burden of establishing the violation. The defendant shall have the right to be represented by counsel and shall be informed by the judge that, if the defendant is financially unable to obtain counsel, an attorney will be appointed to represent the defendant. The defendant shall have the right to present the testimony of witnesses and other evidence on the defendant's behalf. Relevant written statements made under oath may be admitted and considered by the court along with other evidence presented at the hearing. Except as otherwise provided, if the violation is established, the court may continue or revoke the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction and may require the defendant to serve the sentence imposed, or any lesser sentence, and, if imposition of sentence was suspended, may impose any sentence which might originally have been imposed. Except as otherwise provided, no offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in this section shall be required to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections for such violation, unless such person has already at least one prior assignment to a community correctional services program related to the crime for which the original sentence was imposed, except these provisions shall not apply to offenders who violate a condition of release or assignment or a nonprison sanction by committing a new misdemeanor or felony offense. The court may require an offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in this section to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections without a prior assignment to a community

correctional services program if the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will be jeopardized or that the welfare of the inmate will not be served by such assignment to a community correctional services program. When a new felony is committed while the offender is on probation or assignment to a community correctional services program, the new sentence shall be imposed pursuant to the consecutive sentencing requirements of K.S.A. 21-4608 and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(c) A defendant who is on probation, assigned to a community correctional services program, under suspension of sentence or serving a nonprison sanction and for whose return a warrant has been issued by the court shall be considered a fugitive from justice if it is found that the warrant cannot be served. If it appears that the defendant has violated the provisions of the defendant's release or assignment or a nonprison sanction, the court shall determine whether the time from the issuing of the warrant to the date of the defendant's arrest, or any part of it, shall be counted as time served on probation, assignment to a community correctional services program, suspended sentence or pursuant to a nonprison sanction.

(d) The court shall have 30 days following the date probation, assignment to a community correctional service program, suspension of sentence or a nonprison sanction was to end to issue a warrant for the arrest or notice to appear for the defendant to answer a charge of a violation of the conditions of probation, assignment to a community correctional service program, suspension of sentence or a nonprison sanction.

(e) Notwithstanding the provisions of any other law to the contrary, an offender whose nonprison sanction is revoked and a term of imprisonment imposed pursuant to either the sentencing guidelines grid for nondrug or drug crimes shall not serve a period of postrelease supervision upon the completion of the prison portion of that sentence. The provisions of this subsection shall not apply to offenders sentenced to a nonprison sanction pursuant to a dispositional departure, whose offense falls within a border box of either the sentencing guidelines grid for nondrug or drug crimes, offenders sentenced for a "sexually violent crime" as defined by K.S.A. 22-3717, and amendments thereto, or whose nonprison sanction was revoked as a result of a conviction for a new misdemeanor or felony offense. The provisions of this subsection shall not apply to offenders who are serving or are to begin serving a sentence for any other felony offense that is not excluded from postrelease supervision by this subsection on the effective date of this subsection. The provisions of this subsection shall be applied retroactively. The department of corrections shall conduct a review of all persons who are in the custody of the department as a result of only a revocation of a nonprison sanction. On or before September 1, 2000, the department shall have discharged from postrelease supervision those offenders as required by this subsection.

Sec. 9. K.S.A. 1999 Supp. 22-3717 is hereby amended to read as follows: 22-3717. (a) Except as otherwise provided by this section, K.S.A. 1993 Supp. 21-4628 prior to its repeal and K.S.A. 21-4635 through 21-4638 and amendments thereto, an inmate, including an inmate sentenced pursuant to K.S.A. 21-4618 and amendments thereto, shall be eligible for parole after serving the entire minimum sentence imposed by the court, less good time credits.

(b) (1) Except as provided by K.S.A. 21-4635 through 21-4638 and amendments thereto, an inmate sentenced to imprisonment for the crime of capital murder, or an inmate sentenced for the crime of murder in the first degree based upon a finding of premeditated murder, committed on or after July 1, 1994, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits.

(2) Except as provided by subsection (b)(1) or (b)(4), K.S.A. 1993 Supp. 21-4628 prior to its repeal and K.S.A. 21-4635 through 21-4638, and amendments thereto, an inmate sentenced to imprisonment for an off-grid offense committed on or after July 1, 1993, but prior to July 1, 1999, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits and an inmate sentenced to imprisonment for an off-grid offense committed on or after July 1, 1999, shall be eligible for parole after serving 20 years of confinement without deduction of any good time credits.

(3) Except as provided by K.S.A. 1993 Supp. 21-4628 prior to its repeal, an inmate sentenced for a class A felony committed before July 1, 1993,

including an inmate sentenced pursuant to K.S.A. 21-4618 and amendments thereto, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits.

(4) An inmate sentenced to imprisonment for a violation of subsection (a) of K.S.A. 21-3402 and amendments thereto committed on or after July 1, 1996, but prior to July 1, 1999, shall be eligible for parole after serving 10 years of confinement without deduction of any good time credits.

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

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

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

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

(A) Except as provided in subparagraphs (C) and (D) and (E), persons sentenced for nondrug severity level 1 through 6 4 crimes and drug severity levels 1 through 3 and 2 crimes must serve 36 months, plus the amount of good time earned and retained pursuant to K.S.A. 21-4722 and amendments thereto, on postrelease supervision.

(B) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 5 and 6 crimes and drug severity level 3 crimes must serve 24 months, plus the amount of good time earned and retained pursuant to K.S.A. 21-4722, and amendments thereto, on postrelease supervision.

(C) Except as provided in subparagraphs (C) and (D) and (E), persons sentenced for nondrug severity level 7 through 10 crimes and drug severity level 4 crimes must serve 24 12 months, plus the amount of good time earned and retained pursuant to K.S.A. 21-4722 and amendments thereto, on postrelease supervision.

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

(ii) If the sentencing judge departs from the presumptive postrelease supervision period, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure. Departures in this section are subject to appeal pursuant to K.S.A. 21-4721 and amendments thereto.

(iii) In determining whether substantial and compelling reasons exist, the court shall consider:

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

(b) any evidence received during the proceeding;

(c) the presentence report, the victim's impact statement and any psychological evaluation as ordered by the court pursuant to subsection (e) of K.S.A. 21-4714 and amendments thereto; and

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

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

(v) In carrying out the provisions of subparagraph (d)(1)(C) (d)(1)(D), the court shall refer to K.S.A. 21-4718 and amendments thereto.

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

(vii) Persons convicted of crimes deemed sexually violent or sexually motivated, shall be registered according to the habitual sex offender registration act, K.S.A. 22-4901 through 22-4910 and amendments thereto.

(D) (E) The period of postrelease supervision provided in subpara-

(continued)

graphs (A) and (B) may be reduced by up to 12 months and the period of postrelease supervision provided in subparagraph (C) may be reduced by up to six months based on the offender's compliance with conditions of supervision and overall performance while on postrelease supervision. The reduction in the supervision period shall be on an earned basis pursuant to rules and regulations adopted by the secretary of corrections.

(E) (F) In cases where sentences for crimes from more than one severity level have been imposed, the offender shall serve the longest period of postrelease supervision as provided by this section available for any crime upon which sentence was imposed irrespective of the severity level of the crime. Supervision periods will not aggregate.

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

- (A) Rape, K.S.A. 21-3502, and amendments thereto;
- (B) indecent liberties with a child, K.S.A. 21-3503, and amendments thereto;
- (C) aggravated indecent liberties with a child, K.S.A. 21-3504, and amendments thereto;
- (D) criminal sodomy, subsection (a)(2) and (a)(3) of K.S.A. 21-3505 and amendments thereto;
- (E) aggravated criminal sodomy, K.S.A. 21-3506, and amendments thereto;
- (F) indecent solicitation of a child, K.S.A. 21-3510, and amendments thereto;
- (G) aggravated indecent solicitation of a child, K.S.A. 21-3511, and amendments thereto;
- (H) sexual exploitation of a child, K.S.A. 21-3516, and amendments thereto;
- (I) aggravated sexual battery, K.S.A. 21-3518, and amendments thereto;
- (J) any conviction for a felony offense in effect at any time prior to the effective date of this act, that is comparable to a sexually violent crime as defined in subparagraphs (A) through (I), or any federal or other state conviction for a felony offense that under the laws of this state would be a sexually violent crime as defined in this section;
- (K) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302, 21-3303, and amendments thereto, of a sexually violent crime as defined in this section; or
- (L) any act which at the time of sentencing for the offense has been determined beyond a reasonable doubt to have been sexually motivated. As used in this subparagraph, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

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

(f) If a person is sentenced to prison for a crime committed on or after July 1, 1993, while on probation, parole, conditional release or in a community corrections program, for a crime committed prior to July 1, 1993, and the person is not eligible for retroactive application of the sentencing guidelines and amendments thereto pursuant to K.S.A. 21-4724 and amendments thereto, the new sentence shall not be aggregated with the old sentence, but shall begin when the person is paroled or reaches the conditional release date on the old sentence. If the offender was past the offender's conditional release date at the time the new offense was committed, the new sentence shall not be aggregated with the old sentence but shall begin when the person is ordered released by the Kansas parole board or reaches the maximum sentence expiration date on the old sentence, whichever is earlier. The new sentence shall then be served as otherwise provided by law. The period of postrelease supervision shall be based on the new sentence, except that those offenders whose old sentence is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp. 21-4628 prior to its repeal, or an indeterminate sentence with a maximum term of life imprisonment, for which there is no conditional release or maximum sentence expiration date, shall remain on postrelease supervision for life or until discharged from supervision by the Kansas parole board.

(g) Subject to the provisions of this section, the Kansas parole board may release on parole those persons confined in institutions who are eligible for parole when: (1) The board believes that the inmate should be released for hospitalization, for deportation or to answer the warrant or other process of a court and is of the opinion that there is reasonable

probability that the inmate can be released without detriment to the community or to the inmate; or (2) the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a and amendments thereto, or any revision of such agreement, and the board believes that the inmate is able and willing to fulfill the obligations of a law abiding citizen and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate. Parole shall not be granted as an award of clemency and shall not be considered a reduction of sentence or a pardon.

(h) The Kansas parole board shall hold a parole hearing at least the month prior to the month an inmate will be eligible for parole under subsections (a), (b) and (c). At least the month preceding the parole hearing, the county or district attorney of the county where the inmate was convicted shall give written notice of the time and place of the public comment sessions for the inmate to any victim of the inmate's crime who is alive and whose address is known to the county or district attorney or, if the victim is deceased, to the victim's family if the family's address is known to the county or district attorney. Except as otherwise provided, failure to notify pursuant to this section shall not be a reason to postpone a parole hearing. In the case of any inmate convicted of a class A felony the secretary of corrections shall give written notice of the time and place of the public comment session for such inmate at least one month preceding the public comment session to any victim of such inmate's crime or the victim's family pursuant to K.S.A. 74-7338 and amendments thereto. If notification is not given to such victim or such victim's family in the case of any inmate convicted of a class A felony, the board shall postpone a decision on parole of the inmate to a time at least 30 days after notification is given as provided in this section. Nothing in this section shall create a cause of action against the state or an employee of the state acting within the scope of the employee's employment as a result of the failure to notify pursuant to this section. If granted parole, the inmate may be released on parole on the date specified by the board, but not earlier than the date the inmate is eligible for parole under subsections (a), (b) and (c). At each parole hearing and, if parole is not granted, at such intervals thereafter as it determines appropriate, the Kansas parole board shall consider: (1) Whether the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a and amendments thereto, or any revision of such agreement; and (2) all pertinent information regarding such inmate, including, but not limited to, the circumstances of the offense of the inmate; the presentence report; the previous social history and criminal record of the inmate; the conduct, employment, and attitude of the inmate in prison; the reports of such physical and mental examinations as have been made; comments of the victim and the victim's family; comments of the public; official comments; and capacity of state correctional institutions.

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

(j) Before ordering the parole of any inmate, the Kansas parole board shall have the inmate appear before either in person or via a video conferencing format and shall interview the inmate unless impractical because of the inmate's physical or mental condition or absence from the institution. Every inmate while on parole shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary. Whenever the Kansas parole board formally considers placing an inmate on parole and no agreement has been entered into with the inmate under K.S.A. 75-5210a and amendments thereto, the board shall notify the inmate in writing of the reasons for not granting parole. If an agreement has been entered under K.S.A. 75-5210a and amendments thereto and the inmate has not satisfactorily completed the programs specified in the agreement, or any revision of such agreement, the board shall notify the inmate in writing of the specific programs the inmate must satisfactorily complete before parole will be granted. If parole is not granted only because of a failure to satisfactorily complete such programs, the board shall grant parole upon the secretary's certification that the inmate has successfully completed such programs. If an agreement has been entered

under K.S.A. 75-5210a and amendments thereto and the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by such agreement, or any revision thereof, the board shall not require further program participation. However, if the board determines that other pertinent information regarding the inmate warrants the inmate's not being released on parole, the board shall state in writing the reasons for not granting the parole. If parole is denied for an inmate sentenced for a crime other than a class A or class B felony or an off-grid felony, the board shall hold another parole hearing for the inmate not later than one year after the denial unless the parole board finds that it is not reasonable to expect that parole would be granted at a hearing if held in the next three years or during the interim period of a deferral. In such case, the parole board may defer subsequent parole hearings for up to three years but any such deferral by the board shall require the board to state the basis for its findings. If parole is denied for an inmate sentenced for a class A or class B felony or an off-grid felony, the board shall hold another parole hearing for the inmate not later than three years after the denial unless the parole board finds that it is not reasonable to expect that parole would be granted at a hearing if held in the next 10 years or during the interim period of a deferral. In such case, the parole board may defer subsequent parole hearings for up to 10 years but any such deferral shall require the board to state the basis for its findings.

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

(l) The Kansas parole board shall adopt rules and regulations in accordance with K.S.A. 77-415 *et seq.*, and amendments thereto, not inconsistent with the law and as it may deem proper or necessary, with respect to the conduct of parole hearings, postrelease supervision reviews, revocation hearings, orders of restitution, reimbursement of expenditures by the state board of indigents' defense services and other conditions to be imposed upon parolees or releasees. Whenever an order for parole or postrelease supervision is issued it shall recite the conditions thereof.

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

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

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

(3) may order that the parolee or person on postrelease supervision perform community or public service work for local governmental agencies, private corporations organized not-for-profit or charitable or social service organizations performing services for the community;

(4) may order the parolee or person on postrelease supervision to pay the administrative fee imposed pursuant to K.S.A. 1999 Supp. 22-4529 unless the board finds compelling circumstances which would render payment unworkable; and

(5) unless it finds compelling circumstances which would render a plan of payment unworkable, shall order that the parolee or person on postrelease supervision reimburse the state for all or part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the person. In determining the amount and method of payment of such sum, the parole board shall take account of the financial resources of the person and the nature of the burden that the payment of such sum will impose. Such amount shall not exceed the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522 and amendments thereto, whichever is less, minus any previous payments for such services.

(n) If the court which sentenced an inmate specified at the time of sentencing the amount and the recipient of any restitution ordered as a condition of parole or postrelease supervision, the Kansas parole board

shall order as a condition of parole or postrelease supervision that the inmate pay restitution in the amount and manner provided in the journal entry unless the board finds compelling circumstances which would render a plan of restitution unworkable.

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

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

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

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

(s) *The provisions of subsections (d)(1)(A), (d)(1)(B), (d)(1)(C) and (d)(1)(E) shall be applied retroactively as provided in subsection (t).*

(t) *For offenders sentenced prior to the effective date of this act who are eligible for modification of their postrelease supervision obligation, the department of corrections shall modify the period of postrelease supervision as provided for by this section for offenders convicted of severity level 9 and 10 crimes on the sentencing guidelines grid for nondrug crimes and severity level 4 crimes on the sentencing guidelines grid for drug crimes on or before September 1, 2000; for offenders convicted of severity level 7 and 8 crimes on the sentencing guidelines grid for nondrug crimes on or before November 1, 2000; and for offenders convicted of severity level 5 and 6 crimes on the sentencing guidelines grid for nondrug crimes and severity level 3 crimes on the sentencing guidelines grid for drug crimes on or before January 1, 2001.*

Sec. 10. K.S.A. 75-52,129 is hereby amended to read as follows: 75-52,129. (a) The secretary of corrections is hereby authorized to negotiate and enter into contracts with Kansas cities and counties for the placement of inmates, who are classified as medium custody or any higher custody or security classification, in facilities owned and operated by the cities and counties. If the secretary of corrections proposes to place any inmates classified as medium custody or any higher custody classification for confinement in facilities other than correctional or other institutions or facilities owned and operated by the department of corrections or any other state agency, the secretary of corrections shall give first consideration to entering into contracts with Kansas cities and counties under this section before attempting to place any such inmate for confinement at any location outside the state of Kansas if the facilities to be provided under such contracts are substantially equal to facilities at locations outside the state of Kansas and if arrangements can be made in a timely manner. *Except as provided in subsection (b), the provisions of this section and any contract or preliminary letter of commitment entered into pursuant to this section shall not apply to any minimum custody or community custody status inmates, or any other custody or security classification lower than medium custody, or to any inmate who may be placed in a work release or prerelease program, center or facility by the secretary of corrections, who is eligible for parole or who is placed pursuant to the interstate corrections compact. Contracts entered into pursuant to this section shall not be subject to competitive bid requirements under K.S.A. 75-3739 and amendments thereto.*

(b) *The secretary shall not enter into any contract as provided in subsection (a) with any city or county of this state for the placement of inmates that does not provide that such city or county shall provide and maintain appropriate and recognized standards of safety, health and security.*

Sec. 11. K.S.A. 1999 Supp. 75-5291 is hereby amended to read as follows: 75-5291. (a) (1) The secretary of corrections may make grants to counties for the development, implementation, operation and improvement of community correctional services including, but not limited to, restitution programs, victim services programs, preventive or diversionary

(continued)

correctional programs, community corrections centers and facilities for the detention or confinement, care or treatment of adults charged with or convicted of crime offenders as provided in this section except that no community corrections funds shall be expended by the secretary for the purpose of establishing or operating a conservation camp as provided by K.S.A. 75-52,127 and amendments thereto.

(2) Placement of offenders in community correctional services programs by the court shall be limited to placement of adult offenders, convicted of a felony offense.

(A) Whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H, 3-I, 4-E or 4-F of the sentencing guidelines grid for drug crimes. In addition, the court may place in a community correctional services program adult offenders, convicted of a felony offense, whose offense is classified in grid blocks 6-H, 6-I, 7-C, 7-D, 7-E, 7-F, 7-G, 7-H or 7-I of the sentencing guidelines grid for nondrug crimes;

(B) whose severity level and criminal history score designate a presumptive prison sentence on either sentencing guidelines grid but receive a nonprison sentence as a result of departure;

(C) all offenders convicted of an offense which satisfies the definition of offender pursuant to K.S.A. 22-4902, and amendments thereto, and which is classified as a severity level 7 or higher offense and who receive a nonprison sentence, regardless of the manner in which the sentence is imposed;

(D) any offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in K.S.A. 22-3716, and amendments thereto, prior to revocation resulting in the offender being required to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections;

(E) any offender who is determined to be "high risk or needs, or both" by the use of a statewide, mandatory, standardized risk assessment tool or instrument validated for community correctional placements; or

(F) placed in community correctional services programs as a condition of supervision following the successful completion of a conservation camp program.

(3) Nothing in this act shall prohibit a community correctional services program from providing services to juvenile offenders upon approval by the local community corrections advisory board. Grants from community corrections funds administered by the secretary of corrections shall not be expended for such services.

(4) The court may require an offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established, as provided in K.S.A. 22-3716, and amendments thereto, to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections without a prior assignment to a community correctional services program if the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will be jeopardized or that the welfare of the inmate will not be served by such assignment to a community correctional services program.

(b) (1) In order to establish a mechanism for community correctional services to participate in the department of corrections annual budget planning process, the secretary of corrections shall establish a community corrections advisory committee to identify new or enhanced correctional or treatment interventions designed to divert offenders from prison.

(2) The secretary shall appoint one member from the southeast community corrections association region, one member from the northeast community corrections association region, one member from the central community corrections association region and one member from the western community corrections association region. The deputy secretary of community corrections and field services shall designate two members from the state at large. The secretary shall have final appointment approval of the members designated by the deputy secretary. The committee shall reflect the diversity of community correctional services with respect to geographical location and average daily population of offenders under supervision.

(3) Each member shall be appointed for a term of three years, except of the initial appointments, such terms shall be staggered as determined by the secretary. Members shall be eligible for reappointment.

(4) The committee, in collaboration with the deputy secretary of community corrections and field services or the deputy secretary's designee, shall routinely examine and report to the secretary on the following issues:

(A) Efficiencies in the delivery of field supervision services;

(B) offender assignment decisions;

(C) effectiveness and enhancement of existing interventions; and

(D) (C) identification of new interventions.

(5) The committee's report concerning enhanced or new interventions shall address:

(A) A target population;

(B) measurable goals and objectives;

(C) projected costs;

(D) (C) the impact on public safety; and

(E) (D) the evaluation process.

(6) The committee shall submit its report to the secretary annually on or before July 15 in order for the enhanced or new interventions to be considered for inclusion within the department of corrections budget request for community correctional services or in the department's enhanced services budget request for the subsequent fiscal year.

Sec. 12. (a) For the fiscal years ending June 30, 2001, and June 30, 2002, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, capital improvement projects, 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) The appropriations made by this act shall not be subject to the provisions of K.S.A. 46-155 and amendments thereto.

Sec. 13.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2001, the following:

Day reporting center state match..... \$190,000

Provided, That all expenditures from the day reporting center state match account shall be made for the purpose of providing the required state match for receipt of federal funds for day reporting centers: *Provided further*, That such expenditures shall be for operation of day reporting centers for one-half of fiscal year 2001: *And provided further*, That all expenditures from the day reporting center state match account shall be made pursuant to a contract which is hereby authorized to be entered into by the secretary of corrections with a private entity for operation of such day reporting centers: *And provided further*, That such contract shall be designed to use day reporting centers to divert offenders who would otherwise occupy prison space making additional prison space available for violent offenders.

Community corrections..... \$879,484

Provided, That, notwithstanding the provisions of K.S.A. 75-52,103, and amendments thereto, and in addition to the other purposes for which expenditures may be made by the above agency from the community corrections account of the state general fund from moneys appropriated by this or other appropriation act of the 2000 regular session of the legislature for fiscal year 2001, expenditures shall be made by the department of corrections from the community corrections account for fiscal year 2001 to distribute all moneys appropriated in such account to community corrections service providers to ensure all funds appropriated for such purpose for fiscal year 2001 are expended to support community corrections programs as authorized by law: *Provided, however*, That the department of corrections shall not reclaim any unexpended community corrections grant funds that are distributed for fiscal year 2001, but shall expend all community corrections grant funds to maximize the use of adult intensive supervised probation for offenders diverted from prison.

Construction of Ellsworth correctional facility housing unit

training center and warehouse..... \$617,752

El Dorado correctional facility—RDU housing..... \$253,086

Provided, That no expenditures shall be made from the El Dorado correctional facility—RDU housing account for the fiscal year ending June 30, 2001, without specific authorization by the director of the budget.

(b) In addition to the other purposes for which expenditures may be made by the department of corrections from the violent offender incarceration and truth in sentencing incentive grants—federal fund for fiscal year 2001, as authorized by section 81(c) of 2000 House Substitute for Senate Bill No. 326 or by other appropriation act of the 2000 regular session of the legislature, expenditures may be made by the department

of corrections from the violent offender incarceration and truth in sentencing incentive grants—federal fund for fiscal year 2001 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Construction of Ellsworth correctional facility housing unit training center and warehouse..... \$5,559,765

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2001, 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:

Lansing and Topeka correctional facilities capital improvements revenue fund..... No limit

Provided, That the department of corrections may make expenditures from the Lansing and Topeka correctional facilities capital improvements revenue fund for the capital improvement projects to (1) renovate and equip a cellhouse at the Topeka correctional facility; (2) construct and equip a laundry building and a training building at the Topeka correctional facility; and (3) reconstruct and equip the vocational education, maintenance and correctional industry space damaged in the fire of November, 1999. Provided further, That expenditures for Lansing fire damage repair shall not exceed \$1,100,000. And provided further, That such capital improvement projects are hereby approved for the department of corrections 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: Provided, however, That expenditures from this fund for such capital improvement projects shall not exceed \$4,400,000, plus all amounts required for cost of bond issuance, cost of interest on the bonds during the projects and required reserves for the payment of principal and interest on the bonds: And provided further, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2002, 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:

Violent offender incarceration and truth in sentencing incentive grants—federal fund..... No limit

Provided, That the department of corrections shall make expenditures from the violent offender incarceration and truth in sentencing incentive grants—federal fund for state fiscal year 2002 for operation of day reporting centers: Provided further, That all such expenditures for state fiscal year 2002 shall be made pursuant to a contract which is hereby authorized to be entered into by the secretary of corrections with a private entity for operation of such day reporting centers: And provided further, That such contract shall be designed to use day reporting centers to divert offenders who would otherwise occupy prison space making additional prison space available for violent offenders: And provided further, That the approved budget for state fiscal year 2002 for this fund, except as provided for operating expenditures for such day reporting centers, shall include the total amount of all violent offender incarceration and truth in sentencing incentive grant awards received by the above agency during the federal fiscal year 2000: Provided, however, That expenditures from the violent offenders incarceration and truth in sentencing incentive grants—federal fund for state fiscal year 2002 for operating expenditures for such day reporting centers shall not exceed \$3,800,000.

(e) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2001, for the capital improvement project or projects specified as follows:

Chemical dependency unit renovation or new construction..... \$300,000

Provided, That the secretary of corrections is hereby authorized to transfer moneys during fiscal year 2001 from the capital improvements—rehabilitation, remodeling, renovation and repair of correctional institutions account of the correctional institutions building fund to an account or accounts of the correctional institutions building fund of any institution or facility under the jurisdiction of the secretary of corrections to be expended during fiscal year 2001 by the institution or facility for capital improvement projects, including security improvement projects and haz-

ardous waste cleanup at Lansing correctional facility, approved by the secretary of corrections.

