



Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

Board of Healing Arts

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 10 a.m. Wednesday, June 23, at the office of the Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, to consider two new proposed regulations, K.A.R. 100-72-8 and 100-72-9, dealing with naturopathic formulary and the written protocol between the physician and naturopath.

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

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the regulations being considered and the economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Tammy Farr at (785) 296-8558. Handicapped parking is

located at the west end of the Hutton Building, and the northwest entrance to the building is accessible.

A summary of the two new proposed rules and regulations to be considered at the hearing and their respective economic impact follows:

K.A.R. 100-72-8. Naturopathic formulary. This regulation lists the naturopathic formulary for drugs and substances that are approved for intramuscular or intravenous administration, or both, by a naturopathic doctor pursuant to a written protocol entered into with a physician.

K.A.R. 100-72-9. Written protocol. Each physician entering into a written protocol with a naturopathic doctor shall provide a copy of a protocol to the board within 10 days of entering into the protocol. This regulation states what information shall be contained in each written protocol.

These regulations are not mandated by any federal law, and there is no foreseen cost to either the board or to the public to implement these new regulations.

Copies of the proposed regulations may be obtained by contacting Betty Johnson, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, 66603, (785) 296-3680, or by visiting the board's Web site at www.ksbha.org/pubinfo.html.

Lawrence T. Buening, Jr.
Executive Director

Doc. No. 030587

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State of Kansas

Wildlife and Parks Commission

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted by the Wildlife and Parks Commission at 7 p.m. Thursday, June 24, at the Johnson County Community College, General Education Building, Room 233, 12345 College Blvd., Overland Park, to consider the approval and adoption of proposed administrative regulations of the Kansas Department of Wildlife and Parks.

A workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m. June 24 at the location listed above. The meeting will recess at 5 p.m., then resume at 7 p.m. at the same location for the regulatory hearing. There will be public comment periods at the beginning of the afternoon and evening meetings for any issues not on the agenda, and additional comment periods will be available during the meeting on agenda items. Old and new business also may be discussed at this time. If necessary to complete the hearing or other business matters, the commission will reconvene at 9 a.m. June 25 at the same location.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed 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 Sheila Kemmis, commission secretary, at (620) 672-5911. Persons with a hearing impairment may call the TDD service at 1-800-766-3777 to request special accommodations.

This 60-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on proposed administrative regulations.

All interested parties may submit written comments prior to the hearing to the chairman of the commission, Kansas Department of Wildlife and Parks, 1020 S. Kansas Ave, Suite 200, Topeka, 66612. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

The regulations that will be heard during the regulatory hearing portion of the meeting are as follows:

K.A.R. 115-3-2. This permanent regulation establishes legal equipment, taking methods and possession for rabbits, hares and squirrels. The proposed changes would dissolve management units associated with the running of rabbits, similar to furbearer regulatory changes made in 2003.

Economic Impact Summary: The proposed amendments are not anticipated to have a significant economic impact on the department, other agencies or the general public

K.A.R. 115-18-10. This permanent regulation establishes requirements, prohibitions and restrictions for cer-

tain wildlife. The proposed amendments would add the round goby, zebra mussel and quagga mussel to the prohibited species list.

Economic Impact Summary: The proposed amendments are not anticipated to have a significant economic impact on the department, other agencies or the general public.

K.A.R. 115-25-1. This exempt regulation sets upland bird seasons, bag limits and possession limits. The proposed amendments would redefine boundaries and opening dates for the prairie chicken season in 2004, redefine boundaries and opening dates for the quail season in 2005, and redefine the opening dates for youth quail and pheasant season in 2005.

Economic Impact Summary: The proposed amendments are not anticipated to have a significant economic impact on the department, other agencies or the general public.

K.A.R. 115-25-2. This exempt regulation establishes rabbit season, bag limit and possession limit. The proposed amendments would establish a statewide unit and running season similar to the furbearer seasons.

Economic Impact Summary: The proposed amendments are not anticipated to have a significant economic impact on the department, other agencies or the general public.

K.A.R. 115-25-3. This exempt regulation establishes hare season, bag limit and possession limit. The proposed amendments would make the hare regulation uniform with the rabbit regulation.

Economic Impact Summary: The proposed amendments are not anticipated to have a significant economic impact on the department, other agencies or the general public.

K.A.R. 115-25-14. This exempt regulation established statewide limits and open seasons for fishing in Kansas. The proposed amendment would add the Pratt Centennial Pond to the list of waters where a trout permit is needed from October 15 to April 15.

Economic Impact Summary: The proposed amendment is not anticipated to have a significant economic impact on the department, other agencies or the general public.

K.A.R. 115-25-19. This exempt regulation establishes the hunting season, shooting hours and bag limits for doves. The proposed amendments would further split the dove season to include 44 days in the first segment and 16 days in the second segment.

Economic Impact Summary: The proposed amendments are not anticipated to have a significant economic impact on the department, other agencies or the general public.

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

John R. Dykes
Chairman

Doc. No. 030588

State of Kansas

Office of the Governor

Executive Order No. 2004-03

WHEREAS, all citizens of the State of Kansas are expected to fulfill their responsibility to pay their share of state taxes; and

WHEREAS, by educating taxpayers, enforcing tax laws fairly, and implementing methods to identify noncompliance, equal treatment of all taxpayers is ensured; and

WHEREAS, public trust in state government is strengthened when public servants understand and fulfill their responsibility to pay their share of state taxes; and

WHEREAS, existing compliance initiatives demonstrate that, while the vast majority of current state employees have fulfilled their state tax obligations, a small but significant number of state employees were identified as having tax liabilities or other tax law violations; and

WHEREAS, individuals accepting state employment should be expected to cooperate with the Department of Revenue in identifying and resolving any such tax issues;

NOW THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby direct the head of each state agency identified below to take the following actions:

1. The Secretary of Revenue shall establish a State of Kansas tax clearance process to ensure that each individual who is hired by a state agency under the jurisdiction of the Governor and who is not already employed by the State of Kansas is current and compliant with all Kansas tax laws administered by the Department of Revenue. The Secretary of Revenue shall issue such policies and procedures as are necessary to ensure that the tax clearance process meets the following objectives:

(a) Data necessary to complete a tax clearance is submitted in a timely manner to the Department of Revenue for each individual who is hired by a state agency under the jurisdiction of the Governor and who is not already employed by the State of Kansas, except that the policies and procedures adopted by the Secretary of Revenue may identify certain categories of employees who are not subject to the tax clearance requirement.

(b) There are adequate safeguards ensuring that all tax information is strictly confidential and only the employee receives the results of the tax clearance and related tax information.

(c) In order to make an informed decision prior to accepting employment with the State of Kansas, candidates are provided with sufficient information in writing regarding the purpose of the program; the nature and extent of tax information reviewed during the tax clearance; the candidate's responsibility to resolve any tax issues and the steps that a candidate should take if the tax clearance identifies unpaid tax liabilities or other potential violations of tax laws; and the options available to candidates in resolving any potential tax liability issues.

2. The Division of Personnel Services within the Department of Administration shall transmit to the Department of Revenue data necessary to conduct a tax clearance for those newly hired state employees who are subject to the tax clearance process under this executive

order and the policies and procedures adopted by the Secretary of Revenue.

3. The head of each state agency under the jurisdiction of the Governor shall assist with implementation of the State of Kansas tax clearance process in accordance with the policies and procedures established by the Secretary of Revenue.

This document shall be filed with Secretary of State as Executive Order No. 2004-03 and shall become effective immediately.

Dated April 7, 2004.

Kathleen Sebelius
Governor

Attest: Ron Thornburgh
Secretary of State

Doc. No. 030597

State of Kansas

Department of Administration
Division of Purchases

Notice to Bidders

Sealed bids for items listed will be received by the Director of Purchases until 2 p.m. on the date indicated. For more information call (785) 296-2113:

05/03/2004	07261	Provide Financing for Certain Parsons State Hospital and Kansas School for the Deaf Facilities, Conservation Improvements
05/03/2004	07291	Aggregate AB-3
05/04/2004	07295	Taxicab Service (Saferide Program)
05/04/2004	07281	Water Softener Salt
05/12/2004	07310	Furnish and Install New Electrical Service
05/25/2004	07313	HVAC Modifications Phase 3
05/26/2004	07314	Translation Services
06/30/2004	07297	Comprehensive Healthcare Services

The above referenced bid documents can be downloaded at the following Web site:

<http://da.state.ks.us/purch/rfq/>

Additional files may be located at the following Web site (please monitor this Web site on a regular basis for any changes/addenda):

<http://da.state.ks.us/purch/adds/default/htm>

The following bid documents may be obtained by calling (785) 296-8899:

05/12/2004	A-9665	Reroof Central Workshop and Adair "C"
05/18/2004	A-9655	Biddle Laboratory HVAC Upgrade

Keith Meyers
Director of Purchases

Doc. No. 030606

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. 12-1675(b)(c)(d), 75-4201(l) and 75-4209(a)(1)(B).

Effective 4-19-04 through 4-25-04

Term	Rate
1-89 days	1.00%
3 months	0.92%
6 months	1.10%
1 year	1.35%
18 months	1.71%
2 years	1.99%

Derl S. Treff
Director of Investments

Doc. No. 030580

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, May 6, in the offices of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the KDFA to issue its Agricultural Development Revenue Bond for the project numbered below in the respective maximum principal amount. The bond will be issued to assist the respective borrower named below (who will be the owner and operator of the 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. 000604—Maximum Principal Amount: \$109,000. Owner/Operator: Kelton E. and Michele D. Pitts. Description: Acquisition of 76 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 North Half of the Northeast Quarter of Section 11, Alta Township, in Harvey County, Kansas, approximately 5 miles west and 3 miles south of Moundridge.

The bond, when issued, will be a limited obligation of the KDFA and will not constitute a general obligation or indebtedness of the state of Kansas or any political subdivision thereof, including the KDFA, 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 KDFA at its offices at 555 S. Kansas Ave., Suite 202, Topeka, 66603, will be considered. Additional information regarding the project may be obtained by contacting the KDFA.

Any individual affected by the above-described project may, at or prior to the hearing, file a written request with the KDFA 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.

Stephen R. Weatherford
President

Doc. No. 030586

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. ONEOK Field Services Company has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to add an air-fuel ratio controller and a catalytic converter to a compressor designated as E-2. Emissions of oxides of nitrogen (NO_x), carbon monoxide (CO) and volatile organic compounds (VOCs) were evaluated during the permit review process.

ONEOK Field Services Company, Tulsa, Oklahoma, owns and operates the stationary source located at S19-T30S-R33W, Haskell County, Kansas, at which the air-fuel ratio controller and catalytic converter are to be added.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Cheryl Evans, (785) 296-1574, at the KDHE central office; and to review the proposed permit only, contact Don Mies, (316) 337-6107, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Cheryl Evans, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business May 24.

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 Brie Wilkins, Bureau of Air and Radiation, not later than the close of business May 24 in order for the Secretary of Health and Environment to consider the request.

Roderick L. Bremby
Secretary of Health and Environment

Doc. No. 030590

State of Kansas

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

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

Anadarko Gathering Company, Houston, Texas, owns and operates the Central Compressor Station located at S23-T33S-R38W, Stevens County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-1580, at the KDHE central office; and to review the proposed permit only, contact Don Mies, (316) 337-6107, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Michael J. Parhomek, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business May 24.

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 Brie Wilkins, Bureau of Air and Radiation, not later than the close of business May 24 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA 45-day review period. If the EPA waives its 45-day review period, the 60-day public petition period will start directly after the 30-day public comment period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity

during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Gary Schlicht, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 030592

State of Kansas

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

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

Anadarko Gathering Company, Houston, Texas, owns and operates the West Dunne Compressor Station located at S1-T34S-R38W, Stevens County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-1580, at the KDHE central office; and to review the proposed permit only, contact Don Mies, (316) 337-6107, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Michael J. Parhomek, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business May 24.

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 Brie Wilkins, Bureau of Air and Radiation, not later than the close of business May 24 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA 45-day review period. If the EPA waives its 45-day review period, the 60-day public petition period will start directly after the 30-day public comment period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Gary Schlicht, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 030591

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-04-118/125 Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Douglas Metzger Metzger Farms II Route 1, Box 4 Oneida, KS 66522	NE/4 of Section 22, T02S, R13E, Nemaha County	Missouri River Basin

Kansas Permit No. A-MONM-S061

This is a new permit for an existing but previously unregistered facility for 40 head (16 animal units) of swine greater than 55 pounds and 300 head (30 animal units) of swine 55 pounds or less, for a total of 46 animal units.

Name and Address of Applicant	Legal Description	Receiving Water
Paul Moran Route 1, Box 12 Alexander, KS 67513	SW/4 of Section 23, T18S, R20W, Rush County	Upper Arkansas River Basin

Kansas Permit No. A-UARH-B002

This is a renewal permit for an existing facility for 950 head (950 animal units) of beef cattle weighing greater than 700 pounds each.

Name and Address of Applicant	Legal Description	Receiving Water
Nunemaker-Ross, Inc. Patrick D. Ross 1616 N. 1700 Road Lawrence, KS 66044	NE/4 of Section 29, T12S, R20E, Douglas County	Kansas River Basin

Kansas Permit No. A-KSDG-B002

This is a permit renewal and modification for an existing facility for 800 head (800 animal units) of cattle greater than 700 pounds and 100 head (50 animal units) of cattle 700 pounds or less, for a total of 850 animal units. The modification of the existing permit is removal/nonrenewal of 160 head (64 animal units) of swine greater than 55 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Merle and Irene Yoder Qualitee Dairy Farm 3307 S. Mohawk Road Hutchinson, KS 67501	NE/4 of Section 32, T23S, R06W, Reno County	Lower Arkansas River Basin

Kansas Permit No. A-ARRN-M046

This is a modified permit for an existing facility for 80 head of mature dairy cattle and 30 head of replacement heifers, for a total of 110 head (142 animal units). The modification is that the lagoon was constructed about 250 feet further south and is of a different shape and size than in the original approved plans.

Name and Address of Applicant	Legal Description	Receiving Water
Wako Giessel Bar W Feeders Route 1, Box 29A Kismet, KS 67859	NE/4 of Section 14, T32S, R32W, Seward County	Cimarron River Basin

Kansas Permit No. A-CISW-C005 Federal Permit No. KS0094790

This is a permit modification for the addition of an existing structure to the waste management system of an existing facility for 10,000 head (10,000 animal units) of beef cattle weighing more than 700 pounds each.

Name and Address of Applicant	Legal Description	Receiving Water
Haw Ranch Feedlot, LLC P.O. Box 248 Turon, KS 67583	SW/4 of Section 15 & W/2 of Section 22, T25S, R10W, Reno County	Lower Arkansas River Basin

Kansas Permit No. A-ARRN-C001 Federal Permit No. KS0085804

This is a renewal permit, a name change (from Cattleman's Inc., to Haw Ranch Feedlot, LLC), and an expansion by increasing pen density from 30,000 head (30,000 animal units) to 35,000 head (35,000 animal units) of beef cattle for an existing facility. There will be no increase in pen area.

Name and Address of Applicant	Legal Description	Receiving Water
Golden Belt Feeders, Inc. P.O. Box 156 Kinsley, KS 67547	S/2 of Section 13, T25S, R19W, Edwards County	Upper Arkansas River Basin

(continued)

Kansas Permit No. A-UAED-C001 Federal Permit No. KS0053562

This is a renewal permit for an existing facility for 30,000 head (30,000 animal units) of beef cattle weighing greater than 700 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Cheyenne Feeders Route 2, Box 109 St. Francis, KS 67756	E/2 of Section 31, T04S, R39W, Cheyenne County	Upper Republican River Basin

Kansas Permit No. A-URCN-C001 Federal Permit No. KS0079677

This is a new permit for a change in ownership of an existing facility with a maximum capacity of 12,000 head (12,000 animal units) of beef cattle weighing greater than 700 pounds each.

Public Notice No. KS-04-067/071

Name and Address of Applicant	Waterway	Type of Discharge
Chase, City of P.O. Box 223 Chase, KS 67524	Cow Creek via Spring Creek	Treated Domestic Wastewater

Kansas Permit No. M-AR19-OO01 Federal Permit No. KS0051667

Legal: NE¼, S32, T19S, R9W, Rice 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 and pH. Monitoring of chlorides and ammonia 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	Waterway	Type of Discharge
Solomon, City of P.O. Box 273 Solomon, KS 67480	Solomon River	Treated Domestic Wastewater

Kansas Permit No. M-SO39-OO01 Federal Permit No. KS0085979

Legal: NW¼, S19, T13S, R1E, Dickinson 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 and pH. Monitoring of chlorides, sulfates and ammonia 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	Waterway	Type of Discharge
Abbott Laboratories 1776 N. Centennial Drive McPherson, KS 67460	Dry Turkey Creek via Lake via Pipeline	Process Wastewater

Kansas Permit No. I-LA11-PO11 Federal Permit No. KS0092517

Legal: NE¼, S22, T19S, R3W, McPherson County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily process wastewater. This is a pharmaceutical drug manufacturing facility. Reverse osmosis (RO) reject water, normally discharged to the city sanitary sewer, if needed, may be discharged to a nearby lake owned by the permittee. All other wastewater (water softener regenerate, domestic wastewater and process wastewater) generated at the facility is discharged to the city sanitary sewer. The proposed permit includes generic water quality language to protect waters of the state. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Westar Energy 818 Kansas Ave. Topeka, KS 66612	Lost Creek via Unnamed Tributary	Process Wastewater

Kansas Permit No. I-KS67-PO02 Federal Permit No. KS0080632

Legal: N½, S7, T9S, R12E, Pottawatomie County

Facility Name: Jeffrey Energy Center

Facility Location: 25905 Jeffrey Road, St. Marys, KS 66536

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily process wastewater. This facility generates up to 1,856 megawatts of electric power with high pressure steam produced by three coal-fired units. Fuel oil can be used as an alternative. The discharge consists of the following: Outfall 001 - Cooling towers blow down to Lost Creek via unnamed tributary. Treatment: sedimentation through five retention ponds. The average discharge is about 1.67 million gallons per day. Outfall 002 - Demineralizer regenerate and softener back wash, coal pile run-off settling pond overflow, boiler blowdown, fuel oil storage area run-off, bottom ash and scrubber slurries settling ponds overflow, spent concentrate from the reverse osmosis unit, and oil traps (miscellaneous yard drains, floor drains and sumps) discharges, are directed to a bottom ash lake. Water from the lake is recycled back to the bottom ash and air quality scrubbing system. The Bottom Ash Lake may discharge from a spillway to Lost Creek via an unnamed tributary in the event of heavy precipitation. Treatment: sedimentation. The proposed permit includes limits for total suspended solids, oil and grease, free available oxidant and pH. Monitoring of sulfate, chloride, total dissolved solids, temperature, total recoverable metals, hardness and effluent flow also will be required. The permittee shall be required to conduct a chronic whole effluent toxicity test annually, in July. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Westar Energy 818 Kansas Ave. Topeka, KS 66612	Kansas River via Drainage ditch	Process Wastewater

Kansas Permit No. I-KS31-PO09 Federal Permit No. KS0079821

Legal: NW¼, S14, T12S, R19E, Douglas County

Facility Name: Lawrence Energy Center

Facility Location: 1250 N. 1800 Road, Lawrence, KS 66044-0249

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily process wastewater. This facility generates up to 336 megawatts of electric power with three coal-fired high pressure steam generating units #3, #4 and #5. Two units (#4 and #5) are equipped with wet air quality control scrubbers (AQCS). The Kansas River water is treated with settling, clarification, and reverse osmosis, prior to use for boiler feed. The Kansas River water is treated with settling only for cooling towers. Clear pond water is reused for air scrubbers, bottom ash sluicing, house service, fire protection and other processes. Boiler chemical cleaning waste is collected in frac tanks, analyzed and, with KDHE approval, injected into the boiler fire. Domestic wastewater is treated with a package sewage treatment plant and disinfected with ozone. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, oil and grease, fecal coliform, free available oxidant and pH. Monitoring of total recoverable metals, hardness 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.

Public Notice No. KS-ND-04-011

Name and Address of Applicant	Legal Location	Type of Discharge
ESE Alcohol, Inc. P.O. Box 848 Leoti, KS 67861	SW¼, S17, T18S, R36W, Wichita County	Nonoverflowing

Kansas Permit No. I-UA26-NP01

Facility Location: 1 mile east of Leoti on K-96, Leoti, KS 67861

Facility Description: The proposed action is to reissue an existing permit for operation of the existing wastewater treatment facility. This facility ferments treated seed grain to produce denatured ethanol for fuel use. Mash solids, facility wash water, trailer wash water, boiler

blowdown and water softener regenerate are directed to one of six earthen settling basins. Each of the six basins goes through a fill/settling/decanting/drying/solids removal cycle. After the mash solids have settled, mash water is decanted into the earthen mash water pond to be stored for irrigation. Solids are periodically removed from the settling basins and either directly applied to farm land or stored at a central stockpile location prior to land application. Cooling water is directed to an earthen holding pond for recycling or irrigation. Irrigation water is drawn from either the cooling water pond or the mash water pond. Two sites located north and east of the ethanol plant are irrigated from the cooling water or mash water pond. The facility's design capacity is 1,000,000 bushels of seed grain per year. Cooling water makeup and domestic source water consists of groundwater taken from four water wells located south of the ethanol plant. Included in the permit are requirements to test, semi-annually, the groundwater monitoring wells for chloride, sodium, sulfate, nitrate-nitrogen, heavy metals, well level and pH, and to test quarterly, the settling basin influent for chloride, sodium, sulfate, ammonium-nitrogen, nitrate-nitrogen, total Kjeldahl nitrogen and pH. The permittee also is required to test irrigation water, have analyzed top core soil composite samples and monitor land application concerns for nutrients and other inorganic materials. Discharge of wastewater from this treatment facility to surface waters of the state of Kansas is prohibited by this permit.

The draft permit contains a schedule of compliance requiring the permittee to develop and submit a settling basin seal integrity plan for three settling systems.

Public Notice No. KS-EG-04-002

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

Invensys, Inc.
33 Commercial St.
Foxborough, MA 02035
Facility Name: V*B Interim PWS 8 and PWS 9

Well and Permit Location Number

Nos. 1 through 4 NE $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 17, Township 13S,
KS-05-041-001 Range 2E, Dickinson County

Facility Description: The proposed action is to issue new permits for new injection wells for an aquifer remediation project. Injection fluids consist of recovered groundwater, contaminated by industrial solvents, and degreasers, to which nutrients are added. Sodium lactate and sodium acetate along with CB-1™ microbial bacteria is added to the injection fluid. The fluid is injected to bio-remediate the soil and aquifer and to maintain hydraulic control of the site. Monitoring of the wellhead pressures, maximum weekly injection volume, pH, chloride, sodium and various compounds of chlor-ethanes, chlor-ethylenes and vinyl chloride is required.

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 attention of April Romero 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, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367.

All comments regarding the draft permit or application notice postmarked or received on or before May 22 will be considered in the formulation of final determinations

regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-04-118/125, KS04-067/071, KS-ND-04-011, KS-GE-04-001) 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, (620) 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,
(620) 431-2390

Application information and components of plans and specifications for all new facilities and for expansions of existing swine facilities may be reviewed on the Internet at <http://www.kdhe.state.ks.us/feedlots>.

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.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 030598

State of Kansas

Department of Transportation

Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consulting engineering firms for the project listed below. A response may be submitted by e-mail to neil@ksdot.org, or seven signed copies of the response can 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. May 5 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 and not more than five) and invite them to attend an individual interview conference. At this time, the consulting firms can more thoroughly discuss their experience related to the type of project at hand and will be expected to discuss, in some detail, their approach to this project and the personnel to be assigned to the project. Firms not selected to be short-listed will be notified by letter.

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

Project No. 106 K-7356-01
Statewide

The scope of services is to provide for the underwater bridge inspection, reports and sketches of the structural integrity of twenty-four (24) bridges on the Missouri River, Kansas River and Neosho River, using nondestructive or minimally-destructive test methods in conformance with the Federal Highway Administration Report No. FHWA-DP-80-1 entitled "Underwater Inspection of Bridges," dated November 1989. The underwater inspections shall not be performed until the fall of 2004, and the final reports shall be completed by July 2006. The selected firm also will provide as-needed underwater bridge inspection through 2008.

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.

Deb Miller
Secretary of Transportation

Doc. No. 030560

State of Kansas

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the Bureau of Construction and Maintenance, KDOT, Topeka, or at the Capitol Plaza Hotel, Topeka, until 2 p.m. May 19 and then publicly opened:

District One—Northeast

Atchison—9-3 K-9551-01—K-9 from the Jackson-Atchison county line east to the junction of U.S. 159, 2 miles, crack repair. (State Funds)

Atchison—116-3 K-9552-01—K-116 from the junction of Decatur Road east to the west junction of U.S. 159, 5.3 miles, crack repair. (State Funds)

Atchison—116-3 K-9553-01—K-116 from the west junction of U.S. 159 east to the junction of U.S. 59, 3.8 miles, crack repair. (State Funds)

Brown—73-7 K-9135-01—U.S. 73 over Wolf River and the Union Pacific Railroad, bridge repair. (State Funds)

Douglas—40-23 K-6880-01—U.S. 40 from K-10 east to the Champion Lane intersection in Lawrence; U.S. 40 from the Champion Lane intersection east to Folks Road, 1.9 miles, grading and surfacing. (State Funds)

Jackson—9-43 K-9550-0—K-9 from the junction of U.S. 75 east to the Jackson-Atchison county line, 10.3 miles, crack repair. (State Funds)

Jefferson—16-44 K-9131-0—K-16 Brush Creek and Peter Creek, bridge repair. (State Funds)

Jefferson—92-44 K-9139-01—K-92, Fishpond Creek, bridge repair. (State Funds)

Johnson—46 C-3965-01—Gardner West Road from 159th to 151st, 1.2 miles, surfacing. (Federal Funds)

Leavenworth—52 C-3708-01—County road 0.06 mile north of county route 5050 to U.S. 24/U.S. 40, 1 mile, grading and surfacing. (Federal Funds)

Lyon—35-56 K-9133-01—Prairie Street over I-35, bridge repair. (State Funds)

Osage—31-70 K-8402-01—K-31 near Prospect Street in Burlingame, 0.1 mile, pavement reconstruction. (State Funds)

Shawnee—89 K-9510-01—Various locations in Shawnee County on I-470, I-70 and U.S. 75, pavement marking. (State Funds)

Shawnee—70-89 K-9643-01—I-70 from the Polk-Quincy viaduct east to 0.2 mile east of Carnahan Street, 3 miles, pavement patching. (State Funds)

Wyandotte—105 C-3923-01—Intersection of 4th and 104th Streets in Edwardsville, 0.1 mile, grading and surfacing. (Federal Funds)

Wyandotte—105 N-0253-01—77th Street from Parallel Parkway to Leavenworth Road in Kansas City, 1 mile, grading and surfacing. (Federal Funds)

District Two—Northcentral

Clay—14 C-3950-01—County road 0.4 mile south and 0.6 mile west of Idana, 0.3 mile, grading, bridge and surfacing. (Federal Funds)

Clay—14 C-3981-01—County road 1 mile south and 6.9 miles west of Morganville, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

Geary—77-31 K-7715-01—U.S. 77, approximately 0.1 mile north of I-70, 0.3 mile, grading and surfacing. (State Funds)

Lincoln—70-53 K-8887-01—I-70 from the Ellsworth-Lincoln county line east to the Lincoln-Saline county line, 7.2 miles, seal. (State Funds)

McPherson—56-59 K-9404-01—U.S. 56 just west of Eby Street in McPherson, east 1.3 miles, seal. (State Funds)

Republic—36-79 K-7884-01—U.S. 36 east of K-266 east to the west city limits of Belleville, guard fence. (Federal Funds)

District Three—Northwest

Gove—70-32 K-9447-01—I-70, 1 mile east of the junction of K-23 east to the Gove-Trego county line, 18.3 miles, seal. (State Funds)

District Four—Southeast

Allen—1 C-3664-01—County road 0.2 mile north and 1.5 miles east of Mildred, 1 mile, grading and bridge. (Federal Funds)

Franklin—30 C-3897-01—County road 1 mile south and 4.7 miles west of Rantoul, 0.3 mile, grading and bridge. (Federal Funds)

Wilson—75-103 K-9159-01—U.S. 75 over Big Cedar Creek, bridge repair. (State Funds)

District Five—Southcentral

Barton—5 C-3502-01—County road 0.5 mile north of Albert, 0.6 mile, grading, bridge and surfacing. (Federal Funds)

Barton—5 C-3670-01—County road 0.6 mile south and 2.6 miles east of Albert, 0.3 mile, grading, bridge and surfacing. (Federal Funds)

Barton—5 C-3671-01—County road 3 miles north and 5 miles east of Susank, 0.3 mile, grading, bridge and surfacing. (Federal Funds)

Edwards—24 C-4019-01—County road 4 miles north of Kinsley then north 4 miles, surfacing. (Federal Funds)

Kiowa—183-49 K-9170-01—U.S. 183 over Mule Creek, bridge overlay. (State Funds)

Harper—14-39 K-9622-01—K-14 from the west city limits of Harper north, 4.8 miles, crack repair. (State Funds)

Harper—179-39 K-9623-01—K-179 from the Oklahoma-Kansas state line north to the south city limits of Anthony, 11.1 miles, crack repair. (State Funds)

Harvey—15-40 U-1939-01—K-15 (Main Street) and 1st Street in Newton, intersection improvement. (Federal Funds)

Harvey—15-40 U-1892-01—K-15 and 12th Street in Newton, intersection improvement. (Federal Funds)

Harvey—15-40 K-9226-01—K-15 and North 4th Street and North 5th Streets in the city of Newton, 0.1 mile, traffic signals improvements. (State Funds)

Rice—80 C-4007-01—County road at the northwest corner of Little River, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

Reno—96-78 K-9663-01—K-96, 2.3 miles south of the junction of U.S. 50 south to the Reno-Sedgwick county line, 15.3 miles, joint repair. (State Funds)

Sedgwick—96-87 K-9664-01—K-96 from the Reno-Sedgwick county line east to Maize Road, 14.9 miles, joint repair. (State Funds)

Sumner—81-96 K-9624-01—U.S. 81 from the Oklahoma-Kansas state line, north 25 miles, crack repair. (State Funds)

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

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid.

This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid approval package will make the bid nonresponsive and not eligible for award consideration.

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

Deb Miller
Secretary of Transportation

Doc. No. 030604

State of Kansas

Department of Transportation

Request for Comments

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) for fiscal years 2004-2006 by adding the following projects:

Project K-9654-01—Bridge replacement, K-57 over Eagle Creek 5.99 miles north of Lyon-Greenwood county line, Lyon County

Project K-9658-01—Bridge replacement, K-4 over Hobbs Creek drainage .23 mile east of Dickinson-Saline county line, Dickinson County

Project K-9659-01—Bridge replacements, K-4 over Parkers Creek and Parkers Creek drainage 7.12 and 7.32 miles northeast of Jct. K-149; K-4 over Lands Creek drainage 10.58 miles northeast of Jct. K-149; and K-4 over Lands Creek drainage .30 mile east of West Jct. K-57, Morris County

Project K-9660-01—Bridge replacement, K-23 over Buffalo Creek drainage 5.89 miles east of South Jct. K-14, Jewell County

Project K-9661-01—Bridge replacements, K-156 over Sawmill Creek 5.99 and 7.59 miles east of Pawnee-Hodgeman county line, Pawnee County

Project RR-0218-40—Kansas and Oklahoma Railroad line rehabilitation, milepost 539.3 at Carvel to milepost 590.0 at Coats, Kingman, Barber and Pratt counties

The amendment of the STIP requires a 30-day public comment period. To receive more information on any of these projects or to make comments on the STIP amend-

(continued)

ment, contact the Kansas Department of Transportation, Office of Engineering Support, 7th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568, (785) 296-7916, fax (785) 296-0723.

This information is available in alternative accessible formats. To obtain an alternative format, contact the KDOT Bureau of Transportation Information, (785) 296-3585 (Voice/TTY).

The comment period regarding the STIP amendment will conclude May 17.

Deb Miller
Secretary of Transportation

Doc. No. 030576

(Published in the Kansas Register April 22, 2004.)

**Summary Notice of Bond Sale
Unified School District No. 219
Clark County, Kansas (Minneola)
\$3,950,000**

**General Obligation School Building Bonds
Series 2004**

(General obligation bonds payable from
unlimited ad valorem taxes)

Bids

Subject to the notice of bond sale dated April 12, 2004, sealed, facsimile and electronic bids will be received by the clerk of Unified School District No. 219, Clark County, Kansas (Minneola) (the issuer), in the case of sealed and facsimile bids, on behalf of the governing body at the office of the Board of Education, 111 Locust, P.O. Box 157, Minneola, KS 67865-0157, and in the case of electronic bids, through i-Deal's BiDCOMP/PARITY electronic bid submission system, until 4 p.m. May 3, 2004, for the purchase of \$3,950,000 principal amount of General Obligation School Building Bonds, Series 2004. 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 May 1, 2004, and will become due on September 1 in the years as follows:

Year	Principal Amount
2006	\$ 70,000
2007	100,000
2008	110,000
2009	120,000
2010	135,000
2011	145,000
2012	160,000
2013	175,000
2014	190,000
2015	200,000
2016	215,000
2017	230,000
2018	245,000
2019	260,000

2020	280,000
2021	300,000
2022	315,000
2023	340,000
2024	360,000

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, 2005.

Book-Entry-Only System

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

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$79,000 (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 May 27, 2004, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2003 is \$18,159,258. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$3,950,000.

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, (620) 885-4372, fax (620) 885-4509, e-mail: vlahman@hotmail.com; or from the financial advisor, George K. Baum & Company, 100 N. Main, Suite 810, Wichita, KS 67202, Attention: Stephen E. Shogren, (316) 264-9351, fax (316) 264-9370, e-mail: shogren@gkbaum.com.

Dated April 12, 2004.

Unified School District No. 219
Clark County, Kansas (Minneola)

Doc. No. 030593

(Published in the Kansas Register April 22, 2004.)

**Summary Notice of Sale
City of Olathe, Kansas**

\$32,060,000*

**General Obligation Temporary Notes
Series 2004-A**

\$24,535,000*

**General Obligation Bonds
Series 205**

\$12,395,000*

**General Obligation Bonds
Series 206**

**(General obligations payable from
unlimited ad valorem taxes)**

Bids

Subject to the notice of sale and preliminary official statement, sealed, facsimile and electronic bids for the purchase of \$32,060,000* of General Obligation Temporary Notes, Series 2004-A; and \$24,535,000* of General Obligation Bonds, Series 205, and \$12,395,000* of General Obligation Bonds, Series 206 (together, the bonds), of the city of Olathe, Kansas, will be received (1) in the case of sealed and facsimile bids, by the city treasurer at the address and fax number hereinafter set forth, and (2) in the case of electronic bids, through *PARITY* electronic bid submission system, until 11 a.m. local time for the notes, until noon local time for the Series 205 Bonds, and until 1 p.m. local time for the Series 206 Bonds, on Tuesday, May 4, 2004, at which time such bids will be publicly read. No bid will be considered of (a) less than 99.50 percent of the principal amount of the notes and accrued interest to the date of delivery, (b) less than 99.25 percent of the principal amount of the Series 205 Bonds and accrued interest to the date of delivery, and (c) less than 99.00 percent of the principal amount of the Series 206 Bonds and accrued interest to the date of delivery.

Note Details

The notes will consist of fully registered notes in the denomination of \$5,000 or any integral multiple thereof. Notes shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of principal of and interest on the notes will be made. Individual purchases of notes will be made in book-entry form only. Purchasers will not receive certificates representing their interest in notes purchased. The notes will be dated May 15, 2004, and will become due on June 1, 2005. The notes will bear interest from the dated date at a rate to be determined when the notes are sold, which interest will be payable on December 1, 2004, and June 1, 2005. The city treasurer will be the note paying agent and note registrar for the notes.

Bond Details

The bonds will consist of fully registered certificated bonds in the denomination of \$5,000 or any integral multiple thereof. Bonds shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of

principal of and interest on the bonds will be made. Individual purchases of bonds will be made in book-entry form only. Purchasers will not receive certificates representing their interest in bonds purchased.

The Series 205 Bonds will be dated May 15, 2004, and will become due annually on October 1, beginning October 1, 2005, in the years as follows:

Series 205 Bonds

Year	Principal Amount*
10/01/05	\$2,135,000
10/01/06	2,135,000
10/01/07	2,135,000
10/01/08	2,135,000
10/01/09	2,135,000
10/01/10	2,135,000
10/01/11	2,135,000
10/01/12	2,130,000
10/01/13	2,130,000
10/01/14	2,130,000
10/01/15	320,000
10/01/16	320,000
10/01/17	320,000
10/01/18	320,000
10/01/19	320,000
10/01/20	320,000
10/01/21	320,000
10/01/22	320,000
10/01/23	320,000
10/01/24	320,000

The Series 206 Bonds will be dated May 15, 2004, and will become due annually on October 1, beginning October 1, 2004, in the years as follows:

Series 206 Bonds

Year	Principal Amount*
10/01/04	\$115,000
10/01/05	885,000
10/01/06	790,000
10/01/07	795,000
10/01/08	810,000
10/01/09	700,000
10/01/10	715,000
10/01/11	740,000
10/01/12	770,000
10/01/13	805,000
10/01/14	835,000
10/01/15	870,000
10/01/16	905,000
10/01/17	745,000
10/01/18	780,000
10/01/19	555,000
10/01/20	580,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold, and interest will be payable semiannually on April 1 and October 1 in each year, beginning October 1, 2004. The Kansas State Treasurer, Topeka, Kansas, will be the bond paying agent and bond registrar for the bonds.

(continued)

Redemption Prior to Maturity

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

Good Faith Deposit

Each bid for the notes shall be accompanied by a good faith deposit in the form of a cashier's or certified check or a financial surety bond in the amount of 1 percent of the principal amount of the notes. Each bid for a series of the bonds shall be accompanied by a good faith check in the form of a cashier's or certified check or a financial surety bond in the amount of 2 percent of the principal amount of such series of bonds.

Adjustment of Issue Size - Series 206 Bonds Only

In order to properly structure the escrow account, the city has reserved the right to increase or decrease the total principal amount of the Series 206 Bonds. See explanation under the heading "Adjustment of Issue Size" in the notice of sale.

Delivery

The city will pay for preparing the notes and the bonds. The city will deliver the notes and bonds in book-entry form only through the facilities of the Depository Trust Company, New York, New York, on or about May 27, 2004.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2003 is \$1,111,061,865. The total general obligation indebtedness of the city as of the date of the notes and bonds, including the notes and bonds but excluding the notes to be retired with the proceeds of the notes and bonds, is \$142,815,000.

Approval of Bonds

The notes and bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Kansas City, Missouri, bond counsel, whose approving legal opinion as to the validity of the bonds/notes will be furnished and paid for by the city, will accompany the notes and bonds and will be delivered to the successful bidder when the bonds/notes are delivered.

Additional Information

Additional information regarding the bonds and the notes may be obtained from the city treasurer, Charles L. Mitts, (913) 971-6212, fax (913) 971-6283; or from the city's financial advisor, George K. Baum & Company, Kansas City, Missouri, Attention: Dave Arteberry, (816) 474-1100.

Dated April 6, 2004.

City of Olathe, Kansas
Charles L. Mitts
City Treasurer
201 N. Cherry St.
Olathe, KS 66061

*Preliminary; subject to change.

Doc. No. 030605

State of Kansas**Kansas Dental Board****Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 9 a.m. Friday, June 25, in Room 108 of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of new and amended rules and regulations of the Kansas Dental Board.

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 parties may submit written comments prior to the hearing to the secretary-treasurer of the Kansas Dental Board, Room 564-S, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of and amendments to the regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the regulations proposed for adoption in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting the Dental Board office, (785) 296-6400. Handicapped parking is located at the south end of Landon State Office Building, and the north entrance to the building is accessible to individuals with disabilities.

Copies of the regulations and the economic impact statements may be obtained by contacting the Kansas Dental Board at the address and phone number given above or by accessing the board's Web site at <http://www.accesskansas.org/kdb/legislation.html>.

A summary of the regulations proposed for amendment follows:

K.A.R. 71-2-11. Revocation or suspension of specialist certificate. This amendment eliminates unnecessary language and clarifies the board's authority to suspend or revoke a dental specialist certificate.

K.A.R. 71-3-2. Permitted advertising. This amendment eliminates unnecessary language, reorganizes current language, and specifies the way in which licensed dental hygienists may advertise by requiring that any associated advertising include the name of a Kansas-licensed dentist with whom the dental hygienist is employed or associated and that a hygienist be identified in advertising by the designation "R.D.H." or "dental hygienist."

K.A.R. 71-3-4. Duty to notify board of residence and office address. This amendment reorganizes current language and requires a dental hygienist to notify the board in writing of any change in residence address, change in employer or employers, and change in practice location or locations within 30 days of the change.

A summary of the new regulation proposed for adoption follows:

K.A.R. 71-3-9. Extended care permits. This regulation sets forth the definitions and application requirements for

extended care permits, and identifies the requirements for the retention of an extended care permit.

Larry Williamson
Executive Director

2026	330,000
2027	350,000
2028	370,000
2029	390,000

Doc. No. 030603

(Published in the Kansas Register April 22, 2004.)

**Summary Notice of Bond Sale
Unified School District No. 227
Hodgeman County, Kansas (Jetmore)
\$4,982,000
General Obligation School Building Bonds
Series 2004
(General obligation bonds payable from
unlimited ad valorem taxes)**

Bids

Subject to the notice of bond sale dated April 15, 2004, sealed, facsimile and electronic bids will be received by the clerk of Unified School District No. 227, Hodgeman County, Kansas (Jetmore) (the issuer), in the case of sealed and facsimile bids, on behalf of the governing body at the office of the Board of Education, 500 Niederacher, P.O. Box 100, Jetmore, KS 67854-0100, and in the case of electronic bids, through i-Deal's BiDCOMP/PARITY electronic bid submission system, until 4:30 p.m. May 3, 2004, for the purchase of \$4,982,000 principal amount of General Obligation School Building Bonds, Series 2004. 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 \$7,000 (or such amount added to \$5,000 or any integral multiple thereof). The bonds will be dated May 1, 2004, and will become due on August 1 in the years as follows:

Year	Principal Amount
2006	\$ 42,000
2007	80,000
2008	90,000
2009	100,000
2010	110,000
2011	120,000
2012	130,000
2013	145,000
2014	155,000
2015	170,000
2016	180,000
2017	190,000
2018	205,000
2019	215,000
2020	230,000
2021	245,000
2022	260,000
2023	275,000
2024	290,000
2025	310,000

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 February 1 and August 1 in each year, beginning February 1, 2005.

Book-Entry-Only System

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

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$99,640 (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 May 27, 2004, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2003 is \$16,339,029. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$4,982,000.

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 Dee Kellenberger, Clerk, Office of the Board of Education, 500 Niederacher, P.O. Box 100, Jetmore, KS 67854-0100, (620) 357-8301, fax (620) 357-6563, e-mail: deejet@jetmorek12.org; or from the financial advisor, George K. Baum & Company, 100 N. Main, Suite 810, Wichita, KS 67202, Attention: Stephen E. Shogren, (316) 264-9351, fax (316) 264-9370, e-mail: shogren@gkbaum.com.

Dated April 15, 2004.

Unified School District No. 227
Hodgeman County, Kansas (Jetmore)

Doc. No. 030594

(Published in the Kansas Register April 22, 2004.)

**Summary Notice of Bond Sale
Wabaunsee County, Kansas
\$140,408
General Obligation Bonds
Series 2004A**

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

Sealed and Facsimile Bids

Subject to the official notice of bond sale and preliminary official statement dated April 12, 2004, sealed and facsimile bids will be received by the county clerk of Wabaunsee County, Kansas (the issuer), on behalf of the governing body of the county at the Wabaunsee County Courthouse, 215 Kansas, Alma, KS 66401, until 2 p.m. Monday, May 3, 2004, for the purchase of \$140,408 principal amount of General Obligation Bonds, Series 2004A. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$1,000 or any integral multiple thereof except one bond in either the denomination of, or including, \$1,408. The bonds will be dated May 1, 2004, and will become due on October 1 in the years as follows:

Year	Principal Amount
2005	\$ 9,408
2006	9,000
2007	9,000
2008	9,000
2009	9,000
2010	9,000
2011	9,000
2012	9,000
2013	9,000
2014	9,000
2015	10,000
2016	10,000
2017	10,000
2018	10,000
2019	10,000

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

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning April 1, 2005.

Optional Book-Entry-Only System

The successful bidder may elect to have the bonds registered under a book-entry-only system administered through the Depository Trust Company, New York, New York.

Paying Agent and Bond Registrar

The Kansas State Treasurer, Topeka, Kansas, is designated as the paying agent and bond registrar.

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 qualified financial surety bond in the amount of \$2,808 (2 percent of the principal amount of the bonds).

Delivery

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

Assessed Valuation and Indebtedness

The total assessed valuation of taxable tangible property in the county for the year 2003 is \$63,990,412. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$1,790,408.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the county clerk, (785) 765-3414.

Dated April 12, 2004.

Wabaunsee County, Kansas
Jennifer Savage, County Clerk
Wabaunsee County Courthouse
215 Kansas
Alma, KS 66401

Doc. No. 030589

(Published in the Kansas Register April 22, 2004.)

**Summary Notice of Bond Sale
Unified School District No. 229
Johnson County, Kansas
\$25,390,000***

**General Obligation Refunding Bonds
Series 2004-A**

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

Bids

Subject to the notice of bond sale and preliminary official statement dated April 12, 2004, sealed and electronic bids will be received by (1) in the case of sealed bids, the clerk of Unified School District No. 229, Johnson County, Kansas (the issuer), on behalf of the governing body at the district office, 15020 Metcalf, P.O. Box 23901, Overland Park, KS 66283, and (2) in the case of electronic bids, through *PARITY* electronic bid submission system, until 1 p.m. Monday, May 3, 2004, for the purchase of \$25,390,000* principal amount of General Obligation Refunding Bonds, Series 2004-A. No bid of less than the principal amount of the bonds less a discount not to ex-

ceed 0.75 percent thereof and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of principal of and interest on the bonds will be made. Individual purchases of bonds will be made in book-entry form only. Purchasers will not receive certificates representing their interest in bonds purchased. The bonds will be dated May 15, 2004, and will become due on October 1 in the years as follows:

Year	Amount*
2004	\$ 255,000
2005	8,165,000
2006	6,665,000
2007	4,965,000
2008	2,390,000
2009	1,200,000
2010	555,000
2011	370,000
2012	825,000

The bonds will *not* be subject to redemption prior to maturity.

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 April 1 and October 1 in each year, beginning October 1, 2004.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Bidder's Option Municipal Bond Insurance

The district has applied to several insurers for bidder's option municipal bond insurance on the bonds. The premium for any such bond insurance, if elected by the successful bidder, will be paid by the successful bidder. Further information is provided in the notice of bond sale.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check or a financial surety bond in the amount of \$507,800.