(f) In addition to the other purposes for which expenditures may be made by the department of corrections from the violent offender incarceration and truth in sentencing incentive grants—federal fund for fiscal year 2001 as authorized by this or any other appropriation act of the 2000 regular session of the legislature, expenditures may be made by the above agency from the violent offender incarceration and the truth in sentencing incentive grants—federal fund for operation of day reporting centers for one-half of fiscal year 2001: Provided further, That all such expenditures shall be made pursuant to a contract which is hereby authorized to be entered into by the secretary of corrections with a private entity for operation of such day reporting centers: And provided further, That such contract shall be designed to use day reporting centers to divert offenders who would otherwise occupy prison space making additional prison space available for violent offenders: And provided further, That expenditures from the violent offenders incarceration and truth in sentencing incentive grants—federal fund for fiscal year 2001 for operation of such day reporting centers shall not exceed \$1,710,000.

(g) Notwithstanding the provisions of K.S.A. 75-5282, and amendments thereto, and in addition to the other purposes for which expenditures may be made by the above agency from the correctional industries fund as authorized by this or other appropriation act of the 2000 regular session of the legislature, expenditures may be made by the department of corrections from the correctional industries fund for fiscal year 2001 for community corrections conditional violator grants designed to divert probation violators from occupying prison bed space reducing the prison population: Provided, That expenditures for such purpose from the correctional industries fund for fiscal year 2001 shall not exceed \$750,000.

(h) On July 1, 2000, the position limitation established by section 69(a) of the 2000 House Substitute for Senate Bill No. 326 for the department of corrections is hereby increased from 3,063.0 to 3,123.5.

Sec. 14. (a) During the fiscal years ending June 30, 2000, and June 30, 2001, notwithstanding the provisions of K.S.A. 74-8905 and amendments thereto, no bonds shall be issued by the Kansas development finance authority for any capital improvement project for the construction or expansion of any prison or any other correctional facility for the department of corrections unless such capital improvement project has been specifically approved by act of the legislature for the department of corrections 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 for such capital improvement project.

(b) During the fiscal years ending June 30, 2000, and June 30, 2001, notwithstanding the provisions of K.S.A. 74-8905 and amendments thereto, the state finance council shall not approve any capital improvement project for the construction or expansion of any prison or any other correctional facility for the department of corrections 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 for any such capital improvement project.

Sec. 15. K.S.A. 21-4602, 21-4606b, 22-3431, 22-3716 and 75-52,129 and K.S.A. 1999 Supp. 21-4603, 21-4603d, 21-4610, 21-4611, 22-3717 and 75-5291 are hereby repealed.

Sec. 16. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register May 25, 2000.)

SENATE Substitute for HOUSE BILL No. 2624

AN ACT concerning public employment, public officers and employees; relating to retirement and pensions; the Kansas public employees retirement system; benefits; correction of errors by the system; vesting; taxation of death benefits; purchase of service credit; retirement options; fees; personnel disciplinary actions, policies and procedures; compensation and benefits; procedures, benefits and property dispositions related to persons laid off to closed institutions or transferred functions; amending K.S.A. 13-14a11, 14-10a11, 74-4914c, 74-4927k, 75-2929d, 75-2949, 75-4370, 75-4371, 75-4372, 75-4373, 75-4374 and 75-4376 and K.S.A. 1999 Supp. 13-14a07, 14-10a07, 20-2610, 20-2610a, 20-2625, 46-233, 74-4914, 74-4918, 74-4919p, 74-4919q, 74-4921, 74-4924, 74-4927, as amended by section 5 of 2000 House Bill No. 2034, 74-4958, 74-4958a, 74-4959, 74-4960, 74-4960a, 74-4964, 74-4964a and 74-4989 and repealing the existing sections; also repealing K.S.A. 1999 Supp. 74-4921a.

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

Section 1. On and after July 1, 2000, K.S.A. 1999 Supp. 13-14a07 is hereby amended to read as follows: 13-14a07. (a) If any officer or member of a police or fire department, while in the performance of such officer's or member's duties, is killed or dies as a result of an injury received, or dies of any disease contracted by reason of such officer's or member's occupation as a policeman or fireman, or dies after having retired and leaves a spouse, such spouse, shall receive a monthly pension in an amount equal to 50% of the monthly salary of such deceased officer or member, if such spouse was lawfully married to such policeman or fireman at the time of such policeman's or fireman's retirement. Commencing on the effective date of this act, any surviving spouse, who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such spouse's remarriage, shall be entitled to once again receive benefits pursuant to this section, except that such surviving spouse shall not be entitled to recover any benefits not received after the termination of benefits by reason of such surviving spouse's remarriage but before the effective date of this act. In the event there is no surviving spouse, then any child or children of the deceased shall receive, in equal shares a monthly amount equal to 50% of the monthly salary received at the time of retirement, such sums to be paid until such child or children attain the age of 18 years or until such child or children attain the age of 23 years, if such child or children are full-time students as provided in K.S.A. 74-49,117 and amendments thereto. Commencing on the effective date of this act, any child who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such child's marriage, shall be entitled to once again receive benefits pursuant to this section subject to the limitations contained in this section, except that such child shall not be entitled to recover any benefits not received after the termination of benefits by reason of such child's marriage but before the effective date of this act.

(b) Pursuant to the provisions of section 36, and amendments thereto, if any officer or member of such fire or police department, after having become eligible for retirement as provided in K.S.A. 13-14a08 and amendments thereto, is killed while not in the performance of such officer's or member's official duties, or dies, an amount equal to 50% of such officer's or member's monthly salary shall be paid to such persons for the periods of time provided in subsection (a) and shall be subject to all the limitations provided in subsection (a).

(c) Payments to the surviving spouse, child or children under the provisions of subsection (a) or (b) shall begin no later than December 31 of the calendar year immediately following the calendar year in which the member died.

Sec. 2. On and after July 1, 2000, K.S.A. 13-14a11 is hereby amended to read as follows: 13-14a11. Pursuant to the provisions of section 36, and amendments thereto, whenever an active or retired fireman or policeman shall die, the board of trustees shall appropriate from the pension fund a sum of ~~one hundred dollars~~ \$100 to be paid for funeral expenses for such fireman or policeman.

Sec. 3. On and after July 1, 2000, K.S.A. 1999 Supp. 14-10a07 is hereby amended to read as follows: 14-10a07. (a) If any officer or member of a police or fire department, while in the performance of such officer's or member's duties, is killed or dies as a result of an injury received, or dies of any disease contracted by reason of such officer's or member's occupation as a policeman or fireman, or dies after having retired and leaves a spouse, such spouse, shall receive a monthly pension in an amount equal to 50% of the monthly salary of such deceased officer or member, if such spouse was lawfully married to such policeman or fireman at the time of such policeman's or fireman's retirement. Commenc-

ing on the effective date of this act, any surviving spouse, who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such spouse's remarriage, shall be entitled to once again receive benefits pursuant to this section, except that such surviving spouse shall not be entitled to recover any benefits not received after the termination of benefits by reason of such surviving spouse's remarriage but before the effective date of this act. In the event there is no surviving spouse, then any child or children of the deceased, shall receive, in equal shares a monthly amount equal to 50% of the monthly salary received at the time of death, such sums to be paid until such child or children attain the age of 18 years or until such child or children attain the age of 23 years, if such child or children are full-time students as provided in K.S.A. 74-49,117 and amendments thereto. Commencing on the effective date of this act, any child who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such child's marriage, shall be entitled to once again receive benefits pursuant to this section subject to the limitations contained in this section, except that such child shall not be entitled to recover any benefits not received after the termination of benefits by reason of such child's marriage but before the effective date of this act.

(b) Pursuant to the provisions of section 36, and amendments thereto, if any officer or member of such fire or police department, after having become eligible for retirement as provided in K.S.A. 14-10a08 and amendments thereto, is killed while not in the performance of such officer's or member's official duties, or dies, an amount equal to 50% of such officer's or member's monthly salary shall be paid to such persons for the periods of time provided in subsection (a) and shall be subject to all the limitations provided in subsection (a).

(c) Payments to the surviving spouse, child or children under the provisions of subsection (a) or (b) must begin no later than December 31 of the calendar year immediately following the calendar year in which the member died.

Sec. 4. On and after July 1, 2000, K.S.A. 14-10a11 is hereby amended to read as follows: 14-10a11. Subject to the provisions of section 36, and amendments thereto, whenever an active or retired fireman or policeman shall die, the board of trustees shall appropriate from the pension fund a sum of ~~one hundred dollars~~ \$100 to be paid for funeral expenses for such fireman or policeman.

Sec. 5. On and after July 1, 2000, K.S.A. 1999 Supp. 20-2610 is hereby amended to read as follows: 20-2610. (a) (1) A judge who retires under K.S.A. 20-2608, and amendments thereto, shall be entitled to receive an annual annuity payable in monthly amounts subject to subsection (b), each such annual annuity of which shall be in an amount equal to the total of 5% of the final average salary of the judge, determined as provided in subsection (b), multiplied by the number of the judge's years of service up to 10 years, and 3.5% of the final average salary of the judge, determined as provided in subsection (b), multiplied by the number of the judge's years of service in excess of 10 years, but such annual annuity shall not exceed 70% of the final average salary of such judge, determined as provided in subsection (b). A judge who retires under K.S.A. 20-2608 and amendments thereto, and who became a member of the system after June 30, 1987, shall be entitled to receive an annual annuity payable in monthly amounts subject to subsection (b), each such annual amount of which shall be in an amount equal to the total of 3.5% of the final average salary of the judge, determined as provided in subsection (b), multiplied by the number of the judge's years of service, but such annual annuity shall not exceed 70% of the final average salary of the judge, determined as provided in subsection (b).

(2) For purposes of this subsection, the date of membership for a district magistrate judge who became a member of the system as provided by K.S.A. 20-2620 and amendments thereto and who purchased service as provided in subsection (c) of K.S.A. 20-2620 and K.S.A. 74-49,123, and amendments thereto shall be the day such district magistrate judge became a district magistrate judge and if such district magistrate judge's membership date as determined in this subsection is earlier than July 1, 1987, such district magistrate judge shall be entitled to the 5% of final average salary calculation for up to 10 years of service as provided in this subsection. Any additional cost associated with the provisions of this subsection shall be paid by such district magistrate judge by means of a single lump-sum payment or equal annual payments for not to exceed five years. The lump-sum or annual payments shall be determined by the system's actuary by using the member's final average salary at the time of application, actuarial assumptions and tables currently in use by the system

and the member's attained age. No participating employer shall pay all or any part of any cost associated with the provisions of this subsection.

(b) For any judge who retires under K.S.A. 20-2608 or 20-2609, and amendments thereto, on or after July 1, 1975, the annuity shall be based on the final average salary of such judge as provided in this subsection. The final average salary of a judge who becomes permanently physically or mentally disabled and who is retired under K.S.A. 20-2608 or 20-2609, and amendments thereto, shall be determined as if such judge had retired on the date such judge became permanently physically or mentally disabled. The final average salary of a former judge whose service is terminated without retiring and who later retires under K.S.A. 20-2608, and amendments thereto, shall be determined as if such former judge had retired at the time such service was terminated.

In the case of judges who retire on or after July 1, 1993, the final average salary shall mean the average highest annual salary paid to the judge for any three years of the last 10 years of service as a judge immediately preceding retirement or termination of employment, or if service as a judge is less than three years, then the final average salary shall be the average annual salary paid to the judge during the full period of service as a judge, or if service as a judge is less than one year, then the final average salary shall be computed by multiplying the amount of monthly salary such judge was receiving at the time of retirement by 12.

(c) The provisions of law in effect on the retirement date of a judge under the retirement system for judges shall govern the retirement benefit payable to the judge, any joint annuitant and any beneficiary.

(d) A judge who retires under K.S.A. 20-2608, and amendments thereto, and who, after such retirement, again is appointed or elected as a judge, shall have the judge's retirement annuity suspended as provided in this subsection. Such judge shall become an active member and make employee contributions to the system and receive service credit for any service after the date of commencement of service in such position. Upon again retiring, any credited service such member subsequently accrues shall be added to all previous service and the retirement annuity shall be recalculated in accordance with the provisions of this section.

Sec. 6. On and after July 1, 2000, K.S.A. 1999 Supp. 20-2610a is hereby amended to read as follows: 20-2610a. (a) A judge may elect to have such judge's retirement annuity paid under one of the options provided in this section in lieu of having it paid in the form stated in K.S.A. 20-2610 and amendments thereto. Such election shall be made before the date of actual retirement. A specific person shall be designated as joint annuitant at the time of election of the joint and $\frac{1}{2}$ to joint annuitant survivor option, joint and survivor option and the joint and $\frac{3}{4}$ to joint annuitant survivor option. Under no circumstances may an option be changed or canceled nor the named joint annuitant changed after the date of actual retirement of the judge.

(b) The amount of retirement annuity payable under an option shall be based on the age of the judge and, if applicable, the age of the joint annuitant, and shall be such amount as to be the actuarial equivalent of the retirement annuity otherwise payable under K.S.A. 20-2610 and amendments thereto as prescribed in subsection (c). Whenever the amount of any benefit is to be determined on the basis of actuarial assumptions, the assumptions shall be specified in a way that precludes employer discretion. In no case shall the total amount of retirement annuity payable under any option provided in this section be more than 100% of the retirement annuity which would have been otherwise payable if no option had been elected under this section.

(c) The following retirement options, which are subject to the provisions of K.S.A. 1999 Supp. 74-49,123 and amendments thereto, are available:

(1) *Joint and $\frac{1}{2}$ to joint annuitant survivor.* A reduced retirement annuity payable to the judge during the judge's lifetime in a monthly amount equal to the product of (A) the monthly payment of the retirement annuity otherwise payable under K.S.A. 20-2610 and amendments thereto and (B) the percentage equal to 91% minus .4% for each year by which the age of the judge's joint annuitant is less than the judge's age, computed to the nearest whole year, or plus .4% for each year by which the age of the judge's joint annuitant is more than the judge's age, computed to the nearest whole year, with $\frac{1}{2}$ of that monthly amount continued to the judge's joint annuitant during such joint annuitant's remaining lifetime, if any, after the death of the judge. In the event that the designated joint annuitant under this option predeceases the retired judge, the amount of the retirement annuity otherwise payable to the judge under this option shall be adjusted automatically to the retirement annuity which

the judge would have received if no option had been elected under this section.

(2) *Joint and survivor.* A reduced retirement annuity payable to the judge during the judge's lifetime in a monthly amount equal to the product of (A) the monthly payment of the retirement annuity otherwise payable under K.S.A. 20-2610 and amendments thereto and (B) the percentage equal to 83% minus .6% for each year by which the age of the judge's joint annuitant is less than the judge's age, computed to the nearest whole year, or plus .6% for each year by which the age of the judge's joint annuitant is more than the judge's age, computed to the nearest whole year, with that monthly amount continued to the joint annuitant during the joint annuitant's remaining lifetime, if any, after the death of the judge. In the event that the designated joint annuitant under this option predeceases the retired judge, the amount of the retirement annuity otherwise payable to the judge under this option shall be adjusted automatically to the retirement annuity which the judge would have received if no option had been elected under this section.

(3) *Joint and $\frac{3}{4}$ to joint annuitant survivor.* A reduced retirement annuity payable to the judge during the judge's lifetime in a monthly amount equal to the product of (A) the monthly payment of the retirement annuity otherwise payable under K.S.A. 20-2610 and amendments thereto and (B) the percentage equal to 87% minus .5% for each year by which the age of the judge's joint annuitant is less than the judge's age, computed to the nearest whole year, or plus .5% for each year by which the age of the judge's joint annuitant is more than the judge's age, computed to the nearest whole year, with $\frac{3}{4}$ of that monthly amount continued to the judge's joint annuitant during such joint annuitant's remaining lifetime, if any, after the death of the judge. In the event that the designated joint annuitant under this option predeceases the retired judge, the amount of the retirement annuity otherwise payable to the judge under this option shall be adjusted automatically to the retirement annuity which the judge would have received if no option had been elected under this section.

(4) *Life with 5 years certain.* A reduced retirement annuity payable to the judge during the judge's lifetime in a monthly amount equal to 98% of the monthly payment of the retirement annuity otherwise payable under K.S.A. 20-2610 and amendments thereto and if the judge dies within the five-year certain period, measured from the commencement of retirement annuity payments, such monthly payments shall be continued to such judge's beneficiary during the balance of the five-year certain period.

(5) *Life with 10 years certain.* A reduced retirement annuity payable to the judge during the judge's lifetime in a monthly amount equal to 95% of the monthly payment of the retirement annuity otherwise payable under K.S.A. 20-2610 and amendments thereto and if the judge dies within the ten-year certain period, measured from the commencement of retirement annuity payments, such monthly payments shall be continued to such judge's beneficiary during the balance of the ten-year certain period.

(6) *Life with 15 years certain.* A reduced retirement annuity payable to the judge during the judge's lifetime in a monthly amount equal to 88% of the monthly payment of the retirement annuity otherwise payable under K.S.A. 20-2610 and amendments thereto and if the judge dies within the fifteen-year certain period, measured from the commencement of retirement annuity payments, such monthly payments shall be continued to such judge's beneficiary during the balance of the fifteen-year certain period.

(7) *Lump sum payment at retirement.* (A) Pursuant to this option, the judge must specify a lump sum amount to be paid to the judge upon the judge's retirement. The lump sum amount will be based on the actuarial present value of the benefit as provided in K.S.A. 20-2610, and amendments thereto. The lump sum amount designated by the judge must be in 10% increments and shall not exceed $\frac{1}{2}$ of the actuarial present value of the benefit provided in K.S.A. 20-2610, and amendments thereto.

(B) Pursuant to this option, the judge must elect to have the remaining actuarial present value paid in a monthly amount under the provisions of K.S.A. 20-2610, and amendments thereto, or subsections (c)(1) through (c)(6) of this section.

(C) The amount of any retirement benefit payable pursuant to this subsection shall remain as provided in this subsection even in the event that the designated joint annuitant pursuant to subsections (c)(1), (c)(2) or (c)(3) predeceases the retiree.

(continued)

(D) The provisions of this subsection shall be effective on and after July 1, 2001.

(d) If a judge, who is eligible to retire, dies without having actually retired, the judge's spouse, if the spouse is the sole beneficiary for the judge's accumulated contributions, may elect to receive benefits as a joint annuitant under one of the options provided in this section in lieu of receiving the judge's accumulated contributions.

(e) On and after July 1, 1993, if a judge with 15 or more years of credited service dies before attaining retirement age, the judge's spouse, if the spouse is the sole beneficiary for the judge's accumulated contributions, may elect to receive benefits under one of the options provided in this section in lieu of receiving the judge's accumulated contributions. Payments under one of the options provided in this section to the judge's spouse if so elected, shall commence on the date that the judge would have first attained retirement age.

(f) Benefits payable to a joint annuitant shall accrue from the first day of the month following the death of a member or retiree and, in the case of the joint and 1/2 to joint annuitant survivor option, the joint and survivor option and the joint and 3/4 to joint annuitant survivor option, shall end on the last day of the month in which the joint annuitant dies.

(g) The provisions of the law in effect on the retirement date of a judge under the retirement system for judges shall govern the retirement annuity payable to the retired judge and any joint annuitant, except, for retirement benefits payable after July 1, 1993, for judges who retired prior to July 1, 1982, in the event that the designated joint annuitant under the option provided in subsection (c)(1), (2) or (3), as applicable, predeceased the judge, the amount of the retirement benefit otherwise payable to the judge under the option provided in subsection (c)(1), (2) or (3), as applicable, shall be adjusted automatically to the retirement benefit which the judge would have received if no option had been elected under this section.

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

- (1) The joint annuitant's surviving spouse;
- (2) the joint annuitant's dependent child or children;
- (3) the joint annuitant's dependent parent or parents;
- (4) the joint annuitant's nondependent child or children;
- (5) the joint annuitant's nondependent parent or parents; or
- (6) the estate of the deceased joint annuitant.

(i) In any event, benefits shall be adjusted as necessary to satisfy the incidental death benefits regulations under the federal internal revenue code.

Sec. 7. On and after July 1, 2000, K.S.A. 1999 Supp. 20-2625 is hereby amended to read as follows: 20-2625. (1) Any member of the retirement system for judges may purchase, *subject to the provisions of K.S.A. 1999 Supp. 74-49,123, and amendments thereto*, participating credit for periods of active service in the armed forces of the United States or in the commissioned corps of the United States public health service and for periods of service required to fulfill the requirements of section 651 of title 10, United States code, which does not exceed six years. Such judge shall be entitled to purchase one quarter of participating service credit for each year of service required to fulfill the requirements of section 651 of title 10, United States code. Such purchase shall be effected by the judge submitting proof of such service acceptable to the board and electing in writing to have employee contributions as provided in K.S.A. 20-2603 and amendments thereto deducted from such judge's compensation at an additional rate of contribution, in addition to the employee's rate of contribution as provided in K.S.A. 20-2603 and amendments thereto, based upon the judge's attained age at the time of purchase and using actuarial assumptions and tables in use by the retirement system at such time of purchase for such periods of service. Such additional rate of contribution shall commence at the beginning of the quarter following such election and shall remain in effect until all of the full quarters of such service have been purchased.

(2) Any member of the retirement system who has not retired may purchase, *subject to the provisions of K.S.A. 1999 Supp. 74-49,123, and*

amendments thereto, participating service credit for military service as described in this section by electing to effect such purchase by means of a single lump-sum payment in lieu of employee contributions as provided in this section. The lump-sum payment shall be an amount determined by the actuary using the judge's then-current annual rate of compensation, the actuarial assumptions and tables currently in use by the retirement system and the judge's attained age. ~~No participating employer shall pay all or any part of the cost of any additional participating service credit to be purchased by means of a lump-sum payment by a judge under this section.~~

Sec. 8. K.S.A. 1999 Supp. 46-233 is hereby amended to read as follows: 46-233. (a) (1) No state officer or employee shall in the capacity as such officer or employee be substantially involved in the preparation of or participate in the making of a contract with any person or business by which such officer or employee is employed or in whose business such officer or employee or any member of such officer's or employee's immediate family has a substantial interest and no such person or business shall enter into any contract where any state officer or employee, acting in such capacity, is a signatory to, has been substantially involved in the preparation of or is a participant in the making of such contract and is employed by such person or business or such officer or employee or any member of such officer's or employee's immediate family has a substantial interest in such person or business.

(2) Except as otherwise provided in this subsection, whenever any individual has participated as a state officer or employee in the making of any contract with any person or business, such individual shall not accept employment with such person or business as an employee, independent contractor or subcontractor until two years after performance of the contract is completed or until two years after the individual terminates employment as a state officer or employee, whichever is sooner. This prohibition on accepting employment shall not apply in any case in which: (A) A state officer or employee who participated in making a contract while employed by an institution that is subsequently closed or abolished or otherwise ceases operations or that has budget reductions imposed that are associated with such closure and who is laid off from employment with such institution for the reason of such closure, abolition or cessation of operations or such imposition of budget reductions; or (B) a state officer or employee who participated in making a contract while employed by an institution that is scheduled to be closed or abolished or to cease operations, who is scheduled to be laid off from employment with such institution for the reason of the scheduled closure, abolition or cessation of operations, and who voluntarily terminates such employment after receiving such state officer or employee's notice of the scheduled layoff;

(C) a state officer or employee who participated in making a contract while employed by the department of corrections at the Topeka correctional facility and who is laid off from such employment due to the transfer of the reception and diagnostic center from the Topeka correctional facility to the El Dorado correctional facility; (D) a state officer or employee who participated in making a contract while employed by the department of corrections at the Topeka correctional facility and who voluntarily terminates from such employment after receiving such state officer or employee's notice of scheduled layoff due to the transfer of the reception and diagnostic center from the Topeka correctional facility to the El Dorado correctional facility; (E) a state officer or employee who participated in making a contract while employed by the department of social and rehabilitation services within the division of services for the blind or at Kansas industries for the blind at facilities located on the Topeka state hospital property, as defined by K.S.A. 1999 Supp. 75-37,123 and amendments thereto, and who is laid off from such employment due to the closure, abolition or other cessation of operations of the Kansas industries for the blind as a state program at such location; or (F) a state officer or employee who participated in making a contract while employed by the department of social and rehabilitation services within the division of services for the blind or at Kansas industries for the blind at facilities located on the Topeka state hospital property, as defined by K.S.A. 1999 Supp. 75-37,123 and amendments thereto, and who voluntarily terminates from such employment after receiving such state officer's or employee's notice of scheduled layoff due to the closure, abolition or other cessation of operations of the Kansas industries for the blind as a state program at such location. As used in this subsection (a)(2), "laid off" and "layoff" mean, in the case of a state officer or employee in the classified service under the Kansas civil service act, being laid off under K.S.A. 75-2948, and amendments thereto, and, in the case of a state officer or

employee in the unclassified service under the Kansas civil service act, being terminated from employment with the state agency by the appointing authority, except that "laid off" and "layoff" shall not include any separation from employment pursuant to a budget reduction or expenditure authority reduction and a reduction of F.T.E. positions under K.S.A. 75-6801, and amendments thereto; and "institution" means Topeka state hospital or Winfield state hospital and training center.

(b) No individual shall, while a legislator or within one year after the expiration of a term as legislator, be interested pecuniarily, either directly or indirectly, in any contract with the state, which contract is funded in whole or in part by any appropriation or is authorized by any law passed during such term, except that the prohibition of this subsection (b) shall not apply to any contract interest in relation to which a disclosure statement is filed as provided by K.S.A. 46-239, and amendments thereto.

(c) No individual, while a legislator or within one year after the expiration of a term as a legislator, shall represent any person in a court proceeding attacking any legislative action taken or enactment made during any term such individual served as a legislator as being unconstitutional because of error in the legislative process with respect to such action or enactment unless such legislator voted no upon the enactment of the measure and declared on the record, during such term, that such legislation was unconstitutional. The prohibition of this subsection (c) shall not apply to a current or former legislator charged with a violation of such legislative action or enactment.

(d) Subsections (a) and (b) shall not apply to the following:

(1) Contracts let after competitive bidding has been advertised for by published notice; and

(2) Contracts for property or services for which the price or rate is fixed by law.

(e) When used in this section:

(1) "Substantial interest" shall have the same meaning ascribed thereto by K.S.A. 46-229, and amendments thereto, and any such interest held within the preceding 12 months of the act or event of participating in the preparation of making a contract.

(2) "Substantially involved in the preparation or participate in the making of a contract" means having approved or disapproved a contract or having provided significant factual or specific information or advice or recommendations in relation to the negotiated terms of the contract.