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 within 45 days after the date of sale.

Assessed Valuation and Indebtedness

The total assessed valuation of taxable tangible property in the district for the year 2003 (except for motor vehicle valuations, which are as of January 20, 2004) is \$1,980,662,641. The total general obligation indebtedness of the issuer as of the expected date of delivery of the bonds, including the bonds in the amount shown above and excluding the refunded bonds, is \$260,255,000.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (913) 239-4000, or from the financial advisor, George K. Baum & Company, Kansas City, Missouri, (816) 474-1100.

Dated April 12, 2004.

Unified School District No. 229
Johnson County, Kansas
By Diane Mitchell, Clerk
Board of Education

*Subject to change as provided in the notice of bond sale and preliminary official statement.

Doc. No. 030602

State of Kansas

Racing and Gaming Commission

Permanent Administrative Regulations

Article 10.—ANIMAL HEALTH

112-10-13. Prohibition on possession of drugs, medications, syringes, and needles. (a) While within any restricted area of a licensed horse racetrack facility, no licensee, except a commission-licensed veterinarian or animal health officer, shall have in that licensee's possession any of the following:

- (1) Hypodermic syringes;
- (2) hypodermic needles;
- (3) any drug, medication, or other substance that can be administered parenterally;
- (4) rubber stopper bottles or any similar instruments that can be used for injection; and
- (5) any other equipment used for hypodermic injection.

(b) Each violation of this regulation shall result in a penalty of one of the following:

- (1) A fine of up to \$5,000;
- (2) license revocation or suspension for up to five years; or
- (3) a combination of the penalties specified in paragraphs (b)(1) and (2). (Authorized by and implementing K.S.A. 74-8804 and 74-8816; effective May 7, 2004.)

Tracy T. Diel
Executive Director

Doc. No. 030596

State of Kansas

**Office of Judicial Administration
Supreme Court Docket**

(Note: Dates and times of arguments are subject to change.)

Monday, May 10, 2004

9:00 a.m.

Case No.	Case Name	Attorneys	Jurisdiction
91,374	Jane Doe, et al., Plaintiffs, v. Unifed School District, School Counselor, and Elementary School Principal, Defendants.	Brian J. Niceswanger E. Craig Kennedy Gerald L. Green	Certified Question
90,317	Gary and Danielle Stone, Appellees, v. Unified School District #222, et al., Appellants.	Jason E. Brinegar David R. Cooper	Washington Petition for Review
89,672	State of Kansas, Appellee, v. DaJuan Wilkerson, Appellant.	Phillip D. Kline, Atty. Gen. Lesley A. Isherwood, Asst. Dist. Atty. Sandra M. Carr, Asst. Appellate Defender	Sedgwick
88,933	State of Kansas, Appellee, v. Jerome G. Carter, Appellant.	Phillip D. Kline, Atty. Gen. Boyd K. Isherwood, Asst. Dist. Atty. Libby K. Snider, Asst. Appellate Defender	Sedgwick
1:30 p.m.			
89,658	State of Kansas, Appellee, v. Jarad A. Jones, Appellant.	Phillip D. Kline, Atty. Gen. Thomas J. Drees, County Atty. Michael S. Holland II	Ellis Petition for Review
91,523	Farmers Insurance Co., et al., Plaintiffs, v. Southwestern Bell Telephone Co., Defendant.	E. Craig Kennedy Bruce A. Ney	Certified Question
88,787	Carolyn Narron, Appellee, v. Cincinnati Insurance Co., Appellant.	Gerald W. Scott J. Phillip Davidson	Sedgwick Petition for Review

Tuesday, May 11, 2004

9:00 a.m.

Case No.	Case Name	Attorneys	Jurisdiction
89,640	State of Kansas, Appellee, v. Tyrone M. Mebane, Appellant.	Phillip D. Kline, Atty. Gen. Nick A. Tomasic, District Atty. Stephen B. Chapman	Wyandotte
91,693	Kathy Hallam, et al., Plaintiffs, v. Mercy Health Center of Manhattan, Inc., Defendant.	Zackery E. Reynolds Thomas L. Theis	Certified Question
90,511	Brent E. Pullen, Appellant, v. Milo M. West, et al., Appellees.	Mark G. Ayesch E. Craig Kennedy Don D. Gribble II Ronald L. Campbell	Butler
91,069	Mid-Continent Specialists, Inc., Appellant, v. Capital Homes, L.C., Appellee.	J. Tyler Peters Bruce F. Landeck	Johnson

1:30 p.m.			
89,610	State of Kansas, Appellee, v. Charles R. Shelton, Appellant.	Phillip D. Kline, Atty. Gen. Ellen H. Mitchell, County Atty. Petition for Review Patrick H. Dunn, Asst. Appellate Defender	Saline
89,603 89,656	State of Kansas, Appellant, v. Jamie C. Stevens, Appellee.	Phillip D. Kline, Atty. Gen. Keith E. Schroeder, District Atty. Patrick H. Dunn, Asst. Appellate Defender	Reno
88,654 88,656	State of Kansas, Appellee, v. Jimmy W. Campbell, Appellant.	Phillip D. Kline, Atty. Gen. Keith E. Schroeder, District Atty. Petition for Review Rick Kittel, Asst. Appellate Defender	Reno

Wednesday, May 12, 2004

9:00 a.m.			
Case No.	Case Name	Attorneys	Jurisdiction
91,189	Corwin T. Roy, Appellant, v. Candis L. Young, et al., Appellees.	David M. Bryan Daniel F. Church	Johnson
91,018	State of Kansas, Appellee, v. Jesse R. Murphy, Appellant.	Phillip D. Kline, Atty. Gen. John M. Settle, County Atty. Michael S. Holland	Pawnee
90,273 90,876	Jacqueline Shevling and Harley Shevling, Appellants, v. Judith Shevling, Appellee.	J. Donald Lysaught, Jr. Gerald N. Jeserich	Wyandotte
90,185	State of Kansas, Appellee, v. Roy E. Humphrey, Appellant.	Phillip D. Kline, Atty. Gen. John K. Bork, Asst. Atty. Gen. Debra J. Wilson, Capital and Conflicts Appellate Defender	Finney

1:30 p.m.

83,801	State of Kansas, Appellee, v. Gavin D. Scott, Appellant.	Phillip D. Kline, Atty. Gen. Autumn L. Fox, Asst. Atty. Gen. Steven R. Zinn, Deputy Appellate Defender	Sedgwick
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Thursday, May 13, 2004

9:00 a.m.			
Case No.	Case Name	Attorneys	Jurisdiction
90,554 90,952	South Central Kansas Health Insurance Group, Appellee, v. Harden & Company Insurance Services, Appellee, and Fireman's Fund Insur- ance Co., Appellant.	Mark A. Biberstein Justice B. King	Sedgwick
91,878	In the Matter of Brenda M. Jordan, Respondent.	Alexander M. Walczak, Deputy Discip. Admin. John J. Ambrosio Brenda M. Jordan, Pro Se	Original
89,106	In the Matter of Victor S. Nelson, Respondent.	Alexander M. Walczak, Deputy Discip. Admin. Daniel J. Severt Victor S. Nelson, Pro Se	Order to Show Cause

(continued)

Friday, May 14, 2004

Summary Disposition of Sentencing Appeals—No Oral Argument

Pursuant to Supreme Court Rule 7.041(a)

90,097	State v. Robert K. Harris	91,046	State v. George E. Hervey	91,258	State v. James D. Kristek
90,823	State v. Gregory Merz	91,114	State v. Joey D. Cross	91,276	State v. Ricky Cardenas
90,859	State v. Victor M. Padilla- Hernandez	91,153	State v. Jerry Lee Schultz	91,451	State v. Humberto Rodriguez
91,035/ 91,036	State v. Shannon R. Drake	91,212	State v. Lewis Edward Cauley		

Carol G. Green
Clerk of the Appellate Courts

Doc. No. 030530

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 April 22, 2004.)

SENATE BILL No. 461

AN ACT concerning eminent domain; relating to acquisition of land for certain purposes by a port authority or county; relating to the filing of the appraisers' report; concerning relocation assistance; amending K.S.A. 12-3408 and 26-504 and K.S.A. 2003 Supp. 12-3402, 12-3406, 19-101a and 58-3502 and repealing the existing sections.

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

Section 1. K.S.A. 2003 Supp. 12-3402 is hereby amended to read as follows: 12-3402. (a) It is the purpose of this act to promote, stimulate and develop the general welfare, economic development and prosperity of the state of Kansas by fostering the growth of intrastate and interstate commerce within the state; to promote the advancement and retention of ports within the state; to encourage and assist in the location of new business and industry in this state and the expansion, relocation or retention of existing business and industry when so doing will help maintain existing levels of commerce within the state or increase the movement of commodities, goods and products produced, manufactured or grown within or without the state through existing ports within the state or lead to the development of new ports within the state; and to promote the economic stability of the state by maintaining and providing employment opportunities, thus promoting the general welfare of the citizens of this state, by authorizing port authorities to be established in each city and in each county of the state.

A port authority shall be a public body corporate and politic which if established shall be known as the "port authority" of the city or of the county. Joint port authorities may be created under authority of this act by cooperative agreement executed by the governing bodies of any city or county or cities or counties. Such joint authorities formed by such cooperative agreement shall have all the powers and jurisdiction enumerated in this act. Such creation shall be by ordinance or resolution. Except for port authorities created prior to April 1, 1981, no port authority shall be created without approval of the legislature by concurrent resolution. The authority shall not transact

any business or exercise powers hereunder until the passage of a concurrent resolution by the legislature as hereinbefore provided.

No port authority located in Cowley county shall modify, amend or extend the port authority's official plan as originally adopted by the port authority to change the purpose for which it was created or alter the character of the work to be undertaken, as provided by K.S.A. 12-3406, and amendments thereto, without approval of the legislature by concurrent resolution. The port authority shall not transact any business or exercise powers hereunder concerning any business or actions related to such modification, amendment or extension of the original plan.

A cooperative agreement creating a joint port authority may be amended by the governing bodies of the cities and counties which comprise such port authority. Any amendment to such a cooperative agreement, including amendments which allow other cities located within counties which are parties to the original agreement to join in such agreement, shall not require approval by the legislature.

No member of the authority shall serve as such who owns land, other than a residence, or represents in a fiduciary capacity or as agent any person who owns land surveyed or examined for port locations, except that this prohibition shall not prevent a user of a port facility from serving as a member of the authority.

A port authority may sue and be sued, plead and be impleaded, subject to the limitations and other provisions of the Kansas tort claims act. The exercise by such port authority of the powers conferred upon it shall be deemed to be essential governmental functions of the creating city or county.

(b) Any city or county creating or participating in the creation of a port authority, before any taxes are levied shall submit the question of whether an annual tax levy may be made on the assessed taxable tangible property of such city, county, or a combination thereof, and the amount thereof to the electors of such city or county comprising such authority. If a majority of those voting on the question vote in favor of such tax levy, the same may be made for such purpose and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county, and otherwise such tax levy shall not be made. If such tax levy is approved, the authority may expend funds not otherwise appropriated to defray the expense of surveys and examinations incidental to the purposes of the port authority and may expend funds for any of the purposes as set forth in K.S.A. 12-3406, and amendments thereto.

(c) Subject to making due provisions for payment and performance of its obligations, a port authority may be dissolved by the city or county, or combination thereof, comprising it. If the port authority is dissolved, the properties of the port authority shall be transferred to the subdivision comprising it, or, if comprised by more than one city or county, to the city or county comprising it in such manner as may be agreed upon by them. Obligations of the authority shall not be obligations of the state of Kansas, nor of any city or county which creates the authority, unless the obligations are specifically approved

by a majority vote of the electors of such city or county voting on the issue. Notice of such election shall be published in a newspaper of general circulation in the county or counties once each week for two consecutive weeks. The first publication shall be not less than 21 days prior to such election. Such notice shall set forth the time and place of holding the election and the issue which the vote is to determine.

Sec. 2. K.S.A. 2003 Supp. 12-3406 is hereby amended to read as follows: 12-3406. A port authority established by K.S.A. 12-3402, and amendments thereto, *shall clearly state the purpose for which it is to be created and the character of the work to be undertaken as a part of its official plan; and shall have full power and authority to:*

(a) Purchase, acquire, construct, reconstruct, improve, equip, furnish, maintain, repair, enlarge, remodel, own, sell, lease, and operate docks, wharves, warehouses, piers, and other water-port facilities, airport facilities, terminal facilities, land transportation facilities, railroad facilities or industrial-use facilities within the area of its jurisdiction, as defined by K.S.A. 12-3405, and amendments thereto, consistent with the purpose of the port authority, which purpose is hereby declared to be for a public purpose;

(b) (1) borrow money from private financial institutions, any agency of the state of Kansas or of the United States of America or a private person or entity approved by the port authority, and to issue therefor such notes or other evidence of indebtedness as may be required and to mortgage, pledge, or otherwise encumber the assets of the authority as security therefor, or (2) issue bonds as provided in K.S.A. 12-3415, and amendments thereto;

(c) apply for, receive, and participate in any grants from the state of Kansas or from the United States of America;

(d) construct, straighten, deepen, and improve any canal, channel, river, stream, or other watercourse or way which may be necessary or proper in the development of the facilities of such port;

(e) purchase, acquire, own, maintain, furnish, improve, repair, enlarge, remodel, construct, reconstruct, equip, hold, sell, lease, or operate real or personal property for the authorized purposes of the port authority, which exercise of such authority is hereby declared to be for a public purpose;

(f) apply to the proper authorities of the United States government for a grant within the limits of the port authority either individually or in conjunction with a corporate instrumentality of this state and one or more states, or a bi-state compact or a not-for-profit corporation authorized to do business in this state and to establish, operate and maintain foreign trade zones pursuant to the foreign trade-zone act, 19 U.S.C.A. 81a to 81u, inclusive, as amended;

(g) exercise the right of eminent domain, if approved by a $\frac{2}{3}$ vote of the governing body of the port authority, to appropriate any land, rights, rights-of-way, franchises, easements, or other property, necessary or proper for the construction or the efficient operation of any facility of the port authority and included in an official plan, pursuant to the procedure provided by law, if funds equal to the appraised value of the property to be acquired as the result of such proceedings shall be on hand and available for such purposes. The port authority shall not exercise the right of eminent domain without first having received approval, by resolution, of the governing body of the city or county which created such port authority. If the port authority was created by two or more cities or counties, the port authority shall not exercise the right of eminent domain without first having received approval, by resolution, of the governing body of the city or county in which such property is located. If such property is located outside the boundaries of the port authority, such port authority shall not exercise the right of eminent domain without first having received approval, by resolution, of the governing body of the city if such property is located within the corporate limits of a city or from the board of county commissioners if such property is located within the unincorporated area of a county. A port authority shall not have the right of eminent domain to acquire a site for an industrial-use facility. *A port authority shall not have the right of eminent domain to acquire any land or site in Cowley county for which at least*

one of the purposes is a recreational-use purpose. If a port authority exercises the right of eminent domain to acquire any land or site in Cowley county, such land or site shall be used only for the public purpose stated in the port authority's original official plan and there shall be no private development on any such land or site for a period of 30 years after the acquisition of any such land or site. A port authority shall not exercise the right of eminent domain to acquire any land or site prior to a showing that all required state and federal permits to use or develop any such land or site in the manner specified in the port authority's official plan have been obtained.

Nothing contained in K.S.A. 12-3401 to 12-3433, inclusive, and amendments thereto, shall authorize a port authority to take or disturb property or facilities belonging to any public corporation, public utility, or common carrier, which property or facilities are necessary and convenient in the operation of such public corporation, public utility, or common carrier, unless provision is made for the restoration, relocating, or duplication of such property or facilities, or upon the election of such public corporation, public utility, or common carrier for the payment of compensation, if any, at the sole cost of the port authority.

If any restoration or duplication proposed to be made hereunder shall involve a relocation of such property or facilities, the new facilities and location shall be of at least comparable utilitarian value and effectiveness and such relocation shall not impair the ability of the public utility or common carrier to compete in its original area of operation.

If any restoration or duplication made hereunder shall involve a relocation of such property or facilities, the port authority shall acquire no interest or right in or to the appropriated property or facilities, except as provided in subsection (c) of K.S.A. 12-3406, and amendments thereto, until the relocated property or facilities are available for use and until marketable title thereto has been transferred to the public utility or common carrier.

Provisions for restoration, relocation, or duplication shall be described in detail in the plan specified in K.S.A. 12-3407, and amendments thereto;

(h) maintain such funds as it deems necessary;

(i) direct its agents or employees, when properly identified in writing, and after at least five days' written notice, to enter upon lands within the confines of its jurisdiction in order to make surveys and examinations preliminary to location and construction of works for the purposes of the port authority, without liability of the port authority or its agents or employees except for actual damage done;

(j) sell, lease or convey real and personal property not needed for the operation of the port authority and grant easements of rights-of-way over property of the port authority; and

(k) promote, advertise, and publicize the port and its facilities; provide traffic information and rate information to shippers and shipping interests.

Sec. 3. K.S.A. 12-3408 is hereby amended to read as follows: 12-3408. (a) *Except as provided by subsection (b),* the board of directors shall, from time to time after the adoption of an official plan, have the power to modify, amend or extend the same, provided that upon the making of any such modification, amendment or extension thereof, the board of directors shall cause notice to be given and shall conduct a hearing, all as provided in K.S.A. 12-3407, and amendments thereto.

(b) *The board of directors of a port authority located in Cowley county shall not have the power to modify, amend or extend the same to change or alter the character of the work to be undertaken by the port authority which would allow the use of any land or site acquired through the exercise of eminent domain to be used for a recreational-use purpose, nor to allow private development upon such acquired land or site for a period of 30 years from the date of acquisition of such land or site. The board shall not adopt any modification, amendment, or extension until the notice has been given and the hearing held as therein provided.*

(continued)

New Sec. 4. Cowley county may not exercise the right of eminent domain to appropriate any land or site for which at least one of the purposes is a recreational-use purpose or if such county exercises the right of eminent domain to appropriate land or site, there shall be no private development on such land or site for a period of 30 years after such appropriation of land. Cowley county may not exercise the right of eminent domain to appropriate any land or site prior to a showing that all required state and federal permits to use or develop such land or site in the manner specified by the county have been obtained.

Sec. 5. K.S.A. 2003 Supp. 19-101a is hereby amended to read as follows: 19-101a. (a) The board of county commissioners may transact all county business and perform all powers of local legislation and administration it deems appropriate, subject only to the following limitations, restrictions or prohibitions:

(1) Counties shall be subject to all acts of the legislature which apply uniformly to all counties.

(2) Counties may not consolidate or alter county boundaries.

(3) Counties may not affect the courts located therein.

(4) Counties shall be subject to acts of the legislature prescribing limits of indebtedness.

(5) In the exercise of powers of local legislation and administration authorized under provisions of this section, the home rule power conferred on cities to determine their local affairs and government shall not be superseded or impaired without the consent of the governing body of each city within a county which may be affected.

(6) Counties may not legislate on social welfare administered under state law enacted pursuant to or in conformity with public law No. 271—74th congress, or amendments thereof.

(7) Counties shall be subject to all acts of the legislature concerning elections, election commissioners and officers and their duties as such officers and the election of county officers.

(8) Counties shall be subject to the limitations and prohibitions imposed under K.S.A. 12-187 to 12-195, inclusive, and amendments thereto, prescribing limitations upon the levy of retailers' sales taxes by counties.

(9) Counties may not exempt from or effect changes in statutes made nonuniform in application solely by reason of authorizing exceptions for counties having adopted a charter for county government.

(10) No county may levy ad valorem taxes under the authority of this section upon real property located within any redevelopment project area established under the authority of K.S.A. 12-1772, and amendments thereto, unless the resolution authorizing the same specifically authorized a portion of the proceeds of such levy to be used to pay the principal of and interest upon bonds issued by a city under the authority of K.S.A. 12-1774, and amendments thereto.

(11) Counties shall have no power under this section to exempt from any statute authorizing or requiring the levy of taxes and providing substitute and additional provisions on the same subject, unless the resolution authorizing the same specifically provides for a portion of the proceeds of such levy to be used to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto.

(12) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4601 through 19-4625, and amendments thereto.

(13) Except as otherwise specifically authorized by K.S.A. 12-1,101 through 12-1,109, and amendments thereto, counties may not levy and collect taxes on incomes from whatever source derived.

(14) Counties may not exempt from or effect changes in K.S.A. 19-430, and amendments thereto.

(15) Counties may not exempt from or effect changes in K.S.A. 19-302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.

(16) (A) Counties may not exempt from or effect changes in K.S.A. 13-13a26, and amendments thereto.

(B) This provision shall expire on June 30, 2005.

(17) (A) Counties may not exempt from or effect changes in K.S.A. 71-301a, and amendments thereto.

(B) This provision shall expire on June 30, 2005.

(18) Counties may not exempt from or effect changes in K.S.A. 19-15,139, 19-15,140 and 19-15,141, and amendments thereto.

(19) Counties may not exempt from or effect changes in the provisions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c and 12-1226, and amendments thereto, or the provisions of K.S.A. 12-1260 through 12-1270 and 12-1276, and amendments thereto.

(20) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-211, and amendments thereto.

(21) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4001 through 19-4015, and amendments thereto.

(22) Counties may not regulate the production or drilling of any oil or gas well in any manner which would result in the duplication of regulation by the state corporation commission and the Kansas department of health and environment pursuant to chapter 55 and chapter 65 of the Kansas Statutes Annotated and any rules and regulations adopted pursuant thereto. Counties may not require any license or permit for the drilling or production of oil and gas wells. Counties may not impose any fee or charge for the drilling or production of any oil or gas well.

(23) Counties may not exempt from or effect changes in K.S.A. 79-41a04, and amendments thereto.

(24) Counties may not exempt from or effect changes in K.S.A. 79-1611, and amendments thereto.

(25) Counties may not exempt from or effect changes in K.S.A. 79-1494, and amendments thereto.

(26) Counties may not exempt from or effect changes in subsection (b) of K.S.A. 19-202, and amendments thereto.

(27) Counties may not exempt from or effect changes in subsection (b) of K.S.A. 19-204, and amendments thereto.

(28) Counties may not levy or impose an excise, severance or any other tax in the nature of an excise tax upon the physical severance and production of any mineral or other material from the earth or water.

(29) Counties may not exempt from or effect changes in K.S.A. 79-2017 or 79-2101, and amendments thereto.

(30) Counties may not exempt from or effect changes in K.S.A. 2-3302, 2-3305, 2-3307, 2-3318, 17-5904, 17-5908, 47-1219, 65-171d, 65-1,178 through 65-1,199 or K.S.A. 2003 Supp. 17-5909, and amendments thereto.

(31) Counties may not exempt from or effect changes in K.S.A. 2003 Supp. 80-121, and amendments thereto.

(32) Counties may not exempt from or effect changes in K.S.A. 19-228, and amendments thereto.

(33) *Counties may not exempt from or effect changes in section 4, and amendments thereto.*

(b) Counties shall apply the powers of local legislation granted in subsection (a) by resolution of the board of county commissioners. If no statutory authority exists for such local legislation other than that set forth in subsection (a) and the local legislation proposed under the authority of such subsection is not contrary to any act of the legislature, such local legislation shall become effective upon passage of a resolution of the board and publication in the official county newspaper. If the legislation proposed by the board under authority of subsection (a) is contrary to an act of the legislature which is applicable to the particular county but not uniformly applicable to all counties, such legislation shall become effective by passage of a charter resolution in the manner provided in K.S.A. 19-101b, and amendments thereto.

(c) Any resolution adopted by a county which conflicts with the restrictions in subsection (a) is null and void.

Sec. 6. On and after July 1, 2004, K.S.A. 26-504 is hereby amended to read as follows: 26-504. If the judge to whom the proceeding has been assigned finds from the petition: (1) The plaintiff has the power of eminent domain; and (2) the taking is necessary to the lawful corporate purposes of the plaintiff, the judge shall enter-

tain suggestions from any party in interest relating to the appointment of appraisers and the judge shall enter an order appointing three disinterested residents of the county in which the petition is filed, at least two of the three of whom shall have experience in the valuation of real estate, to view and appraise the value of the lots and parcels of land found to be necessary, and to determine the damages *and compensation* to the interested parties resulting from the taking. Such order shall also fix the time for the filing of the appraisers' report at a time not later than ~~20~~ 45 days after the entry of such order except for good cause shown, the court may extend the time for filing by a subsequent order. The granting of an order determining that the plaintiff has the power of eminent domain and that the taking is necessary to the lawful corporate purposes of the plaintiff shall not be considered a final order for the purpose of appeal to the supreme court, but an order denying the petition shall be considered such a final order.

Appeals to the supreme court may be taken from any final order under the provisions of this act. Such appeals shall be prosecuted in like manner as other appeals and shall take precedence over other cases, except cases of a like character and other cases in which preference is granted by statute.

Sec. 7. On and after July 1, 2004, K.S.A. 2003 Supp. 58-3502 is hereby amended to read as follows: 58-3502. Whenever any program or project is undertaken by the state of Kansas, any agency or political subdivision thereof, under which federal financial assistance will be available to pay all or part of the cost of such program by reason of a grant from or contract or agreement with the federal government, and which program or project will result in the displacement of any person by acquisition of real property, or by the direct result of building code enforcement activities, rehabilitation or demolition programs, the state, agency, or political subdivision shall:

(1) Provide fair and reasonable relocation payments and assistance to or for displaced persons as are required under sections 202, 203 and 204 of the federal act;

(2) provide relocation assistance programs offering to displaced persons and others occupying property immediately adjacent to the real property acquired, the services described in section 205 of the federal act on the conditions prescribed therein. *Relocation payments shall not be required until title to the real property vests in the condemning authority;*

(3) in acquiring the real property be guided to the greatest extent practicable under state law by the land acquisition policies in section 301 and the provisions of section 302 of the federal act;

(4) pay or reimburse property owners for necessary expenses as specified in sections 303 and 304 of the federal act;

(5) share costs of providing payments and assistance with the federal government in the manner and to the extent required by sections 211 (a) and (b) of the federal act; ~~and~~

(6) appoint such officers, enter into such contracts, utilize federal funds for planning and providing comparable replacement housing, and take such other actions as may be necessary to comply with the conditions and requirements of the federal act; *and*

(7) *under circumstances where a displaced person demonstrates that receipt of such payments in advance of the actual relocation is required to enable the relocation and estimates are provided by the displaced person to the state, agency or political subdivision that will allow such governmental entity to estimate with reasonable accuracy the relocation payments, 75% of such amount shall be advanced to the displaced person or paid to third parties on behalf of the displaced person to facilitate the relocation. Any remaining payment due shall be made within 30 days after the relocation has been completed. Payment of such relocation advances shall not be required until title to the real property vests in the condemning authority.*

New Sec. 8. On and after July 1, 2004: (a) Whenever federal funding is not involved, real property is acquired by any condemning authority through negotiation in advance of a condemnation action or through a condemnation action and the acquisition will result in the displacement of any person, the condemning authority shall:

(1) Provide the displaced person, as defined in the federal uniform relocation assistance and real property acquisition policies act of 1970, and amendments thereto, fair and reasonable relocation payments and assistance to or for displaced persons. Relocation payments shall not be required until title to the real property vests in the condemning authority.

(2) Fair and reasonable relocation payments and assistance to or for displaced persons as provided under sections 202, 203 and 204 of the federal uniform relocation assistance and real property acquisition policies act of 1970, and amendments thereto, shall be deemed fair and reasonable relocation payments and assistance pursuant to this section.

(3) Nothing in this section shall preclude the voluntary negotiation of fair and reasonable relocation payments and assistance between the displaced person and condemning authority. If such negotiations lead to agreement between the displaced person and the condemning authority, that agreement shall be deemed fair and reasonable.

(4) Under circumstances where a displaced person demonstrates that receipt of such payments, in advance of the actual relocation, is required to enable the relocation and estimates are provided by the displaced person to the condemning authority that will allow such authority to estimate with reasonable accuracy the relocation payments, 75% of such amount shall be advanced to the displaced person or paid to third parties on behalf of the displaced person to facilitate the relocation. Any remaining payment due will be made within 30 days after the relocation has been completed. Payment of such relocation advances shall not be required until title to the real property vests in the condemning authority.

(b) This section shall be a part of and supplemental to article 35 of chapter 58 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 9. On and after July 1, 2004: (a) Any displaced person entitled to benefits under this article may appeal by written notice to the state, agency or political subdivision a determination of relocation payments. If such an appeal is made to the state, agency or political subdivision within 60 days of the receiving notice of the determination being appealed, an independent hearing examiner shall be appointed by the state, agency or political subdivision within 10 days and a determination of the appeal made within 60 days. Any party wishing to appeal the ruling of the hearing examiner may do so by filing a written notice of appeal with the clerk of the district court within 30 days of the hearing examiner's decision. In the event any parties shall perfect an appeal to district court, copies of such notice of appeal shall be mailed to all parties affected by such appeal within three days after the date of perfection thereof. Any such appeal to district court shall be a trial de novo only on the issue of relocation benefits.

(b) This section shall be a part of and supplemental to article 35 of chapter 58 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 10. On and after July 1, 2004, K.S.A. 26-504 and K.S.A. 2003 Supp. 58-3502 are hereby repealed.

Sec. 11. K.S.A. 12-3408 and K.S.A. 2003 Supp. 12-3402, 12-3406 and 19-101a are hereby repealed.

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

(Published in the Kansas Register April 22, 2004.)

SENATE BILL No. 363

AN ACT concerning wildlife; relating to reissuance of certain permits to certain military personnel; wild turkey; hunting and hunter education requirements; amending K.S.A. 32-701, 32-921, 32-938, 32-943, 32-1004 and 32-1032 and K.S.A. 2003 Supp. 32-920, 32-930, 32-937, 32-988 and 32-1050 and repealing the existing sections.

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

Section 1. On and after January 1, 2005, K.S.A. 32-701 is hereby amended to read as follows: 32-701. As used in the wildlife and parks laws of this state, unless the context otherwise requires or specifically defined otherwise:

(a) "Big game animal" means any antelope, deer, ~~or elk or wild turkey.~~

(b) "Commission" means the Kansas wildlife and parks commission created by K.S.A. 32-805, and amendments thereto.

(c) "Department" means the Kansas department of wildlife and parks.

(d) "Fish," as a verb, means take, in any manner, any fish.

(e) "Furbearing animal" means any badger, beaver, bobcat, grey fox, lynx, marten, mink, muskrat, opossum, otter, raccoon, red fox, spotted skunk, striped skunk, swift fox or weasel.

(f) "Furharvest" means:

(1) Take, in any manner, any furbearing animal; or

(2) trap or attempt to trap any coyote.

(g) "Game animal" means any big game animal, *wild turkey* or small game animal.

(h) "Game bird" means any grouse, partridge, pheasant, prairie chicken or quail.

(i) "Hunt" means:

(1) Take, in any manner, any wildlife other than a fish, bullfrog, furbearing animal or coyote; or

(2) take, in any manner other than by trapping, any coyote.

(j) "Motor vehicle" means a vehicle, other than a motorized wheelchair, which is self-propelled.

(k) "Motorized wheelchair" means any self-propelled vehicle designed specifically for use by a physically disabled person that is incapable of a speed in excess of 15 miles per hour.

(l) "Nonresident" means any person who has not been a bona fide resident of this state for the immediately preceding 60 days.

(m) "On a commercial basis" means for valuable consideration.

(n) "Person" means any individual or any unincorporated association, trust, partnership, public or private corporation or governmental entity, including foreign governments, or any officer, employee, agent or agency thereof.

(o) "Private water fishing impoundment" means one or more water impoundments:

(1) Constructed by man rather than natural, located wholly within the boundary of the lands owned or leased by the person operating the private water impoundments; and

(2) entirely isolated from other surface water so that the impoundment does not have any connection either continuously or at intervals, except during periods of floods, with streams or other bodies of water so as to permit the fish to move between streams or other bodies of water and the private water impoundments, except that the private water impoundments may be connected with a stream or other body of water by a pipe or conduit if fish will be prevented at all times from moving between streams or other bodies of water and the private water impoundment by screening the flow or by other means.

(p) "Resident" means any person who has maintained the person's place of permanent abode in this state for a period of 60 days immediately preceding the person's application for any license, permit, stamp or other issue of the department. Domiciliary intent is required to establish that a person is maintaining the person's place or permanent abode in this state. Mere ownership of property is not sufficient to establish domiciliary intent. Evidence of domiciliary in-

tent includes, without limitation, the location where the person votes, pays personal income taxes or obtains a driver's license.

(q) "Secretary" means the secretary of wildlife and parks.

(r) "Small game" means any game bird, hare, rabbit or squirrel.

(s) "Species" includes any subspecies of wildlife and any other group of wildlife of the same species or smaller taxa in common spatial arrangement that interbreed when mature.

(t) "Take" means harass, harm, pursue, shoot, wound, kill, molest, trap, capture, collect, catch, possess or otherwise take, or attempt to engage in any such conduct.

(u) "Wildlife" means any member of the animal kingdom, including, without limitation, any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any part, product, egg or offspring thereof, or the dead body or parts thereof. Wildlife does not include agricultural livestock (cattle, swine, sheep, goats, horses, mules and other equines) and poultry (domestic chickens, turkeys and guinea fowl).

Sec. 2. On and after January 1, 2005, K.S.A. 2003 Supp. 32-920 is hereby amended to read as follows: 32-920. (a) Except as provided by subsection ~~(b)~~ (e), no person *who is born on or after July 1, 1957, and is 16 or more years of age* shall hunt in this state on land other than such person's own land unless the person has been issued a certificate of completion of an approved hunter education course. If such person is required by law to obtain a hunting license, the person shall attest to or exhibit proof of completion of such course to the person issuing the license at the time of purchasing the license. If such person is not required by law to obtain a hunting license ~~or~~, is less than 27 years of age *but 16 or more years of age or is less than 16 but 12 or more years of age and hunting without adult supervision*, the person shall be in possession of the person's certificate of completion of such course while hunting. A person may purchase for another person, under rules and regulations adopted by the secretary in accordance with K.S.A. 32-805 and amendments thereto, a lifetime hunting or combination hunting and fishing license without the license recipient's first having been issued a certificate of completion of an approved hunter education course.

(b) *A person less than 12 years of age shall not hunt unless under the direct supervision of an adult who is 18 or more years of age.*

(c) *A person who is 12 or more years of age but less than 16 years of age and who has not been issued a certificate of completion of an approved hunter education course shall not hunt unless under the direct supervision of an adult who is 18 or more years of age.*

(d) *A person less than 14 years of age shall not be issued a permit to take big game using a bow unless the person submits to the secretary evidence satisfactory to the secretary of completion of a bow hunting safety education course.*

(e) Prior to July 1, 2005, completion of an approved hunter education course shall not be required to obtain a special controlled shooting area hunting license valid only for licensed controlled shooting areas.

Sec. 3. On and after January 1, 2005, K.S.A. 32-921 is hereby amended to read as follows: 32-921. (a) The secretary shall prescribe a course of instruction ~~of not less than a total of 10 hours~~ in hunter education. *Except as provided in subsection (c), such course of instruction shall be not less than a total of 10 hours and shall be for persons 11 or more years of age.*

(b) The secretary shall designate those persons who shall issue a certificate of completion of an approved hunter education course to each person who successfully completes such course of instruction, and such designation and certificate shall be valid until revoked by the secretary.

(c) *The secretary may prescribe a special course of instruction of less than a total of 10 hours for persons residing in other jurisdictions and entering this state to hunt. The secretary shall issue a certificate of completion of an approved special hunter education course to each person who successfully completes such special course of instruction. Such certificate shall be valid only within the state through January*

31 of the calendar year following completion of the course. Persons taking such special course of instruction shall submit to the department a sum of \$25 upon registering for the course, of which the department shall remit \$20 to the instructor.

Sec. 4. On and after January 1, 2005, K.S.A. 2003 Supp. 32-930 is hereby amended to read as follows: 32-930. (a) Except as provided in subsection (c), the secretary or the secretary's designee is authorized to issue to any Kansas resident a lifetime fishing, hunting or furharvester or combination hunting and fishing license upon proper application made therefor to the secretary or the secretary's designee and payment of a license fee as follows: (1) A total payment made at the time of purchase in the amount prescribed pursuant to K.S.A. 32-988 and amendments thereto; or (2) payment may be made over a two-year period in eight quarter-annual installments in the amount prescribed pursuant to K.S.A. 32-988 and amendments thereto. If payment is in installments, the license shall not be issued until the final installment has been paid. A person making installment payments shall not be required to obtain the appropriate annual license, and each installment payment shall be deemed to be such an annual license for a period of one year following the date of the last installment payment made. If an installment payment is not received within 30 days after it is due and owing, the secretary may consider the payments in default and may retain any payments previously received. Any lifetime license issued to a Kansas resident shall not be made invalid by reason of the holder thereof subsequently residing outside the state of Kansas. Any nonresident holder of a Kansas lifetime hunting or combination hunting and fishing license shall be eligible under the same conditions as a Kansas resident for a big game or wild turkey permit upon proper application to the secretary. Any nonresident holder of a lifetime fishing license issued before July 1, 1989, shall be eligible under the same conditions as a Kansas resident for a big game or wild turkey permit upon proper application to the secretary.

(b) For the purposes of subsection (a), the term "resident" shall have the meaning defined in K.S.A. 32-701, and amendments thereto, except that a person shall have maintained that person's place of permanent abode in this state for a period of not less than one year immediately preceding the person's application for a lifetime fishing, hunting or furharvester or combination hunting and fishing license.

(c) Upon request of the secretary of social and rehabilitation services, the secretary of wildlife and parks shall not issue a lifetime fishing, hunting or furharvester or combination hunting and fishing license to an applicant except as provided in this subsection. The secretary of social and rehabilitation services may make such a request if, at the time of the request, the applicant owed arrearages under a support order in a title IV-D case being administered by the secretary of social and rehabilitation services or had outstanding a warrant or subpoena, directed to the applicant, in a title IV-D case being administered by the secretary of social and rehabilitation services.

Upon receiving a release from an authorized agent of the secretary of social and rehabilitation services, the secretary of wildlife and parks may issue the lifetime fishing, hunting or furharvester or combination hunting and fishing license. The applicant shall have the burden of obtaining and delivering the release.

The secretary of social and rehabilitation services shall issue a release upon request if, as appropriate:

- (1) The arrearages are paid in full or a tribunal of competent jurisdiction has determined that no arrearages are owed;
- (2) an income withholding order has been served upon the applicant's current employer or payor;
- (3) an agreement has been completed or an order has been entered setting minimum payments to defray the arrearages, together with receipt of the first minimum payment; or
- (4) the applicant has complied with the warrant or subpoena or the warrant or subpoena has been quashed or withdrawn.

Nothing in this subsection shall be construed to require or permit the secretary of wildlife and parks to determine any issue related to the title IV-D case except to resolve questions of mistaken identity or determine the adequacy of any notice relating to this subsection that the secretary of wildlife and parks provides to the applicant.

"Title IV-D" means part D of title IV of the federal social security act (42 U.S.C. § 651 et seq.) and amendments thereto, as in effect on December 31, 2001, relating to child support enforcement services.

(d) The secretary, in accordance with K.S.A. 32-805 and amendments thereto, may adopt rules and regulations necessary to carry out the provisions of this section.

Sec. 5. On and after January 1, 2005, K.S.A. 2003 Supp. 32-937 is hereby amended to read as follows: 32-937. (a) When used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

(continued)

regulations adopted in accordance with K.S.A. 32-805, and amendments thereto, a regular or special big game hunting season.

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

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

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

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

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

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

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

(1) The total number of nonresident deer firearm permits of each type specified by rules and regulations that may be issued for a deer season in a management unit and which may be used to take antlered deer shall for the year 2004, not be less than 7% nor more than 14%; for the year 2005, not be less than 8% nor more than 16%; for the year 2006, not be less than 9% nor more than 18%; and for any year thereafter, not be less than 10% nor more than 20%, of the total number of resident deer firearm permits of such type authorized for such season in such management unit; and

(2) the total number of nonresident deer archery permits of each type specified by rules and regulations that may be issued for a deer season in a management unit and which may be used to take antlered deer shall for the year 2004, not be less than 9.5% nor more than 19%; for the year 2005, not be less than 10.5% nor more than 21%; for the year 2006, not be less than 11.5% nor more than 23%; and

for any year thereafter, not be less than 12.5% nor more than 25%, of the total number of resident deer archery permits of such type authorized for such season in such management unit.

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

If an unlimited number of resident deer permits that may be used to take antlered deer is authorized for a deer season or management unit, the percentage limitations of subsections ~~(m)(1) and (m)(2)~~ *(l)(1) and (l)(2)* shall be based upon the total number of resident firearm permits that may be used to take antlered deer and the total number of archery permits that may be used to take antlered deer, respectively, issued in the management unit during the most recent preceding similar season. If in a management unit there are an unlimited number of resident permits that may be used to take only antlerless deer, the secretary, in the secretary's discretion and in accordance with rules and regulations, may authorize the issuance of an unlimited number of nonresident permits that may be used to take only antlerless deer.

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

~~(o) (n)~~ The secretary shall issue nonresident deer permits pursuant to subsection ~~(m) (l)~~ to landowners and tenants applying for such permits, except that the total number of nonresident deer permits of each type specified by rules and regulations that may be issued to landowners and tenants for a deer season in a management unit shall not exceed 50% of the total number of nonresident deer permits of such a type authorized for such season in such management unit. A nonresident deer permit obtained by a landowner or tenant shall retain the permit's nonresident and species designation, except that such permit shall only be valid within a designated county and one additional county where the qualifying landowner's or tenant's lands are located. The permit shall be transferable, with or without consideration, to any resident or nonresident through the secretary at the request of the landowner or tenant. A landowner or tenant purchasing a nonresident deer permit pursuant to this subsection shall pay the established fee for a nonresident deer permit.

The provisions of this subsection shall expire on June 30, 2007.

~~(p) No big game permit issued to a person under 14 years of age shall be valid until such person reaches 14 years of age, except that a person under 14 years of age may be issued a wild turkey permit, and a person who is 12 years or 13 years of age may be issued a permit for a big game species other than wild turkey. Such permits shall be valid only while the person is hunting under the immediate supervision of an adult 21 years of age or older, to: (1) Take big game using a firearm, or (2) take big game using a bow, if the person submits to the secretary evidence satisfactory to the secretary of completion of a bow hunting safety education course.~~

~~(o)~~ On or before January 31, 2005:

(1) The secretary, by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto, shall establish not less than nine archery management units for deer. To the extent possible, boundaries of firearm management units for deer shall be used in establishing the boundaries of such archery management units.

(2) The secretary shall submit to the house standing committee on tourism and parks and the senate standing committee on natural resources a report regarding the archery management units established pursuant to subsection (o)(1).

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

~~(r) (q)~~ The permittee shall permanently affix the game tag to the carcass of any big game immediately after killing and thereafter, if

required by rules and regulations, the permittee shall immediately take such killed game to a check station as required in the rules and regulations, where a check station tag shall be affixed to the game carcass if the kill is legal. The tags shall remain affixed until the carcass is consumed or processed for storage.

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

Sec. 6. K.S.A. 32-938 is hereby amended to read as follows: 32-938. ~~Upon request, the department of wildlife and parks shall refund the amount of fees paid for a big game permit and carcass tags for the 1990 big game season, the January and February 1991 special deer season or the 1991 spring turkey season by any member of the armed forces of the United States who, pursuant to orders, was preparing to deploy or was deployed in the Persian gulf area of military operations on or before the commencement of such season. The department of wildlife and parks may reissue big game or turkey limited draw permits to military personnel forced to forfeit their limited draw permit due to deployment in the event of armed conflict or war upon application and payment of the prescribed fee to the department and sufficient proof of such deployment. The permit, if reissued, shall be the same type, season and species permit that was forfeited and shall be valid during the next available hunting season upon return from the armed conflict or war by the applicant.~~

Sec. 7. On and after January 1, 2005, K.S.A. 32-943 is hereby amended to read as follows: 32-943. As used in K.S.A. 32-943 through 32-950, and amendments thereto, unless the context otherwise requires:

(a) "Game bird" means pheasant, quail, partridge, hand-raised mallard duck, prairie chicken, grouse, exotic game bird or any other bird, *except wild turkey*, hunted by sportspersons.

(b) "Propagated" means birds which are pen raised, birds raised from eggs purchased for purposes of raising such birds, chicks and full-grown birds purchased to be released in the area, as well as birds hatched from eggs produced on the area.

Sec. 8. On and after January 1, 2005, K.S.A. 2003 Supp. 32-988 is hereby amended to read as follows: 32-988. (a) The secretary is authorized to adopt, in accordance with K.S.A. 32-805 and amendments thereto, rules and regulations fixing the amount of fees for the following items, subject to the following limitations and subject to the requirement that no such rules and regulations shall be adopted as temporary rules and regulations:

Big game permits

- Resident (other than elk permit): maximum \$100
- Nonresident (other than elk permit): maximum \$400
- Elk permit: maximum \$350
- Resident big game tag: maximum \$20
- Nonresident big game tag: maximum \$30
- Nonresident applications: maximum \$25

Combination hunting and fishing licenses

- Resident: maximum \$50
- Lifetime: maximum \$1,000; or 8 quarterly payments, each maximum \$150
- Nonresident: maximum \$200

Commercial dog training permits: maximum \$25

Commercial guide permit or associate guide permit

- Resident: maximum \$250
- Nonresident: maximum \$1,000

Commercial harvest or dealer permits: maximum \$200

Commercial prairie rattlesnake harvesting permits

- Resident or nonresident with valid hunting license: maximum \$5
- Resident or nonresident nonfirearm without valid hunting license: maximum \$20

Controlled shooting area operator license: maximum \$400

Duplicate licenses, permits, stamps and other issues of the department: maximum \$10

Falconry

Permits: maximum \$300

Examinations: maximum \$100

Field trial permits: maximum \$25

Fishing licenses

Resident: maximum \$25

Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75

Nonresident: maximum \$75

Five-day nonresident: maximum \$25

Institutional group: maximum \$200

Special nonprofit group: maximum \$200

Twenty-four-hour: maximum \$10

Fur dealer licenses

Resident: maximum \$200

Nonresident: maximum \$400

Furharvester licenses

Resident: maximum \$25

Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75

Nonresident: maximum \$400

Game breeder permits: maximum \$15

Handicapped hunting and fishing permits: maximum \$5

Hound trainer-breeder running permits: maximum \$25

Hunting licenses

Resident: maximum \$25

Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75

Nonresident 16 or more years of age: maximum \$125

Nonresident under 16 years of age: maximum \$75

Controlled shooting area: maximum \$25

Forty-eight-hour waterfowl permits: maximum \$25

Migratory waterfowl habitat stamps: maximum \$8

Mussel fishing licenses

Resident: maximum \$200

Nonresident: maximum \$1,500

Rabbit permits

Live trapping: maximum \$200

Shipping: maximum \$400

Raptor propagation permits: maximum \$100

Rehabilitation permits: maximum \$50

Scientific, educational or exhibition permits: maximum \$10

Wildlife damage control permits: maximum \$10

Wildlife importation permits: maximum \$10

Wild turkey permits

Resident: maximum \$100

Nonresident: maximum \$400

Resident turkey tag: maximum \$20

Nonresident turkey tag: maximum \$30

Special permits under K.S.A. 32-961: maximum \$100

Miscellaneous fees

Special events on department land or water: maximum \$200

Special departmental services, materials or supplies: no maximum

Other issues of department: no maximum

Vendor bond: no maximum

(b) The fee for a landowner-tenant resident big game or wild turkey hunting permit shall be an amount equal to ½ the fee for a general resident big game or wild turkey hunting permit.