Sec. 9. On and after July 1, 2000, K.S.A. 1999 Supp. 74-4914 is hereby amended to read as follows: 74-4914. (1) The normal retirement date for a member of the system shall be the first day of the month coinciding with or following termination of employment with any participating employer not followed by employment with any participating employer within 30 days and the attainment of age 65 or, commencing July 1, 1993, age 62 with the completion of 10 years of credited service or the first day of the month coinciding with or following the date that the total of the number of years of credited service and the number of years of attained age of the member is equal to or more than 85. In no event shall a normal retirement date for a member be before six months after the entry date of the participating employer by whom such member is employed. A member may retire on the normal retirement date or on the first day of any month thereafter upon the filing with the office of the retirement system of an application in such form and manner as the board shall prescribe. Nothing herein shall prevent any person, member or retiree from being employed, appointed or elected as an employee, appointee, officer or member of the legislature. Elected officers may retire from the system on any date on or after the attainment of the normal retirement date, but no retirement benefits payable under this act shall be paid until the member has terminated such member's office.

(2) No retiree shall make contributions to the system or receive service credit for any service after the date of retirement.

(3) Any member who is an employee of an affiliating employer pursuant to K.S.A. 74-4954b and amendments thereto and has not withdrawn such member's accumulated contributions from the Kansas police and firemen's retirement system may retire before such member's normal retirement date on the first day of any month coinciding with or following the attainment of age 55.

(4) Any member may retire before such member's normal retirement date on the first day of any month coinciding with or following termination of employment with any participating employer not followed by employment with any participating employer within 30 days and the attainment of age 55 with the completion of 10 years of credited service, but in no event before six months after the entry date, upon the filing with the

office of the retirement system of an application for retirement in such form and manner as the board shall prescribe.

(5) If a retiree who retired on or after July 1, 1988, is employed or appointed in or to any position or office for which compensation for service is paid in an amount equal to \$15,000 or more in any one such calendar year, by any participating employer for which such retiree was employed or appointed during the final two years of such retiree's participation, such retiree shall not receive any retirement benefit for any month for which such retiree serves in such position or office. The participating employer shall report to the system within 30 days of when the compensation paid to the retiree is equal to or exceeds any limitation provided by this section. Any retiree employed by a participating employer shall not make contributions nor receive additional credit under such system for such service except as provided by this section. Upon request of the executive secretary of the system, the secretary of revenue shall provide such information as may be needed by the executive secretary to carry out the provisions of this act. The provisions of this subsection shall not apply to retirees employed as substitute teachers or officers, employees, or appointees or members of the legislature or any other elected officials. *The provisions of this subsection shall not apply to members of the legislature prior to January 8, 2000. The provisions of this subsection shall not apply to any other elected officials prior to the term of office of such elected official which commences on or after July 1, 2000. The provisions of this subsection shall apply to any other elected official on and after the term of office of such other elected official which commences on or after July 1, 2000. Except as otherwise provided, commencing January 8, 2001, the provisions of this subsection shall apply to members of the legislature. For determination of the amount of compensation paid pursuant to this subsection, for members of the legislature, compensation shall include any amount paid as provided pursuant to subsections (a), (b), (c) and (d) of K.S.A. 46-137a, and amendments thereto, or pursuant to K.S.A. 46-137b, and amendments thereto. Notwithstanding any provision of law to the contrary, when a member of the legislature is paid an amount of compensation of \$15,000 or more in any one calendar year, the member may continue to receive any amount provided in subsections (b) and (d) of K.S.A. 46-137a, and amendments thereto, and still be entitled to receive such member's retirement benefit.*

(6) For purposes of this section, any employee of a local governmental unit which has its own pension plan who becomes an employee of a participating employer as a result of a merger or consolidation of services provided by local governmental units, which occurred on January 1, 1994, may count service with such local governmental unit in determining whether such employee has met the years of credited service requirements contained in this section.

Sec. 10. On and after July 1, 2000, K.S.A. 74-4914c is hereby amended to read as follows: 74-4914c. (1) Notwithstanding the provisions of K.S.A. 74-4914, 74-4915 and subsection (23) of K.S.A. 74-4902, and amendments thereto, the normal retirement date for all security officers, as defined by paragraph (a) or (b) of subsection (1) of K.S.A. 74-4914a and amendments thereto, with at least three consecutive years of service as such security officer immediately preceding the date of retirement, shall be the first day of the month coinciding with or following the attainment of age 55 and, commencing July 1, 2000, the first day of the month coinciding with or following the date that the total of the number of years of credited service and the number of years of attained age of the security officer is equal to or more than 85. Any such security officer may retire before such normal retirement date on the first day of any month coinciding with or following the attainment of age 50 or completion of 10 years of credited service, whichever occurs later.

(2) (a) Except as otherwise provided in paragraph (b) of this subsection (2), any security officer, as defined by paragraph (a) or (b) of subsection (1) of K.S.A. 74-4914a and amendments thereto, who retires before the normal retirement date shall receive an annual retirement benefit equal to the annual retirement benefit payable had such security officer retired on the normal retirement date but based upon such security officer's final average salary and years of participating and prior service credited to the date of actual retirement reduced by an amount equal to the product of (i) such annual retirement benefit payable had such security officer retired on the normal retirement date, multiplied by (ii) the product of .6% multiplied by the number of months difference, to the nearest whole month, between such security officer's attained age at the time of retirement and age 55.

(continued)

(b) Any security officer, as defined by paragraph (a) or (b) of subsection (1) of K.S.A. 74-4914a and amendments thereto, who retires on or after July 1, 1982, and prior to July 1, 1987, before the normal retirement date shall receive an annual retirement benefit equal to the annual retirement benefit payable had such security officer retired on the normal retirement date but based upon such security officer's final average salary and years of participating and prior service credited to the date of actual retirement reduced by an amount equal to the product of (i) such annual retirement benefit payable had such security officer retired on the normal retirement date, multiplied by (ii) the product of .3% multiplied by the number of months difference, to the nearest whole month, between such security officer's attained age at the time of retirement and age 55.

(c) Any security officer, as defined by paragraph (a) or (b) of subsection (1) of K.S.A. 74-4914a and amendments thereto, who retires on or after July 1, 1990, before the normal retirement date shall receive an annual retirement benefit equal to the annual retirement benefit payable had such security officer retired on the normal retirement date but based upon such security officer's final average salary and years of participating and prior service credited to the date of actual retirement reduced by an amount equal to the product of (i) such annual retirement benefit payable had such security officer retired on the normal retirement date, multiplied by (ii) the product of .2% multiplied by the number of months difference, to the nearest whole month, between such security officer's attained age at the time of retirement and age 55.

(3) Notwithstanding the provisions of K.S.A. 74-4914, 74-4915 and subsection (23) of K.S.A. 74-4902, the normal retirement date for all security officers, as defined by paragraph (c), (d), (e) or (f) of subsection (1) of K.S.A. 74-4914a and amendments thereto, with at least three consecutive years of service as such security officer immediately preceding the date of retirement, shall be the first day of the month coinciding with or following the attainment of age 60 and, *commencing July 1, 2000, the first day of the month coinciding with or following the date that the total of the number of years of credited service and the number of years of attained age of the security officer is equal to or more than 85.* Any such security officer may retire before such normal retirement date on the first day of any month coinciding with or following the attainment of age 55 or completion of 10 years of credited service, whichever occurs later.

(4) (a) Except as otherwise provided in paragraph (b) of this subsection (4), any security officer, as defined by paragraph (c), (d), (e) or (f) of subsection (1) of K.S.A. 74-4914a and amendments thereto, who retires before the normal retirement date shall receive an annual retirement benefit equal to the annual retirement benefit payable had such security officer retired on the normal retirement date but based upon such security officer's final average salary and years of participating and prior service credited to the date of actual retirement reduced by an amount equal to the product of (i) such annual retirement benefit payable had such security officer retired on the normal retirement date, multiplied by (ii) the product of .6% multiplied by the number of months difference, to the nearest whole month, between such security officer's attained age at the time of retirement and age 60.

(b) Any security officer, as defined by paragraph (c), (d), (e) or (f) of subsection (1) of K.S.A. 74-4914a and amendments thereto, who retires on or after July 1, 1982, and prior to July 1, 1987, before the normal retirement date shall receive an annual retirement benefit equal to the annual retirement benefit payable had such security officer retired on the normal retirement date but based upon such security officer's final average salary and years of participating and prior service credited to the date of actual retirement reduced by an amount equal to the product of (i) such annual retirement benefit payable had such security officer retired on the normal retirement date, multiplied by (ii) the product of .3% multiplied by the number of months difference, to the nearest whole month, between such security officer's attained age at the time of retirement and age 60.

(c) Any security officer, as defined by paragraph (c), (d), (e) or (f) of subsection (1) of K.S.A. 74-4914a and amendments thereto, who retires on or after July 1, 1990, before the normal retirement date shall receive an annual retirement benefit equal to the annual retirement benefit payable had such security officer retired on the normal retirement date but based upon such security officer's final average salary and years of participating and prior service credited to the date of actual retirement reduced by an amount equal to the product of (i) such annual retirement benefit payable had such security officer retired on the normal retirement

date, multiplied by (ii) the product of .2% multiplied by the number of months difference, to the nearest whole month, between such security officer's attained age at the time of retirement and age 60.

Sec. 11: On and after July 1, 2000, K.S.A. 1999 Supp. 74-4918 is hereby amended to read as follows: 74-4918. (1) A member may elect to have such member's retirement benefit paid under one of the options provided in this section in lieu of having it paid in the form stated in K.S.A. 74-4915 and amendments thereto. Such election must be made before the date of actual retirement. A specific person must be designated as joint annuitant at the time of election of the joint and $\frac{1}{2}$ to joint annuitant survivor option, the joint and survivor option and the joint and $\frac{3}{4}$ to joint annuitant survivor option. Under no circumstances may an option be changed or canceled nor the named joint annuitant changed after the date of actual retirement of the member.

(2) The amount of retirement benefit payable under an option shall be based on the age of the member and, if applicable, the age of the joint annuitant, and shall be such amount as to be the actuarial equivalent of the retirement benefit otherwise payable under K.S.A. 74-4915 and amendments thereto, as prescribed in subsection (3). In no case shall the total amount of retirement benefit paid under any option provided in this section be more than 100% of the retirement benefit which would have been otherwise payable if no option had been elected under this section.

(3) The following retirement options, which are subject to the provisions of K.S.A. 1999 Supp. 74-49123 and amendments thereto, are available:

(A) *Joint and $\frac{1}{2}$ to joint annuitant survivor.* A reduced retirement benefit is payable to the retirant during the retirant's lifetime in a monthly amount equal to the product of (A) (i) the monthly payment of the retirement benefit otherwise payable under K.S.A. 74-4915 and amendments thereto and (B) (ii) the percentage equal to 91% minus .4% for each year by which the age of the retirant's joint annuitant is less than the retirant's age, computed to the nearest whole year, or plus .4% for each year by which the age of the retirant's joint annuitant is more than the retirant's age, computed to the nearest whole year, with $\frac{1}{2}$ of that monthly amount continued to the retirant's joint annuitant during such joint annuitant's remaining lifetime, if any, after the death of the retirant. In the event that the designated joint annuitant under this option predeceases the retirant, the amount of the retirement benefit otherwise payable to the retirant under this option shall be adjusted automatically to the retirement benefit which the retirant would have received if no option had been elected under this section.

(B) *Joint and survivor.* A reduced retirement benefit is payable to the retirant during the retirant's lifetime in a monthly amount equal to the product of (A) (i) the monthly payment of the retirement benefit otherwise payable under K.S.A. 74-4915 and amendments thereto and (B) (ii) the percentage equal to 83% minus .6% for each year by which the age of the retirant's joint annuitant is less than the retirant's age, computed to the nearest whole year, or plus .6% for each year by which the age of the retirant's joint annuitant is more than the retirant's age, computed to the nearest whole year, with that amount continued to the joint annuitant during the joint annuitant's remaining lifetime, if any, after the death of the retirant. In the event that the designated joint annuitant under this option predeceases the retirant, the amount of the retirement benefit otherwise payable to the retirant under this option shall be adjusted automatically to the retirement benefit which the retirant would have received if no option had been elected under this section.

(C) *Joint and $\frac{3}{4}$ to joint annuitant survivor.* A reduced retirement benefit is payable to the retirant during the retirant's lifetime in a monthly amount equal to the product of (A) (i) the monthly payment of the retirement benefit otherwise payable under K.S.A. 74-4915 and amendments thereto and (B) (ii) the percentage equal to 87% minus .5% for each year by which the age of the retirant's joint annuitant is less than the retirant's age, computed to the nearest whole year, or plus .5% for each year by which the age of the retirant's joint annuitant is more than the retirant's age, computed to the nearest whole year, with $\frac{3}{4}$ of that monthly amount continued to the retirant's joint annuitant during such joint annuitant's remaining lifetime, if any, after the death of the retirant. In the event that the designated joint annuitant under this option predeceases the retirant, the amount of the retirement benefit otherwise payable to the retirant under this option shall be adjusted automatically to the retirement benefit which the retirant would have received if no option had been elected under this section.

(D) *Life with 5 years certain.* A reduced retirement benefit is payable

to the retirant during the retirant's lifetime in a monthly amount equal to 98% of the monthly payment of the retirement benefit otherwise payable under K.S.A. 74-4915 and amendments thereto and if the retirant dies within the five-year certain period, measured from the commencement of retirement benefit payments, such payments shall be continued to the retirant's beneficiary during the balance of the five-year certain period.

(E) *Life with 10 years certain.* A reduced retirement benefit is payable to the retirant during the retirant's lifetime in a monthly amount equal to 95% of the monthly payment of the retirement benefit otherwise payable under K.S.A. 74-4915 and amendments thereto and if the retirant dies within the ten-year certain period, measured from the commencement of retirement benefit payments, such payments shall be continued to the retirant's beneficiary during the balance of the ten-year certain period.

(F) *Life with 15 years certain.* A reduced retirement benefit is payable to the retirant during the retirant's lifetime in a monthly amount equal to 88% of the monthly payment of the retirement benefit otherwise payable under K.S.A. 74-4915 and amendments thereto and if the retirant dies within the fifteen-year certain period, measured from the commencement of retirement benefit payments, such payments shall be continued to the retirant's beneficiary during the balance of the fifteen-year certain period.

(G) *Lump sum payment at retirement.* (i) Pursuant to this option, the member must specify a lump sum amount to be paid to the member upon the member's retirement. The lump sum amount will be based on the actuarial present value of the benefit as provided in K.S.A. 74-4915, and amendments thereto. The lump sum amount designated by the member must be in 10% increments and shall not exceed 1/2 of the actuarial present value of the benefit provided in K.S.A. 74-4915, and amendments thereto.

(ii) Pursuant to this option, the member must elect to have the remaining actuarial present value paid in a monthly amount under the provisions of K.S.A. 74-4915, and amendments thereto, or subsections (3)(A) through (3)(F) of this section.

(iii) The amount of any retirement benefit payable pursuant to this subsection shall remain as provided in this subsection even in the event that the designated joint annuitant pursuant to subsection (3)(A), (3)(B) or (3)(C) predeceases the retirant.

(iv) The provisions of this subsection shall be effective on and after July 1, 2001.

(4) If a member, who is eligible to retire in accordance with the provisions of K.S.A. 74-4914 and amendments thereto, dies without having actually retired, the member's spouse, if the spouse is the sole beneficiary for the member's accumulated contributions, may elect to receive benefits under one of the options provided in this section in lieu of receiving the member's accumulated contributions.

(5) The benefits of subsection (4) shall be available in the case of death within the first six months after the entry date of the member's participating employer.

(6) On and after January 1, 1991, if a member with 15 or more years of credited service dies before attaining retirement age, the member's spouse, if the spouse is the sole beneficiary for the member's accumulated contributions, may elect to receive benefits under one of the options provided in this section in lieu of receiving the member's accumulated contributions. Payments under one of the options provided in this section to the member's spouse if so elected, shall commence on the date that the member would have attained retirement age.

(7) Benefits payable to a joint annuitant shall accrue from the first day of the month following the death of a member or retirant and, in the case of the joint and 1/2 to joint annuitant survivor option, the joint and survivor option and the joint and 3/4 to joint annuitant survivor option, shall end on the last day of the month in which the joint annuitant dies.

(8) The provisions of the law in effect on the retirement date of a member under the system shall govern the retirement benefit payable to the retirant and any joint annuitant, except, for retirement benefits payable after July 1, 1993, for retirants who retired prior to July 1, 1982, in the event that the designated joint annuitant under the option provided in subsection (3)(A), (B) or (C), as applicable, predeceased the retirant, the amount of the retirement benefit otherwise payable to the retirant under the option provided in subsection (3)(A), (B) or (C), as applicable, shall be adjusted automatically to the retirement benefit which the retirant would have received if no option had been elected under this section.

(9) Upon the death of a joint annuitant who is receiving a retirement

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

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

Sec. 12. On and after July 1, 2000, K.S.A. 1999 Supp. 74-4919p is hereby amended to read as follows: 74-4919p. Any member may purchase, subject to the provisions of K.S.A. 74-49,123, and amendments thereto, service for periods of service in the United States peace corps which commenced on or after January 1, 1962. At the election of the member, the benefit for each such period of service shall be equal to either 1% or 1.75% of the final average salary of any such member. For any member who elected to purchase service credit as provided in this section prior to the effective date of this act at the 1% rate, such member may elect to purchase such service credit at an additional amount of .75% of final average salary of such member in a lump-sum amount as otherwise provided in this subsection. Such member may purchase such service by making application therefor prior to date of retirement at an additional rate of contribution in addition to the employee's rate of contribution as provided in K.S.A. 74-4919 and amendments thereto, based upon the member's attained age at the time of purchase and using actuarial assumptions and tables in use by the retirement system at the time of such purchase. Such additional rate of contribution shall commence at the beginning of the quarter following such election and shall remain in effect until all quarters of such service have been purchased. Any such member may purchase, subject to the provisions of K.S.A. 74-49,123, and amendments thereto, service as described in this section by electing to effect such purchase by means of a single lump-sum payment in lieu of employee contributions as provided in this section in an amount equal to the then present value of the benefits being purchased as determined by the actuary using the member's attained age, annual compensation at the time of purchase and the actuarial assumptions and tables then in use by this system. The lump-sum payment shall be made immediately upon being notified of the amount due. ~~No participating employer shall pay the cost, or any part thereof, of any service authorized to be purchased by a member under this section.~~ The provisions of this section shall be effective on and after July 1, 1996.

Sec. 13. On and after July 1, 2000, K.S.A. 1999 Supp. 74-4919q is hereby amended to read as follows: 74-4919q. Any employee of a participating employer who is a member of the Kansas public employees retirement system, who was previously employed as an employee of the memorial union corporation which is affiliated with Emporia state university, may elect to purchase, subject to the provisions of K.S.A. 74-49,123, and amendments thereto, service for such employment. At the election of the member, the benefit for each such year of employment shall be equal to either 1% or 1.75% of the final average salary of any such member. For any member who elected to purchase service credit as provided in this section prior to the effective date of this act at the 1% rate, such member may elect to purchase such service credit at an additional amount of .75% of final average salary of such member in a lump-sum amount as otherwise provided in this subsection. Such member may purchase, subject to the provisions of K.S.A. 74-49,123, and amendments thereto, such service by making application therefor prior to date of retirement at an additional rate of contribution in addition to the employee's rate of contribution as provided in K.S.A. 74-4919 and amendments thereto, based upon the member's attained age at the time of purchase and using actuarial assumptions and tables in use by the retirement system at the time of such purchase. Such additional rate of contribution shall commence at the beginning of the quarter following such election and shall remain in effect until all quarters of such service have been purchased. Any such member may purchase, subject to the provisions of K.S.A. 74-49,123, and amendments thereto, service as described in this

(continued)

section by electing to effect such purchase by means of a single lump-sum payment in lieu of employee contributions as provided in this section in an amount equal to the then present value of the benefits being purchased as determined by the actuary using the member's attained age, annual compensation at the time of purchase and the actuarial assumptions and tables then in use by this system. The lump-sum payment shall be made immediately upon being notified of the amount due. ~~No participating employer shall pay the cost, or any part thereof, of any service authorized to be purchased by a member under this section.~~ The provisions of this section shall be effective on and after July 1, 1996.

Sec. 14. On and after July 1, 2000, K.S.A. 1999 Supp. 74-4921 is hereby amended to read as follows: 74-4921. (1) There is hereby created in the state treasury the Kansas public employees retirement fund. All employee and employer contributions shall be deposited in the state treasury to be credited to the Kansas public employees retirement fund. The fund is a trust fund and shall be used solely for the exclusive purpose of providing benefits to members and member beneficiaries and defraying reasonable expenses of administering the fund. Investment income of the fund shall be added or credited to the fund as provided by law. All benefits payable under the system, refund of contributions and overpayments, purchases or investments under the law and expenses in connection with the system unless otherwise provided by law shall be paid from the fund. The director of accounts and reports is authorized to draw warrants on the state treasurer and against such fund upon the filing in the director's office of proper vouchers executed by the chairperson or the executive secretary of the board. As an alternative, payments from the fund may be made by credits to the accounts of recipients of payments in banks, savings and loan associations and credit unions. A payment shall be so made only upon the written authorization and direction of the recipient of payment and upon receipt of such authorization such payments shall be made in accordance therewith. Orders for payment of such claims may be contained on (a) a letter, memorandum, telegram, computer printout or similar writing, or (b) any form of communication, other than voice, which is registered upon magnetic tape, disc or any other medium designed to capture and contain in durable form conventional signals used for the electronic communication of messages.

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

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

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

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

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

(i) The total of such alternative investments does not exceed more than 5% of the total investment assets of the fund. If the total of such alternative investments exceeds more than 5% of the total investment assets of the fund on the effective date of this act, the board shall not invest or reinvest any moneys of the fund in alternative investments until

the total of such alternative investments is less the 5% of the total investment assets of the fund subject to the 5% limitation contained in this subsection. Nothing in this subsection requires the board to liquidate or sell the system's holdings in any alternative investment held by the system on the effective date of this act, unless such liquidation or sale would be in the best interest of the members and beneficiaries of the system and be prudent under the standards contained in this section. The 5% limitation contained in this section shall not have been violated if the total of such alternative investments exceeds 5% of the total investment assets of the fund as a result of market forces acting to increase the value of such alternative investments relative to the rest of the system's investments; however, the board shall not invest or reinvest any moneys of the fund in alternative investments until the total of such alternative investments is less than 5% of the total investment assets of the fund subject to the 5% limitation contained in this subsection;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Specific asset allocation standards and objectives;

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

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

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

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

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

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

persons to perform the functions specified in subsection (2) shall be deemed to be agents of the board and the system in the performance of contractual obligations.

(8) (a) In the acquisition or disposition of securities, the board may rely on the written legal opinion of a reputable bond attorney or attorneys, the written opinion of the attorney of the investment counselor or managers, or the written opinion of the attorney general certifying the legality of the securities.

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

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

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

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

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

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

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

(b) In accordance with this subsection (12), the annual financial-compliance audit may include one or more performance audit subjects as directed by the legislative post audit committee. In considering performance audit subjects to be included in any financial-compliance audit conducted pursuant to this subsection (12), the legislative post audit committee shall consider recommendations and requests for performance audits, relating to the system or the management thereof, by the joint committee on pensions, investments and benefits or by any other committee or individual member of the legislature. Commencing with the financial-compliance audit for the fiscal year ending June 30, 1998, the legislative post audit committee shall specify if one or more performance audit subjects shall be included in the financial-compliance audit conducted pursuant to this subsection (12), in addition to such other subjects as may be directed to be included in the financial-compliance audit by the legislative post audit committee. Except as otherwise determined by the legislative post audit committee pursuant to this subsection (12), com-

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mencing with the financial-compliance audit for the fiscal year ending June 30, 1998, one or more performance audit subjects specified by the legislative post audit committee shall be included at least once every two fiscal years in a financial-compliance audit conducted pursuant to this subsection (12). The legislative post audit committee may direct that one or more performance audit subjects are to be included in a financial-compliance audit conducted pursuant to this subsection (12) not more than once during a specific period of three fiscal years, in lieu of once every two fiscal years.

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

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

Sec. 15. On and after July 1, 2000, K.S.A. 1999 Supp. 74-4924 is hereby amended to read as follows: 74-4924. (1) Any person who shall knowingly make any false statement, or who shall falsify or permit to be falsified any record necessary for carrying out the intent of this act for the purpose of committing fraud, shall be subject to the provisions of K.S.A. 21-3904 and amendments thereto.

(2) Should any error in any records or in any calculation of the Kansas public employees retirement system result in any member or beneficiary receiving more or less than he would have been entitled to receive had the records or calculations been correct, the board shall correct such error, and, as far as practicable, make future payments in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was entitled shall be paid and may recover any overpayments.

In the event a member has withdrawn, all or part of, such member's accumulated contributions in a manner not in compliance with the provisions of this act or the regulations of the system the amount of such withdrawal, plus interest at a rate specified by the board, shall be deducted from any amounts, including group insurance benefits, which shall become due the member or such member's beneficiaries under the provisions of this act.