(c) The fee for a furharvester license for a resident under 16 years of age shall be an amount equal to ½ the fee for a resident furharvester license.

(d) The secretary may establish, by rules and regulations adopted in accordance with K.S.A. 32-805 and amendments thereto, different fees for various classes and types of licenses, permits, stamps and other issuances of the department which may occur within each item as described under subsection (a).

(continued)

Sec. 9. On and after January 1, 2005, K.S.A. 32-1004 is hereby amended to read as follows: 32-1004. (a) It is unlawful for any person to:

- (1) Possess a carcass of a big game animal *or wild turkey*, taken within this state, unless a game tag issued by the secretary is attached to it, and a check station tag is attached to it if required by the secretary, or refuse to make such carcass available for inspection by any officer authorized to enforce the laws of this state or rules and regulations of the secretary;
- (2) possess any wildlife unlawfully killed or otherwise unlawfully taken outside this state;
- (3) cause to be shipped within, from or into this state any illegally taken or possessed wildlife;
- (4) intentionally import into this state, or possess or release in this state, any species of wildlife prohibited pursuant to K.S.A. 32-956 and amendments thereto;
- (5) refuse to allow any conservation officer or deputy conservation officer or any law enforcement officer to inspect and count any wildlife in such person's possession; or
- (6) refuse to allow any conservation officer or deputy conservation officer or any law enforcement officer to inspect any devices or facilities of such person which are used in taking, possessing, transporting, storing or processing any wildlife subject to the wildlife and parks laws of this state or rules and regulations of the secretary.

(b) The provisions of subsection (a)(1) do not apply to animals sold in surplus property disposal sales of department exhibit herds or animals legally taken outside this state.

Sec. 10. On and after January 1, 2005, K.S.A. 32-1032 is hereby amended to read as follows: 32-1032. (a) Violation of any provision of the wildlife and parks laws of this state or rules and regulations of the secretary relating to big game *or wild turkey* permits and game tags is a misdemeanor, subject to the provisions of subsection (b), punishable by a fine of not less than \$250 nor more than \$1,000 or by imprisonment in the county jail for not more than six months, or by both.

(b) (1) In addition to any other penalty prescribed by law, the unlawful intentional taking of a trophy big game animal shall be punishable by a fine of \$5,000.

(2) A trophy big game animal shall include any animal meeting the following criteria:

- (A) An antlered whitetail deer having an inside spread measurement of at least 17 inches;
- (B) an antlered mule deer having an inside spread measurement of at least 22 inches;
- (C) an antlered elk having at least six points on one antler; or
- (D) an antelope having at least one horn greater than 14 inches in length.

(3) The secretary may adopt, in accordance with K.S.A. 32-805, and amendments thereto, such rules and regulations that the secretary deems necessary to implement and define the terms of this section.

(c) In addition to any other penalty imposed by the convicting court, if a person is convicted of a violation of K.S.A. 32-1002, 32-1003 or 32-1013, and amendments thereto, that involves taking of a big game animal *or wild turkey*, or if a person is convicted of a violation of K.S.A. 32-1005, and amendments thereto, that involves commercialization of a big game animal *or wild turkey*, the court shall order:

(1) Upon the first such conviction, forfeiture of the person's hunting privileges for one year from the date of conviction and: (A) Revocation of the person's hunting license, unless such license is a lifetime hunting license; or (B) if the person possesses a lifetime hunting license, suspension of such license for one year from the date of conviction.

(2) Upon the second such conviction, forfeiture of the person's hunting privileges for three years from the date of conviction and: (A) Revocation of the person's hunting license, unless such license is a lifetime hunting license; or (B) if the person possesses a lifetime

hunting license, suspension of such license for three years from the date of conviction.

(3) Upon the third or a subsequent such conviction, forfeiture of the person's hunting privileges for five years from the date of conviction and: (A) Revocation of the person's hunting license, unless such license is a lifetime hunting license; or (B) if the person possesses a lifetime hunting license, suspension of such license for five years from the date of conviction.

(d) If a person convicted of a violation described in subsection (c) has been issued a combination hunting and fishing license or a combination lifetime license, only the hunting portion of such license shall be revoked or suspended pursuant to subsection (c).

(e) Nothing in this section shall be construed to prevent a convicting court from suspending a person's hunting privileges or ordering the forfeiture or suspension of the person's license, permit, stamp or other issue of the department for a period longer than provided in this section, if such forfeiture or suspension is otherwise provided for by law.

Sec. 11. On and after January 1, 2005, K.S.A. 2003 Supp. 32-1050 is hereby amended to read as follows: 32-1050. (a) Whenever any person is issued a citation by a conservation officer or deputy conservation officer of the wildlife and parks conservation service or by any law enforcement officer for any of the violations described in subsection (b), the officer may require such person to give bond in the amount specified in subsection (b) for the offense for which the person was charged, which bond shall be subject to forfeiture if the person does not appear at the court at the time specified in the written citation. The bond shall be a cash bond and shall be payable using cash or legal tender identified as travelers checks, certified checks, cashiers checks, personal checks and postal money orders. The cash bond shall be taken in the following manner: The officer shall furnish the person charged with a stamped envelope addressed to the judge or clerk of the court named in the written citation and the person shall place in such envelope the amount of the bond, and in the presence of the officer shall deposit the same in the United States mail. After having complied with these requirements, the person charged need not sign the citation, but the officer shall note the amount of the bond mailed on the citation and shall give a copy of such citation to the person.

(b) The offenses for which a cash bond may be required as provided in subsection (a) and the amounts thereof shall be as follows, subject to increase at the discretion of the court:

Engaging in any activity without a required valid license or permit, other than a big game <i>or wild turkey</i> permit or a license or permit for commercial activity	\$100
Engaging in any activity without a required stamp or other issue of the department	75
Engaging in any commercial activity without a required valid license or permit	500
Engaging in any big game <i>or wild turkey</i> hunting without a required valid big game <i>or wild turkey</i> permit	500
Making misrepresentation to secure license, permit, stamp or other issue of the department	250
Taking wildlife, except big game <i>or wild turkey</i> , unlawfully (including but not limited to taking wildlife before or after legal taking hours, during closed season, or using unlawful equipment, means or method)	100
Carrying unplugged shotgun	75
Exceeding bag or possession limit, except big game <i>or wild turkey</i> - \$25 for each animal in excess of the bag or possession limit, plus	75
Exceeding big game <i>or wild turkey</i> bag or possession limit - \$100 for each animal in excess of the bag or possession limit, plus	250
Unlawful transporting of wildlife	150
Taking big game <i>or wild turkey</i> unlawfully (including but not limited to taking big game <i>or wild turkey</i> before or after legal taking hours, during closed season, or using unlawful equipment, means or method)	500

Failing to wear and properly display required clothing during a big game hunting season 75

Taking wildlife when operating an amount of equipment in excess of that legally authorized 75

Exceeding creel or possession limit — \$25 for each animal in excess of the creel or possession limit, plus 75

Operating vessel without a certificate of number or registration 50

Operating vessel without proper display of required identification number 50

Failing to properly display required lights on vessel between sunset and sunrise 50

Operating vessel without correct number or approved types of adult personal flotation devices — \$25 for each adult personal flotation device violation, plus 50

Operating vessel without correct number or approved types of child personal flotation devices — \$50 for each child personal flotation device violation, plus 100

Operating vessel without required number of personal flotation devices readily accessible and in good and serviceable condition — \$25 for each personal flotation device violation, plus 50

Operating vessel without required number or approved types of fire extinguishers 50

Operating vessel in restricted area 50

Operating vessel without required observer or rearview mirror on vessel 50

Operating vessel without required equipment or in excess of capacity plate limitations 50

Unlawful altering, destroying or removing of capacity plate 100

(c) For any violation of the wildlife and park laws of this state or rules and regulations adopted thereunder for which a cash bond is not specified in subsection (b), the court may establish a cash bond amount.

(d) There shall be added to the amount of cash bond required pursuant to subsections (b) and (c) the amount of the docket fee as prescribed by K.S.A. 28-172a, and amendments thereto for crimes defined in chapter 32 of the Kansas Statutes Annotated, and amendments thereto.

(e) In the event of forfeiture of any of the bonds set forth in this section, the amount added by (d) to the amount of the cash bond shall be regarded as a docket fee.

New Sec. 12. On and after January 1, 2005:

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

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

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

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

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

(f) The secretary may issue wild turkey hunting permits to non-residents in wild turkey management units with unlimited wild turkey hunting permits available.

(g) Persons under 12 years of age may be issued a wild turkey permit. Such permits shall be valid only while the person is hunting under the immediate supervision of an adult 18 or more years of age.

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

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

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

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

(l) As used in this section:

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

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

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

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

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

(6) "Nonresident permit" means a wild turkey hunting permit available to individuals who are not Kansas residents.

Sec. 13. K.S.A. 32-938 is hereby repealed.

Sec. 14. On and after January 1, 2005, K.S.A. 32-701, 32-921, 32-943, 32-1004 and 32-1032 and K.S.A. 2003 Supp. 32-920, 32-930, 32-937, 32-988 and 32-1050 are hereby repealed.

(continued)

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

(Published in the Kansas Register April 22, 2004.)

HOUSE Substitute for SENATE BILL No. 45

AN ACT creating the Kansas criminal justice recodification, rehabilitation and restoration project; duties thereof; establishing a committee to govern the project; providing for the membership thereof; development of the comprehensive corrections plan.

WHEREAS, The legislature finds and declares that, since the Kansas criminal code was codified in 1993 and through 2003, 50 new felonies have been enacted; 10 felony offenses have increased severity levels; 14 misdemeanor offenses were increased to felony offenses; four crimes were moved to nongrid status; four nonperson crimes were moved to person crime status; the present sentence for nondrug severity level 1 with criminal history A is 219% greater than it was 10 years ago (194 months to 620 months) and for criminal history I, it is 60% greater (97 months to 155 months); the present sentence for nondrug severity level 2 with criminal history A is 219% greater than it was 10 years ago (146 months to 467 months) and for criminal history I, it is 60% greater (73 months to 117 months); and countless new misdemeanors have been enacted and codified throughout the Kansas statutory code, increasing the margin for error in prosecutors appropriately identifying and charging for certain criminal acts; and

WHEREAS, In recent years there have been numerous appellate court decisions, both federal and state, which have impacted determinant sentencing, most especially with regard to departures from the sentencing guidelines, and the enforceability and sentencing severity of enacted criminal legislation; and

WHEREAS, Numerous societal changes have occurred as a result of advances in technology, the advent of terrorism and the need for homeland security, which must be appropriately addressed; and

WHEREAS, The Legislature further finds and declares that a comprehensive review of these new and enhanced offenses should be conducted to determine if the sentences for these offenses are appropriate and proportionate to other sentences imposed under the code; and

WHEREAS, Crime rates have been falling since 1994, with violent and property crime rates nationally being at their lowest level in 30 years. Recidivism as reported in the Corrections Yearbook is rising, and Bureau of Justice Statistics Special Report on Recidivism data indicates that within three years of release, 67.5% of released prisoners were re-arrested, 46.9% were reconvicted for new crimes, 35.4% were re-sentenced for new crime, and 51.8% returned to prison; and

WHEREAS, The inmate population in Kansas grew at a rate of 45.7% over the past 10 years, now exceeds 9,100 people, and is currently projected to increase to a population of 10,131 in 2013, an additional 11% increase; and

WHEREAS, Many of these increased admissions are nonviolent offenders and technical parole violators who have committed no crime or not been reconvicted but have violated a condition of their parole. In Kansas, 53.2% of the re-admittees over a three-year period were in this category; and

WHEREAS, There have been new and apparently effective re-entry strategies for offenders developed that show much promise for improved public safety and successful reintegration of offenders into communities as productive citizens; and

WHEREAS, The rate of mental illnesses in state prisons and local jails is three times the rate in the general population, constituting more than 21% of inmates, with approximately 75% of these individuals having a co-occurring substance abuse disorder; and

WHEREAS, In most areas of Kansas, the mental health, substance abuse and criminal justice systems offer an uncoordinated system of care or no effective response for individuals with a serious mental illness or co-occurring substance abuse disorder; and

WHEREAS, The use of newer psychotropic medications has resulted in improved response to treatment for individuals with a serious mental illness, and access to these new medications has resulted in restored health and enhanced public safety; and

WHEREAS, Criminal justice, mental health and substance abuse systems that do not provide a coordinated response to individuals with serious mental illness often end up using expensive public safety and emergency services to respond to certain of those individuals; and

WHEREAS, System integration between the mental health, substance abuse and criminal justice system at the county, regional and state levels can provide prompt, appropriate treatment and interventions to break the cycles of decompensation and incarceration to successfully reduce the number of individuals with serious mental illnesses entering into, residing in and reentering the criminal justice system; and

WHEREAS, The system of criminal justice and incarceration in Kansas, presently offers substantially diminished opportunities for inmate literacy or marketable skills, or other programs and services that could ameliorate factors which place inmates at higher risk of recidivism after release; and

WHEREAS, The economic burden of recidivism is threefold, being the cost of unemployment in lost income taxes or contributions to the economy, the cost of the crime event itself compounded by police, prosecution and court expenses, and the cost of incarceration; and

WHEREAS, 93% of prisoners in the prison systems of the states are men; 55% have minor children; the average age of these children is eight, and in all, approximately 2% of all children have a parent in prison; one in seven children in our nation, before reaching age 18, will have an incarcerated father; having a father in prison is a powerful predictor of antisocial behavior in general and of criminality in particular, making a child five to six times more likely to end up in prison; and

WHEREAS, The state must learn to spend money more wisely, in order to bring crime down more effectively than to simply imprison, and thereby save moneys to spend on other priorities: Now, therefore,

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

Section 1. (a) There is hereby created the Kansas criminal justice recodification, rehabilitation and restoration project.

(b) The project shall:

(1) Re-codify the Kansas criminal code by:

(A) Analyzing and reviewing all criminal statutes and criminal procedure, making recommendations for legislation that would ensure that the sentences are appropriate and proportionate to other sentences imposed for criminal offenses, with particular emphasis on the sentencing guidelines grid for drug crimes.

(B) Studying and making recommendations concerning the statutory definitions of crimes and criminal penalties and evaluate whether certain criminal conduct may be combined into one criminal statute, thus alleviating any potential problems of having two statutes prohibiting the same criminal conduct.

(C) Reviewing and making recommendations concerning proposed criminal law modifications and amendments.

(D) Reviewing and determining the severity of the Kansas sentencing policies in relation to other states and review possible adjustments which may relieve or eliminate prison capacity issues in Kansas.

(E) Reviewing the enactment of K.S.A. 2003 Supp. 21-4729, and amendments thereto, the nonprison sanction of certified drug abuse treatment programs for certain offenders, and review and recom-

mend how best to enhance the sentence for an offender who is not subject to treatment.

(2) Identify ways to rehabilitate offenders and to work with offenders on community-based supervision by:

(A) For all offenders:

(i) Establishing an assessment and classification system whereby offenders are classified into those who can correct their criminal behavior and have a successful reentry upon release and those who are offenders who continue to be a threat to society and need to be incarcerated or incarcerated for longer periods of time.

(ii) Studying and reviewing programs which hold offenders responsible and accountable for such offender's actions and reduces recidivism.

(B) For reentry:

(i) Reviewing all correctional programs and study ways to more effectively utilize the monies being spent on such programs to reduce prison population and recidivism, particularly programs which target nonviolent offenders to earn early release by participating in rehabilitative programs while incarcerated then completing the transition by reintegration into the community and obtaining gainful employment and housing. Such rehabilitative programs may include programs which modify criminogenic behavior, enhance education, and provide job training and substance abuse treatment.

(ii) Reviewing and recommending treatment programs for mental health, drug abuse and alcohol abuse, and to provide any necessary and appropriate collaboration and cooperation among governmental agencies and services to such end.

(C) Reviewing all current research concerning criminal behavior, focusing on rehabilitating criminals in prison and upon reentry into the community and recommend a course of action.

(D) Reviewing and recommending reentry initiatives, for continuity between institutional programs and activities, offenders' reentry plans, and the supervision and services offenders receive once released, and necessary collaboration among corrections, law enforcement, and community service agencies for appropriate offender monitoring to assist in meeting the needs of the offender and the offender's family and ensure that safe communities are maintained.

(E) Make recommendations concerning reentry initiatives for serious, violent offenders based on current research and collaborative opportunities identified.

(F) Consider and harness the resources and experience of faith-based, volunteer, advocacy and community organizations to help returning offenders contribute to society.

(3) Identify ways to restore the offender into society as a productive member:

(A) Reviewing transitional programs such as mentoring, available treatment, supervised and transitional housing, basic job training and placement, and correctional industry and work release programs which assist offenders to reintegrate into the community.

(B) Establishing community networks which would support and assist the offender upon release. Such support may include assisting the offender to learn about parenting and the role of the family, and to have a productive relationship with such offender's family, including being a positive and responsible parent and spouse, providing mentoring for children of prisoners, and plans for the whole family.

(C) Recommending release planning processes that ensure each offender has an individual goal-driven release plan that targets such offender's risks and needs, and which assures the safety of our Kansas communities.

(c) The project shall be governed by a committee made up of the following members:

(1) One legislator shall be appointed by the president of the senate;

(2) one legislator shall be appointed by the minority leader of the senate;

(3) one legislator shall be appointed by the speaker of the house of representatives;

(4) one legislator shall be appointed by the minority leader of the house of representatives;

(5) one member of the judicial branch appointed by the chief justice of the supreme court;

(6) one member of the law enforcement community appointed by the attorney general;

(7) one defense attorney or public defender appointed by the governor;

(8) one county attorney or district attorney appointed by the Kansas county and district attorney association;

(9) a professor of law from the university of Kansas school of law and a professor from Washburn university school of law appointed by the deans of such schools;

(10) a drug and alcohol addiction treatment provider appointed by the governor;

(11) one district court judge appointed by the Kansas district judges association;

(12) one member representative of the faith-based community appointed by the governor;

(13) one member representative of the criminal justice field appointed by the secretary of corrections; and

(14) the attorney general, the secretary of corrections, the secretary of social and rehabilitation services and the commissioner of juvenile justice, or such persons' designees, shall serve as ex officio, nonvoting members of the committee.

(d) The members of the committee shall elect officers from among its members necessary to discharge its duties. The committee shall receive testimony from interested parties at public hearings to be conducted in the various geographic areas of the state.

(e) Each member of the committee shall receive compensation, subsistence allowances, mileage and other expenses as provided for in K.S.A. 75-3223, and amendments thereto, except that the public members of the committee shall receive compensation in the amount provided for legislators pursuant to K.S.A. 75-3212, and amendments thereto, for each day or part thereof actually spent on committee activities. No per diem compensation shall be paid under this subsection to salaried state, county or city officers or employees, except that the legislative members shall receive compensation as provided in K.S.A. 75-3212, and amendments thereto.

(f) The committee shall have the authority to:

(1) Organize and appoint such task forces or subcommittees as may be deemed necessary to discharge such committee's duties;

(2) accept grants, gifts and other appropriation of funds;

(3) hire and employ staff persons; and

(4) contract for the services of organizations and agencies in any evaluation or report necessary for the discharge of the committee's duties.

(g) The committee shall work with the Kansas judicial council, the department of corrections, the department of social and rehabilitation services, the juvenile justice authority and the Kansas sentencing commission and review studies and findings of the Kansas sentencing commission concerning proportionality of sentencing.

(h) The committee shall prepare and submit its interim report to the legislature on or before February 1, 2005. A final report and recommendations shall be submitted to the legislature on or before January 9, 2006.

(i) The staff of the office of the revisor of statutes and legislative research department shall provide such assistance as may be requested by the committee and to the extent authorized by the legislative coordinating council.

(j) The provisions of this section shall expire on July 1, 2006.

Sec. 2. (a) The secretary of corrections shall develop a comprehensive plan for the expansion of maximum, medium and minimum security prison capacity, for specialized facilities and for a training academy. In developing such plan, the secretary shall engage in discussions with local units of government in jurisdictions in which de-

(continued)

partment of corrections facilities are situated. The secretary shall present such plan to the legislature not later than February 1, 2005.

(b) The secretary is authorized to enter into agreements with Woodson County, or with any municipality within Woodson County, in preparation for the expansion of the minimum security correctional facility at Toronto to house additional medium or minimum security male inmates or for the development of related correctional facilities in Woodson County.

(c) The secretary is authorized to enter into agreements with Rooks County, or with any municipality within Rooks County, in preparation for the expansion of the minimum security correctional facility at Stockton to house additional medium or minimum security male inmates or for the development of related correctional facilities in Rooks County.

(d) In carrying out duties under this section, the secretary shall coordinate with the Kansas criminal justice recodification, rehabilitation and restoration project committee and with the Kansas sentencing commission.

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 April 22, 2004.)

Substitute for SENATE BILL No. 335

AN ACT concerning liquefied petroleum gas; relating to the regulation thereof; prescribing certain prohibited and unlawful acts and providing penalties therefor.

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

Section 1. (a) This act shall be referred to as the Kansas propane safety and licensing act.

(b) The state fire marshal shall establish programs relating to the regulation and licensing of the liquefied petroleum gas industry in Kansas.

(c) For the purpose of this act:

(1) "Liquefied petroleum gas marketer" or "marketer" means any person, firm, corporation, association or other entity engaged directly in the retail sale or retail transport delivery of liquefied petroleum gas;

(2) "retail distribution of liquefied petroleum gas" means the delivery, sale or transportation of liquefied petroleum gas to an end retail user;

(3) "liquefied petroleum gas" means any material which is composed predominantly of any of the following hydrocarbons or mixtures of the same: propane, propylene, butanes, including, but not limited to, normal butane and isobutane and butylenes;

(4) "end retail user" means any consumer, person, firm or corporation who utilizes liquefied petroleum gas in Kansas;

(5) "liquefied petroleum gas system" or "system" means any equipment utilizing liquefied petroleum gas including a storage container, end point or points of combustion, appliances and all attachments utilizing or transporting liquefied petroleum gas;

(6) "returned to service" means the time at which liquefied petroleum gas is reintroduced into the liquefied petroleum gas system, any part of the liquefied petroleum gas system is repressurized, or at the completion of any installation, modification, repair or service of a system;

(7) "interruption of service" means (A) an event which causes a liquefied petroleum gas system to become, in total or in part, depressurized due to any installation, modification, repair, service; or (B) a change in occupancy or ownership of the location utilizing the liquefied petroleum gas system;

(8) "state fire marshal" means the fire marshal of the state of Kansas; and

(9) "liquefied petroleum gas facilities" means any liquefied petroleum gas facility with an aggregate water capacity exceeding 2,000 gallons.

Sec. 2. (a) No person, firm, corporation, association or other entity shall engage in any activity relating to the retail distribution of liquefied petroleum gas, including, but not limited to, the manufacturing, assembling, modifying, fabrication, installing or selling of any system, container or apparatus to be used in the state of Kansas for the transportation, storing, dispensing or utilization of liquefied petroleum gas by an end retail user without first having obtained the proper license to do so as provided in this act.

(b) This act shall not apply to vehicles utilizing or machinery utilizing liquefied petroleum gas, the filling of cylinders by owners for private use, liquefied petroleum gas systems with a capacity of less than 20 gallons of liquefied petroleum gas or storage containers with a water capacity of 100 lbs or less unless otherwise stated in this act.

(c) Systems of liquefied petroleum gas with multiple storage containers serving different purposes or different geographical locations shall be treated as individual and separate systems.

Sec. 3. (a) In any action brought against a liquefied petroleum gas marketer for personal injury or property damage, an end retail user's damages shall be reduced by the comparative negligence of the end retail user or any third party to the extent the action of the end retail user or the third party contributed to cause the personal injury or property damage, including, but not limited to, the end retail user's or third party's: (1) Modification, repair, service or alteration of the end retail user's liquefied petroleum gas system; or (2) failure to conduct a leak check or inspection of the liquefied petroleum gas system after any modification, repair, service or alteration of the end retail user's system.

(b) Nothing in this act is intended to limit any claim or defense that an act of an end retail user, third party, marketer or other person or entity contributed to cause the personal injury or property damage.

(c) In any action brought against a liquefied petroleum gas marketer for personal injury or property damage, evidence of the marketer's compliance or noncompliance with this act shall be admissible as evidence to support a claim or defense to the extent such evidence is relevant to the cause of the personal injury or property damage.

(d) Nothing in this act is intended to limit the liability of any individual, licensee, or liquefied petroleum gas marketer for any damages that arise from any reckless or intentional act of such individual, licensee or liquefied petroleum marketer.

(e) The state fire marshal shall develop an information notice and distribute the same annually to all licensees. The notice shall include a reference to this section, a description of the law and any additional information that the state fire marshal deems necessary and appropriate.

(f) Every liquefied petroleum gas marketer in the state of Kansas shall maintain continuous general liability coverage of not less than \$1,000,000 and shall annually provide proof of insurance to the state fire marshal.

Sec. 4. (a) An application and plan for design, construction, major modification and installation of all liquefied petroleum gas facilities shall be submitted to the state fire marshal. Construction, major modification and installation of all liquefied petroleum gas facilities owned or operated by a liquefied petroleum gas marketer shall not commence until such application and plan is reviewed and approved by the state fire marshal in accordance with rules and regulations.

(b) The state fire marshal shall approve or deny the submitted applications and plans within 20 business days upon receipt of all necessary documentation as provided for in rules and regulations. If the state fire marshal requests additional information from the applicant, the state fire marshal shall have an additional 20 business days from the day of receipt of such information to approve or deny the submitted application and plan.

Sec. 5. (a) A liquefied petroleum gas advisory board shall be created within and as part of the state fire marshal's office.

(b) The advisory board shall serve in an advisory capacity to the governor and the state fire marshal. The advisory board shall review and make recommendations on proposed rules and regulations or proposed revisions to current rules and regulations concerning liquefied petroleum gas prior to the submission of such rules and regulations to the secretary of administration pursuant to K.S.A. 77-420, and amendments thereto. Personnel matters of the state fire marshal shall not be reviewed by the advisory board. The advisory board shall not have any powers, duties or functions concerning the day-to-day operations of the office of the state fire marshal.

(c) The board shall be composed of nine members who shall be appointed by the governor. Four members shall represent retail marketers of liquefied petroleum gas; one member shall represent the insurance industry; one member shall represent wholesalers, resellers, suppliers and importers of liquefied petroleum gas; one member shall represent manufacturers and distributors of liquefied petroleum gas equipment and transporters of liquefied petroleum gas; and two members shall come from the public. At no time shall more than five members of the advisory board be members of the same political party.

(d) The regular term of office of members of the advisory board shall be four years. Regular terms shall commence on the second Monday in January following the appointment of a board member.

(e) Of the members of the board appointed in the year 2004:

(1) Four members shall have terms ending on the second Monday in January 2008 and no more than two such members shall be members of the same political party; and

(2) five members shall have terms ending on the second Monday in January 2007 and no more than three such members shall be members of the same political party.

(f) Any member appointed subsequent to 2004 shall be appointed for a four-year term, unless such appointment is to fill the unexpired term where a vacancy has occurred on the advisory board, in which case the member shall be appointed for the remainder of the unexpired term.

(g) Members of any such advisory committee shall serve without compensation. The membership shall be selected based on the individual's knowledge regarding liquefied petroleum gas, insurance or other relevant expertise.

Sec. 6. (a) The state fire marshal shall promulgate rules and regulations to carry out the provisions of this act. Any rules and regulations of the state fire marshal adopted pursuant to this section may incorporate by reference specific editions, or portions thereof, of nationally recognized fire prevention codes. Such rules and regulations shall include but not be limited to the following:

(1) The establishment of classes of licenses which shall be renewed on an annual basis, including, but not limited to:

(A) Class one dealer license which is required to engage in the retail distribution of liquefied petroleum gas;

(B) class two bulk storage site license which requires the holder to report all bulk storage facilities and locations within their operations;

(C) class three cylinder transport license which is required to operate a cylinder delivery service;

(D) class four cylinder filling license which is required to operate a cylinder filling facility, including liquefied petroleum gas cylinder filling and the sale of cylinder valves, and the operation of a liquefied petroleum gas filling station;

(E) class five recreational vehicle fueling license which is required to fuel recreational vehicles or mobile fuel containers;

(F) class six cylinder exchange cabinet license which is required to establish a cylinder exchange cabinet or participate in a cylinder program;

(G) class seven self-serve liquefied petroleum gas dispensing license which is required to operate a liquefied petroleum gas fueling facility; and

(H) class eight installation and service of liquefied petroleum gas systems license which is required to install, maintain, or modify a

residential or commercial liquefied petroleum gas distribution and utilization system.

(2) the establishment of educational requirements for each class of licenses;

(3) the establishment of inspection programs and inspection requirements for all liquefied petroleum gas facilities, operations, installations and businesses, including, but not limited to, bulk storage areas, safety information and customer records, educational requirements of liquefied petroleum gas employees and commercial establishments and places of public gathering that are end retail users for compliance with rules and regulations; and

(4) the establishment of codes which the state fire marshal has determined provide adequate protection and guidance to the liquefied petroleum gas industry and public relating to the handling, installation, modification, delivery and use of liquefied petroleum gas and liquefied petroleum gas systems.

(b) The state fire marshal shall have the authority to charge and collect fees as provided in this subsection:

(1) The annual license fee for a class one dealer license shall not exceed \$250 per location;

(2) the annual class two bulk storage site license fee shall not exceed \$50 per tank;

(3) the annual class three cylinder transport license fee per vehicle shall not exceed \$125 per truck;

(4) the annual class four cylinder filling license fee per facility shall not exceed \$75 per location;

(5) the annual class five recreational vehicle fueling license fee per facility shall not exceed \$75 per location;

(6) the annual class six cylinder exchange cabinet license fee per facility shall not exceed \$15 per location;

(7) the annual class seven self-serve liquefied petroleum gas dispensing license fee per facility shall not exceed \$75 per location; and

(8) the annual class eight installation and service of liquefied petroleum gas systems license fee shall not exceed \$25 per individual.

(c) In addition to any other penalty provided by law, any person violating the provisions of this act and amendments thereto or the rules and regulations adopted pursuant to this act may incur fines in the amount not less than \$50 nor more than \$1,000 for each such violation. In the case of a continuing violation, every day such violation continues is a separate violation. Such fines shall be imposed pursuant to the procedures provided in the administrative procedure act. Any fines recovered shall be remitted to the state treasurer and deposited to the credit of the state general fund.

(d) The state fire marshal shall create uniform safety information which shall be distributed on, at least an annual basis, to all licensees.

(e) (1) The fire marshal may suspend, revoke or refuse to issue or renew a license of any liquefied petroleum gas marketer or individual licensee as created by this act and rules and regulations upon proof that the licensee has violated any provision of this act or amendments thereto, any rules and regulations or amendments thereto, or provision regarding a class of license as established by the state fire marshal.

(2) Proceedings to consider the suspension, revocation or refusal to renew a license shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

Sec. 7. There is hereby created the state fire marshal liquefied petroleum gas fee fund. The state fire marshal shall remit all moneys received by or for it from fees or charges pursuant to the provisions of section 1 et seq., and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state fire marshal liquefied petroleum gas fee fund. All expenditures from the state fire marshal liquefied petroleum gas fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to

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vouchers approved by the fire marshal or by a person or persons designated by the state fire marshal.

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

(Published in the Kansas Register April 22, 2004.)

SENATE Substitute for HOUSE BILL No. 2912

AN ACT providing for assessments on certain hospital providers and health maintenance organizations; creating the health care access improvement fund; establishing the health care access improvement panel; providing for administration.

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

Section 1. As used in sections 1 to 14, inclusive, and amendments thereto, the following have the meaning respectively ascribed thereto, unless the context requires otherwise:

(a) "Department" means the department of social and rehabilitation services.

(b) "Fund" means the health care access improvement fund.

(c) "Health maintenance organization" has the meaning provided in K.S.A. 40-3202, and amendments thereto.

(d) "Hospital" has the meaning provided in K.S.A. 65-425, and amendments thereto.

(e) "Hospital provider" means a person licensed by the department of health and environment to operate, conduct or maintain a hospital, regardless of whether the person is a federal medicaid provider.

(f) "Pharmacy provider" means an area, premises or other site where drugs are offered for sale, where there are pharmacists, as defined in K.S.A. 65-1626, and amendments thereto, and where prescriptions, as defined in K.S.A. 65-1626, and amendments thereto, are compounded and dispensed.

(g) "Assessment revenues" means the revenues generated directly by the assessments imposed by section 2 and section 7, and amendments thereto, any penalty assessments and all interest credited to the fund under this act, and any federal matching funds obtained through the use of such assessments, penalties and interest amounts.

Sec. 2. (a) Subject to the provisions of section 3, and amendments thereto, an annual assessment on inpatient services is imposed on each hospital provider in an amount equal to 1.83% of each hospital's net inpatient operating revenue for the hospital's fiscal year 2001. In the event that a hospital does not have a complete twelve-month 2001 fiscal year, the assessment under this section shall be \$200,000 until such date that such hospital has completed the hospital's first twelve-month fiscal year. Upon completing such first twelve-month fiscal year, such hospital's assessment under this section shall be the amount equal to 1.83% of such hospital's net operating revenue for such first completed twelve-month fiscal year.

(b) Nothing in this act shall be construed to authorize any home rule unit or other unit of local government to license for revenue or impose a tax or assessment upon hospital providers or a tax or assessment measured by the income or earnings of a hospital provider.

Sec. 3. (a) A hospital provider that is a state agency, the authority, as defined in K.S.A. 2003 Supp. 76-3304, and amendments thereto, a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, or a critical access hospital, as defined in K.S.A. 65-468, and amendments thereto, is exempt from the assessment imposed by section 2, and amendments thereto.

(b) A hospital operated by the department in the course of performing its mental health or developmental disabilities functions is exempt from the assessment imposed by section 2, and amendments thereto.

Sec. 4. (a) The assessment imposed by section 2, and amendments thereto, for any state fiscal year to which this statute applies shall be due and payable in equal installments on, or on the state

business day nearest to, July 19 and January 18. No installment payment of an assessment under this act shall be due and payable, however, until after:

(1) The hospital provider receives written notice from the department that the payment methodologies to hospitals required under this act have been approved by the centers for medicare and medicaid services of the United States department of health and human services under 42 C.F.R. 433.68 for the assessment imposed by section 2, and amendments thereto, has been granted by the centers for medicare and medicaid services of the United States department of health and human services; and

(2) in the case of a hospital provider, the hospital has received payments for two quarters after the effective date of the payment methodology approved by the centers for medicare and medicaid services.

(b) The department is authorized to establish delayed payment schedules for hospital providers that are unable to make installment payments when due under this section due to financial difficulties, as determined by the department.

(c) If a hospital provider fails to pay the full amount of an installment when due, including any extensions granted under this section, there shall be added to the assessment imposed by section 2, and amendments thereto, unless waived by the department for reasonable cause, a penalty assessment equal to the lesser of:

(1) An amount equal to 5% of the installment amount not paid on or before the due date plus 5% of the portion thereof remaining unpaid on the last day of each month thereafter; or

(2) an amount equal to 100% of the installment amount not paid on or before the due date.

For purposes of subsection (c), payments will be credited first to unpaid installment amounts, rather than to penalty or interest amounts, beginning with the most delinquent installment.

Sec. 5. (a) After December 31 of each year, except as otherwise provided in this subsection, and on or before March 31 of the succeeding year, the department shall send a notice of assessment to every hospital provider subject to assessment under this act.

(b) The hospital provider notice of assessment shall notify the hospital provider of its assessment for the state fiscal year commencing on the next July 1.

(c) If a hospital provider operates, conducts or maintains more than one licensed hospital in the state, the hospital provider shall pay the assessment for each hospital separately.

(d) Notwithstanding any other provision in this act, in the case of a person who ceases to operate, conduct or maintain a hospital in respect of which the person is subject to assessment in section 2, and amendments thereto, as a hospital provider, the assessment for the state fiscal year in which the cessation occurs shall be adjusted by multiplying the assessment computed under section 2, and amendments thereto, by a fraction, the numerator of which is the number of the days during the year during which the provider operates, conducts or maintains a hospital and the denominator of which is 365. Immediately upon ceasing to operate, conduct or maintain a hospital, the person shall pay the adjusted assessment for that state fiscal year, to the extent not previously paid.

(e) Notwithstanding any other provision in this act, a person who commences operating, conducting or maintaining a hospital shall pay the assessment computed under subsection (a) of section 2, and amendments thereto, in installments on the due dates stated in the notice and on the regular installment due dates for the state fiscal year occurring after the due dates of the initial notice.

Sec. 6. To the extent practicable, the department shall administer and enforce this act and collect the assessments, interest and penalty assessments imposed under this act using procedures generally employed in the administration of the department's other powers, duties and functions.

Sec. 7. The department shall assess each health maintenance organization that has a medicaid managed care contract awarded by

the state and administered by the department an assessment fee that equals 5.9% of nonmedicare premiums collected by that health maintenance organization. The assessment shall be calculated by reference to information contained in the health maintenance organization's statement filings for the previous state fiscal year.

Sec. 8. (a) The assessment imposed by section 7, and amendments thereto, for any state fiscal year to which this statute applies shall be due and payable in equal installments on, or on the state business day nearest to, July 19 and January 18. No installment payment of an assessment under this act shall be due and payable, however, until after:

(1) The health maintenance organization receives written notice from the department that the payment methodologies to health maintenance organizations required under this act have been approved by the centers for medicare and medicaid services of the United States department of health and human services and the state plan amendment for the assessment imposed by section 7, and amendments thereto, has been granted by the centers for medicare and medicaid services of the United States department of health and human services; and

(2) the health maintenance organization has received payments for two quarters after the effective date of the payment methodology approved by the centers for medicare and medicaid services.

(b) The department is authorized to establish delayed payment schedules for health maintenance organizations that are unable to make installment payments when due under this section due to financial difficulties, as determined by the department.

(c) If a health maintenance organization fails to pay the full amount of an installment when due, including any extensions of time for delayed payment granted under this section, there shall be added to the assessment imposed by section 7, and amendments thereto, unless waived by the department for reasonable cause, a penalty assessment equal to the lesser of:

(1) An amount equal to 5% of the installment amount not paid on or before the due date plus 5% of the portion thereof remaining unpaid on the last day of each month thereafter; or

(2) an amount equal to 100% of the installment amount not paid on or before the due date.

For purposes of this subsection (c), payments shall be credited first to unpaid installment amounts, rather than to penalty or interest amounts, beginning with the most delinquent installment.

Sec. 9. (a) After December 31 of each year, except as otherwise provided in this subsection, and on or before March 31 of the succeeding year, the department shall send a notice of assessment to every health maintenance organization subject to assessment under this act.

(b) The health maintenance organization notice of assessment shall notify the health maintenance organization of its assessment for the state fiscal year commencing on the next July 1.

(c) If a health maintenance organization operates, conducts or maintains more than one health maintenance organization in the state, the health maintenance organization shall pay the assessment for each health maintenance organization separately.

(d) Notwithstanding any other provision in this act, in the case of a person who ceases to operate, conduct or maintain a health maintenance organization in respect of which the person is subject to assessment in section 7, and amendments thereto, as a health maintenance organization, the assessment for the state fiscal year in which the cessation occurs shall be adjusted by multiplying the assessment computed under section 7, and amendments thereto, by a fraction, the numerator of which is the number of days during the year during which the health maintenance organization operates, conducts or maintains a health maintenance organization and the denominator of which is 365. Immediately upon ceasing to operate, conduct or maintain a health maintenance organization, the person shall pay the adjusted assessment for the state fiscal year, to the extent not previously paid.

(e) Notwithstanding any other provision in this act, a person who commences operating, conducting or maintaining a health maintenance organization shall pay the assessment computed under section 7, and amendments thereto, in installments on the due dates stated in the notice and on the regular installment due dates for the state fiscal year occurring after the due dates of the initial notice.

Sec. 10. (a) The assessment imposed by section 7, and amendments thereto, shall not take effect or shall cease to be imposed and any moneys remaining in the fund attributable to the assessment imposed by section 7, and amendments thereto, shall be refunded to health maintenance organizations in proportion to the amounts paid by such health maintenance organizations if the payments to health maintenance organizations required under subsection (b) of section 13, and amendments thereto, are changed or are not eligible for federal matching funds under title XIX or XXI of the federal social security act.

(b) The assessment imposed by section 7, and amendments thereto, shall not take effect or shall cease to be imposed if the assessment is determined to be an impermissible tax under title XIX of the federal social security act. Moneys in the health care access improvement fund derived from assessments imposed prior thereto shall be disbursed in accordance with subsection (b) of section 13, and amendments thereto, to the extent that federal matching is not reduced due to the impermissibility of the assessments and any remaining moneys shall be refunded to health maintenance organizations in proportion to the amounts paid by such health maintenance organizations.

Sec. 11. (a) There is hereby created in the state treasury the health care access improvement fund, which shall be administered by the secretary of social and rehabilitation services. All moneys received for the assessments imposed by section 2 and section 7, and amendments thereto, including any penalty assessments imposed thereon, shall be remitted to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the health care access improvement fund. All expenditures from the health care access improvement fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of social and rehabilitation services or the secretary's designee.

(b) The fund shall not be used to replace any moneys appropriated by the legislature for the department's medicaid program.

(c) The fund is created for the purpose of receiving moneys in accordance with this act and disbursing moneys only for the purpose of improving health care delivery and related health activities, notwithstanding any other provision of law.

(d) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the health care access improvement fund interest earnings based on:

(1) The average daily balance of moneys in the health care access improvement fund for the preceding month; and

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

(e) The fund shall consist of the following:

(1) All moneys collected or received by the department from the hospital provider assessment and the health maintenance organization assessment imposed by this act;

(2) any interest or penalty levied in conjunction with the administration of this act; and

(3) all other moneys received for the fund from any other source.

Sec. 12. (a) The assessment imposed by section 2, and amendments thereto, shall not take effect or shall cease to be imposed and any moneys remaining in the fund attributable to assessments imposed under section 2, and amendments thereto, shall be refunded to hospital providers in proportion to the amounts paid by them if

(continued)

the payments to hospitals required under subsection (a) of section 13, and amendments thereto, are changed or are not eligible for federal matching funds under title XIX or XXI of the federal social security act.

(b) The assessment imposed by section 2, and amendments thereto, shall not take effect or shall cease to be imposed if the assessment is determined to be an impermissible tax under title XIX of the federal social security act. Moneys in the health care access improvement fund derived from assessments imposed prior thereto shall be disbursed in accordance with subsection (a) of section 13, and amendments thereto, to the extent that federal matching is not reduced due to the impermissibility of the assessments and any remaining moneys shall be refunded to hospital providers in proportion to the amounts paid by them.

Sec. 13. (a) Assessment revenues generated from the hospital provider assessments shall be disbursed as follows:

(1) Not less than 80% of assessment revenues shall be disbursed to hospital providers through a combination of medicaid access improvement payments and increased medicaid rates on designated diagnostic related groupings, procedures or codes;

(2) not more than 20% of assessment revenues shall be disbursed to providers who are persons licensed to practice medicine and surgery or dentistry through increased medicaid rates on designated procedures and codes; and

(3) not more than 3.2% of hospital provider assessment revenues shall be used to fund health care access improvement programs in undergraduate, graduate or continuing medical education, including the medical student loan act.

(b) Assessment revenues generated from the health maintenance organization assessment shall be disbursed as follows:

(1) Not less than 53% of health maintenance organization assessment revenues shall be disbursed to health maintenance organizations that have a contract with the department through increased medicaid rates;

(2) not more than 30% of health maintenance organization assessment revenues shall be disbursed to fund activities to increase access to dental care, primary care safety net clinics, increased medicaid rates on designated procedures and codes for providers who are persons licensed to practice dentistry, and home and community-based services;

(3) not more than 17% of health maintenance organization assessment revenues shall be disbursed to pharmacy providers through increased medicaid rates.

(c) For the purposes of administering and selecting the disbursements described in subsections (a) and (b) of this section, the health care access improvement panel is hereby established. The panel shall consist of the following: Three members appointed by the Kansas hospital association, two members who are persons licensed to practice medicine and surgery appointed by the Kansas medical society, one member appointed by each health maintenance organization that has a medicaid managed care contract with the department of social and rehabilitation services, one member appointed by the Kansas association for the medically underserved, and one representative of the department of social and rehabilitation services appointed by the governor. The panel shall meet as soon as possible subsequent to the effective date of this act and shall elect a chairperson from among the members appointed by the Kansas hospital association. A representative of the panel shall be required to make an annual report to the legislature regarding the collection and distribution of all funds received and distributed under this act.

Sec. 14. The secretary of social and rehabilitation services with the advice and subject to the approval of the health care access improvement panel may adopt rules and regulations necessary to implement this act.

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

(Published in the Kansas Register April 22, 2004.)

HOUSE BILL No. 2760

AN ACT concerning hospitals; amending K.S.A. 65-468 and K.S.A. 2003 Supp. 76-3304 and repealing the existing sections.

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

Section 1. K.S.A. 65-468 is hereby amended to read as follows: 65-468. As used in K.S.A. 65-468 to 65-474, inclusive, and amendments thereto:

(a) "Health care provider" means any person licensed or otherwise authorized by law to provide health care services in this state or a professional corporation organized pursuant to the professional corporation law of Kansas by persons who are authorized by law to form such corporation and who are health care providers as defined by this subsection, or an officer, employee or agent thereof, acting in the course and scope of employment or agency.

(b) "Member" means any hospital, emergency medical service, local health department, home health agency, adult care home, medical clinic, mental health center or clinic or nonemergency transportation system.

(c) "Mid-level practitioner" means a physician's assistant or advanced registered nurse practitioner who has entered into a written protocol with a rural health network physician.

(d) "Physician" means a person licensed to practice medicine and surgery.

(e) "Rural health network" means an alliance of members including at least one critical access hospital and at least one other hospital which has developed a comprehensive plan submitted to and approved by the secretary of health and environment regarding patient referral and transfer; the provision of emergency and non-emergency transportation among members; the development of a network-wide emergency services plan; and the development of a plan for sharing patient information and services between hospital members concerning medical staff credentialing, risk management, quality assurance and peer review.