(3) (a) *Notwithstanding the provisions of subsection (2) and except as provided in subsection (3)(d), the board is not required to collect any benefit overpayment that is of more than 60 months' standing when discovered, if any errors in the records or calculations of the system that resulted in such overpayment are attributable solely to incorrect procedures or calculations by the system and there is no evidence of fraud or misconduct on the part of the member or other person receiving the benefit.*

(b) *The board shall make reasonable efforts to recover all benefit overpayment of 60 months' standing or less, including the imposition of an actuarially calculated reduction in an ongoing monthly benefit payment or the deduction of the total overpaid amount from any refund of contributions or group life insurance benefits that become due and payable to the member or member's beneficiary.*

(c) *No monthly benefit reduction imposed under this section for the purpose of collecting an overpayment shall result in a monthly benefit payment that is more than 10% lower than the monthly benefit payment would have been without such collection-related reduction, except that the monthly benefit payment in all cases must first be reduced to the correct amount as provided by the terms of this section before the 10% cap on collection-related reductions is imposed.*

(d) *Notwithstanding the provisions of this section, on and after the effective date of this act, the board shall not collect any benefit overpayment, attributable to errors in the calculation of benefits by the system that resulted in such overpayments to any person that first occurred after and as a result of a statutory increase in benefits passed by the legislature in 1993, and there is no evidence of fraud or other misconduct on the part of the person receiving the benefit.*

Sec. 16. On and after July 1, 2000, K.S.A. 1999 Supp. 74-4927, as amended by section 5 of 2000 House Bill No. 2034, is hereby amended to read as follows: 74-4927. (1) The board may establish a plan of death and long-term disability benefits to be paid to the members of the retirement system as provided by this section. The long-term disability benefit shall not be payable until the member has been prevented from carrying out each and every duty pertaining to the member's employment as a result of sickness or injury for a period of 180 days and the annual benefit shall not exceed an amount equal to 66 2/3% of the member's annual rate of compensation on the date such disability commenced and shall be payable in equal monthly installments. In the event that a member's compensation is not fixed at an annual rate but on an hourly, weekly, biweekly, monthly or any other basis than annual, the board shall prescribe by rule and regulation a formula for establishing a reasonable rate of annual compensation to be used in determining the amount of the death or long-term disability benefit for such member. Such plan shall provide that:

(A) For deaths occurring prior to January 1, 1987, the right to receive such death benefit shall cease upon the member's attainment of age 70 or date of retirement whichever first occurs. The right to receive such long-term disability benefit shall cease (i) for a member who becomes eligible for such benefit before attaining age 60, upon the date that such member attains age 65 or the date of such member's retirement, whichever first occurs, (ii) for a member who becomes eligible for such benefit at or after attaining age 60, the date that such member has received such benefit for a period of five years, upon the date that such member attains age 70, or upon the date of such member's retirement, whichever first occurs, (iii) for all disabilities incurred on or after January 1, 1987, for a member who becomes eligible for such benefit at or after attaining age 70, the date that such member has received such benefit for a period of 12 months or upon the date of such member's retirement, whichever first occurs, and (iv) for all disabilities incurred on or after January 1, 1987, for a member who becomes eligible for such benefit at or after attaining age 75; the date that such member has received such benefit for a period of six months or upon the date of such member's retirement, whichever first occurs.

(B) Long-term disability benefit payments shall be in lieu of any accidental total disability benefit that a member may be eligible to receive under subsection (3) of K.S.A. 74-4916 and amendments thereto. The member must make an initial application for social security disability benefits and, if denied such benefits, the member must pursue and exhaust all administrative remedies of the social security administration which include, but are not limited to, reconsideration and hearings. Such plan may provide that any amount which a member receives as a social security benefit or a disability benefit or compensation from any source by reason of any employment including, but not limited to, workers compensation benefits may be deducted from the amount of long-term disability benefit payments under such plan. During the period in which such member is pursuing such administrative remedies prior to a final decision of the social security administration, social security disability benefits may be estimated and may be deducted from the amount of long-term disability benefit payments under such plan. Such long-term disability payments shall accrue from the later of the 181st day of total disability or the first day upon which the member ceases to draw compensation from the employer. If the social security benefit, workers compensation benefit, other income or wages or other disability benefit by reason of employment, or any part thereof, is paid in a lump-sum, the amount of the reduction shall be calculated on a monthly basis over the period of time for which the lump-sum is given. In no case shall a member who is entitled to receive

long-term disability benefits receive less than \$50 per month. As used in this section, "workers compensation benefits" means the total award of disability benefit payments under the worker's compensation act notwithstanding any payment of attorney fees from such benefits as provided in the workers compensation act.

(C) The plan may include other provisions relating to qualifications for benefits; schedules and graduation of benefits; limitations of eligibility for benefits by reason of termination of employment or membership; conversion privileges; limitations of eligibility for benefits by reason of leaves of absence, military service or other interruptions in service; limitations on the condition of long-term disability benefit payment by reason of improved health; requirements for medical examinations or reports; or any other reasonable provisions as established by rule and regulation of uniform application adopted by the board.

(D) On and after April 30, 1981, the board may provide under the plan for the continuation of long-term disability benefit payments to any former member who forfeits the entitlement to continued service credit under the retirement system or continued assistance in the purchase of retirement annuities under K.S.A. 74-4925 and amendments thereto and to continued long-term disability benefit payments and continued death benefit coverage, by reason of the member's withdrawal of contributions from the retirement system or the repurchase of retirement annuities which were purchased with assistance received under K.S.A. 74-4925 and amendments thereto. Such long-term disability benefit payments may be continued until such individual dies, attains age 65 or is no longer disabled, whichever occurs first.

(E) Any visually impaired person who is in training at and employed by a sheltered workshop for the blind operated by the secretary of social and rehabilitation services and who would otherwise be eligible for the long-term disability benefit as described in this section shall not be eligible to receive such benefit due to visual impairment as such impairment shall be determined to be a preexisting condition.

(2) (A) In the event that a member becomes eligible for a long-term disability benefit under the plan authorized by this section such member shall be given participating service credit for the entire period of such disability. Such member's final average salary shall be computed in accordance with subsection (17) of K.S.A. 74-4902 and amendments thereto except that the years of participating service used in such computation shall be the years of salaried participating service.

(B) In the event that a member eligible for a long-term disability benefit under the plan authorized by this section shall be disabled for a period of five years or more immediately preceding retirement, such member's final average salary shall be adjusted upon retirement by the actuarial salary assumption rates in existence during such period of disability. Effective July 1, 1993, such member's final average salary shall be adjusted upon retirement by 5% for each year of disability after July 1, 1993, but before July 1, 1998. Effective July 1, 1998, such member's final average salary shall be adjusted upon retirement by an amount equal to the lesser of: (i) The percentage increase in the consumer price index for all urban consumers as published by the bureau of labor statistics of the United States department of labor minus 1%; or (ii) four percent per annum, measured from the month the disability occurs the member's last day on the payroll to the month that is two months prior to the month of retirement, for each year of disability after July 1, 1998.

(C) In the event that a member eligible for a long-term disability benefit under the plan authorized by this section shall be disabled for a period of five years or more immediately preceding death, such member's current annual rate shall be adjusted by the actuarial salary assumption rates in existence during such period of disability. Effective July 1, 1993, such member's current annual rate shall be adjusted upon death by 5% for each year of disability after July 1, 1993, but before July 1, 1998. Effective July 1, 1998, such member's current annual rate shall be adjusted upon death by an amount equal to the lesser of: (i) The percentage increase in the consumer price index for all urban consumers published by the bureau of labor statistics of the United States department of labor minus 1%; or (ii) four percent per annum, measured from the month the disability occurs the member's last day on the payroll to the month that is two months prior to the month of death, for each year of disability after July 1, 1998.

(3) (A) To carry out the legislative intent to provide, within the funds made available therefor, the broadest possible coverage for members who are in active employment or involuntarily absent from such active employment, the plan of death and long-term disability benefits shall be subject to adjustment from time to time by the board within the limita-

tions of this section. The plan may include terms and provisions which are consistent with the terms and provisions of group life and long-term disability policies usually issued to those employers who employ a large number of employees. The board shall have the authority to establish and adjust from time to time the procedures for financing and administering the plan of death and long-term disability benefits authorized by this section. Either the insured death benefit or the insured disability benefit or both such benefits may be financed directly by the system or by one or more insurance companies authorized and licensed to transact group life and group accident and health insurance in this state.

(B) The board may contract with one or more insurance companies, which are authorized and licensed to transact group life and group accident and health insurance in Kansas, to underwrite or to administer or to both underwrite and administer either the insured death benefit or the long-term disability benefit or both such benefits. Each such contract with an insurance company under this subsection shall be entered into on the basis of competitive bids solicited and administered by the board. Such competitive bids shall be based on specifications prepared by the board.

(i) In the event the board purchases one or more policies of group insurance from such company or companies to provide either the insured death benefit or the long-term disability benefit or both such benefits, the board shall have the authority to subsequently cancel one or more of such policies and, notwithstanding any other provision of law, to release each company which issued any such canceled policy from any liability for future benefits under any such policy and to have the reserves established by such company under any such canceled policy returned to the system for deposit in the group insurance reserve of the fund.

(ii) In addition, the board shall have the authority to cancel any policy or policies of group life and long-term disability insurance in existence on the effective date of this act and, notwithstanding any other provision of law, to release each company which issued any such canceled policy from any liability for future benefits under any such policy and to have the reserves established by such company under any such canceled policy returned to the system for deposit in the group insurance reserve of the fund. Notwithstanding any other provision of law, no premium tax shall be due or payable by any such company or companies on any such policy or policies purchased by the board nor shall any brokerage fees or commissions be paid thereon.

(4) (A) There is hereby created in the state treasury the group insurance reserve fund. Investment income of the fund shall be added or credited to the fund as provided by law. The cost of the plan of death and long-term disability benefits shall be paid from the group insurance reserve fund, which shall be administered by the board. Except as otherwise provided by this subsection, each participating employer shall appropriate and pay to the system in such manner as the board shall prescribe in addition to the employee and employer retirement contributions an amount equal to .6% of the amount of compensation on which the members' contributions to the Kansas public employees retirement system are based for deposit in the group insurance reserve fund. Notwithstanding the provisions of this subsection, no participating employer shall appropriate and pay to the system any amount provided for by this subsection for deposit in the group insurance reserve fund for the period commencing on April 1, 2000, and ending on June 30, 2001.

(B) The director of the budget and the governor shall include in the budget and in the budget request for appropriations for personal services a sum to pay the state's contribution to the group insurance reserve fund as provided by this section and shall present the same to the legislature for allowances and appropriation.

(C) The provisions of subsection (4) of K.S.A. 74-4920 and amendments thereto shall apply for the purpose of providing the funds to make the contributions to be deposited to the group insurance reserve fund.

(D) Any dividend or retrospective rate credit allowed by an insurance company or companies shall be credited to the group insurance reserve fund and the board may take such amounts into consideration in determining the amounts of the benefits under the plan authorized by this section.

(5) The death benefit provided under the plan of death and long-term disability benefits authorized by this section shall be known and referred to as insured death benefit. The long-term disability benefit provided under the plan of death and long-term disability benefits authorized by this section shall be known and referred to as long-term disability benefit.

(continued)

(6) The board is hereby authorized to establish an optional death benefit plan. Except as provided in subsection (7), such optional death benefit plan shall be made available to all employees who are covered or may hereafter become covered by the plan of death and long-term disability benefits authorized by this section. The cost of the optional death benefit plan shall be paid by the applicant either by means of a system of payroll deductions or direct payment to the board. The board shall have the authority and discretion to establish such terms, conditions, specifications and coverages as it may deem to be in the best interest of the state of Kansas and its employees which should include term death benefits for the person's period of active state employment regardless of age, but in no case, on and after January 1, 1989, shall the maximum allowable coverage be less than \$200,000. The cost of the optional death benefit plan shall not be established on such a basis as to unreasonably discriminate against any particular age group. The board shall have full administrative responsibility, discretion and authority to establish and continue such optional death benefit plan and the director of accounts and reports of the department of administration shall when requested by the board and from funds appropriated or available for such purpose establish a system to make periodic deductions from state payrolls to cover the cost of the optional death benefit plan coverage under the provisions of this subsection (6) and shall remit all deductions together with appropriate accounting reports to the system. There is hereby created in the state treasury the optional death benefit plan reserve fund. Investment income of the fund shall be added or credited to the fund as provided by law. All funds received by the board, whether in the form of direct payments, payroll deductions or otherwise, shall be accounted for separately from all other funds of the retirement system and shall be paid into the optional death benefit plan reserve fund, from which the board is authorized to make the appropriate payments and to pay the ongoing costs of administration of such optional death benefit plan as may be incurred in carrying out the provisions of this subsection (6).

(7) Any employer other than the state of Kansas which is currently a participating employer of the Kansas public employees retirement system or is in the process of affiliating with the Kansas public employees retirement system may also elect to affiliate for the purposes of subsection (6). All such employers shall make application for affiliation with such system, to be effective on January 1 next following application. Such optional death benefit plan shall not be available for employees of employers specified under this subsection until after July 1, 1988.

Sec. 17. On and after July 1, 2000, K.S.A. 74-4927k is hereby amended to read as follows: 74-4927k. (a) For the purposes of providing the "insured death benefit" and "long-term disability benefit" as prescribed in K.S.A. 74-4927 and amendments thereto and of providing the "accidental death benefit" as prescribed in subsection (2) of K.S.A. 74-4916 and amendments thereto, to all state officers who have filed an election as provided in subsection (a) or (b) of K.S.A. 74-4911f, ~~on and after the first day of the first payroll period of the fiscal year ending June 30, 1989 and amendments thereto,~~ the term "member" as used in K.S.A. 74-4927 and amendments thereto and subsection (2) of K.S.A. 74-4916 and amendments thereto and as used in this section shall include ~~the~~ ~~forementioned~~ such state officers.

(b) The state agency employing any member shall pay to the Kansas public employees retirement system in such manner as the board of trustees shall prescribe, ~~beginning with the first day of the first payroll period of the fiscal year ending June 30, 1989, and each payroll period thereafter,~~ an amount sufficient to pay the employer's contribution to the group insurance reserve as provided in subsection (4) of K.S.A. 74-4927 and amendments thereto.

(c) The state agency employing any member shall maintain a file of the beneficiaries named by the persons covered under this section in the form and manner as prescribed by the board of trustees of the Kansas public employees retirement system.

(d) ~~Coverage under the plan of death and long-term disability benefits and accidental death benefits shall begin with the first day of the first payroll period of the fiscal year ending June 30, 1989, for such member. Notwithstanding any provision of law to the contrary, the provisions of this section shall not apply to any person employed by the legislative branch of the state of Kansas who elected to be covered by the provisions of K.S.A. 74-4911f, and amendments thereto, as provided in subsection (e) of K.S.A. 46-1302, and amendments thereto, or who is first employed on or after July 1, 1996, by the legislative branch of the state of Kansas as described in K.S.A. 46-1302, and amendments thereto.~~

Sec. 18. On and after July 1, 2000, K.S.A. 1999 Supp. 74-4958 is hereby amended to read as follows: 74-4958. (1) Any member who retires on or after July 1, 1993, shall be entitled to receive an age and service retirement benefit equal to 2.5% of such member's final average salary multiplied by the number of years of credited service except that in no case shall such retirement benefit exceed 80% of such member's final average salary.

(2) Any member who is appointed or employed prior to July 1, 1989, who does not make an election pursuant to K.S.A. 74-4955a and amendments thereto and who retires before such member's normal retirement date shall receive an early retirement benefit equal to the annual retirement benefit payable had the member retired on the normal retirement date reduced by an amount equal to the product of (A) such annual retirement benefit payable had the member retired on the normal retirement date, multiplied by (B) the product of .4% multiplied by the number of months difference, to the nearest whole month, between the member's attained age at the time of retirement and age 55.

(3) Pursuant to the provisions of section 36, and amendments thereto, upon the death after retirement of a member who was covered up to the entry date of the member's employer, by a pension system under the provisions of K.S.A. 12-5001 to 12-5007, inclusive, and amendments thereto, or K.S.A. 13-14a01 to 13-14a14, inclusive, and amendments thereto, or K.S.A. 14-10a01 to 14-10a15, inclusive, and amendments thereto, and who had not elected to retire under one of the options provided under K.S.A. 74-4964 and amendments thereto, the member's spouse, if such spouse was the member's lawfully wedded spouse for a period of not less than one year at the time of the member's retirement or if such spouse had been the member's lawfully wedded spouse for at least three years after the time of the member's retirement, shall receive a lump-sum benefit equal to 1/2 the member's final average salary at the time of the member's retirement and shall receive an annual spouse's benefit equal to 75% of the member's retirement benefit payable in monthly installments, to accrue from the last day of the month following the member's date of death and ending on the last day of the month in which the spouse dies. Commencing on the effective date of this act, any surviving spouse, who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such spouse's remarriage, shall be entitled to once again receive benefits pursuant to this section, except that such surviving spouse shall not be entitled to recover any benefits not received after the termination of benefits by reason of such surviving spouse's remarriage but before the effective date of this act. If there is no surviving spouse, or if after the death of the spouse there remain one or more children under the age of 18 years or one or more children under the age of 23 years who is a full-time student as provided in K.S.A. 74-49,117 and amendments thereto, the annual spouse's benefit shall be payable, subject to the provisions of K.S.A. 1999 Supp. 74-49,123 and amendments thereto, in equal shares to such children and each child's share shall end on the last day of the month in which such child attains the age of 18 years or dies, whichever occurs earlier or in which such child attains the age of 23 years if such child is a full-time student as provided in K.S.A. 74-49,117 and amendments thereto. Commencing on the effective date of this act, any child who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such child's marriage, shall be entitled to once again receive benefits pursuant to this section subject to the limitations contained in this section, except that such child shall not be entitled to recover any benefits not received after the termination of benefits by reason of such child's marriage but before the effective date of this act. All payments due under this section to a minor shall be made to a legally appointed conservator of such minor as provided in subsection (7) of K.S.A. 74-4902 and amendments thereto. No person shall be entitled to receive more than one benefit under the provisions of this subsection. Any person who otherwise meets the qualifications to receive more than one benefit under this subsection shall elect the benefit such person shall receive.

(4) Upon the death after retirement of a member who had not elected to retire under one of the options provided under K.S.A. 74-4964 and amendments thereto, such member's beneficiary shall receive an amount equal to the excess, if any, of such member's accumulated contributions over the sum of all retirement benefit payments made.

(5) The provisions of law in effect on the retirement date of a member under the system shall govern the retirement benefit payable to the retiree, any joint annuitant and any beneficiary.

Sec. 19. On and after July 1, 2000, K.S.A. 1999 Supp. 74-4958a is hereby amended to read as follows: 74-4958a. (1) Any member who retires on or after July 1, 1993, shall be entitled to receive an age and service retirement benefit equal to 2.5% of such member's final average salary multiplied by the number of years of credited service except that in no case shall such retirement benefit exceed 80% of such member's final average salary.

(2) Any member who retires before such member's normal retirement date shall receive an early retirement benefit equal to the annual retirement benefit payable had the member retired on the normal retirement date reduced by an amount equal to the product of (A) such annual retirement benefit payable had the member retired on the normal retirement date, multiplied by (B) the product of .4% multiplied by the number of months difference, to the nearest whole month, between the member's attained age at the time of retirement and age 55.

(3) Pursuant to the provisions of section 36, and amendments thereto, upon the death after retirement of a member who was covered, up to the entry date of the member's employer, by a pension system under the provisions of K.S.A. 12-5001 to 12-5007, inclusive, and amendments thereto, or K.S.A. 13-14a01 to 13-14a14, inclusive, and amendments thereto, or K.S.A. 14-10a01 to 14-10a15, inclusive, and amendments thereto, and who had not elected to retire under one of the options provided under K.S.A. 74-4964 and amendments thereto, the member's spouse, if such spouse was the member's lawfully wedded spouse for a period of not less than one year at the time of the member's retirement or if such spouse had been the member's lawfully wedded spouse for at least three years after the time of the member's retirement, shall receive a lump-sum benefit equal to $\frac{1}{2}$ the member's final average salary at the time of the member's retirement and shall receive an annual spouse's benefit equal to 75% of the member's retirement benefit payable in monthly installments, to accrue from the first day of the month following the member's date of death and ending on the last day of the month in which the spouse dies. Commencing on the effective date of this act, any surviving spouse, who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such spouse's remarriage, shall be entitled to once again receive benefits pursuant to this section, except that such surviving spouse shall not be entitled to recover any benefits not received after the termination of benefits by reason of such surviving spouse's remarriage but before the effective date of this act. If there is no surviving spouse, or if after the death of the spouse there remain one or more children under the age of 18 years or one or more children under the age of 23 years who is a full-time student as provided in K.S.A. 74-49,117 and amendments thereto, the annual spouse's benefit shall be payable, subject to the provisions of K.S.A. 1999 Supp. 74-49,123 and amendments thereto, in equal shares to such children and each child's share shall end on the last day of the month in which such child attains the age of 18 years or dies, whichever occurs earlier or in which such child attains the age of 23 years, if such child is a full-time student as provided in K.S.A. 74-49,117 and amendments thereto. Commencing on the effective date of this act, any child who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such child's marriage, shall be entitled to once again receive benefits pursuant to this section subject to the limitations contained in this section, except that such child shall not be entitled to recover any benefits not received after the termination of benefits by reason of such child's marriage but before the effective date of this act. All payments due under this section to a minor shall be made to a legally appointed conservator of such minor as provided in subsection (7) of K.S.A. 74-4902 and amendments thereto. No person shall be entitled to receive more than one benefit under the provisions of this subsection. Any person who otherwise meets the qualifications to receive more than one benefit under this subsection shall elect the benefit such person shall receive.

(4) Upon the death after retirement of a member who had not elected to retire under one of the options provided under K.S.A. 74-4964 and amendments thereto, such member's beneficiary shall receive an amount equal to the excess, if any, of such member's accumulated contributions over the sum of all retirement benefit payments made.

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

(6) The provisions of law in effect on the retirement date of a member under the system shall govern the retirement benefit payable to the retiree, any joint annuitant and any beneficiary.

Sec. 20. On and after July 1, 2000, K.S.A. 1999 Supp. 74-4959 is hereby amended to read as follows: 74-4959. (1) Upon the death from service-connected causes as defined in this act, of an active contributing member prior to retirement, the following benefits shall be payable if a report of the event, in a form acceptable to the board, is filed in the office of the executive secretary of the board within 200 days after the date of the act of duty causing such death and an application for such benefits, in such form and manner as prescribed by the board, is filed in the office of the executive secretary of the board within two years of the date of death, but the board may waive such time limits for a reasonable period if in the judgment of the board the failure to meet these limits was due to lack of knowledge or incapacity:

(a) To the member's spouse, if lawfully wedded to the member at the time of the member's death, an annual spouse's benefit equal to 50% of the member's final average salary, which shall accrue from the first day of the month coinciding with or following the member's death and shall end on the first day of the month in which the spouse's death occurs. Commencing on the effective date of this act, any surviving spouse, who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such spouse's remarriage, shall be entitled to once again receive benefits pursuant to this section, except that such surviving spouse shall not be entitled to recover any benefits not received after the termination of benefits by reason of such surviving spouse's remarriage but before the effective date of this act.

(b) Subject to the provisions of K.S.A. 1999 Supp. 74-49,123 and amendments thereto, to the member's children under the age of 18 years or under the age of 23 years, if such children are full-time students as provided in K.S.A. 74-49,117 and amendments thereto an annual children's benefit equal to 10% of the member's final average salary for each such child, which shall accrue from the first day of the month coinciding with or following the member's death and shall end on the last day of the month in which such child attains the age of 18 years or dies, whichever occurs earlier or in which such child attains the age of 23 years, if such child is a full-time student as provided in K.S.A. 74-49,117 and amendments thereto, except that if there is no eligible spouse, or if upon the death of the spouse there remain one or more children under the age of 18 years or under the age of 23 years, if such children are full-time students as provided in K.S.A. 74-49,117 and amendments thereto, the annual spouse's benefit shall be paid in equal shares to such children and each child's share shall end on the last day of the month in which such child attains the age of 18 years or dies, whichever occurs earlier or in which such child attains the age of 23 years, if such child is a full-time student as provided in K.S.A. 74-49,117 and amendments thereto. Commencing on the effective date of this act, any child who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such child's marriage, shall be entitled to once again receive benefits pursuant to this section subject to the limitations contained in this section, except that such child shall not be entitled to recover any benefits not received after the termination of benefits by reason of such child's marriage but before the effective date of this act.

(c) In no case shall benefits payable under the provisions of paragraphs (a) and (b) of this subsection (1) exceed 75% of the member's final average salary.

(2) Pursuant to the provisions of section 36, and amendments thereto, upon the death from causes not service-connected of an active contributing member prior to retirement, the member's spouse, if lawfully wedded to the member at the time of the member's death, shall receive immediately a lump-sum benefit equal to 100% of the member's final average salary and shall be entitled to receive an annual death benefit equal to the member's retirement benefit calculated as if the member had retired on the member's normal retirement date, but based upon the member's final average salary and years of credited service on the date of death but not to exceed the amount of the annual spouse's benefit provided in paragraph (a) of subsection (1). An application for such benefits in such form and manner as prescribed by the board must be filed in the office of the executive secretary of the board within two years of the date of death, but the board may waive such time limit for a reasonable period if in the judgment of the board the failure to meet this limit was due to the lack of knowledge or incapacity. On and after July 1, 1993,

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the annual spouse's benefit under this subsection (2) shall accrue from the first day of the month coinciding with or following the member's death and shall continue until the spouse's death. Commencing on the effective date of this act, any surviving spouse, who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such spouse's remarriage, shall be entitled to once again receive benefits pursuant to this section, except that such surviving spouse shall not be entitled to recover any benefits not received after the termination of benefits by reason of such surviving spouse's remarriage but before the effective date of this act. If there is no eligible spouse or if after the death of the spouse there remain one or more children of the member under the age of 18 years or one or more children of the member under the age of 23 years, if such children are full-time students as provided in K.S.A. 74-49,117 and amendments thereto, the spouse's benefit shall be payable, subject to the provisions of K.S.A. 1999 Supp. 74-49,123 and amendments thereto, in equal shares to such children and each child's share shall end on the last day of the month in which such child attains the age of 18 years or dies, whichever occurs earlier or in which such child attains the age of 23 years, if such child is a full-time student as provided in K.S.A. 74-49,117 and amendments thereto. Commencing on the effective date of this act, any child who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such child's marriage, shall be entitled to once again receive benefits pursuant to this section subject to the limitations contained in this section, except that such child shall not be entitled to recover any benefits not received after the termination of benefits by reason of such child's marriage but before the effective date of this act.

(3) Upon the death of a member prior to retirement, if no benefits are payable under the provisions of subsection (1) or (2), the sum of the following shall be paid to the member's beneficiary: (a) The member's accumulated contributions shall be paid to the member's beneficiary; and (b) a lump sum death benefit equal to 100% of the member's current annual salary reduced by the sum of the member's accumulated contributions paid as provided by this section.

(4) All payments due under this section to a minor shall be made to a legally appointed conservator of such minor as provided in subsection (7) of K.S.A. 74-4902 and amendments thereto.

Sec. 21. On and after July 1, 2000, K.S.A. 1999 Supp. 74-4960 is hereby amended to read as follows: 74-4960. (1) If any active contributing member becomes totally and permanently disabled due to service-connected causes as defined in subsection (10) of K.S.A. 74-4952 and amendments thereto, such member shall be retired and the following benefits shall become payable and shall continue until the member's death or until the member recovers from the disability if: A report of the event in a form acceptable to the board is filed in the office of the executive secretary of the board within 220 days after the date of the event or act of duty causing such disability; and an application for such benefit, in such form and manner as the board prescribes, is filed by the member or the member's authorized representative in the office of the executive secretary of the board within two years of the date of disability:

(a) On and after July 1, 1993, the member shall receive a retirement benefit equal to 50% of the member's final average salary or, if the member has no dependents, as defined in subsection (1)(b), the retirement benefit the member would have been entitled to as provided under K.S.A. 74-4958 and amendments thereto had the member retired, whichever is greater. Such benefit shall accrue from the day upon which the member ceases to draw compensation.