(f) "Critical access hospital" means a member of a rural health network which makes available twenty-four hour emergency care services; provides not more than ~~15~~ 25 acute care inpatient beds or in the case of a facility with an approved swing-bed agreement a combined total of extended care and acute care beds that does not exceed 25 beds (~~provided that the number of beds used at any time for acute care inpatient services does not exceed 15 beds~~); provides acute inpatient care for a period that does not exceed, on an annual average basis, 96 hours per patient; and provides nursing services under the direction of a licensed professional nurse and continuous licensed professional nursing services for not less than 24 hours of every day when any bed is occupied or the facility is open to provide services for patients unless an exemption is granted by the licensing agency pursuant to rules and regulations. The critical access hospital may provide any services otherwise required to be provided by a full-time, on-site dietician, pharmacist, laboratory technician, medical technologist and radiological technologist on a part-time, off-site basis under written agreements or arrangements with one or more providers or suppliers recognized under medicare. The critical access hospital may provide inpatient services by a physician's assistant, nurse practitioner or a clinical nurse specialist subject to the oversight of a physician who need not be present in the facility. *In addition to the facility's 25 acute beds or swing beds, or both, the critical access hospital may have a psychiatric unit or a rehabilitation unit, or both. Each unit shall not exceed 10 beds and neither unit will count toward the 25-bed limit, nor will these units be subject to the average 96-hour length of stay restriction.*

(g) "Hospital" means a hospital other than a critical access hospital which has entered into a written agreement with at least one critical access hospital to form a rural health network and to provide medical or administrative supporting services within the limit of the hospital's capabilities.

Sec. 2. K.S.A. 2003 Supp. 76-3304 is hereby amended to read as follows: 76-3304. (a) There is hereby established a body politic and corporate, with corporate succession, to be known as the university of Kansas hospital authority. The authority shall be an independent instrumentality of this state. Its exercise of the rights, powers and privileges conferred by this act shall be deemed and held to be the performance of an essential governmental function.

(b) The authority shall be governed by a nineteen-member board of directors. Thirteen of the members *shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Members appointed by the governor shall be representatives of the general public who are recognized for outstanding knowledge and leadership in the fields of finance, business, health-care management, health care providers, legal affairs, education or government. Of the 13 members representing the general public, there shall be at least one member from each congressional district. Six members shall be ex officio voting members consisting of the chancellor of the university of Kansas, the executive vice chancellor of the university of Kansas medical center, the executive dean of the university of Kansas school of medicine, the chief of staff of the university of Kansas hospital medical staff, the president of the authority and the dean of the university of Kansas school of nursing.*

~~(c) The 13 members representing the general public appointed to the board shall be appointed by the governor pursuant to subsection (f) and subject to senate confirmation as provided in K.S.A. 75-4315b, and amendments thereto. Any member whose nomination is subject to confirmation during a regular session of the legislature shall be deemed terminated when the senate rejects the nomination. No such termination shall affect the validity of any action taken by such member prior to such termination.~~

~~(d) On the effective date of this act~~

(c) On April 18, 2002, the terms of the general public board members then serving on the board shall expire, and, pursuant to subsection (f) (e), the governor shall reappoint all such general public board members. Of the general public members appointed to the board by the governor under this section, three shall have a term of office of one year, three shall have a term of office of two years, three shall have a term of office of three years and four shall have a term of office of four years. Terms of general public members appointed pursuant to this section shall expire on March 15. Any general public member whose term expires under this section subsection and thereafter is reappointed under this section subsection shall be exempt to from the requirements of subsection (f) (e) for the term of office appointed under this section subsection.

~~(d)~~ (d) After the board of directors is appointed under subsection (f) (c), members other than ex officio shall be appointed for a term of four years each, except in the event of a vacancy the appointment shall be for the remainder of the unexpired portion of the. Whenever a vacancy occurs in the membership of the board prior to the expiration of a term of office, the governor shall appoint, in the manner provided by subsection (e), a qualified successor to fill the unexpired term. Each member shall hold office for the term of appointment and until the successor has been appointed and confirmed. Any member is eligible for reappointment, but members shall not be eligible to serve more than three consecutive four-year terms, except that this limitation shall not include any previous term of office of any general public member serving on the board on the effective date of this act April 18, 2002.

(f) (e) When a vacancy occurs or is announced regarding a member or members representing the general public, a nominating committee of the board after receiving input from the board and conferring with the board shall assemble a slate of not less than two nor more than three persons for each vacancy and shall forward each slate to the governor. The governor shall appoint one board member from each slate and shall forward each appointment to the senate for confirmation as provided in K.S.A. 75-4315b, and amendments thereto. Except as provided by K.S.A. 2003 Supp. 46-2601, and

amendments thereto, no person appointed to the board shall exercise any power, duty or function as a member of the board until confirmed by the senate.

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

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

(i) (h) Members of the board of directors of the authority shall serve without compensation. Members of the board attending meetings of the board, or attending a subcommittee meeting thereof authorized by the board, shall be paid mileage and all other applicable expenses, provided such expenses are consistent with policies established from time-to-time by the authority's board of directors and as required by subsection (j) (i).

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

(k) (j) Any member of the board of directors other than an ex officio member may be removed by an affirmative vote of 10 of the members of the board for malfeasance or misfeasance in office, regularly failing to attend meetings, or for any cause which renders the member incapable of or unfit to discharge the duties of director.

(l) (k) The board shall meet at least six times per year and at such other times as it deems appropriate, or upon call by the president or the chairperson, or upon written request of a majority of the directors. The board may adopt, repeal and amend such rules, procedures and bylaws, not contrary to law or inconsistent with this act, as it deems expedient for its own governance and for the governance and management of the authority. A majority of the total voting membership of the board shall constitute a quorum for meetings. The board may act by a majority of those at any meeting where a quorum is present, except upon such issues as the board may determine shall require a vote of 10 members for approval. The board shall meet for the initial meeting upon call by the chancellor of the university of Kansas who shall act as temporary chairperson until officers of the board are elected pursuant to subsection (m) (g).

(m) (l) The board shall appoint a president who shall serve at the pleasure of the board. The president shall serve as the chief executive officer of the authority. The president's salary shall be set by the board. The board may negotiate and enter into an employment agreement with the individual selected as president of the authority which may provide for compensation allowances, benefits and expenses as may be included in such agreement. The president shall direct and supervise administrative affairs and the general management of the authority. The president, as a member of the board of directors, may not vote on such president's salary.

(n) (m) The board may provide to the president of the authority and other employees designated by the board supplemental benefits in addition to the benefits provided in K.S.A. 2003 Supp. 76-3322, and amendments thereto.

(o) (n) The authority shall continue until terminated by law, except that no such law shall take effect so long as the authority has bonds outstanding, unless adequate provision has been made for the payment or retirement of such debts or obligations. Upon any such dissolution of the authority, all property, funds and assets thereof

(continued)

shall be vested in the state, university of Kansas medical center or other hospital entity as designated by the board and approved by act of the Kansas legislature.

Sec. 3. K.S.A. 65-468 and K.S.A. 2003 Supp. 76-3304 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 April 22, 2004.)

HOUSE Substitute for Substitute for SENATE BILL No. 153

AN ACT concerning emergency telephone service; enacting the wireless enhanced 911 act; imposing certain fees; providing for certain grants; amending K.S.A. 12-5302 and K.S.A. 2003 Supp. 19-101a and repealing the existing sections.

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

New Section 1. (a) Sections 1 through 18, and amendments thereto, may be cited as the wireless enhanced 911 act.

(b) If any provisions of this act or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provisions or application. To this end the provisions of this act are severable.

New Sec. 2. As used in the wireless enhanced 911 act, unless the context otherwise requires:

(a) "Advisory board" means the wireless enhanced 911 advisory board established under section 6, and amendments thereto.

(b) "Automatic number identification" means a feature by which a person calling a public safety answering point has such person's 10-digit telephone number simultaneously forwarded to the public safety answering point and to the public safety answering point's display and transfer.

(c) "Eligible municipality" means: (1) Any county having a population of less than 75,000 or any city located within such a county; or (2) any two or more such counties or cities.

(d) "Emergency telephone service" means a telephone system utilizing a single three digit number "911" for reporting police, fire, medical or other emergency situations.

(e) "Enhanced 911 service" means an emergency telephone service that generally may provide, but is not limited to, selective routing, automatic number identification and automatic location identification features.

(f) "Exchange access facilities" means all facilities provided by the service supplier for the facility which provides local telephone exchange access to a service user.

(g) "Fund" means the wireless enhanced 911 grant fund established by this act.

(h) "Governing body" means the board of county commissioners of a county or the governing body of a city.

(i) "Local collection point administrator" means the statewide association of cities as established by K.S.A. 12-1610e, and amendments thereto, and the statewide association of counties as established by K.S.A. 19-2690, and amendments thereto.

(j) "Mobile telephone number" means the telephone number assigned to a wireless telephone at the time of initial activation.

(k) "Person" means any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, nonprofit organization, estate, trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy or any other legal entity.

(l) "Prepaid wireless telephone service" means wireless telephone service that is activated in advance by payment for a finite dollar amount of service or for a finite set of minutes that terminate

either upon use by a customer and delivery by the wireless provider of an agreed-upon amount of service corresponding to the total dollar amount paid in advance or within a certain period of time following the initial purchase or activation, unless additional payments are made.

(m) "Primary place of use" has the meaning provided in the mobile telecommunications act (4 U.S.C. 116, *et seq.*, as in effect on the effective date of this act).

(n) "Project" means the development and acquisition of the necessary improvements in order to facilitate the establishment of wireless enhanced 911 service.

(o) "Project costs" means all costs or expenses which are necessary or incident to a project and which are directly attributable thereto.

(p) "PSAP" means public safety answering point.

(q) "Pseudo-automatic number identification" means a feature by which automatic number identification is provided to a public safety answering point of the 10-digit telephone number of the specific cell site or cell site sector from which a wireless call originated.

(r) "Public agency" means any city, county, municipal corporation, public district or public authority located in whole or in part within this state which provides or has authority to provide fire fighting, law enforcement, ambulance, emergency medical or other emergency services.

(s) "Secretary" means the secretary of administration.

(t) "Service supplier" means any person providing exchange telephone service to any service user in this state.

(u) "Service user" means any person who is provided exchange telephone service or wireless service in this state.

(v) "Subscriber account" means the 10-digit access number assigned to a wireless service customer regardless of whether more than one such number is aggregated for the purpose of billing a service user.

(w) "Tariff rate" means the rate or rates billed by a service supplier and as stated in the service supplier's tariffs, approved by the state corporation commission which represent the service supplier's recurring charges for exchange access facilities or their equivalent, exclusive of all taxes, fees, licenses or similar charges whatsoever.

(x) "Valid request" means a request to a wireless carrier for wireless enhanced 911 service, made by a PSAP which is capable of receiving and utilizing the data elements associated with wireless enhanced 911 service as determined in accordance with 47 CFR 20.18 (October 1, 2002).

(y) "Wholesaler of prepaid wireless service" means a person who purchases at wholesale wireless service from a wireless carrier for resale as prepaid wireless service.

(z) "Wireless automatic location identification information" means a feature by which information is provided to a public safety answering point identifying the location of a 911 caller within the parameters established by the federal communications commission.

(aa) "Wireless carrier" means any common, private or other radio carrier licensed by the federal communications commission to provide two-way voice service in this state which provides interconnection to the public switched telephone network and access to a 24-hour answering point.

(bb) "Wireless enhanced 911 grant fee" means the fee imposed under section 4, and amendments thereto.

(cc) "Wireless enhanced 911 local fee" means the fee imposed under section 10, and amendments thereto.

(dd) "Wireless enhanced 911 service" means a communication service by which wireless carriers can provide automatic number identification, pseudo-automatic number identification and wireless automatic location identification information to a requesting PSAP, as defined in FCC docket 94-102, which is capable of receiving and utilizing the data elements associated with wireless enhanced 911 service.

(ee) "Wireless service" means a two-way voice service provided by a wireless carrier.

New Sec. 3. (a) There is hereby established in the state treasury the wireless enhanced 911 grant fund.

(b) Moneys from the following sources shall be credited to the fund:

(1) Amounts received by the state from the federal government for the purposes of the fund;

(2) amounts appropriated or otherwise made available by the legislature for the purposes of the fund;

(3) amounts received from fees under section 4, and amendments thereto, or from repayments or fees remitted under section 8 or 10, and amendments thereto;

(4) interest attributable to investment of moneys in the fund; and

(5) amounts received from any public or private entity for the purposes of the fund.

(c) Subject to the conditions and in accordance with requirements of this act, moneys credited to the fund shall be used only:

(1) To pay costs of administering the fund, including actual and necessary expenses incurred by members of the advisory board while performing duties required by the wireless enhanced 911 act and costs of any audit performed under section 11, and amendments thereto, but the aggregate amount of all such costs shall not exceed 5% of the moneys credited to the fund; and

(2) to provide grants to eligible municipalities only for necessary and reasonable costs incurred or to be incurred by PSAP's for: (1) Implementation of wireless enhanced 911 service; (2) purchase of equipment and upgrades and modification to equipment used solely to process the data elements of wireless enhanced 911 service; and (3) maintenance and license fees for such equipment and training of personnel to operate such equipment, including costs of training PSAP personnel to provide effective service to all users of the emergency telephone system who have communications disabilities. Such costs shall not include expenditures to lease, construct, expand, acquire, remodel, renovate, repair, furnish or make improvements to buildings or similar facilities or for other capital outlay or equipment not expressly authorized by this act.

(d) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the fund interest earnings based on:

(1) The average daily balance of moneys in the wireless enhanced 911 grant fund for the preceding month; and

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

(e) All payments and disbursements from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person or persons designated by the secretary.

New Sec. 4. (a) Subject to the provisions of section 18, and amendments thereto, effective July 1, 2004, there is hereby established a wireless enhanced 911 grant fee in the amount of \$.25 per month per wireless subscriber account with primary place of use in the state of Kansas. It shall be the duty of each wireless carrier to collect such fee from the wireless service user and remit such fee to the secretary as provided by section 11, and amendments thereto.

(b) Subject to the provisions of section 18, and amendments thereto, there is hereby established a wireless enhanced 911 grant fee in an amount equal to 1% of the retail price of any prepaid wireless service sold in the state. It shall be the duty of each wholesaler of prepaid wireless service to remit such fee to the secretary as provided by section 11, and amendments thereto.

(c) The secretary shall remit to the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, any fees received pursuant to this section. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the wireless enhanced 911 grant fund.

New Sec. 5. The secretary shall administer the provisions of the wireless enhanced 911 act and shall be responsible for administration and management of the fund. The secretary is hereby authorized to:

(a) Enter into binding commitments for the provision of grants in accordance with the provisions of this act;

(b) review applications of eligible municipalities for grants and select the projects for which grants will be made available; and

(c) adopt rules and regulations necessary for effectuation of the provisions of this act.

New Sec. 6. (a) There is hereby established the wireless enhanced 911 advisory board. Members of the advisory board shall be individuals familiar with development and implementation of wireless enhanced 911 service and shall be appointed by the governor as follows:

(1) One individual representing the Kansas association of counties;

(2) one individual representing the league of Kansas municipalities;

(3) one individual representing local law enforcement;

(4) one individual representing local fire/emergency medical services;

(5) one individual representing PSAP's in counties having a population of less than 15,000;

(6) one individual representing PSAP's in counties having a population of 15,000 or more;

(7) one individual representing the wireless carriers industry;

(8) one individual representing local exchange service providers; and

(9) one individual representing the Kansas highway patrol.

(b) The appointments in subsection (a)(1) through (a)(6) of this section shall satisfy the following:

(1) Two shall be individuals from counties having a population of more than 75,000;

(2) two shall be individuals from counties having a population from 15,000 up to 75,000; and

(3) two shall be individuals from counties having a population of less than 15,000.

New Sec. 7. After providing for public comment and review each year, the secretary, in conjunction with the advisory board, shall prepare a plan identifying the intended uses of the moneys available in the fund. The intended use plan shall include, but not be limited to:

(a) The wireless enhanced 911 project priority list;

(b) a description of the short-term and long-term goals and objectives of the fund for the deployment of wireless enhanced 911;

(c) provisions addressing the needs of persons with communication disabilities;

(d) information on the projects to be financed, including a description thereof, the terms of grants to be provided and the municipalities receiving the grants; and

(e) the criteria and method established for the provision of grants to be made from the fund.

New Sec. 8. (a) Eligible municipalities wishing to receive a grant under the wireless enhanced 911 act shall submit an application therefor to the secretary. Applications shall be in such form and shall include such information as the secretary shall require including, but not limited to, the request for proposals submitted to initiate the deployment process, and shall be submitted in a manner and at a time to be determined by the secretary.

(b) The secretary may enter into agreements with any eligible municipality for the provision of a grant thereto for payment of all or a part of project costs and any eligible municipality may enter into such an agreement and may accept such grant when so authorized by the municipal governing body. The purposes of the grant to be provided, a time frame for implementation, and the amount thereof, which may vary among municipalities, shall be included in the agreements. All such agreements shall include provisions for repayment of the grant if implementation is not completed in accordance with the terms of the agreement.

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(c) If a municipality to which a grant is made available under the wireless enhanced 911 act fails to enter into an agreement with the secretary for the provision of such grant in accordance with the requirements of this act, the secretary may make the amount of the grant available for one or more other projects on the priority list.

(d) The secretary shall provide any eligible municipality, upon request, with technical advice and assistance regarding a project or an application for a grant for the payment of all or part of project costs.

(e) (1) Subject to the provisions of subsection (e)(3), each PSAP shall submit to wireless carriers a valid request for wireless enhanced 911 service by July 1, 2006.

(2) Subject to the provisions of subsection (e)(3), if a PSAP has not submitted to wireless carriers a valid request for wireless enhanced 911 service by July 1, 2006, such PSAP shall pay to the secretary all moneys paid from the fund to such PSAP. The secretary shall remit such moneys to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the wireless enhanced 911 grant fund. Thereafter, such PSAP shall not be eligible to receive moneys from the fund until the PSAP has submitted to the secretary evidence satisfactory to the secretary that the PSAP has submitted to wireless carriers a valid request for wireless enhanced 911 service.

(3) If a PSAP is unable to make a valid request by July 1, 2006, the advisory board may approve not to exceed two one-year extensions of such date to not later than July 1, 2008, if the advisory board determines that: (A) Equipment necessary to receive and utilize the data elements associated with the wireless enhanced 911 service has been ordered by the PSAP but is unavailable; or (B) there is other just cause to extend the date.

New Sec. 9. The secretary shall prepare an annual report describing how the state has met the goals and objectives for the previous year as identified in the intended use plan prepared under section 7, and amendments thereto. Such report shall include information concerning the progress toward implementation of federal phase II enhanced 911 requirements pursuant to 47 C.F.R. 20.18. The secretary shall provide such report to the governor and the legislature.

New Sec. 10. (a) Effective July 1, 2004, there is hereby imposed a wireless enhanced 911 local fee. Subject to the provisions of section 18, and amendments thereto, the amount of such fee shall be \$.25 per month per wireless subscriber account with primary place of use in the state of Kansas. Such fee shall not be imposed on prepaid wireless service.

(b) Subject to the provisions of section 18, and amendments thereto, the proceeds of the wireless enhanced 911 local fee, and any interest earned on revenue derived from such fee, shall be used only for necessary and reasonable costs incurred or to be incurred by PSAP's for: (1) Implementation of wireless enhanced 911 service; (2) purchase of equipment and upgrades and modification to equipment used solely to process the data elements of wireless enhanced 911 service; and (3) maintenance and license fees for such equipment and training of personnel to operate such equipment, including costs of training PSAP personnel to provide effective service to all users of the emergency telephone system who have communications disabilities. Such costs shall not include expenditures to lease, construct, expand, acquire, remodel, renovate, repair, furnish or make improvements to buildings or similar facilities or for other capital outlay or equipment not expressly authorized by this act.

(c) Each PSAP shall submit to the secretary an annual report accounting for the money received by the PSAP from the wireless enhanced 911 local fee. Such report shall be submitted on a form provided by the secretary.

(d) (1) Subject to the provisions of subsection (d)(3), each PSAP shall submit to wireless carriers a valid request for wireless enhanced 911 service by July 1, 2006.

(2) Subject to the provisions of subsection (d)(3), if a PSAP has not submitted to wireless carriers a valid request for wireless enhanced 911 service by July 1, 2006: (A) Such PSAP shall pay to the secretary all moneys from the wireless enhanced 911 local fee which have been or are received by such PSAP; (B) the secretary shall notify the local collection point administrator that the PSAP has not made a valid request when required and that distributions of moneys from the wireless enhanced 911 local fee to the PSAP shall be stopped and that such moneys shall be instead remitted to the secretary until the secretary notifies the local collection point administrator that the PSAP has made a valid request; (C) the PSAP thereafter shall not be eligible to receive moneys from the fund or from distributions by the local collection point administrator until the PSAP has submitted to the secretary evidence satisfactory to the secretary that the PSAP has submitted to wireless carriers a valid request for wireless enhanced 911 service. The secretary shall remit any moneys received from the repayment by the PSAP or from distributions by the local collection point administrator to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the wireless enhanced 911 grant fund.

(3) If a PSAP is unable to make a valid request by July 1, 2006, the advisory board may approve not to exceed two one-year extensions of such date to not later than July 1, 2008, if the advisory board determines that: (A) Equipment necessary to receive and utilize the data elements associated with wireless enhanced 911 service has been ordered by the PSAP but is unavailable; or (B) there is other just cause to extend the date.

New Sec. 11. (a) Every billed wireless service user shall be liable for the wireless enhanced 911 grant fee and the wireless enhanced 911 local fee until such fees have been paid to the wireless carrier.

(b) The duty to collect any such fees imposed pursuant to this act shall commence July 1, 2004. Such fees shall be added to and may be stated separately in billings for the subscriber account. If stated separately in billings, the fees shall be labeled "KS E-911 fees."

(c) The wireless carrier shall have no obligation to take any legal action to enforce the collection of the fees imposed by this act. The wireless carrier shall provide annually to the secretary a list of amounts of uncollected wireless enhanced 911 grant fees along with the names and addresses of those wireless service users which carry a balance that can be determined by the wireless carrier to be nonpayment of such fees. The wireless carrier shall provide annually to the local collection point administrator a list of amounts of uncollected wireless enhanced 911 local fees along with the names and addresses of those wireless service users which carry a balance that can be determined by the wireless carrier to be nonpayment of such fees.

(d) The fees imposed by this act shall be collected insofar as practicable at the same time as, and along with, the charges for wireless service in accordance with regular billing practice of the wireless carrier.

(e) The wireless enhanced 911 grant fee and the amounts required to be collected therefor are due monthly. The amount of any such fees collected in one month by the wireless carrier shall be remitted to the secretary not more than 15 days after the close of the calendar month. On or before the 15th day of each calendar month following, a return for the preceding month shall be filed with the secretary in such form as the secretary and the wireless carrier shall agree. The wireless carrier required to file the return shall deliver the return together with a remittance of the amount of the fees payable to the secretary. The wireless carrier shall maintain records of the amount of any such fees collected pursuant to action in accord with this act. Such records shall be maintained for a period of three years from the time the fees are collected.

(f) The wireless enhanced 911 local fee and the amounts required to be collected therefor are due monthly. The amount of any such fees collected in one month by the wireless carrier shall be

remitted to the local collection point administrator not more than 15 days after the close of the calendar month. On or before the 15th day of each calendar month following, a return for the preceding month shall be filed with the local collection point administrator. Such return shall be in such form and shall contain such information as required by the administrator. The wireless carrier required to file the return shall deliver the return together with a remittance of the amount of the fees payable to the local collection point administrator. The wireless carrier shall maintain records of the amount of any such fees collected pursuant to action in accord with this act. Such records shall be maintained for a period of three years from the time the fees are collected.

(g) In the case of prepaid wireless telephone service, the monthly wireless enhanced 911 grant fee shall be remitted to the secretary by the wholesaler of the prepaid wireless service not more than 15 days after the close of the calendar month in which the prepaid wireless service is sold by such wholesaler.