(b) Each of the member's children under the age of 18 years or each of the member's children under the age of 23 years who is a full-time student as provided in K.S.A. 74-49,117 and amendments thereto shall receive an annual benefit equal to 10% of the member's final average salary. Such benefit shall accrue from the day upon which the member ceases to draw compensation and shall end on the last day of the month in which each such child or children shall attain the age of 18 years or die, whichever occurs earlier or in which such children attain the age of 23 years, if such child is a full-time student as provided in K.S.A. 74-49,117 and amendments thereto. Commencing on the effective date of this act, any child who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such child's marriage, shall be entitled to once again receive benefits pursuant to this section subject to the limitations contained in this section, except that such child shall not be entitled to recover any benefits not received after the ter-

mination of benefits by reason of such child's marriage but before the effective date of this act.

(c) In no case shall the total of the benefits payable under paragraphs (a) and (b) of this subsection (1) be in excess of 75% of the member's final average salary.

(d) In the event a member who is retired under subsection (1) dies within two years after the date of such retirement and no benefits are payable under subsection (3) of K.S.A. 74-4958 and amendments thereto, then benefits may be payable under subsection (1) of K.S.A. 74-4959 and amendments thereto.

(e) In the event a member who is retired under subsection (1) dies more than two years after the date of such retirement, and the proximate cause of such death is the service-connected cause from which the disability resulted and no benefits are payable under subsection (3) of K.S.A. 74-4958 and amendments thereto, then benefits may be payable under subsection (1) of K.S.A. 74-4959 and amendments thereto. The provisions of this paragraph (e) of this subsection (1) shall apply in all cases of such members who die after June 30, 1978.

(f) In the event a member who is retired under subsection (1) dies after the date of such retirement, and no benefits are payable under paragraphs (d) and (e) of subsection (1), nor under subsection (3) of K.S.A. 74-4958 and amendments thereto, the following benefits shall be payable:

(i) To the member's spouse, if lawfully wedded to the member at the time of the member's death, a lump-sum benefit equal to 50% of the member's final average salary at the time of the member's retirement.

(ii) To the member's spouse, if lawfully wedded to the member at the time of the member's death, an annual benefit equal to 50% of the member's retirement benefit payable in monthly installments, to accrue from the first day of the month following the member's date of death and ending on the last day of the month in which the spouse dies. Commencing on the effective date of this act, any surviving spouse, who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such spouse's remarriage, shall be entitled to once again receive benefits pursuant to this section, except that such surviving spouse shall not be entitled to recover any benefits not received after the termination of benefits by reason of such surviving spouse's remarriage but before the effective date of this act. If there is no surviving spouse, or if after the death of the spouse there remain one or more children under the age of 18 years or one or more children under the age of 23 years who is a full-time student as provided in K.S.A. 74-49,117 and amendments thereto, the annual spouse's benefit shall be payable, subject to the provisions of K.S.A. 1999 Supp. 74-49,123 and amendments thereto, in equal shares to such children and each child's share shall end on the last day of the month in which such child attains the age of 18 years or dies, whichever occurs earlier or in which such child attains the age of 23 years, if such child is a full-time student as provided in K.S.A. 74-49,117 and amendments thereto. Commencing on the effective date of this act, any child who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such child's marriage, shall be entitled to once again receive benefits pursuant to this section subject to the limitations contained in this section, except that such child shall not be entitled to recover any benefits not received after the termination of benefits by reason of such child's marriage but before the effective date of this act.

The provisions of paragraph (f) of subsection (1) shall apply in all cases of such members who die after December 1, 1984.

(2) (a) If any active contributing member, prior to such member's normal retirement, becomes totally and permanently disabled for a period of 180 days from causes not service-connected, and not as the result of a willfully negligent or intentional act of the member, such member shall be retired and the following benefit shall become payable and shall continue until the member's death or until the member recovers from such disability, whichever occurs first, if a report of the disability in a form acceptable to the board is filed in the office of the executive secretary of the board within 220 days after the date of the commencement of such disability and if an application for such benefit in such form and manner as the board shall prescribe is filed in the office of the executive secretary of the board within two years of the date of disability:

A retirement benefit equal to 2.5% of the member's final average salary multiplied by the number of years of credited service or the retirement benefit the member would have been entitled to as provided under K.S.A. 74-4958 and amendments thereto had the member retired, whichever is

greater, multiplied by the number of years of credited service except that such retirement benefit shall be at least equal to 25% of the member's final average salary but shall not exceed the amount of the retirement benefit provided in paragraph (a) of subsection (1). Such benefit shall not become payable until satisfactory evidence shall be presented to the board that the member is and has been totally and permanently disabled for a period of 180 days, but benefits shall accrue from the day upon which the member ceases to draw compensation.

(b) Pursuant to the provisions of section 36, and amendments there, in the event a member who is retired under subsection (2) dies after the date of such retirement, and no benefits are payable under subsection (3) of K.S.A. 74-4958 and amendments thereto, the following benefits shall be payable:

(i) To the member's spouse, if lawfully wedded to the member at the time of the member's death, a lump-sum benefit equal to 50% of the member's final average salary at the time of the member's retirement.

(ii) To the member's spouse, if lawfully wedded to the member at the time of the member's death, an annual benefit equal to 50% of the member's retirement benefit payable in monthly installments, to accrue from the first day of the month following the member's date of death and ending on the last day of the month in which the spouse dies. Commencing on the effective date of this act, any surviving spouse, who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such spouse's remarriage, shall be entitled to once again receive benefits pursuant to this section, except that such surviving spouse shall not be entitled to recover any benefits not received after the termination of benefits by reason of such surviving spouse's remarriage but before the effective date of this act. If there is no surviving spouse, or if after the death of the spouse there remain one or more children under the age of 18 years or one or more children under the age of 23 years who are full-time students as provided in K.S.A. 74-49,117 and amendments thereto, the annual spouse's benefit shall be payable, subject to the provisions of K.S.A. 1999 Supp. 74-49,123 and amendments thereto, in equal shares to such children and each child's share shall end on the last day of the month in which such child attains the age of 18 years or dies, whichever occurs earlier or in which such child attains the age of 23 years, if such child is a full-time student as provided in K.S.A. 74-49,117 and amendments thereto. Commencing on the effective date of this act, any child who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such child's marriage, shall be entitled to once again receive benefits pursuant to this section subject to the limitations contained in this section, except that such child shall not be entitled to recover any benefits not received after the termination of benefits by reason of such child's marriage but before the effective date of this act.

The provisions of paragraph (b) of subsection (2) shall apply in all cases of such members who die after July 1, 1989.

(3) Any member who was employed for compensation by an employer other than the member's participating employer and whose disability was incurred in the course of such other employment shall not be eligible for any of the benefits provided in subsection (2).

(4) If a member becomes totally and permanently disabled and no benefits are payable under subsection (1) or (2), the sum of the member's accumulated contributions shall be paid to the member.

(5) Any member receiving benefits under this section shall submit to medical examination, not more frequent than annually, by one or more physicians or any other practitioners of the healing arts holding a valid license issued by Kansas state board of healing arts, as the board of trustees may direct. If upon such medical examination, the examiner's report to the board states that the retiree is physically able and capable of resuming employment with the same or a different participating employer, the disability benefits shall terminate. A retiree who has been receiving benefits under the provisions of this section and who returns to employment, as defined in subsection (4) of K.S.A. 74-4952 and amendments thereto, of a participating employer shall immediately commence accruing service credit which shall be added to that which has been accrued by virtue of previous service.

(6) Any retiree who has been receiving benefits under the provisions of this section for a period of five years shall be deemed finally retired and shall not be subject to further medical examinations, except that if the board of trustees shall have reasonable grounds to question whether the retiree remains totally and permanently disabled, a further medical examination or examinations may be required.

(7) Refusal or neglect to submit to examination as provided in subsection (5) shall be sufficient cause for suspending or discontinuing benefit payments under this section and if such refusal or neglect shall continue for a period of one year, the member's rights in and to all benefits under this system may be revoked by the board.

(8) Any retirement benefits payable under the provisions of this section shall be in lieu of normal retirement benefits as provided in subsections (1) and (2) of K.S.A. 74-4958 and amendments thereto.

(9) Each member shall report to such member's participating employer any event or act of duty causing disability within 200 days after such event or act of duty. The member's participating employer shall file in the office of the executive secretary of the board, in a form acceptable to the board, a report of the event or act of duty causing disability within 220 days after the event or act of duty.

(10) In any case of any event occurring prior to July 1, 1979, and after June 30, 1998, for which a report of the event was made by the participating employer to the director of workers' compensation in accordance with K.S.A. 44-557 and amendments thereto, such report to the director of workers' compensation shall satisfy the requirement under subsection (1) of this section to file a report of such event, in a form acceptable to the board within 220 days. No such report to the director of workers' compensation shall be deemed to satisfy such requirement with respect to events occurring on or after July 1, 1979, and prior to July 1, 1998.

(11) All payments due under this section to a minor shall be made to a legally appointed conservator of such minor.

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

(13) Any retiree who has been receiving benefits under the provisions of this section and who returns to employment with the same or different participating employer in the system shall be deemed no longer retired.

Sec. 22. On and after July 1, 2000, K.S.A. 1999 Supp. 74-4960a is hereby amended to read as follows: 74-4960a. (1) If any active contributing member who is appointed or employed on or after July 1, 1989, or who makes an election pursuant to K.S.A. 74-4955a and amendments thereto to be covered by the provisions of this act becomes disabled as defined in subsection (2), such member shall receive a monthly benefit equal to 50% of the member's final average salary at the time such member was disabled payable in monthly installments, accruing from the first day upon which the member ceases to draw compensation, if a report of the disability in such form and manner as the board shall prescribe is filed in the office of the executive secretary of the board within 220 days after the date of the commencement of such disability and if an application for such benefit in such form and manner as the board shall prescribe is filed in the office of the executive secretary of the board within two years of the date of the commencement of such disability.

(2) For the purposes of this section, "disabled" means total inability to perform permanently the duties of the position of policeman or fireman.

(3) Pursuant to the provisions of section 36, and amendments thereto, in the event a member who is disabled and entitled to such benefits as provided in subsection (1) dies after the date of such disability, and no benefits are payable under subsection (3) of K.S.A. 74-4958 and amendments thereto, the following benefits shall be payable:

(i) To the member's spouse, if lawfully wedded to the member at the time of the member's death, a lump-sum benefit equal to 50% of the member's final average salary at the time such member was disabled.

(ii) To the member's spouse, if lawfully wedded to the member at the time of the member's death, an annual benefit equal to 50% of the member's benefit payable in monthly installments, to accrue from the first day of the month following the member's date of death and ending on the last day of the month in which the spouse dies. Commencing on the effective date of this act, any surviving spouse, who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such spouse's remarriage, shall be entitled to once again receive benefits pursuant to this section, except that such surviving spouse shall not be entitled to recover any benefits not received after the termination of benefits by reason of such surviving spouse's remarriage but before the effective date of this act. If there is no surviving spouse, or if after the death of the spouse there remain one or more children under the age of 18 years or one or more children under the age of 23 years

(continued)

who is a full-time student as provided in K.S.A. 74-49,117 and amendments thereto, the annual spouse's benefit shall be payable, subject to the provisions of K.S.A. 1999 Supp. 74-49,123 and amendments thereto, in equal shares to such children and each child's share shall end on the last day of the month in which such child attains the age of 18 years or dies, whichever occurs earlier or in which such child attains the age of 23 years, if such child is a full-time student as provided in K.S.A. 74-49,117 and amendments thereto. Commencing on the effective date of this act, any child who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such child's marriage, shall be entitled to once again receive benefits pursuant to this section subject to the limitations contained in this section, except that such child shall not be entitled to recover any benefits not received after the termination of benefits by reason of such child's marriage but before the effective date of this act.

(4) Any member who was employed for compensation by an employer other than the member's participating employer and whose disability was incurred in the course of such other employment shall not be eligible for any of the benefits provided in subsection (1) or (3).

(5) If a member becomes totally and permanently disabled and no benefits are payable under subsection (1), the sum of the member's accumulated contributions shall be paid to the member.

(6) Any member receiving benefits under this section shall submit to medical examination, not more frequent than annually, by one or more physicians or any other practitioners of the healing arts holding a valid license issued by the state board of healing arts to practice a branch of the healing arts, as the board of trustees may direct. If upon such medical examination, the examiner's report to the board states that the member is physically able and capable of resuming employment with the same or a different participating employer, the disability benefits shall terminate. A member who has been receiving benefits under the provisions of this section and who returns to employment, as defined in subsection (4) of K.S.A. 74-4952 and amendments thereto, of a participating employer shall immediately commence accruing service credit which shall be added to that which has been accrued by virtue of previous service.

(7) Any member who has been receiving benefits under the provisions of this section for a period of five years shall be deemed permanent and shall not be subject to further medical examinations, except that if the board of trustees shall have reasonable grounds to question whether the member remains totally and permanently disabled, a further medical examination or examinations may be required.

(8) Refusal or neglect to submit to examination as provided in subsection (6) shall be sufficient cause for suspending or discontinuing benefit payments under this section and if such refusal or neglect shall continue for a period of one year, the member's rights in and to all benefits under this system may be revoked by the board.

(9) In the event that a member becomes disabled and is eligible for benefits provided in this section, such member shall be given participating service credit for the entire period of such disability.

(10) Any member who is receiving benefits pursuant to this section shall file annually a statement of earnings for the previous year in such form and manner as the board shall prescribe. Any disability benefit paid to a member entitled to such benefit pursuant to this section shall be reduced by the board in an amount equal to a \$1 reduction in such benefit for every \$2 of earnings of such member which were earned during the previous year while such member was disabled. Such reduction shall apply only to a member's earnings which exceed \$10,000.

(11) Any benefits provided pursuant to this section and any participating service credit given pursuant to subsection (9) shall terminate upon the earliest date such member is eligible for retirement upon attainment of the normal retirement date as provided in K.S.A. 74-4964a and amendments thereto.

(12) Any member who has received benefits under the provisions of this section for a period of five years or more immediately preceding retirement shall have such member's final average salary adjusted upon retirement by the actuarial salary assumption rates in existence during such period. Effective July 1, 1993, each member's current annual rate shall be adjusted upon retirement by 5% for each year of disability after July 1, 1993, but before July 1, 1998. Effective July 1, 1998, such member's current annual rate shall be adjusted upon retirement by an amount equal to the lesser of: (1) The percentage increase in the consumer price index for all urban consumers as published by the bureau of labor statistics of the United States department of labor minus one percent; or (2) four percent per annum, measured from the month the disability occurs the

member's last day on the payroll to the month that is two months prior to the month of retirement, for each year of disability after July 1, 1998.

(13) All payments due under this section to a minor shall be made to a legally appointed conservator of such minor.

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

(15) Any retirant who has been receiving benefits under the provisions of this section and who returns to employment with the same or different participating employer in the system shall be deemed no longer retired.

Sec. 23. On and after July 1, 2000, K.S.A. 1999 Supp. 74-4964 is hereby amended to read as follows: 74-4964. (1) A member may elect to have such member's retirement benefit paid under one of the options provided in this section in lieu of having it paid in the form stated in subsections (1) and (2) of K.S.A. 74-4958 and amendments thereto. Such election must be made before the date of actual retirement. Only a specific individual person may be designated as a joint annuitant at the time of election of the joint and $\frac{1}{2}$ to joint annuitant survivor option, the joint and survivor option and the joint and $\frac{3}{4}$ to joint annuitant survivor option. Under no circumstances may an option be changed or canceled nor the named joint annuitant changed after the date of actual retirement of the member.

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

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

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

(5) The following retirement options which are subject to the provisions of K.S.A. 1999 Supp. 74-49,123 and amendments thereto, are available:

(A) *Joint and $\frac{1}{2}$ to joint annuitant survivor.* A reduced retirement benefit is payable to the retirant during the retirant's lifetime in a monthly amount equal to the product of (A) the monthly payment of the retirement annuity otherwise payable under K.S.A. 74-4958 and amendments thereto and (B) the percentage equal to 94.5% minus .2% for each year by which the age of the retirant's joint annuitant is less than the retirant's age, computed to the nearest whole year, or plus .2% for each year by which the age of the retirant's joint annuitant is more than the retirant's age, computed to the nearest whole year, with $\frac{1}{2}$ of that monthly amount continued to the retirant's joint annuitant during such joint annuitant's remaining lifetime, if any, after the death of the retirant. In the event that the designated joint annuitant under this option predeceases the retirant, the amount of the retirement benefit otherwise payable to the retirant under this option shall be adjusted automatically to the retirement benefit which the retirant would have received if no option had been elected under this section.

(B) *Joint and survivor.* A reduced retirement benefit is payable to the retirant during the retirant's lifetime in a monthly amount equal to the product of (A) the monthly payment of the retirement annuity otherwise payable under K.S.A. 74-4958 and amendments thereto and (B)

the percentage equal to 88% minus .4% for each year by which the age of the retirant's joint annuitant is less than the retirant's age, computed to the nearest whole year, or plus .4% for each year by which the age of the retirant's joint annuitant is more than the retirant's age, computed to the nearest whole year, with that monthly amount continued to the joint annuitant during the joint annuitant's remaining lifetime, if any, after the death of retirant. In the event that the designated joint annuitant under this option predeceases the retirant, the amount of the retirement benefit otherwise payable to the retirant under this option shall be adjusted automatically to the retirement benefit which the retirant would have received if no option had been elected under this section.

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

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

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

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

(G) *Lump sum payment at retirement.* (i) Pursuant to this option, the member must specify a lump sum amount to be paid to the member upon the member's retirement. The lump sum amount will be based on the actuarial present value of the benefit as provided in K.S.A. 74-4958, and amendments thereto. The lump sum amount designated by the member must be in 10% increments and shall not exceed 1/2 of the actuarial present value of the benefit provided in K.S.A. 74-4958, and amendments thereto.

(ii) Pursuant to this option, the member must elect to have the remaining actuarial present value paid in a monthly amount under the provisions of K.S.A. 74-4958, and amendments thereto, or subsections (5)(A) through (5)(F) of this section.

(iii) The amount of any retirement benefit payable pursuant to this subsection shall remain as provided in this subsection even in the event that the designated joint annuitant pursuant to subsections (5)(A), (5)(B) or (5)(C) predeceases the retirant.

(iv) The provisions of this subsection shall be effective on and after July 1, 2001.

(6) On and after July 1, 1996, if a member with 20 or more years of credited service dies before attaining retirement age, the member's spouse, if the spouse is the sole beneficiary for the member's accumulated contributions, may elect to receive benefits under one of the options

provided in this section in lieu of receiving the member's accumulated contributions or in lieu of receiving benefits as provided in K.S.A. 74-4959 and amendments thereto. Payments under one of the options provided in this section to the member's spouse if so elected, shall commence on the date that the member would have attained retirement age.

(7) Benefits payable to a joint annuitant shall accrue from the first day of the month following the death of a member or retirant and, in the case of the joint and 1/2 to joint annuitant survivor option, the joint and survivor option and the joint and 3/4 to joint annuitant survivor option, shall end on the last day of the month in which the joint annuitant dies.

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

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

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

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

Sec. 24. On and after July 1, 2000, K.S.A. 1999 Supp. 74-4964a is hereby amended to read as follows: 74-4964a. (1) A member may elect to have such member's retirement benefit paid under one of the options provided in this section in lieu of having it paid in the form stated in subsections (1) and (2) of K.S.A. 74-4958 and amendments thereto. Such election must be made before the date of actual retirement. Only a specific individual person may be designated as a joint annuitant at the time of election of the joint and 1/2 to joint annuitant survivor option, the joint and survivor option and the joint and 3/4 to joint annuitant survivor option. Under no circumstances may an option be changed or canceled nor the named joint annuitant changed after the date of actual retirement of the member.

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

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

(4) Such election of an option shall become null and void upon the death of a member prior to such member's retirement, except that if a member, who is eligible to retire in accordance with the provisions of subsections (1) and (2) of K.S.A. 74-4958 and amendments thereto, dies without having actually retired the member's spouse, if the spouse is

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beneficiary for the member's accumulated contributions, and no benefits are payable under subsections (1) and (2) of K.S.A. 74-4959 and amendments thereto, may elect to receive benefits under one of the options provided in this section, in lieu of receiving the member's accumulated contributions.

(5) The following retirement options which are subject to the provisions of K.S.A. 1999 Supp. 74-49,123 and amendments thereto, are available:

(A) *Joint and 1/2 to joint annuitant survivor.* A reduced retirement benefit is payable to the retirant during the retirant's lifetime in a monthly amount equal to the product of (A) the monthly payment of the retirement annuity otherwise payable under K.S.A. 74-4958 and amendments thereto and (B) the percentage equal to 94.5% minus .2% for each year by which the age of the retirant's joint annuitant is less than the retirant's age, computed to the nearest whole year, or plus .2% for each year by which the age of the retirant's joint annuitant is more than the retirant's age, computed to the nearest whole year, with 1/2 of that monthly amount continued to the retirant's joint annuitant during such joint annuitant's remaining lifetime, if any, after the death of the retirant. In the event that the designated joint annuitant under this option predeceases the retirant, the amount of the retirement benefit otherwise payable to the retirant under this option shall be adjusted automatically to the retirement benefit which the retirant would have received if no option had been elected under this section.

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

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

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

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

(F) *Life with 15 years certain.* A reduced retirement benefit is payable to the retirant during the retirant's lifetime in a monthly amount

equal to 92% of the monthly payment of the retirement benefit otherwise payable under K.S.A. 74-4958 and amendments thereto, and if the retirant dies within the fifteen-year certain period, measured from the commencement of retirement benefit payments, such payments will be continued to the retirant's beneficiary during the balance of the fifteen-year certain period.

(G) *Lump sum payment at retirement.* (i) Pursuant to this option, the member must specify a lump sum amount to be paid to the member upon the member's retirement. The lump sum amount will be based on the actuarial present value of the benefit as provided in K.S.A. 74-4958a, and amendments thereto. The lump sum amount designated by the member must be in 10% increments and shall not exceed 1/2 of the actuarial present value of the benefit provided in K.S.A. 74-4958a, and amendments thereto.

(ii) Pursuant to this option, the member must elect to have the remaining actuarial present value paid in a monthly amount under the provisions of K.S.A. 74-4958a, and amendments thereto, or subsections (5)(A) through (5)(F) of this section.

(iii) The amount of any retirement benefit payable pursuant to this subsection shall remain as provided in this subsection even in the event that the designated joint annuitant pursuant to subsections (5)(A), (5)(B) or (5)(C) predeceases the retirant.

(iv) The provisions of this subsection shall be effective on and after July 1, 2001.

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

(7) Benefits payable to a joint annuitant shall accrue from the first day of the month following the death of a member or retirant and, in the case of the joint and 1/2 to joint annuitant survivor option, the joint and survivor option and the joint and 3/4 to joint annuitant survivor option, shall end on the last day of the month in which the joint annuitant dies.

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

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

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

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

Sec. 25. On and after July 1, 2000, K.S.A. 1999 Supp. 74-4989 is hereby amended to read as follows: 74-4989. (1) (a) Except as provided in (b), pursuant to the provisions of section 36, and amendments thereto, upon the death of a retirant, the board of trustees of the Kansas public

employees retirement system shall pay a lump-sum death benefit to the retirant's beneficiary which shall not exceed \$4,000 for such retirant, less any amount payable for funeral benefits under the applicable provisions of any local police or fire pension plan, as defined by subsection (c) of K.S.A. 12-5001 and amendments thereto.

(b) Notwithstanding the provisions of K.S.A. 74-4923 and amendments thereto, any amounts owed the system shall be deducted from such lump-sum death benefit.

(2) As used in this section, "retirant" means any person who is a member or special member of the Kansas public employees retirement system, the Kansas police and firemen's retirement system, the state school retirement system or the retirement system for judges and who has retired.

Sec. 26. On and after July 1, 2000, K.S.A. 75-2929d is hereby amended to read as follows: 75-2929d. (a) The state civil service board shall hear appeals taken to it pursuant to: (1) K.S.A. 75-2940, 75-2949 and 75-3747, and amendments thereto, concerning demotion, dismissal or suspension of a permanent employee in the classified service, or concerning refusal to examine an applicant or to certify a person as eligible for a job class, and (2) K.S.A. 75-2973, and amendments thereto, concerning disciplinary action in violation of that statute.

(b) When an appeal is taken to the board, the board shall establish a time and a place for the hearing which shall be held within 45 days after receipt of request for the appeal. The board shall notify the person bringing the appeal and the appointing authority or other person whose action is being reviewed of the time and the place of the hearing at least 14 days prior to such hearing. Each party at the hearing shall have the right to be represented by a person of the party's own choice. Hearings shall be conducted in accordance with the provisions of the Kansas administrative procedure act. For purposes of the administrative procedure act, the state civil service board shall be deemed the agency head. *The board may affirm, modify or reverse an agency action and order any other action it deems appropriate.*

(c) The board, or the director of personnel services when authorized by majority vote of the board, may take deposition of or depose witnesses. Either party to a hearing may depose witnesses in accordance with the Kansas administrative procedure act. If books and papers are required to be produced in advance of a hearing date, the person or agency producing the books and papers shall be entitled to receive reasonable compensation to recover all costs of such production from the person or agency for which they are produced. The board, any presiding officer or the director may examine such public records as may be required in relation to any matter which the board has authority to investigate.

(d) Each person not in the classified or unclassified service who appears before the board or the director by order shall receive for such person's attendance the fees and mileage provided for witnesses in civil actions in the district court, ~~which~~ *Such* fees and mileage shall be audited and paid by the state upon presentation of proper vouchers. Each witness subpoenaed at the request of parties other than the board or the director shall be entitled to compensation from the state for attendance or travel only if the board certifies that the testimony of such witness was relevant and material to the matter investigated or, if such witness is not called to testify, the board determines and certifies that such compensation should be paid.

Sec. 27. On and after July 1, 2000, K.S.A. 75-2949 is hereby amended to read as follows: 75-2949. (a) An appointing authority may dismiss or demote any permanent employee in the classified service when the appointing authority considers that the good of the service will be served thereby and. For disciplinary purposes, *an appointing authority* may suspend without pay a permanent classified employee for a period not to exceed 30 calendar days, ~~but~~. No permanent employee in the classified service shall be dismissed, demoted or suspended for political, religious, racial or other nonmerit reasons.

(b) Prior to dismissal, demotion or suspension of a permanent employee in the classified service, the appointing authority shall furnish the employee by certified mail to the employee's last known address, return receipt requested, or by personal delivery, a statement in writing specifically setting forth the reasons and factual basis therefor. A copy of such statement shall be furnished immediately to the director. This statement shall contain notice of the proposed dismissal, demotion or suspension and shall specify the proposed effective date thereof. Except as otherwise provided in the Kansas civil service act, a proposed suspension, demotion

or dismissal shall become effective no less than three calendar days nor more than 14 calendar days following the date the notice of such proposed suspension, demotion or dismissal is personally delivered to the employee or deposited with the post office as certified mail. If in the opinion of the appointing authority conditions warrant, the appointing authority may relieve the employee of duties or change the duties of the employee during such period. If the employee is relieved from duty during such period, the employee may be continued in pay status, or placed on leave of absence without pay by the appointing authority. In the statement proposing suspension, demotion or dismissal, the appointing authority shall offer the employee who is proposed to be suspended, demoted or dismissed an opportunity to reply in writing, or appear in person, or both, before the appointing authority or a designated representative of the appointing authority, on the issue of the proposed suspension, demotion or dismissal prior to the time such suspension, demotion or dismissal is specified by the notice to become effective. The statement shall specify the date, time and place by, or at which, the employee may reply in writing or appear, or both. If the employee chooses to appear in person on the issue of the proposed action, the employee may be represented by a person of the employee's choice.

(c) Upon request by the employee, or upon the initiative of the appointing authority, the appointing authority may extend the time for reply or appearance, or both, if the circumstances warrant. Notice of any such extension shall be furnished to the employee and to the director of personnel services. The proposed suspension, demotion or dismissal shall not become effective until after the extended period has expired.

(d) Following the employee's response to the opportunity to reply to the proposed action, or upon expiration of the time for such reply, if no reply is made, the appointing authority, or the designee of the appointing authority, shall notify the employee of the final decision on the proposed action. Such notice shall be in writing and shall be sent by certified mail to the employee's last known address or personally delivered to the employee on or before the effective date of the proposed action. A copy of the notice shall be furnished immediately to the director of personnel services. This final notice of decision by the appointing authority or the designee of the appointing authority, to suspend, demote or dismiss the employee shall inform the employee of the employee's right to appeal the decision to the state civil service board within 30 calendar days after the effective date of the action.

(e) At any time prior to the effective date of the proposed suspension, demotion or dismissal or, if an appeal is taken to the state civil service board, at any time prior to the final decision of the board, the appointing authority, or the designee of the appointing authority, may withdraw or modify the action proposed to be taken or taken against the employee. Notice of any such withdrawal or modification shall be given in writing to the employee by certified mail to the employee's last known address or by personal delivery. A copy of the notice shall be furnished immediately to the director of personnel services.

(f) Any permanent employee finally dismissed, demoted or suspended, may request a hearing from the state civil service board to determine the reasonableness of such action. Each such request for a hearing shall be in writing and shall be ~~submitted to the director of personnel services~~ *filed in the office of the director of personnel services* within 30 calendar days after the effective date of the dismissal, demotion or suspension. *Additional days shall not be added to the thirty-day period in which an appeal may be filed if the notice of the effective date of the dismissal, demotion or suspension is mailed to the employee.* The board shall grant the employee a hearing in accordance with the provisions of the Kansas administrative procedure act within 45 calendar days after receipt of such request. At the hearing the burden of proof shall be upon the employee to establish that the appointing authority did not act reasonably in taking such action.

(g) No employee shall be disciplined or discriminated against in any way because of the employee's proper use of the appeal procedure.

(h) A permanent employee who is demoted pursuant to this section need not meet the qualifications for the class of positions to which demoted if the appointing authority determines that the employee can reasonably be expected to perform satisfactorily the duties of the position to which the employee is demoted. A permanent employee who is demoted pursuant to this section shall have permanent status in the class to which demotion is made, effective on the date of the demotion.

(i) In case of a situation in which the possibility of proposing dis-

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missal, suspension or demotion of a permanent employee is indicated, but where the appointing authority needs time to conduct an investigation before proposing such action, or in a situation where immediate removal of an employee from such employee's job is needed to avoid disruption of work, or for the protection of persons or property, or for a similar reason, the appointing authority may relieve the employee of duties or change the duties of the employee for a limited period and keep the employee in pay status. The secretary of administration shall provide by rules and regulations, adopted pursuant to K.S.A. 75-3706, and amendments thereto, procedures to be followed in such cases.

Sec. 28. K.S.A. 75-4370 is hereby amended to read as follows: 75-4370. (a) In establishing certified pools of eligible candidates under the Kansas civil service act, a preference shall be given to each state officer or employee ~~(1)~~ who ~~(1)(A)~~ is in the classified service under the Kansas civil service act and is employed by an institution that is closed or abolished or otherwise ceases operations or that is scheduled for such closure, abolition or cessation of operations and has a budget reduction imposed that is associated with such closure, abolition or cessation of operations, and ~~(2) who (B) is laid off from employment with such institution for the reason of such closure, abolition or cessation of operations or such imposition of a budget reduction, and (3) who (C) remains in such employment until the date the officer or employee is laid off or (2) (A) is in the classified service under the Kansas civil service act and is laid off from employment at the Topeka correctional facility due to the transfer of the reception and diagnostic unit from the Topeka correctional facility to the El Dorado correctional facility, and (B) remains in such employment until the date the officer or employee is laid off.~~

(b) To qualify for the preference established by this section, a person described in subsection (a) also shall meet the requirements for the vacant position. In addition to other applicable provisions of the Kansas civil service act and rules and regulations and policies adopted thereunder, the preference established by this section ~~(1)~~ shall place the person into the reemployment pool. ~~(2)~~ shall provide an opportunity for an interview for any vacant position in the same or higher pay grade than the position from which the person was laid off and for which the person meets the qualifications, and ~~(3)~~ shall grant a right of first refusal for any vacant position. No state agency shall be required to interview more than seven applicants for any one position. The right of first refusal shall allow the person the right to accept the first position applied for by the person for which the person meets the qualifications and for which the pay grade is the same as or lower than the pay grade of the position from which the person was laid off. The right of first refusal may be exercised only one time and must be exercised within the 24 months following the date of layoff.

(c) The secretary of administration shall give a global notice of layoff to all state officers and employees, who are employed by an institution that is scheduled for closure, abolition or cessation of operations, up to 180 days prior to such closure, abolition or cessation of operations. The global notice of layoff shall be effective for all such state officers and employees, including any state officer or employee who is transferred to or employed by such institution within 180 days of the date of such closure, abolition or cessation of operations, for all purposes of lay off procedures under K.S.A. 75-2948 and amendments thereto, except each such officer or employee receiving the global notice of layoff shall also be given an individual notice of layoff which specifies such officer or employee's individual date of layoff.

(d) Notice of layoff pursuant to K.S.A. 75-2948 and amendments thereto, shall be given to state officers and employees whose proposed layoff is caused by the transfer of the reception and diagnostic unit from the Topeka correctional facility to the El Dorado correctional facility.

(e) The secretary of administration shall adopt rules and regulations necessary to implement the provisions of this section.

(f) This section shall be part of and supplemental to the Kansas civil service act.

Sec. 29. K.S.A. 75-4371 is hereby amended to read as follows: 75-4371. (a) Each state officer or employee ~~(1)~~ who ~~(1)(A)~~ is employed by an institution that is closed or abolished or otherwise ceases operations or that is scheduled for such closure, abolition or cessation of operations and has a budget reduction imposed that is associated with such closure, abolition or cessation of operations, and ~~(2) who (B) is laid off from employment with such institution for the reason of such closure, abolition or cessation of operations or such imposition of a budget reduction, and~~

~~(3) who (C) remains in such employment until the date the officer or employee is laid off; or (2)(A) is in the classified service under the Kansas civil service act and is laid off from employment at the Topeka correctional facility due to the transfer of the reception and diagnostic unit from the Topeka correctional facility to the El Dorado correctional facility, and (B) remains in such employment until the date the officer or employee is laid off,~~ may receive compensation for 20% of all accumulated hours of sick leave credited to such state officer or employee as of the date of being laid off. Each state officer or employee, who is eligible for and who elects to receive compensation for accumulated sick leave under this section, shall file a written statement of election thereof which shall be in such form as may be prescribed by the secretary of administration and which shall include a specific waiver of any right to receive any payment for accumulated sick leave under the provisions of K.S.A. 75-5517 and amendments thereto. No state officer or employee, who receives compensation for accumulated sick leave under this section, shall receive any payment for accumulated sick leave under the provisions of K.S.A. 75-5517 and amendments thereto. Payment for accumulated sick leave under this section shall be made from the state leave payment reserve fund.

(b) For the purposes of retirement employee contributions and retirement benefits, each payment of compensation for accumulated sick leave under this section shall be subject to the applicable provisions of the statutes governing the Kansas public employees retirement system, K.S.A. 74-4901 et seq., and amendments thereto.

(c) The secretary of administration shall adopt rules and regulations necessary to implement the provisions of this section.

Sec. 30. K.S.A. 75-4372 is hereby amended to read as follows: 75-4372. (a) Each state officer or employee ~~(1)~~ who ~~(1)(A)~~ is employed by an institution that is closed or abolished or otherwise ceases operations or that is scheduled for such closure, abolition or cessation of operations and has a budget reduction imposed that is associated with such closure, abolition or cessation of operations; and ~~(2) who (B) is laid off from employment with such institution for the reason of such closure, abolition or cessation of operations or such imposition of a budget reduction, and (3) who (C) remains in such employment until the date the officer or employee is laid off; or (2)(A) who is in the classified service under the Kansas civil service act and is laid off from employment at the Topeka correctional facility due to the transfer of the reception and diagnostic unit from the Topeka correctional facility to the El Dorado correctional facility, and (B) remains in such employment until the date the officer or employee is laid off,~~ shall continue to be qualified to participate in the state health care benefits program as provided in this section.

(b) In accordance with the following, each such state officer or employee may participate in the state health care benefits program after being laid off for the following periods:

(1) For the six-month period after the date of such person's layoff, during which period that portion of the cost of participation of such person which would have been paid by the state agency if such person was still a state officer or employee shall be paid as provided in subsection (c); and

(2) for the eighteen-month period after such six-month period, during which period the entire cost of participation of such person shall be paid by such person.

(c) There is hereby established the closure health insurance fund in the state treasury which shall be administered by the secretary of administration. In accordance with the provisions of appropriation acts, the secretary of administration shall cause to be deposited in the closure health insurance fund an amount equal to the full cost for six months of the employer contribution for full-time single member health care insurance under the state health care benefits program for each such laid off state officer and employee on the officer or employee's last day of service. Expenditures shall be made from the closure health insurance fund for the purpose of paying the employer's portion for full-time single member health insurance under the state health care benefits program for each such laid off state officer or employee until the expiration of six months or until notified by the laid off officer or employee that such officer or employee is otherwise covered by health care insurance. The secretary of administration shall establish a system to account for the state health insurance expenditures for each such laid off state officer or employee. Upon notice that the person who had been laid off is otherwise covered by health care insurance, the balance attributed to such person shall be paid to the person who had been laid off. After such six-month period,

any participation by such person in the state health care benefits program shall be paid by such person.

(d) Except as otherwise provided by this section, the participation of each such state officer or employee in the state health care benefits program shall be in accordance with the provisions of K.S.A. 75-6501 through 75-6513 and amendments thereto and rules and regulations and policies adopted by the Kansas state employees health care commission. Each such state officer or employee may obtain family coverage under the state health care benefits program administered by the Kansas state employees health care commission generally in the same manner as other state officers and employees and shall pay the entire cost of such family coverage.

New Sec. 31. The secretary of social and rehabilitation services is hereby authorized and directed to develop and administer provisions for health care benefits and related assistance which shall be provided to each person who is a blind person who was employed prior to the effective date of this act at Kansas industries for the blind at facilities on the Topeka state hospital property, as defined by K.S.A. 1999 Supp. 75-37,123 and amendments thereto, and who voluntarily terminates or retires or who is laid off from such employment due to the closure, abolition or other cessation of operations of the Kansas industries for the blind as a state program at such location.

Sec. 32. K.S.A. 75-4373 is hereby amended to read as follows: 75-4373. (a) Each state officer or employee ~~(1)~~ who (1)(A) is employed by an institution that is closed or abolished or otherwise ceases operations or that is scheduled for such closure, abolition or cessation of operations and has a budget reduction imposed that is associated with such closure, abolition or cessation of operations, and ~~(2) who~~ (B) is laid off from employment with such institution for the reason of such closure, abolition or cessation of operations or such imposition of a budget reduction, and ~~(3) who~~ (C) remains in such employment until the date the officer or employee is laid off; or (2)(A) is in the classified service under the Kansas civil service act and who is laid off from employment at the Topeka correctional facility due to the transfer of the reception and diagnostic unit from the Topeka correctional facility to the El Dorado correctional facility, and (B) remains in such employment until the date of officer or employee is laid off, shall be eligible for the extended death benefit plan providing term life insurance under this section.

(b) The extended death benefit plan providing term life insurance under this section shall provide a death benefit equal to 150% of the annual rate of compensation of the covered state officer or employee, as of the date the covered state officer or employee is laid off, for each state officer or employee described in subsection (a). The extended death benefit plan providing term life insurance under this section shall provide death benefit coverage for a period of 24 months after the date the covered state officer or employee is laid off.

(c) The secretary of administration shall administer the provisions of this section. The secretary of administration shall issue a request for proposals from qualified vendors for term life insurance under this section and is hereby authorized to enter into contracts for such term life insurance pursuant to competitive bids. Contracts entered into for such insurance shall not be subject to the provisions of K.S.A. 75-4101 and amendments thereto.

(d) There is hereby created in the state treasury the closure term life insurance fund which shall be administered by the secretary of administration. All expenditures of moneys credited to the closure term life insurance fund shall be for the provision of term life insurance under this section in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of administration or the secretary's designee.

Sec. 33. K.S.A. 75-4374 is hereby amended to read as follows: 75-4374. (a) The head of any state agency, as defined by K.S.A. 75-3701, and amendments thereto, who hires any state officer or employee who is laid off or transferred in lieu of layoff between state agencies, may agree to reimburse such officer or employee's in-state moving expenses in an aggregate amount of not more than \$2,000, as verified by receipts. No such moving expenses shall be paid when such transfer results in the new official duty station being less than 25 miles from the old station.

(b) Moving expenses may include, but not be limited to, the cost of packing and transporting household goods and personal effects, subsistence expenses while en route from the old residence to the new residence, subsistence expenses while occupying temporary quarters in the new location and the expenses of a premove trip to look for a new residence.

(c) Any state agency, as defined by K.S.A. 75-3701 and amendments thereto, which hires any state officer or employee, who is a blind person employed at Kansas industries for the blind at facilities on the Topeka state hospital property and who is laid off or transferred between state agencies, in lieu of being laid off, shall purchase or otherwise provide all adaptive equipment and other accommodations required by such state officer or employer for such state officer or employee's position at such state agency.

(d) As used in this section, "state officer or employee" means a state officer or employee ~~(1)~~ who (1)(A) is employed by an institution that is closed or abolished or otherwise ceases operations or that is scheduled for such closure, abolition or cessation of operations, and ~~(2) who~~ (B) is laid off from employment with such institution for the reason of such closure, abolition or cessation of operations, and ~~(3) who~~ (C) remains in such employment with such institution until the date the officer or employee is laid off; or (2)(A) is in the classified service under the Kansas civil service act and is laid off from employment at the Topeka correctional facility due to the transfer of the reception and diagnostic unit from the Topeka correctional facility to the El Dorado correctional facility, and (B) remains in such employment until the date the officer or employee is laid off.

Sec. 34. K.S.A. 75-4376 is hereby amended to read as follows: 75-4376. As used in K.S.A. 75-4370 through 75-4376 and amendments thereto, except as otherwise specifically provided in such statutes:

(a) "Institution" means Topeka state hospital or, Winfield state hospital and training center and Kansas industries for the blind of the department of social and rehabilitation services; and

(b) "laid off" means, (1) in the case of a state officer or employee in the classified service under the Kansas civil service act, being laid off under K.S.A. 75-2948 and amendments thereto and; (2) in the case of a state officer or employee in the unclassified service under the Kansas civil service act, being terminated from employment with the state agency by the appointing authority, except that "laid off" shall not include any separation from employment pursuant to a budget reduction or expenditure authority reduction and a reduction of F.T.E. positions under K.S.A. 75-6801 and amendments thereto; and (3) in the case of blind persons employed by Kansas industries for the blind, being terminated or otherwise separated from employment at Kansas industries for the blind at the facilities located on the Topeka state hospital property because Kansas industries for the blind is closed, abolished or otherwise ceases operations as a state program at such location; and

(c) "Topeka state hospital property" has the meaning ascribed thereto by K.S.A. 1999 Supp. 75-37,123 and amendments thereto.

New Sec. 35. (a) Except as otherwise provided in subsection (b), any member of the system who becomes eligible for another retirement plan authorized under any law of this state or who becomes ineligible for the Kansas public employees retirement plan due to a reduction of hours, who: (1) Has not been granted a vested retirement benefit in the system as provided in K.S.A. 74-4917, and amendments thereto; and (2) has reached the early or normal retirement dates as provided in K.S.A. 74-4914, and amendments thereto, shall be eligible to receive a retirement benefit based on such member's years of service and have interest credited annually to such member's account from the time the member first becomes eligible under this subsection and for so long as they remain eligible under the provisions of this subsection notwithstanding the fact that such member has not been granted a vested retirement benefit as provided in K.S.A. 74-4917, and amendments thereto. Receipt of such retirement benefit shall be as otherwise provided by law.

(b) If the status of such member is no longer as described in subsection (a), the vesting requirements specified by K.S.A. 74-4917, and amendments thereto shall be applicable to such member.

(c) The provisions of this section shall be part of and supplemental to the provisions of K.S.A. 74-4901 et seq., and amendments thereto.

(d) The provisions of this section shall be effective on and after July 1, 2000.

New Sec. 36. The lump sum death benefits, survivor benefits and funeral expenses that are provided to surviving spouses, minor children and other beneficiaries as a result of a nonduty related death or retiree death pursuant to K.S.A. 13-14a07, 13-14a11, 14-10a07, 14-10a11, 74-4958, 74-4958a, 74-4959, 74-4960, 74-4960a and 74-4989, and amendments thereto, are in the nature of life insurance; are provided by the

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participating employers for the protection of members' spouses, survivors or beneficiaries as provided in those sections; and are not subject to regulation of the state of Kansas department of insurance. The provisions of this section shall be effective on and after July 1, 2000.

New Sec. 37. Notwithstanding any provision of law to the contrary, whenever the Kansas public employees retirement system board of trustees is directed to invest and reinvest and manage any moneys or funds pursuant to law, other than as provided pursuant to K.S.A. 74-4921, and amendments thereto, or any other provision related to the Kansas public employees retirement system and systems thereunder, the board may charge a fee to cover the board's expenses, related to such investment and management services. The provisions of this section shall be part of and supplemental to the provisions of K.S.A. 74-4901 *et seq.*, and amendments thereto. The provisions of this section shall be effective on and after July 1, 2000.

New Sec. 38. (a) Notwithstanding any provision of law to the contrary, any member who is a member of the legislature who is also employed by another participating employer of the Kansas public employees retirement system other than the legislature and is an eligible employee as defined in K.S.A. 74-4902, and amendments thereto, may retire from service from such other participating employer and may continue to serve as a member of the legislature, except that, commencing January 8, 2001, such member of the legislature shall not receive any retirement benefit for any month for which such member of the legislature serves when compensation as provided in subsection (e) is paid in an amount equal to \$15,000 or more in any one such calendar year. Such member's retirement benefit shall be based on the final average salary of such member for service prior to service as a member of the legislature.

(b) No such member who is a member of the legislature who retires as provided in subsection (a) and who continues to serve as a member of the legislature shall accrue any additional service credit for such service as a member of the legislature or be entitled to any benefit provided in K.S.A. 74-4916 or 74-4927, and amendments thereto.

(c) When such member who is a member of the legislature retires as a member of the legislature, such member's final average salary shall be recalculated to include legislative compensation, if such inclusion of such compensation increases such member's final average salary, of the member up to the time of retirement from the participating employer other than the legislature as provided in subsection (a).

(d) No such member who is a member of the legislature shall accrue any additional retirement benefits for the period of time between the date the member retired from the participating employer other than the legislature and the date such member retires as a member of the legislature.

(e) The participating employer shall report to the system within 30 days of when the compensation paid to the retirant is equal to or exceeds any limitation provided in subsection (a). Upon request of the executive secretary of the system, the secretary of revenue shall provide such information as may be needed by the executive secretary to carry out the provisions of this section. For determination of the amount of legislative compensation, as provided in subsection (a) and this subsection, for members of the legislature, compensation shall include any amount paid as provided pursuant to subsections (a), (b), (c) and (d) of K.S.A. 46-137a, and amendments thereto, or pursuant to K.S.A. 46-137b, and amendments thereto. Notwithstanding any provision of law to the contrary, when a member of the legislature is paid an amount of compensation of \$15,000 or more in any one calendar year, the member may continue to receive any amount provided in subsections (b) and (d) of K.S.A. 46-137a, and amendments thereto, and still be entitled to receive such member's retirement benefit.

(f) The provisions of this section are intended to further the public policy of encouraging persons to serve in elective public office by permitting a member of the system, who is a member through employment with a participating employer in a nonelected position and who holds an elected office as a member of the legislature and who is also a member of the system for such elected office, to retire under the system from such nonelected employment and to continue serving in such elected public office.

(g) The words and phrases used in this section have the meanings respectively ascribed thereto by K.S.A. 74-4902, and amendments thereto, unless a different meaning is plainly required by the context.

(h) The provisions of this section shall be effective on and after July 1, 2000.

New Sec. 39. (a) Notwithstanding any provision of law to the contrary, any member who is an elected local official of a municipality who is also employed by another participating employer of the Kansas public employees retirement system other than the municipality and is an eligible employee as defined in K.S.A. 74-4902, and amendments thereto, may retire from service from such other participating employer and may continue to serve as an elected local official, except that such local official shall not receive any retirement benefit for any month for which such local official serves in such office when compensation is paid in an amount equal to \$15,000 or more in any one such calendar year. The participating employer shall report to the system within 30 days of when the compensation paid to the retirant is equal to or exceeds any limitation provided in this subsection. Upon request of the executive secretary of the system, the secretary of revenue shall provide such information as may be needed by the executive secretary to carry out the provisions of this section.

(b) No such member who is an elected local official who retires as provided in subsection (a) and who continues to serve as an elected local official shall accrue any additional service credit for such service as an elected local official or be entitled to any benefit provided in K.S.A. 74-4916 or 74-4927, and amendments thereto.

(c) The provisions of this section are intended to further the public policy of encouraging persons to serve in elective public office by permitting a member of the system, who is a member through employment with a participating employer in a nonelected position and who holds an elected office as an elected local official of a municipality and who is also a member of the system for such elected office, to retire under the system from such nonelected employment and to continue serving in such elected public office.

(d) The words and phrases used in this section have the meanings respectively ascribed thereto by K.S.A. 74-4902, and amendments thereto, unless a different meaning is plainly required by the context.

New Sec. 40. Any member may purchase service credit for periods of service in the United States volunteers in service to America (VISTA) which commenced on or after January 1, 1962. At the election of the member, the benefit for each such period of service shall be equal to either 1% or 1.75% of the final average salary of any such member. Such member may purchase such service credit by making application therefor prior to date of retirement at an additional rate of contribution in addition to the employee's rate of contribution as provided in K.S.A. 74-4919 and amendments thereto, based upon the member's attained age at the time of purchase and using actuarial assumptions and tables in use by the retirement system at the time of such purchase. Such additional rate of contribution shall commence at the beginning of the quarter following such election and shall remain in effect until all quarters of such service have been purchased. Any such member may purchase service credit as described in this section by electing to effect such purchase by means of a single lump-sum payment in lieu of employee contributions as provided in this section in an amount equal to the then present value of the benefits being purchased as determined by the actuary using the member's attained age, annual compensation at the time of purchase and the actuarial assumptions and tables then in use by this system. The lump-sum payment shall be made immediately upon being notified of the amount due. The provisions of this section shall be effective on and after July 1, 2000.

New Sec. 41. Any member of the retirement system for judges may purchase service credit for periods of service in the United States volunteers in service to America (VISTA) which commenced on or after January 1, 1962. At the election of the judge, the benefit for each such period of service shall be equal to either 1% or 1.75% of the final average salary of any such judge. Such judge may purchase such service credit by making application therefor prior to date of retirement at an additional rate of contribution in addition to the employee's rate of contribution as provided in K.S.A. 20-2603 and amendments thereto, based upon the judge's attained age at the time of purchase and using actuarial assumptions and tables in use by the retirement system at the time of such purchase. Such additional rate of contribution shall commence at the beginning of the quarter following such election and shall remain in effect until all quarters of such service have been purchased. Any such judge may purchase service credit as described in this section by electing to effect such purchase by means of a single lump-sum payment in lieu of employee contributions as provided in this section in an amount equal to

the then present value of the benefits being purchased as determined by the actuary using the judge's attained age, annual compensation at the time of purchase and the actuarial assumptions and tables then in use by this system. The lump-sum payment shall be made immediately upon being notified of the amount due. The provisions of this section shall be effective on and after July 1, 2000.

Sec. 42. K.S.A. 75-4370, 75-4371, 75-4372, 75-4373, 75-4374 and 75-4376 and K.S.A. 1999 Supp. 46-233 are hereby repealed.

Sec. 43. On and after July 1, 2000, K.S.A. '13-14a11, 14-10a11, 74-4914c, 74-4927k, 75-2929d and 75-2949 and K.S.A. 1999 Supp. 13-14a07, 14-10a07, 20-2610, 20-2610a, 20-2625, 74-4914, 74-4918, 74-4919p, 74-4919q, 74-4921, 74-4921a, 74-4924, 74-4927, as amended by section 5 of 2000 House Bill No. 2034, 74-4958, 74-4958a, 74-4959, 74-4960, 74-4960a, 74-4964, 74-4964a and 74-4989 are hereby repealed.

Sec. 44. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register May 25, 2000.)

HOUSE BILL No. 2660

AN ACT concerning certain claims against the state, making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing.

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

Section 1. (a) For the fiscal year ending June 30, 2000, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, disbursements, procedures and acts incidental to the foregoing are hereby directed or authorized as provided in sections 2 through 13.

(b) For the fiscal year ending June 30, 2001, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, disbursements, procedures and acts incidental to the foregoing are hereby directed or authorized as provided in subsection (b) of section 12.

Sec. 2. The department of revenue is hereby authorized and directed to pay the following amounts from the motor-vehicle fuel tax refund fund, for claims not filed within the statutory filing period prescribed in K.S.A. 79-3458 and amendments thereto, to the following claimants:

Abilene Country Club, 1705 Country Club Ln, Abilene, KS 67410.....	\$108.30
Aller, Buell V., 1291 220th St, Hiawatha KS 66434.....	\$145.15
Arnold, John, HC1 Box 119, Clayton KS 67629.....	\$111.00
Barten, Neal, 987 Fair Rd, Abilene KS 67410.....	\$36.48
Barthol, Barbara J or Robert, 31920 W 135th, Olathe KS 66061.....	\$31.26
Beloit Country Club Inc., PO Box 84, Beloit KS 67420.....	\$76.98
Born, H J Stone Company, RR 3 Box 312, Arkansas City KS 67005.....	\$364.99
Bornholdt Plantland Inc., 509 N. Main, Hutchinson KS 67501.....	\$108.84
Bowers, Donald E., 18 Lois Lane, Marion KS 66861.....	\$148.23
Buss, Gary, 9975 Country Rd, Leonardville KS 66449.....	\$398.36
City of Fort Scott, PO Box 151, One E 3rd Street, Fort Scott KS 66701.....	\$157.50
City of Tampa, Box 26, Tampa KS 67483.....	\$27.84
Clark, Rollin A., 7709 Clark Rd, Meriden KS 66512.....	\$43.50
Clearview City Inc., PO Box 631, Clearview City KS 66019.....	\$38.64
Cline Farms, RR 1 Box 163, Liberal KS 67901.....	\$2,766.60
Comp, Jon D., 2135 "J" Ave, White City KS 66872.....	\$276.05
Corbin, James R., 6876 SW 40th, Eldorado KS 67042.....	\$150.66
CR England & Sons Inc. c/o NECS, 241 W 42nd St, Jasper IN 47546.....	\$20,395.62
Crawshaw, Lester R., 16113 166th Rd, Mayetta KS 66509.....	\$78.60
Custom Sheet & Steel Fab Inc., PO Box 296, Council Grove KS 66846.....	\$68.34
D S & W Will Servicing Inc., PO Box 231, Claflin KS 67525.....	\$34.80
Davies, J. Clinton, 10961 309th St, Reading KS 66868.....	\$100.56
Denny Nichelson Farms, 570 La Hacienda, Colley KS 67701.....	\$1,210.95

Dexter, J.W., 2082 E 100 Rd, Lecompton KS 66050.....	\$4.98
Diepenbrock, Earl D., RT 1 Box 36, Alma KS 66401.....	\$38.46
Dillon, Greg, 502 Key Rd, Hope KS 67451.....	\$75.00
Dugan, Jerry Lee, 2500 4000 Rd, Chetopa KS 67336.....	\$70.50
Eddy, John A., RR 1 Box 630, Maple Hill KS 66507.....	\$21.00
Elliott, Craig P., RR 1 Box 256, Courtland KS 66939.....	\$1,552.99
Engelken, Quentin, RR 3 Box 51, Seneca KS 66538.....	\$3.00
Farris, Jerry, 2153 Kingman Terrace, Ottawa KS 66067.....	\$125.76
Frederick, Lance, Box 86, Alden KS 67512.....	\$2,696.22
Garvert, Donald A., 2785 Hwy 183, Plainville KS 67663.....	\$156.65
Gibson, Larry, RR 1 Box 130, Kensington KS 66951.....	\$21.00
Gibson, Rick, 28468 L Rd, Circleville KS 66436.....	\$230.69
Gilbert, Tyson D., 278 Rd 340, Council Grove KS 66846.....	\$73.92
Golf LLC, 8800 Scott Dr, Desoto KS 66018.....	\$858.76
Gosney, John Jr, 201 Vo Tech Dr, Fairview OK 73737.....	\$386.28
H&R Transport Limited, 3160 2nd Ave North, Letabridge Alberta Canada T1H5K7.....	\$136.62
Hardy, Mrs Ruth, RR 3 Box 249, Arkansas City KS 67005.....	\$28.38
Harms, Ronald E., HC 34 Box 245, Dodge City KS 67801.....	\$178.85
Healzer, Gerald, D., 12101 W Castleton Rd, Partridge KS 67566.....	\$66.36
Henning, Eugene, 14141 SW 170 Ave, Nashville KS 67112.....	\$89.04
Hines, Jack, PO Box 161, Erie KS 66733.....	\$6.06
Hite, Gary, 1052 S 160th, Pittsburg KS 66762.....	\$239.76
Jones, Robert R., 2635 17 Rd, Plainville KS 67663.....	\$104.70
Kelley, Jerry G., 1252 Road T, Neosho Rapids KS 66864.....	\$20.10
Kephart Drilling Inc., 4270 Gray Rd, Thayer KS 66776.....	\$732.24
Koehn, Bruce, 2563 NW 160 St, Burns KS 66840.....	\$92.78
Kruse, Dwight, Rt 1 Box 9, Marion KS 66861.....	\$178.52
Larson, Robert A., 1852 9th Ave, McPherson KS 67460.....	\$75.00
Leeburg, Harold, 3339 County Rd W7, Reading KS 66868.....	\$133.68
Lemos, Frank, 11840 230th, Linwood KS 66052.....	\$13.98
Lepcke, Elmer H., Rt 2 Box 287, Marion KS 66861.....	\$50.70
Lofgreen Farms Inc., RR1 Box 168, Norton KS 67654.....	\$252.72
LRM Industries Inc., PO Box 4150, Lawrence KS 66046.....	\$3,120.21
Lund, Lowell, 1951 West 217th Drive, Waldo KS 67673.....	\$226.80
McClenny, Philip D., 16011 Labette Rd, Valley Falls KS 66088.....	\$28.92
McIlvain, Lawrence A., RT 1 Box 120, Madison KS 66860.....	\$133.50
Merrill Ranch Joint Venture, HC 66 Box 21, Wilmore KS 67155.....	\$59.52
Meuli, Steve, 470 Flag Rd, Hope KS 67451.....	\$28.74
Midwestern Pipeworks Inc., PO Box 1199, Hays KS 67601.....	\$349.76
Moore, Delbert, 516 S Kansas, Ness KS 67560.....	\$12.00
Moore, Malcom K., 7330 SW Urish Rd, Auburn KS 66402.....	\$35.40
Morland, Edwin L., 16215 Darnell's Box 125, Westmoreland KS 66549.....	\$482.76
Nationalease of Kansas City, 77 S James St, Kansas City KS 66110.....	\$1,619.82
New Prime Inc., PO Box 4208, Springfield MO 65808.....	\$1,377.18
Olsen, Scott, RR 2 Box 256, Clyde KS 66938.....	\$93.00
Otto, D. Dean, 271 County Line Rd, Wakefield KS 67487.....	\$133.14
Pacey, Lawrence, Oak Hill KS 67472.....	\$85.08
Penner, Willis D., RT 3 Box 135, Hillsboro KS 67063.....	\$129.36
Pratt Community College, 348 NE SR 61, Pratt KS 67124.....	\$213.68
Rich's Lawn & Ground Maintenance, 19945 W 161st St, Olathe KS 66062.....	\$1,105.81

(continued)

Ricketts, Gerald F. or Carol L., 1981 17th Rd, Clay Center KS 67432.....	\$38.28
Sander, Leona E., 1007 Ash, Victoria KS 67671.....	\$4.98
Saner, Stanley E., RR 2 Box 19, Burns KS 66840.....	\$39.90
Schlickau, George H., 14506 S Victory Rd, Haven KS 67543.....	\$127.74
Schmitz, David, 26028 P Rd, Holton KS 66436.....	\$3.00
Schneider, Raymond M., 1959 S 160th Ave, Osborne KS 67473.....	\$544.97
Sibel, John, 1608 Road W, Neosho Rapids KS 66864.....	\$12.00
Smith, Dale A., 1918 County Rd 430, Oakley KS 67748.....	\$163.62
Smith, Danny, 1550 Hwy 59, Parsons KS 67357.....	\$38.10
Smith, Gavon L., 509 SW 7th St, Plainville KS 67663.....	\$480.22
Spencer, David E., 7058 254th Rd, Circleville KS 66416.....	\$174.15
Svoboda Sod Farms, 4791 W 215th St, Bucyrus KS 66013.....	\$103.80
Swanson, Leon C., 9640 S. Burma Rd, Lindsborg KS 67456.....	\$51.96
Tjaden, Vern, 991 Frontier Rd, Marysville KS 66508.....	\$106.32
Tomkat Ltd, PO Box 780581, Wichita KS 67278.....	\$486.00
Tyson Foods Inc., 2210 W Oaklawn Dr, PO Box 2020, Springdale AR 72762.....	\$1,987.92
USD #438, 20269 W US Hwy 54, Pratt KS 67124.....	\$2,062.10
USD 235, RR 1 Box 70, Uniontown KS 66779.....	\$1,027.08
USD 371-Montezuma, PO Box 355, Montezuma KS 67867.....	\$46.92
USD 441-Sabetha-Wetmore, 107 Oregon St, Sabetha KS 66534.....	\$2,682.13
Vachal, Charles Edwin, RR 2 Box 99A, Lindsborg KS 67456.....	\$415.85
Venture Corporation, S 281 Hwy, PO Box 1486, Great Bend KS 67530.....	\$40,002.84
Visser, Richard, 2940 T Ave, Herington KS 67449.....	\$13.80
Welch, George F. Jr, 1455 Kestrel Rd, Hiawatha KS 66434.....	\$36.66
Wells, Bernard, 4810 Anderson Ave, Manhattan KS 66503.....	\$10.02
Welsh, John, RR 1 Box 35, Weskan KS 67762.....	\$35.76
Wickstrum Farms Inc., 11870 Hwy 13, Box 69, Westmoreland KS 66549.....	\$218.21
Wildcat Concrete Services, PO Box 750075, Topeka KS 66675.....	\$224.01
Wilson, Dennis C., 138 Jayhawk Rd, Bremen KS 66412.....	\$95.70
Winkel, Francis E., 409 N Hobart St, Glen Elder KS 67446.....	\$44.22
Zimmers, Marvin, RR 1 Box 37, Howard KS 67349.....	\$71.40
Zollman, Carl J., Rt 1 Box 48, Prairie View KS 67664.....	\$25.14

Sec. 3. (a) The department of administration is hereby authorized and directed to pay the following amount from the canceled warrants payment fund, as a refund of a reissue charge for an expired warrant, to the following claimant:

Joseph R. Burns, 244 Cedar Trail, Ballwin, MO 63011.....	\$400.00
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(b) The department of administration is hereby authorized and directed to pay the following amount from the architectural services recovery fund for payment, for training services for which an invoice was submitted or processed in an untimely manner, to the following claimant:

KSU Division of Continuing Education, 131 College Court Bldg., Manhattan, KS 66506.....	\$235.00
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(c) The department of administration is hereby authorized and directed to pay the following amount from the state buildings operating fund, for temperature control items purchased for which an invoice was not presented in the proper fiscal year, to the following claimant:

Control Service Co., Inc., 1207 S. Powell Road, Independence, MO 64057.....	\$1,545.00
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(d) The department of administration is hereby authorized and directed to pay the following amount from the canceled warrant payment fund, for payment of an uncashed warrant for an inheritance tax refund from the department of revenue, to the following claimant:

Burnell H. Ukens, 412 West 16th, Concordia, KS 66901-4114.....	\$512.98
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Sec. 4. The university of Kansas is hereby authorized and directed to pay the following amount from the law enforcement training center fund, for rent for a copier for which an invoice was not presented in the proper fiscal year, to the following claimant:

Canon U.S.A., Inc., 2110 Washington Blvd., Arlington, VA 22204.....	\$850.50
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Sec. 5. The state department of credit unions is hereby authorized and directed to pay the following amount from the credit union fee fund, for reimbursement of mileage expenses incurred by the claimant using a private vehicle for departmental business, to the following claimant:

Gail Kasson, 6218 Crescent Rim Dr., Ozawkie, KS 66070.....	\$636.35
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Sec. 6. (a) There is appropriated from the state of Kansas department of corrections inmate benefit fund for the murder of Stephanie Schmidt on June 30, 1993, by Donald Gideon, a coworker of the victim and a parolee for a grant for victim's rights education, to the following:

Speak Out for Stephanie Foundation, P.O. Box 7829, Overland Park, KS 66207.....	\$50,000
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(b) The department of corrections is hereby authorized and directed to pay the following amount from the amount allocated for the Winfield correctional facility within the facilities operations account of the state general fund, for loss or damage to the claimant's personal property while in the care, custody and control of the personnel at the Winfield correctional facility, to the following claimant:

Malcolm Chaney #53500, 1806 Pinecrest Circle, Winfield, KS 67156.....	\$40.00
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(c) The department of corrections is hereby authorized and directed to pay the following amount from the amount allocated for the Lansing correctional facility within the facilities operations account of the state general fund, for reimbursement of personal property stolen by escaped inmates in the care, custody and control of the personnel at the Lansing correctional facility, to the following claimants:

Orlan Ross and Wilma Diane Hagan, 201 E. Mary, Lansing, KS 66043.....	\$3,908.61
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(d) The department of corrections is hereby authorized and directed to pay the following amount from the amount allocated for the Hutchinson correctional facility within the facilities operations account of the state general fund, for reimbursement for crop loss and damage to the claimants' real property sustained during an escape attempt by inmates in the care, custody and control of the personnel at the Hutchinson correctional facility, to the following claimants:

Wayne Flora, Darrell, Flora and Eve Williams Spearman, 70138 SE 30th Ave., Sawyer, KS 67134.....	\$7,944.00
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(e) The department of corrections is hereby authorized and directed to pay the following amount from the amount allocated for the Hutchinson correctional facility within the facilities operations account of the state general fund, for loss or damage to the claimant's personal property while in the care, custody and control of the personnel at the Hutchinson correctional facility, to the following claimant:

Chris Riley #6002535, P.O. Box 2, Lansing, KS 66043.....	\$28.89
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Sec. 7. The department of human resources is hereby authorized and directed to pay the following amount from the special employment security fund, for educational services and training for which invoices were not presented in the proper fiscal year, to the following claimant:

Johnson County Community College, 12345 College Blvd., Overland Park, KS 66210.....	\$6,734.79
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Sec. 8. (a) The department of social and rehabilitation services is hereby authorized and directed to pay from the state operations account of the state general fund of the above agency the amount of \$178.30, from the mental health block grant federal fund the amount of \$29.33, and from the medical assistance federal fund the amount of \$32.37, for reimbursement for professional services in evaluating an indigent criminal defendant's competency to stand trial for which the invoice was not presented in the proper fiscal year, to the following claimant:

Central Kansas Mental Health Center, 809 Elmhurst, Salina, KS 67401.....	\$240.00
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(b) The department of social and rehabilitation services is hereby authorized and directed to pay the following amount from the Larned state

hospital—patient benefit fund, for services purchased for which the invoice was submitted or processed in an untimely manner, to the following claimant:

Riggs Studio & Camera Shop, 1217 Main Street, P.O. Box 1394, Great Bend, KS 67530..... \$150.00

(c) The department of social and rehabilitation services is hereby authorized and directed to pay the following amount from the social welfare fund, for payment of an uncashed warrant for child support from the child support enforcement unit of the department of social and rehabilitation services, to the following claimant:

Connie M. Britt, 202 S. 3rd, P.O. Box 231, White City, KS 66872 \$2,000.00

Sec. 9. The state conservation commission is hereby authorized and directed to pay the following amount from the state water plan fund, for reimbursement of part of the costs of water development projects pursuant to K.S.A. 82a-1702 and amendments thereto, to the following claimant:

Wet Walnut Creek Watershed District No. 58, P.O. Box 207, LaCrosse, KS 67601, c/o Thomas L. Toepfer, Attorney at Law, P.O. Box 417, Hays, KS 67601 \$20,991.60

Sec. 10. The university of Kansas medical center is hereby authorized and directed to pay the following amount from the operating expenditures (including official hospitality) account of the state general fund, for delivery and purchase of natural gas for which an invoice was not presented in the proper fiscal year, to the following claimant:

Mountain Iron & Supply Co., 155 N. Market, Wichita, KS 67202-1802, c/o Dennis Lacey, Attorney at Law, Kahrs, Nelson, Fanning, Hite & Kellogg, LLP, 200 W. Douglas, Suite 600, Wichita, KS 67202..... \$20,406.00

Sec. 11. The office of the attorney general is hereby authorized and directed to pay the following amount from the tort claims fund, for legal services for which invoices were submitted or processed in an untimely manner, to the following claimant:

Morris, Laing, Evans, Brock & Kennedy, Chartered, 200 West Douglas, 4th Floor, Wichita, KS 67202..... \$5,451.55

Sec. 12. (a) The office of the attorney general is hereby authorized and directed to pay the following amount from the court cost fund for the prosecution and incarceration of the claimant, who was subsequently acquitted by the state court of appeals, to the following claimant:

Dr. L. Stan Naramore, D.O., 1701 Pine Street, Harper, KS 67058, c/o Ronald R. Hein, Hein & Weir, Chartered, 5845 SW 29th Street, Topeka, KS 66614-2462..... \$66,666.67

(b) On and after January 1, 2001, the board of healing arts is hereby authorized and directed to pay the following amount from the healing arts fee fund for the prosecution and incarceration of the claimant, who was subsequently acquitted by the state court of appeals, to the following claimant:

Dr. L. Stan Naramore, D.O., 1701 Pine Street, Harper, KS 67058, c/o Ronald R. Hein, Hein & Weir, Chartered, 5845 SW 29th Street, Topeka, KS 66614-2462..... \$66,666.67

(c) There is appropriated from the state general fund for the prosecution and incarceration of the claimant, who was subsequently acquitted by the state court of appeals, to the following claimant:

Dr. L. Stan Naramore, D.O., 1701 Pine Street, Harper, KS 67058, c/o Ronald R. Hein, Hein & Weir, Chartered, 5845 SW 29th Street, Topeka, KS 66614-2462..... \$66,666.66

Sec. 13. (a) Except as otherwise provided by this act, the director of accounts and reports is hereby authorized and directed to draw warrants on the state treasurer in favor of the claimants specified in this act, upon vouchers duly executed by the state agencies directed to pay the amounts specified in such sections to the claimants or their legal representatives or duly authorized agents, as provided by law.

(b) The director of accounts and reports shall secure prior to the payment of any amount to any claimant, other than amounts authorized to be paid pursuant to section 2 as motor-vehicle fuel tax refunds or as transactions between state agencies as provided by this act, a written release and satisfaction of all claims and rights against the state of Kansas and any agencies, officers and employees of the state of Kansas regarding their respective claims.

Sec. 14. This act shall take effect and be in force from and after its publication in the Kansas register

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. 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 1999 Supplement to the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-1-5	New	V. 18, p. 1337
1-2-30	Amended	V. 18, p. 1337
1-2-74	New	V. 18, p. 1337
1-2-84	Amended	V. 18, p. 1337
1-2-84a	New	V. 18, p. 1337
1-2-84b	New	V. 18, p. 1338
1-4-8	Amended	V. 18, p. 1338
1-5-22	Amended	V. 18, p. 1338
1-6-25	Amended	V. 18, p. 1338

1-6-32	Amended	V. 18, p. 1339
1-8-6	Amended	V. 18, p. 1339
1-9-2	Amended	V. 18, p. 1340
1-9-7b	Amended (T)	V. 18, p. 1748
1-9-14	Amended (T)	V. 18, p. 1390
1-9-19a	Amended	V. 18, p. 1341
1-9-23	Amended (T)	V. 19, p. 243
1-9-25	Amended	V. 18, p. 1342
1-10-10	New	V. 18, p. 1344
1-10-11	New	V. 18, p. 1345
1-16-18	Amended	V. 18, p. 869
1-16-18a	Amended	V. 18, p. 869
1-18-1a	Amended	V. 18, p. 871
1-49-1	Amended	V. 19, p. 724

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-7-213	Amended	V. 19, p. 117
4-7-214	Amended	V. 19, p. 117
4-7-215	Revoked	V. 19, p. 118
4-7-216	New	V. 19, p. 118
4-20-11	Amended	V. 18, p. 418
4-20-15	New	V. 18, p. 418
4-21-1 through 4-21-6	New	V. 18, p. 418-420

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-31-1 through 7-31-4	Revoked	V. 18, p. 672
7-35-1	Amended (T)	V. 18, p. 1389
7-35-1	Amended	V. 18, p. 1879
7-35-2	Amended (T)	V. 18, p. 1390
7-35-2	Amended	V. 18, p. 1879
7-40-1	New	V. 18, p. 1148

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Reg. No.	Action	Register
9-20-4	New	V. 18, p. 161
9-29-6	Amended	V. 18, p. 895

AGENCY 11: STATE CONSERVATION COMMISSION

Reg. No.	Action	Register
11-7-1 through 11-7-8	Amended	V. 18, p. 1808-1810
11-7-10	Amended	V. 18, p. 1811
11-7-11 through 11-7-15	New	V. 18, p. 1811, 1812
11-9-1 through 11-9-10	New	V. 18, p. 79, 80

AGENCY 16: ATTORNEY GENERAL

Reg. No.	Action	Register
16-6-1	Amended	V. 19, p. 399

AGENCY 17: STATE BANK COMMISSIONER

Reg. No.	Action	Register
17-22-1	Amended	V. 19, p. 500
17-23-16	Amended	V. 19, p. 500
17-24-1	New	V. 18, p. 956
17-24-2	New	V. 18, p. 956

AGENCY 22: STATE FIRE MARSHAL

Reg. No.	Action	Register
22-19-1	Amended	V. 18, p. 1170
22-19-2	Amended	V. 18, p. 1170

(continued)

22-19-3 Amended V. 18, p. 1171
22-19-4a New V. 18, p. 1171

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 AGRIC

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
26-2-4 Amended V. 18, p. 1880
26-2-7 Amended V. 18, p. 1880
26-2-9 Amended V. 18, p. 1880
26-3-1 Amended V. 18, p. 1881
26-3-3 Revoked V. 18, p. 1882
26-3-5 Amended V. 18, p. 1882
26-8-4 Revoked V. 18, p. 1882

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
28-1-2 Amended V. 19, p. 141
28-1-6 Amended V. 18, p. 953
28-1-18 Amended V. 19, p. 141
28-1-25 Revoked V. 18, p. 105
28-1-26 New V. 19, p. 142
28-4-330 through
28-4-343 New (T) V. 18, p. 1058-1070
28-4-330 through
28-4-343 New V. 18, p. 1600-1612
28-4-501 Amended V. 19, p. 422
28-4-503 Amended V. 19, p. 423
28-4-504 Amended V. 19, p. 423
28-4-505 Amended V. 19, p. 423
28-4-513 Amended V. 19, p. 423
28-4-530 Revoked V. 19, p. 423
28-4-531 Revoked V. 19, p. 423
28-16-28b through
28-16-28f Amended V. 18, p. 1021-1033
28-17-15 Amended (T) V. 19, p. 680
28-19-50 Revoked V. 18, p. 50
28-19-52 Revoked V. 18, p. 50
28-19-201 Amended V. 18, p. 106
28-19-650 New V. 18, p. 50
28-19-720 Amended V. 18, p. 782
28-19-729 New V. 19, p. 565
28-19-729a through
28-19-729h New V. 19, p. 566-569
28-19-735 Amended V. 18, p. 782
28-19-750 Amended V. 18, p. 782
28-19-751 Revoked V. 18, p. 1099
28-19-752 Revoked V. 18, p. 1099
28-19-752a New V. 18, p. 1099
28-23-81 through
28-23-89 Revoked V. 18, p. 1099
28-19-751 Revoked V. 18, p. 1099
28-19-752 Revoked V. 18, p. 1099
28-19-752a New V. 18, p. 1099
28-23-81 through
28-23-89 Revoked V. 18, p. 1099
28-29-3 Amended V. 18, p. 1345
28-29-17a Revoked V. 18, p. 1948
28-29-17b Revoked V. 18, p. 1949
28-29-25a New V. 18, p. 1346
28-29-25b New V. 18, p. 1347
28-29-25c New V. 18, p. 1348
28-29-25e New V. 18, p. 1350
28-29-25f New V. 18, p. 1351
28-29-26 Revoked V. 18, p. 673
28-29-98 Revoked V. 18, p. 1949
28-29-2101 through
28-29-2113 New V. 18, p. 1949-1963

28-31-1 Amended V. 18, p. 673
28-31-2 Amended V. 18, p. 673
28-31-3 Amended V. 18, p. 674
28-31-4 Amended V. 18, p. 674
28-31-6 Amended V. 18, p. 678
28-31-8 Amended V. 18, p. 679
28-31-8b Amended V. 18, p. 680
28-31-9 Amended V. 18, p. 680
28-31-10 Amended V. 18, p. 681
28-31-12 Amended V. 18, p. 681
28-31-13 Amended V. 18, p. 682
28-31-14 Amended V. 18, p. 682
28-31-15 New V. 18, p. 682
28-31-16 New V. 18, p. 682
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28-36-20 through
28-36-29 Revoked V. 18, p. 1099, 1100
28-36-101 through
28-36-108 New V. 18, p. 1100-1102
28-36-10 through
28-36-18 Revoked V. 18, p. 1099
28-36-20 through
28-36-29 Revoked V. 18, p. 1099, 1100
28-36-101 through
28-36-108 New V. 18, p. 1100-1102
28-39-133 Revoked V. 18, p. 1393
28-39-134 through
28-39-137 Revoked V. 18, p. 1393
28-39-144 Amended V. 18, p. 1393
28-39-145 Revoked V. 18, p. 1395
28-39-145a New V. 18, p. 1395
28-39-152 Amended V. 18, p. 1397
28-39-160 Amended V. 18, p. 1399
28-39-161 Amended V. 18, p. 1400
28-39-162a Amended V. 18, p. 1401
28-39-162c Amended V. 18, p. 1405
28-39-163 Amended V. 18, p. 1410
28-39-240 Amended V. 18, p. 1412
28-39-245 Amended V. 18, p. 1413
28-39-247 Amended V. 18, p. 1414
28-39-275 through
28-39-291 New V. 18, p. 1416-1423
28-39-300 through
28-39-312 Revoked V. 18, p. 1423
28-39-425 through
28-39-437 New V. 18, p. 1423-1429
28-50-1 Amended V. 18, p. 1353
28-50-2 Amended V. 18, p. 1355
28-50-4 Amended V. 18, p. 1356
28-50-5 Amended V. 18, p. 1356
28-50-6 Amended V. 18, p. 1356
28-50-7 Revoked V. 18, p. 1358
28-50-8 Amended V. 18, p. 1358
28-50-9 Amended V. 18, p. 1359
28-50-10 Amended V. 18, p. 1363
28-50-14 Amended V. 18, p. 1363
28-65-1 Amended V. 18, p. 682
28-65-2 Amended V. 18, p. 683
28-65-3 Amended V. 18, p. 683
28-72-1 New (T) V. 18, p. 1459
28-72-1 New V. 18, p. 1888
28-72-2 New (T) V. 18, p. 1462
28-72-2 New V. 18, p. 1891
28-72-3 New (T) V. 18, p. 1462
28-72-3 New V. 18, p. 1891
28-72-4 New (T) V. 18, p. 1463
28-72-4 New V. 18, p. 1892
28-72-4a New (T) V. 18, p. 1466
28-72-4a New V. 18, p. 1895
28-72-4b New (T) V. 18, p. 1468
28-72-4b New V. 18, p. 1897
28-72-4c New (T) V. 18, p. 1470
28-72-4c New V. 18, p. 1898
28-72-5 New (T) V. 18, p. 1471
28-72-5 New V. 18, p. 1900
28-72-6 New (T) V. 18, p. 1473
28-72-6 New V. 18, p. 1902
28-72-7 New (T) V. 18, p. 1475

28-72-7 New V. 18, p. 1904
28-72-8 New (T) V. 18, p. 1476
28-72-8 New V. 18, p. 1905
28-72-9 New (T) V. 18, p. 1478
28-72-9 New V. 18, p. 1907
28-72-10 New (T) V. 18, p. 1480
28-72-10 New V. 18, p. 1909
28-72-11 New (T) V. 18, p. 1481
28-72-11 New V. 18, p. 1910
28-72-12 New (T) V. 18, p. 1482
28-72-12 New V. 18, p. 1911
28-72-13 New (T) V. 18, p. 1483
28-72-13 New V. 18, p. 1912
28-72-14 New (T) V. 18, p. 1483
28-72-14 New V. 18, p. 1912
28-72-15 New (T) V. 18, p. 1484
28-72-15 New V. 18, p. 1913
28-72-16 New (T) V. 18, p. 1484
28-72-16 New V. 18, p. 1913
28-72-17 New (T) V. 18, p. 1485
28-72-17 New V. 18, p. 1914
28-72-18 New (T) V. 18, p. 1486
28-72-18 New V. 18, p. 1915
28-72-18a New (T) V. 18, p. 1487
28-72-18a New V. 18, p. 1916
28-72-18b New (T) V. 18, p. 1487
28-72-18b New V. 18, p. 1916
28-72-18c New (T) V. 18, p. 1488
28-72-18c New V. 18, p. 1917
28-72-18d New (T) V. 18, p. 1489
28-72-18d New V. 18, p. 1918
28-72-18e New (T) V. 18, p. 1490
28-72-18e New V. 18, p. 1919
28-72-19 New (T) V. 18, p. 1491
28-72-19 New V. 18, p. 1920
28-72-20 New (T) V. 18, p. 1491
28-72-20 New V. 18, p. 1920
28-72-21 New (T) V. 18, p. 1491
28-72-21 New V. 18, p. 1920
28-72-22 New (T) V. 18, p. 1491
28-72-22 New V. 18, p. 1920

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No. Action Register
30-2-12 Amended V. 18, p. 271
30-2-16 Amended V. 18, p. 895
30-4-64 Amended V. 18, p. 1722
30-5-64 Amended V. 19, p. 304
30-6-59 Revoked V. 18, p. 895
30-6-86 Amended V. 18, p. 895
30-6-103 Amended V. 18, p. 896
30-14-30 Amended V. 18, p. 896
30-44-2 Amended V. 18, p. 1843

AGENCY 36: DEPARTMENT OF TRANSPORTATION (BY DEPARTMENT OF EDUCATION)

Reg. No. Action Register
36-13-20 Revoked V. 18, p. 1823
36-13-30 through
36-13-35 Revoked V. 18, p. 1823
36-13-37 Revoked V. 18, p. 1823
36-13-38 Revoked V. 18, p. 1823
36-13-39 Revoked V. 18, p. 1823

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No. Action Register
40-2-26 Amended V. 18, p. 1058
40-3-26 Amended V. 19, p. 303
40-3-27 Revoked V. 19, p. 680
40-3-32 Amended V. 19, p. 303
40-3-33 Amended V. 18, p. 1016
40-3-45 Amended V. 19, p. 303
40-3-49 Amended V. 19, p. 303
40-4-34 Amended V. 18, p. 124
40-4-35 Amended (T) V. 18, p. 358
40-4-35 Amended V. 18, p. 1148
40-4-42 New V. 18, p. 1883
40-4-42a New V. 18, p. 1883
40-4-42b New V. 18, p. 1884
40-4-42c New V. 18, p. 1884
40-4-42d New V. 18, p. 1885
40-4-42e New V. 18, p. 1886
40-4-42f New V. 18, p. 1887
40-4-42g New V. 18, p. 1887

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-1-103	Amended	V. 18, p. 390

AGENCY 45: KANSAS PAROLE BOARD

Reg. No.	Action	Register
45-9-1	Amended	V. 18, p. 1597
45-9-2	Amended	V. 18, p. 1597
45-9-3	Amended	V. 18, p. 1598
45-9-4	New (T)	V. 18, p. 1034
45-9-4	New	V. 18, p. 1599

AGENCY 49: DEPARTMENT OF HUMAN RESOURCES

Reg. No.	Action	Register
49-45-1 through 49-45-4	Amended	V. 19, p. 504
49-45-4a	New	V. 19, p. 504
49-45-5 through 49-45-9	Amended	V. 19, p. 504
49-45-20 through 49-45-28	Amended	V. 19, p. 504, 505
49-45-29 through 49-45-34	New	V. 19, p. 505
49-45a-1	Amended	V. 19, p. 505
49-45a-2 through 49-45a-27	Revoked	V. 19, p. 506
49-46-1	Amended	V. 19, p. 506
49-47-1	Amended	V. 19, p. 507
49-47-1a	New	V. 19, p. 507
49-47-1b	New	V. 19, p. 507
49-47-2	Amended	V. 19, p. 507
49-48-1	Amended	V. 19, p. 508
49-49-1a	New	V. 19, p. 508
49-50-1 through 49-50-4	Amended	V. 19, p. 509, 510
49-50-6 through 49-50-15	Amended	V. 19, p. 510-513
49-50-17 through 49-50-20	Amended	V. 19, p. 513, 514
49-50-21	New	V. 19, p. 514
49-50-22	New	V. 19, p. 515
49-51-1	Amended	V. 19, p. 515
49-51-2	Amended	V. 19, p. 515
49-51-3	Amended	V. 19, p. 515
49-51-3a	New	V. 19, p. 516
49-51-6 through 49-51-12	Amended	V. 19, p. 516-518
49-51-14	Revoked	V. 19, p. 518
49-52-5 through 49-52-9	Amended	V. 19, p. 518-520
49-52-11	Amended	V. 19, p. 520
49-52-13	Amended	V. 19, p. 520
49-52-14	Amended	V. 19, p. 521
49-52-15	Revoked	V. 19, p. 521
49-52-16	New	V. 19, p. 521
49-52-17	New	V. 19, p. 521
49-54-1 through 49-54-3	Revoked	V. 19, p. 521

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-9-7	Amended	V. 18, p. 1170

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-3-101	Amended	V. 18, p. 51
60-3-106	Amended	V. 18, p. 51
60-6-101	Amended	V. 19, p. 344
60-7-101	Amended	V. 18, p. 52
60-11-101	Amended	V. 19, p. 344
60-11-103	Amended	V. 19, p. 345
60-11-104a	Amended	V. 19, p. 346
60-11-106	Amended	V. 19, p. 346

60-11-108	Revoked	V. 19, p. 346
60-16-101	Amended	V. 18, p. 1558
60-16-102	Amended	V. 18, p. 1558
60-16-104	Amended	V. 18, p. 1559
60-17-101 through 60-17-111	New	V. 19, p. 346-350

AGENCY 63: BOARD OF MORTUARY ARTS

63-4-1	Amended	V. 18, p. 1650
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AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-5-10	Amended	V. 18, p. 1727
65-9-1	Amended	V. 18, p. 357
65-10-2	Amended	V. 18, p. 357
65-11-3	Amended	V. 18, p. 357

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-4	Amended	V. 19, p. 69
66-6-6	Amended	V. 19, p. 70
66-7-2	Amended	V. 19, p. 70
66-8-7	New	V. 19, p. 70
66-9-4	Amended	V. 19, p. 71
66-9-6	New	V. 19, p. 71
66-10-12	Amended	V. 19, p. 71
66-10-13	New	V. 19, p. 71
66-11-4	New	V. 19, p. 72
66-12-1	Amended	V. 19, p. 72
66-14-1	Amended	V. 19, p. 72
66-14-6	Amended	V. 19, p. 72

AGENCY 67: BOARD OF HEARING AID EXAMINERS

Reg. No.	Action	Register
67-2-4	Amended	V. 19, p. 626
67-3-2	Amended	V. 19, p. 626
67-4-7	Amended	V. 19, p. 626
67-4-10	Amended	V. 19, p. 626
67-4-13	New	V. 19, p. 626
67-5-3	Amended	V. 19, p. 626
67-5-4	Amended	V. 19, p. 626
67-6-4	Amended	V. 19, p. 626
67-7-4	Amended	V. 19, p. 627

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-2-12a	Amended	V. 18, p. 1813
68-2-20	Amended	V. 18, p. 1813
68-2-22	Amended	V. 18, p. 1814
68-3-5	New	V. 18, p. 1309
68-3-6	New	V. 18, p. 1309
68-5-1	Amended	V. 19, p. 501
68-5-15	New	V. 18, p. 993
68-7-11	Amended	V. 19, p. 501
68-7-12	Amended	V. 18, p. 1815
68-7-14	Amended	V. 19, p. 502
68-7-18	Amended	V. 19, p. 503
68-7-19	Amended	V. 18, p. 994
68-11-1	Amended	V. 18, p. 81
68-14-1	Amended	V. 18, p. 1019
68-14-2 through 68-14-5	Amended	V. 18, p. 996, 997
68-14-7	Amended	V. 18, p. 997
68-14-8	New	V. 18, p. 998
68-15-1	New	V. 18, p. 998
68-15-2	New	V. 18, p. 1309
68-15-4	New	V. 18, p. 1309
68-20-10	Amended	V. 18, p. 1816
68-20-10a	Amended	V. 18, p. 1819
68-20-15a	Amended	V. 18, p. 1819
68-20-16	Amended	V. 18, p. 1820
68-20-17	Amended	V. 18, p. 1820
68-20-18	Amended	V. 18, p. 1820
68-20-19	Amended	V. 18, p. 1821
68-20-21	Amended	V. 18, p. 1822

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-1-18	Amended	V. 18, p. 1844
71-1-20	New	V. 19, p. 573
71-1-21	New	V. 19, p. 573
71-3-7	New	V. 18, p. 104

71-6-1 through 71-6-6	New	V. 18, p. 104, 105
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AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-4-10	Amended	V. 18, p. 1238
74-5-103	Amended	V. 18, p. 1238
74-5-104	Amended	V. 18, p. 1238
74-5-202	Amended	V. 18, p. 1239
74-5-203	Amended	V. 18, p. 1239
74-5-406	Amended	V. 18, p. 1240
74-11-6	Amended	V. 18, p. 1240
74-12-1	Amended	V. 18, p. 1721

AGENCY 80: KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

Reg. No.	Action	Register
80-1-1	Amended	V. 18, p. 1230
80-1-2	Amended	V. 18, p. 1230
80-1-3	Amended	V. 18, p. 1230
80-1-4	Revoked	V. 18, p. 1230
80-1-5	Amended	V. 18, p. 1230
80-1-6	Amended	V. 18, p. 1231
80-1-9	Amended	V. 18, p. 1231
80-1-10	Amended	V. 18, p. 1231
80-1-11	Amended	V. 18, p. 1231
80-1-12	Revoked	V. 18, p. 1231
80-2-1	Amended	V. 18, p. 1231
80-3-1	Revoked	V. 18, p. 1232
80-3-2	Revoked	V. 18, p. 1232
80-3-4	Amended	V. 18, p. 1232
80-3-5	Revoked	V. 18, p. 1232
80-3-6	Revoked	V. 18, p. 1232
80-3-8	Revoked	V. 18, p. 1232
80-3-9	Amended	V. 18, p. 1232
80-3-13	Revoked	V. 18, p. 1232
80-3-15	Amended	V. 18, p. 1232
80-3-16	Amended	V. 18, p. 1232
80-4-1	Amended	V. 18, p. 1233
80-4-2	Revoked	V. 18, p. 1233
80-4-3	Revoked	V. 18, p. 1233
80-4-4	Amended	V. 18, p. 1233
80-4-5	Revoked	V. 18, p. 1233
80-4-6	Revoked	V. 18, p. 1233
80-5-1	Amended	V. 18, p. 1233
80-5-2	Revoked	V. 18, p. 1233
80-5-3	Revoked	V. 18, p. 1233
80-5-6	Amended	V. 18, p. 1233
80-5-7	Revoked	V. 18, p. 1234
80-5-9	Amended	V. 18, p. 1234
80-5-10	Amended	V. 18, p. 1234
80-5-11	Amended	V. 18, p. 1234
80-5-12	Revoked	V. 18, p. 1234
80-5-13	Amended	V. 18, p. 1234
80-5-14	Revoked	V. 18, p. 1234
80-5-15	Amended	V. 18, p. 1234
80-5-16	Amended	V. 18, p. 1235
80-5-18	Amended	V. 18, p. 1235
80-7-1	Amended	V. 18, p. 1235
80-8-2	Amended	V. 18, p. 1236
80-8-7	Amended	V. 18, p. 1236
80-50-1	Revoked	V. 18, p. 1236
80-50-2	Amended	V. 18, p. 1236
80-50-3	Amended	V. 18, p. 1236
80-50-4	Revoked	V. 18, p. 1236
80-50-5	Revoked	V. 18, p. 1236
80-50-6	Amended	V. 18, p. 1236
80-50-8	Revoked	V. 18, p. 1237
80-51-1	Revoked	V. 18, p. 1237
80-51-2	Revoked	V. 18, p. 1237
80-51-3	Revoked	V. 18, p. 1237
80-51-4	Amended	V. 18, p. 1237
80-51-5	Revoked	V. 18, p. 1237
80-51-7	Revoked	V. 18, p. 1237
80-52-1	Revoked	V. 18, p. 1237
80-52-2	Revoked	V. 18, p. 1237
80-52-3	Revoked	V. 18, p. 1237
80-53-2 through 80-53-6	Revoked	V. 18, p. 1237
80-54-1 through 80-54-4	Revoked	V. 18, p. 1237
80-55-1 through 80-55-4	Revoked	V. 18, p. 1237
80-55-8	Amended	V. 18, p. 1237

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AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-1-221a	New	V. 18, p. 231
82-1-221b	New	V. 18, p. 232
82-1-228	Amended	V. 18, p. 232
82-1-235	Amended	V. 18, p. 233
82-3-101	Amended	V. 18, p. 273
82-3-401b	New	V. 18, p. 276
82-3-408	Amended	V. 18, p. 276
82-3-900 through 82-3-908	New	V. 18, p. 276, 277
82-4-3	Amended (T)	V. 19, p. 575
82-4-3	Amended	V. 19, p. 208
82-11-3	Amended	V. 18, p. 234
82-11-4	Amended	V. 18, p. 234
82-11-9	Amended	V. 18, p. 238
82-11-10	Amended	V. 18, p. 239
82-11-11	New	V. 18, p. 239
82-12-2	Amended	V. 18, p. 239

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-11	Amended	V. 18, p. 1291

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-23-1 through 88-23-6	New	V. 19, p. 41-43

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-61	Revoked	V. 19, p. 680
91-12-22	Revoked	V. 19, p. 680
91-12-23	Revoked	V. 19, p. 680
91-12-24a	Revoked	V. 19, p. 680
91-12-25	Revoked	V. 19, p. 680
91-12-27	Revoked	V. 19, p. 680
91-12-28	Revoked	V. 19, p. 680
91-12-30 through 91-12-33	Revoked	V. 19, p. 680
91-12-35 through 91-12-42	Revoked	V. 19, p. 680, 681
91-12-44 through 91-12-69	Revoked	V. 19, p. 681
91-12-71 through 91-12-74	Revoked	V. 19, p. 682
91-22-1a	New	V. 19, p. 682
91-22-2	Amended	V. 19, p. 683
91-22-3	Revoked	V. 19, p. 683
91-22-4	Amended	V. 19, p. 683
91-22-5a	Amended	V. 19, p. 683
91-22-7	Amended	V. 19, p. 683
91-22-8	Revoked	V. 19, p. 683
91-22-9	Amended	V. 19, p. 683
91-22-10 through 91-22-18	Revoked	V. 19, p. 684
91-22-19	Amended	V. 19, p. 684
91-22-21	Revoked	V. 19, p. 684
91-22-22	Amended	V. 19, p. 684
91-22-23	Revoked	V. 19, p. 684
91-22-24	Revoked	V. 19, p. 684
91-22-25	Amended	V. 19, p. 684
91-22-26	Revoked	V. 19, p. 685
91-31-16	Amended	V. 18, p. 1171
91-31-18	Amended	V. 18, p. 1172
91-31-19	Amended	V. 18, p. 1309
91-31-24	Amended	V. 18, p. 1173
91-38-1 through 91-38-10	New	V. 18, p. 1823-1828
91-40-1 through 91-40-5	New	V. 19, p. 685-691
91-40-7 through 91-40-12	New	V. 19, p. 692-695
91-40-16 through 91-40-19	New	V. 19, p. 695-697
91-40-21	New	V. 19, p. 697

91-40-22	New	V. 19, p. 697
91-40-24 through 91-40-31	New	V. 19, p. 698-700
91-40-33 through 91-40-39	New	V. 19, p. 700-702
91-40-41 through 91-40-48	New	V. 19, p. 702-704
91-40-50 through 91-40-53	New	V. 19, p. 705, 706

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

Reg. No.	Action	Register
99-25-1	Amended	V. 18, p. 189

AGENCY 106: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-6-2	Amended (T)	V. 18, p. 1747
100-6-2	Amended	V. 19, p. 241
100-10a-1	Amended	V. 19, p. 241
100-10a-3	Amended	V. 19, p. 241
100-11-5	Revoked	V. 18, p. 1230
100-22-3	New	V. 19, p. 571
100-24-3	New	V. 18, p. 483
100-60-9	Amended	V. 19, p. 571
100-60-10	Amended	V. 19, p. 571
100-60-13	Amended	V. 19, p. 572

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-4-10a	Amended (T)	V. 18, p. 1035
102-4-10a	Amended	V. 18, p. 1556
102-5-7a	Amended	V. 18, p. 1520

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-1-1	Amended	V. 18, p. 1141
105-2-1	Amended	V. 18, p. 1142
105-3-1	Amended	V. 18, p. 1142
105-3-2	Amended	V. 18, p. 1142
105-3-4	Revoked	V. 18, p. 1143
105-3-5	Amended	V. 18, p. 1143
105-3-8	Revoked	V. 18, p. 1143
105-3-9	Amended	V. 18, p. 1143
105-3-11	Amended	V. 18, p. 1144
105-3-12	Amended	V. 18, p. 1144
105-5-2	Amended	V. 18, p. 1144
105-5-3	Amended	V. 18, p. 1144
105-5-6	Amended	V. 18, p. 1144
105-5-7	Amended	V. 18, p. 1145
105-5-8	Amended	V. 18, p. 1145
105-6-2	Amended	V. 18, p. 1145
105-7-2	Amended	V. 18, p. 1146
105-7-4 through 105-7-9	Amended	V. 18, p. 1146
105-8-1	Amended	V. 18, p. 1146
105-8-2	Amended	V. 18, p. 1146
105-8-3	Amended	V. 18, p. 1146
105-10-1a	Amended	V. 18, p. 1146
105-10-3	Amended	V. 18, p. 1147
105-10-5	Amended	V. 18, p. 1147
105-21-3	Amended	V. 18, p. 1147
105-21-6	Amended	V. 18, p. 1147
105-31-4	Revoked	V. 18, p. 1147

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-3	New (T)	V. 18, p. 1392
108-1-3	New	V. 19, p. 68

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-1-1	Amended	V. 18, p. 1650
109-5-1	Amended	V. 18, p. 1653
109-5-2	Amended	V. 18, p. 1654
109-5-3	Amended	V. 18, p. 1654
109-5-4	Amended	V. 18, p. 1655
109-6-2	Amended	V. 18, p. 1655
109-9-1	Amended	V. 18, p. 1656

109-9-2	Revoked	V. 18, p. 1656
109-4-4	Amended	V. 18, p. 1656
109-9-5	Revoked	V. 18, p. 1657
109-10-1	Amended	V. 18, p. 1657
109-10-2	Amended	V. 18, p. 1658
109-10-6	New	V. 18, p. 1660
109-11-1	Amended	V. 18, p. 1662
109-11-2	Revoked	V. 18, p. 1662
109-11-3	Amended	V. 18, p. 1662
109-11-4	Amended	V. 18, p. 1663
109-11-5	Amended	V. 18, p. 1664
109-11-6	Amended	V. 18, p. 1664
109-12-1	Revoked	V. 18, p. 1665
109-12-2	Revoked	V. 18, p. 1665
109-13-1	Amended	V. 18, p. 1666
109-13-3	Revoked	V. 18, p. 1666

AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING

Reg. No.	Action	Register
110-6-1	Amended (T)	V. 19, p. 677
110-6-1a	New (T)	V. 19, p. 677
110-6-2	Amended (T)	V. 19, p. 678
110-6-3	Amended (T)	V. 19, p. 678
110-6-4	Amended (T)	V. 19, p. 679
110-6-5	Amended (T)	V. 19, p. 679

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 1999 can be found in the Vol. 18, No. 52, December 30, 1999 Kansas Register. The regulations listed below were published after December 31, 1999.

Reg. No.	Action	Register
111-2-66	Revoked	V. 19, p. 14
111-2-84	Revoked	V. 19, p. 14
111-2-95	Amended	V. 19, p. 174
111-2-100	New	V. 19, p. 14
111-2-101	New	V. 19, p. 15
111-2-102	New	V. 19, p. 174
111-2-104	New	V. 19, p. 15
111-2-105	New	V. 19, p. 16
111-2-106	New	V. 19, p. 16
111-2-107	New	V. 19, p. 174
111-2-108	New	V. 19, p. 175
111-2-109	New	V. 19, p. 175
111-2-111	New	V. 19, p. 811
111-3-1	Amended	V. 19, p. 176
111-3-12	Amended	V. 19, p. 16
111-3-14	Amended	V. 19, p. 521
111-3-20	Amended	V. 19, p. 17
111-3-35	Amended	V. 19, p. 177
111-4-1594	Amended	V. 19, p. 17
111-4-1595	Amended	V. 19, p. 17
111-4-1597	Amended	V. 19, p. 18
111-4-1598	Amended	V. 19, p. 18
111-4-1621 through 111-4-1636	New	V. 19, p. 177-181
111-4-1617	Amended	V. 19, p. 19
111-4-1637 through 111-4-1649	New	V. 19, p. 19-22
111-4-1673 through 111-4-1698	New	V. 19, p. 522-528
111-4-1686 through 111-4-1689	Amended	V. 19, p. 811, 812
111-4-1699 through 111-4-1711	New	V. 19, p. 812-815
111-5-30	Amended	V. 19, p. 529
111-5-77	New	V. 19, p. 529
111-5-78	New	V. 19, p. 815
111-6-1	Amended	V. 19, p. 529
111-6-5	Amended	V. 19, p. 530
111-6-24	New	V. 19, p. 531
111-7-73	Amended	V. 19, p. 531
111-7-77	Amended	V. 19, p. 531
111-7-78	Amended	V. 19, p. 532
111-7-80	Amended	V. 19, p. 532
111-7-81	Amended	V. 19, p. 533
111-7-126	Amended	V. 19, p. 534

AGENCY 112: KANSAS RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-6-4a	New	V. 18, p. 1458
112-7-21	Amended	V. 19, p. 118
112-10-6	Amended	V. 18, p. 954
112-10-38	Amended	V. 19, p. 119
112-18-22	Amended	V. 19, p. 119

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 18, p. 1019
115-4-13	Amended	V. 18, p. 1020
115-5-2	Amended	V. 18, p. 1723
115-7-1	Amended	V. 18, p. 1334
115-7-5	Amended	V. 18, p. 1334

115-8-6	Amended	V. 18, p. 1724
115-11-2	Amended	V. 18, p. 484
115-15-1	Amended	V. 18, p. 1724
115-15-2	Amended	V. 18, p. 1725
115-16-4	Amended	V. 18, p. 780
115-17-21	New	V. 18, p. 781
115-18-4	Amended	V. 18, p. 1334
115-18-7	Amended	V. 18, p. 1335
115-18-13	Amended	V. 18, p. 1336
115-18-14	Amended	V. 18, p. 1336
115-18-16	New (T)	V. 19, p. 242
115-30-10	Amended	V. 18, p. 781

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
117-6-1	Amended	V. 18, p. 955
117-6-3	Amended	V. 19, p. 472
117-7-1	Amended	V. 19, p. 41
117-8-1	Amended	V. 19, p. 473
117-9-1	Amended	V. 19, p. 41

AGENCY 118: KANSAS STATE HISTORICAL SOCIETY

Reg. No.	Action	Register
118-4-1 through 118-4-4	New	V. 18, p. 672, 673

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