(h) Except as provided by subsection (d) of section 10, and amendments thereto, not later than 30 days after receipt of moneys from wireless carriers pursuant to this section, the local collection point administrator shall distribute such moneys collected from the wireless enhanced 911 local fee to PSAP's based upon primary place of use information provided by wireless carriers. The local collection point administrator may retain an administrative fee of not more than 2% of moneys collected from such fee.

(i) The local collection point administrator shall keep accurate accounts of all receipts and disbursements of moneys from the wireless enhanced 911 local fee. The receipts and disbursements shall be audited yearly by a licensed municipal accountant or certified public accountant and the audit report shall be submitted to the secretary.

New Sec. 12. In 2006, the secretary shall require, and thereafter may require, an audit of any wireless carrier's books and records concerning the collection and remittance of fees pursuant to this act. Any such audit shall be conducted at the expense of the secretary. Information provided by wireless carriers to the secretary or the advisory board pursuant to the wireless enhanced 911 act will be treated as proprietary records which will be withheld from the public upon request of the party submitting such records.

New Sec. 13. The wireless enhanced 911 service described in the wireless enhanced 911 act is within the governmental power and authority of the secretary, local collection point administrator, governing bodies and public agencies. Except as provided by the Kansas tort claims act, in contracting for such service and in providing such service, and except for failure to use ordinary care, or for intentional acts, the secretary, local collection point administrator, each governing body, each public agency, each wireless carrier and their employees and agents shall not be liable for the payment of damages resulting from the performance of installing, maintaining or providing wireless enhanced 911 service.

New Sec. 14. (a) During calendar year 2006, the division of post audit shall conduct an audit of the wireless enhanced 911 service system to determine: (1) Whether moneys received by municipalities pursuant to the wireless enhanced 911 act are being used appropriately; (2) the amount of moneys collected pursuant to this act is adequate; (3) the status of wireless enhanced 911 implementation; and (4) the need and level of continued funding of the wireless enhanced 911 service system. The audit shall be in accordance with a scope statement authorized and approved by the legislative post audit committee and shall be conducted in accordance with article 11 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto.

(b) During the calendar year 2008, the division of post audit shall conduct an audit of the wireless enhanced 911 service system and the landline emergency telephone service system to determine: (1) Whether moneys received by municipalities pursuant to the wireless enhanced 911 act are being used appropriately; (2) the amount of moneys collected pursuant to this act is adequate; (3) the status of

wireless enhanced 911 implementation; and (4) the need and level of continued funding of the wireless enhanced 911 service system and the landline emergency telephone service system. The audit shall be in accordance with a scope statement authorized and approved by the legislative post audit committee and shall be conducted in accordance with article 11 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto. The audit report shall be submitted to the legislature at the commencement of the regular session of the legislature in 2009.

New Sec. 15. Nothing in the wireless enhanced 911 act shall be construed to limit the ability of a wireless carrier from recovering directly from the carrier's customers its costs associated with designing, developing, deploying and maintaining wireless enhanced 911 service and its costs of collection and administration of the fees imposed by this act, whether such costs are itemized on the customer's bill as a surcharge or by any other lawful method.

New Sec. 16. All PSAP's and wireless carriers shall make a good faith effort to ensure that wireless 911 calls placed near jurisdictional borders are forwarded to the appropriate PSAP.

New Sec. 17. Upon notice to a PSAP of an application by a wireless carrier for a waiver of the deadlines of the federal communications commission for implementation of wireless enhanced 911, such PSAP shall notify the secretary of such application.

New Sec. 18. (a) On July 1, 2010:

(1) The wireless enhanced 911 grant fee shall be discontinued, the advisory board shall be abolished, any unobligated balance of the wireless enhanced 911 grant fund shall be paid to the local collection point administrator for distribution to PSAP's based on the population of the municipality or municipalities served by the respective PSAP and the fund shall be abolished.

(2) Within any county which has a population of 125,000 or more, the amount of the tax imposed pursuant to K.S.A. 12-5302, and amendments thereto, shall not exceed \$.25 per month per access line or its equivalent and the amount of the wireless enhanced 911 local fee within such jurisdiction shall be an equal amount per month per wireless subscriber account.

(3) Within any county which has a population of less than 125,000 the amount of the tax imposed to K.S.A. 12-5302, and amendments thereto, shall not exceed \$.50 per month per access line or its equivalent and the amount of the wireless enhanced 911 local fee shall be an equal amount per month per wireless subscriber account.

(4) The provisions of sections 3 through 9, and amendments thereto, shall expire.

(b) On and after July 1, 2010, the proceeds of the wireless enhanced 911 local fee shall be used only to pay for costs of emergency telephone service described in K.S.A. 12-5304, and amendments thereto, and expenditures authorized by section 10, and amendments thereto.

Sec. 19. K.S.A. 12-5302 is hereby amended to read as follows: 12-5302. (a) In addition to other powers for the protection of the public health and welfare, a governing body may provide for the operation of an emergency telephone service and may pay for it by imposing an emergency telephone tax for such service in those portions of the governing body's jurisdiction for which emergency telephone service has been contracted. The governing body may do such other acts as are expedient for the protection and preservation of the public health and welfare and are necessary for the operation of the emergency telephone system. The governing body is hereby authorized by ordinance in the case of cities and by resolution in the case of counties to impose such tax in those portions of the governing body's jurisdiction for which emergency telephone service has been contracted. *Subject to the provisions of section 18, and amendments thereto*, the amount of such tax shall not exceed \$.75 per month per exchange access line or its equivalent.

(continued)

(b) Within 60 days of the publication of a resolution by a county adopted pursuant to subsection (a) there may be filed with the county election officer of the county a petition signed by not less than 5% of the registered voters of the county, and within 60 days of publication of an ordinance adopted pursuant to subsection (a) there may be filed with the county election officer of the county in which the city is located a petition signed by not less than 5% of the registered voters of the city, in either such case requesting that the question of the installation and operation of emergency telephone service and imposition of tax therefor be submitted to the qualified voters of the county. Upon determination of the sufficiency of such petition and certification thereof by the county election officer, the proposition shall be submitted to the qualified voters of the county or city as the case may be at the next primary or general election of county officers following by not less than 60 days the certification of such petition. If a majority of the votes cast at such election are for the installation and operation of emergency telephone service and imposition of tax therefor, or if no protest petition is filed within the time hereinbefore prescribed, the governing body may provide for the installation and operation of such service and impose such tax. If a tax is imposed on the effective date of this act or thereafter, any proposed increase in the amount of the tax shall be subject to the protest petition provided in this subsection. The proceeds of the tax shall be utilized to pay for the operation of emergency telephone service as set forth in subsection (b) of K.S.A. 12-5304, and amendments thereto, and may be imposed at any time subsequent to execution of a contract with the provider of such service at the discretion of the governing body. The collection of such tax may begin at the time determined to be necessary to generate revenue in an amount necessary to pay the non-recurring expenses of establishing the emergency telephone service. Any interest earned on revenue derived from such tax shall be used to pay the expenses authorized by K.S.A. 12-5304, and amendments thereto. Such tax shall not be imposed until after the expiration of the protest period or until after approved at an election if a sufficient protest petition is filed.

(c) As an alternative to the procedure provided in subsection (b), the governing body may submit, on its own initiative, the proposal to establish an emergency telephone service to the qualified voters of the city or county for approval. Any such election shall be called and held in the manner provided by the general bond law.

(d) Such tax shall be imposed only upon exchange access lines or their equivalent. No such tax shall be imposed upon more than 100 exchange access facilities or their equivalent per person per location.

(e) Every billed service user shall be liable for any tax imposed under this ~~act~~ section until it has been paid to the service supplier. Wireless service ~~users~~ shall be exempt from the emergency telephone tax under this section but shall be subject to the wireless enhanced 911 grant fee imposed under section 4, and amendments thereto, and the wireless enhanced 911 local fee imposed under section 10, and amendments thereto.

(f) The duty to collect any tax imposed under authority of this ~~act~~ section from a service user shall commence at such time as specified by the governing body. Taxes imposed under authority of this ~~act~~ section and required by it to be collected by the service supplier shall be added to and may be stated separately in the billings to the service user.

(g) The service supplier shall have no obligation to take any legal action to enforce the collection of any tax imposed under authority of this ~~act~~ section. The service supplier shall provide annually the governing body with a list of amounts uncollected along with the names and addresses of those service users which carry a balance that can be determined by the service supplier to be nonpayment of any tax imposed under authority of this ~~act~~ section.

(h) Any tax imposed under authority of this ~~act~~ section shall be collected insofar as practicable at the same time as, and along with, the charges for the tariff rate in accordance with the regular billing practice of the service supplier.

Sec. 20. K.S.A. 2003 Supp. 19-101a is hereby amended to read as follows: 19-101a. (a) The board of county commissioners may transact all county business and perform all powers of local legislation and administration it deems appropriate, subject only to the following limitations, restrictions or prohibitions:

(1) Counties shall be subject to all acts of the legislature which apply uniformly to all counties.

(2) Counties may not consolidate or alter county boundaries.

(3) Counties may not affect the courts located therein.

(4) Counties shall be subject to acts of the legislature prescribing limits of indebtedness.

(5) In the exercise of powers of local legislation and administration authorized under provisions of this section, the home rule power conferred on cities to determine their local affairs and government shall not be superseded or impaired without the consent of the governing body of each city within a county which may be affected.

(6) Counties may not legislate on social welfare administered under state law enacted pursuant to or in conformity with public law No. 271—74th congress, or amendments thereof.

(7) Counties shall be subject to all acts of the legislature concerning elections, election commissioners and officers and their duties as such officers and the election of county officers.

(8) Counties shall be subject to the limitations and prohibitions imposed under K.S.A. 12-187 to 12-195, inclusive, and amendments thereto, prescribing limitations upon the levy of retailers' sales taxes by counties.

(9) Counties may not exempt from or effect changes in statutes made nonuniform in application solely by reason of authorizing exceptions for counties having adopted a charter for county government.

(10) No county may levy ad valorem taxes under the authority of this section upon real property located within any redevelopment project area established under the authority of K.S.A. 12-1772, and amendments thereto, unless the resolution authorizing the same specifically authorized a portion of the proceeds of such levy to be used to pay the principal of and interest upon bonds issued by a city under the authority of K.S.A. 12-1774, and amendments thereto.

(11) Counties shall have no power under this section to exempt from any statute authorizing or requiring the levy of taxes and providing substitute and additional provisions on the same subject, unless the resolution authorizing the same specifically provides for a portion of the proceeds of such levy to be used to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto.

(12) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4601 through 19-4625, and amendments thereto.

(13) Except as otherwise specifically authorized by K.S.A. 12-1,101 through 12-1,109, and amendments thereto, counties may not levy and collect taxes on incomes from whatever source derived.

(14) Counties may not exempt from or effect changes in K.S.A. 19-430, and amendments thereto.

(15) Counties may not exempt from or effect changes in K.S.A. 19-302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.

(16) (A) Counties may not exempt from or effect changes in K.S.A. 13-13a26, and amendments thereto.

(B) This provision shall expire on June 30, 2005.

(17) (A) Counties may not exempt from or effect changes in K.S.A. 71-301a, and amendments thereto.

(B) This provision shall expire on June 30, 2005.

(18) Counties may not exempt from or effect changes in K.S.A. 19-15,139, 19-15,140 and 19-15,141, and amendments thereto.

(19) Counties may not exempt from or effect changes in the provisions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c and 12-1226, and amendments thereto, or the provisions of K.S.A. 12-1260 through 12-1270 and 12-1276, and amendments thereto.

(20) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-211, and amendments thereto.

- (21) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4001 through 19-4015, and amendments thereto.
- (22) Counties may not regulate the production or drilling of any oil or gas well in any manner which would result in the duplication of regulation by the state corporation commission and the Kansas department of health and environment pursuant to chapter 55 and chapter 65 of the Kansas Statutes Annotated and any rules and regulations adopted pursuant thereto. Counties may not require any license or permit for the drilling or production of oil and gas wells. Counties may not impose any fee or charge for the drilling or production of any oil or gas well.
- (23) Counties may not exempt from or effect changes in K.S.A. 79-41a04, and amendments thereto.
- (24) Counties may not exempt from or effect changes in K.S.A. 79-1611, and amendments thereto.
- (25) Counties may not exempt from or effect changes in K.S.A. 79-1494, and amendments thereto.
- (26) Counties may not exempt from or effect changes in subsection (b) of K.S.A. 19-202, and amendments thereto.
- (27) Counties may not exempt from or effect changes in subsection (b) of K.S.A. 19-204, and amendments thereto.
- (28) Counties may not levy or impose an excise, severance or any other tax in the nature of an excise tax upon the physical severance and production of any mineral or other material from the earth or water.
- (29) Counties may not exempt from or effect changes in K.S.A. 79-2017 or 79-2101, and amendments thereto.
- (30) Counties may not exempt from or effect changes in K.S.A. 2-3302, 2-3305, 2-3307, 2-3318, 17-5904, 17-5908, 47-1219, 65-

- 171d, 65-1,178 through 65-1,199 or K.S.A. 2003 Supp. 17-5909, and amendments thereto.
- (31) Counties may not exempt from or effect changes in K.S.A. 2003 Supp. 80-121, and amendments thereto.
- (32) Counties may not exempt from or effect changes in K.S.A. 19-228, and amendments thereto.
- (33) Counties may not exempt from or effect changes in the wireless enhanced 911 act or in the provisions of K.S.A. 12-5301 through 12-5308, and amendments thereto.
- (b) Counties shall apply the powers of local legislation granted in subsection (a) by resolution of the board of county commissioners. If no statutory authority exists for such local legislation other than that set forth in subsection (a) and the local legislation proposed under the authority of such subsection is not contrary to any act of the legislature, such local legislation shall become effective upon passage of a resolution of the board and publication in the official county newspaper. If the legislation proposed by the board under authority of subsection (a) is contrary to an act of the legislature which is applicable to the particular county but not uniformly applicable to all counties, such legislation shall become effective by passage of a charter resolution in the manner provided in K.S.A. 19-101b, and amendments thereto.
- (c) Any resolution adopted by a county which conflicts with the restrictions in subsection (a) is null and void.
- Sec. 21. K.S.A. 12-5302 and K.S.A. 2003 Supp. 19-101a are hereby repealed.
- Sec. 22. 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 2003 Volumes of the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-6-21	Amended	V. 22, p. 1968
1-6-23	Amended (T)	V. 22, p. 466
1-6-23	Amended	V. 22, p. 1230
1-45-1 through 1-45-7	Revoked	V. 22, p. 226
1-45-7a	Revoked	V. 22, p. 226
1-45-8 through 1-45-14	Revoked	V. 22, p. 226
1-45-15	Revoked	V. 22, p. 226
1-45-16	Revoked	V. 22, p. 226
1-45-17	Revoked	V. 22, p. 226
1-45-18 through 1-45-24	New	V. 22, p. 226-228
1-45-18	Amended (T)	V. 23, p. 424
1-45-19	Amended (T)	V. 23, p. 424
1-45-20	Amended (T)	V. 23, p. 424
1-45-23	Amended (T)	V. 23, p. 425
1-45-24	Amended (T)	V. 23, p. 425
1-47-1	Amended	V. 22, p. 850
1-49-1	Amended	V. 22, p. 851
1-49-12	New	V. 22, p. 851

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-4-900	Amended	V. 22, p. 1191
4-4-956	Amended	V. 22, p. 1192

4-4-982	Amended	V. 22, p. 1192
4-4-983	Amended	V. 22, p. 1192
4-4-985	New	V. 22, p. 1193
4-4-986	New	V. 22, p. 1194
4-8-43	New (T)	V. 22, p. 82
4-8-43	New	V. 22, p. 432
4-13-1	Amended	V. 22, p. 1194
4-13-2	Amended	V. 22, p. 1195
4-13-4a	Amended	V. 22, p. 1195
4-13-6	Amended	V. 22, p. 1196
4-13-7	Amended	V. 22, p. 1196
4-13-26	Amended	V. 22, p. 1196
4-20-5	Amended	V. 22, p. 1747
4-20-11	Amended	V. 22, p. 385
4-20-15	Amended	V. 22, p. 385
4-21-1	Amended	V. 22, p. 385
4-21-3	Amended	V. 22, p. 386
4-21-4	Amended	V. 22, p. 386
4-21-5	Amended	V. 22, p. 387
4-21-6	Amended	V. 22, p. 387
4-21-7	New	V. 22, p. 387
4-25-16	Amended (T)	V. 22, p. 2176
4-25-16	Amended	V. 23, p. 95

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-1-1	Amended	V. 22, p. 1747
5-1-4	Amended	V. 22, p. 1751
5-1-6	Amended	V. 22, p. 1752
5-1-9	Amended	V. 22, p. 1753
5-1-12	Amended	V. 22, p. 1753
5-3-1	Amended	V. 22, p. 1754
5-3-1b	New	V. 22, p. 1754
5-3-3a	New	V. 22, p. 1754
5-3-4c	Amended	V. 22, p. 1754
5-3-4d	Amended	V. 22, p. 1754
5-3-5c	Amended	V. 22, p. 1755
5-3-7	Amended	V. 22, p. 1755
5-3-16a	New	V. 22, p. 1755
5-3-19	Amended	V. 22, p. 1756
5-5-2a	New	V. 22, p. 1756
5-5-16	Amended	V. 22, p. 1757
5-6-13a	New	V. 22, p. 1758
5-6-15	Amended	V. 22, p. 1758

5-7-1	Amended	V. 22, p. 1758
5-9-1	Amended	V. 22, p. 1759
5-9-6	Amended	V. 22, p. 1759
5-14-10	New	V. 22, p. 1759
5-14-11	New	V. 22, p. 1760
5-23-1	Amended	V. 23, p. 181
5-23-3	Amended	V. 23, p. 181
5-23-3a	Amended	V. 23, p. 182
5-23-4	Amended	V. 22, p. 1933
5-23-4a	Amended	V. 22, p. 1933
5-23-4b	Amended	V. 22, p. 1934
5-23-5	Revoked	V. 22, p. 1935
5-24-1	Amended	V. 23, p. 65
5-24-2	Amended	V. 23, p. 65
5-24-3	Amended	V. 23, p. 66
5-24-4	Amended	V. 23, p. 68
5-24-6	Amended	V. 23, p. 68
5-24-8	Amended	V. 23, p. 68
5-24-11	New	V. 23, p. 69
5-25-1	Amended	V. 22, p. 1819
5-25-2	Amended	V. 22, p. 1819
5-25-2a	New	V. 22, p. 1819
5-25-3	Amended	V. 22, p. 1820
5-25-4	Amended	V. 22, p. 1820
5-25-5	Amended	V. 22, p. 1820
5-25-8	Amended	V. 22, p. 1821
5-25-10	Amended	V. 22, p. 1821
5-25-11	Amended	V. 22, p. 1821
5-25-12 through 5-25-20	New	V. 22, p. 1821-1824

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-16-1	New (T)	V. 22, p. 1226
7-16-1	New	V. 22, p. 1650
7-16-2	New (T)	V. 22, p. 1226
7-16-2	New	V. 22, p. 1650

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Reg. No.	Action	Register
9-18-1	Amended	V. 22, p. 794
9-18-2	New (T)	V. 22, p. 1260
9-18-2	New	V. 22, p. 1850

(continued)

9-18-3	New (T)	V. 22, p. 1260
9-18-3	New	V. 22, p. 1850
9-19-1		
through		
9-19-11	Revoked (T)	V. 22, p. 1261
9-19-1		
through		
9-19-11	Revoked	V. 22, p. 1816
9-19-12	New (T)	V. 22, p. 1261
9-19-12	New	V. 22, p. 1816
9-22-4	Amended (T)	V. 22, p. 1261
9-22-4	Amended	V. 22, p. 1507
9-22-5	Amended (T)	V. 22, p. 1262
9-22-5	Amended	V. 22, p. 1508
9-25-2	Amended (T)	V. 22, p. 1264
9-25-3	Amended (T)	V. 22, p. 1264
9-25-5	Amended (T)	V. 22, p. 1265
9-25-5	Amended	V. 22, p. 1817
9-25-6	Amended (T)	V. 22, p. 1266
9-25-6	Amended	V. 22, p. 1818
9-25-12	Amended (T)	V. 22, p. 1267
9-25-12	Amended	V. 22, p. 1850
9-26-1	Amended (T)	V. 22, p. 1267
9-26-1	Amended	V. 22, p. 1818

**AGENCY 14: DEPARTMENT OF
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Reg. No.	Action	Register
14-13-9	Amended	V. 22, p. 1929
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14-15-2	New	V. 22, p. 123

**AGENCY 17: STATE BANK COMMISSIONER
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Reg. No.	Action	Register
17-8-1	New	V. 22, p. 1574
17-11-18	Amended	V. 22, p. 798
17-24-1	Amended	V. 22, p. 1574
17-24-4	New	V. 22, p. 1816

**AGENCY 19: GOVERNMENTAL ETHICS
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Reg. No.	Action	Register
19-2-2	Amended	V. 23, p. 41
19-20-4	New	V. 23, p. 42
19-60-3	Amended	V. 23, p. 42
19-63-6	Amended	V. 23, p. 43

AGENCY 26: DEPARTMENT ON AGING

Reg. No.	Action	Register
26-2-3	Amended	V. 22, p. 1258
26-2-9	Amended	V. 22, p. 1259

**AGENCY 28: DEPARTMENT OF HEALTH
AND ENVIRONMENT**

Reg. No.	Action	Register
28-1-2	Amended (T)	V. 22, p. 2030
28-1-2	Amended	V. 23, p. 202
28-1-4	Amended (T)	V. 22, p. 2031
28-1-4	Amended	V. 23, p. 203
28-1-20	Amended	V. 23, p. 360
28-4-576	Amended (T)	V. 23, p. 389
28-4-577	Amended (T)	V. 23, p. 390
28-4-578	Amended (T)	V. 23, p. 391
28-4-583	Amended (T)	V. 23, p. 392
28-4-585	Amended (T)	V. 23, p. 392
28-4-587	Amended (T)	V. 23, p. 394
28-4-590	Amended (T)	V. 23, p. 396
28-4-591	Amended (T)	V. 23, p. 397
28-4-700		
through		
28-4-705	New (T)	V. 23, p. 398-400
28-15-35	Amended	V. 23, p. 305
28-15-36	Amended	V. 23, p. 309
28-16-28b	Amended	V. 22, p. 1760
28-16-28d	Amended	V. 23, p. 39
28-16-28e	Amended	V. 22, p. 1763
28-17-6	Amended (T)	V. 22, p. 1225
28-17-6	Amended	V. 22, p. 1711
28-19-202	Amended	V. 23, p. 70
28-29-3	Amended	V. 22, p. 798
28-29-20	Amended	V. 22, p. 801

28-29-75			
through			
28-29-82	Amended	V. 23, p. 203-205	
28-29-101	Revoked	V. 22, p. 802	
28-29-109	Amended	V. 22, p. 802	
28-29-300	New	V. 22, p. 2131	
28-29-302	New	V. 22, p. 2131	
28-29-304	New	V. 22, p. 2133	
28-29-308	New	V. 22, p. 2134	
28-29-321	New	V. 22, p. 2137	
28-29-325	New	V. 22, p. 2137	
28-36-30	Amended	V. 22, p. 1771	
28-38-18	Amended	V. 22, p. 1575	
28-38-19	Amended	V. 22, p. 1575	
28-39-164			
through			
28-39-168	Amended	V. 22, p. 2094-2096	
28-39-169	Revoked	V. 22, p. 2096	
28-39-169a	New	V. 22, p. 2096	
28-39-169b	New	V. 22, p. 2097	
28-39-169c	New	V. 22, p. 2098	
28-39-170			
through			
28-39-174	Revoked	V. 22, p. 2099	
28-45-2	Revoked (T)	V. 22, p. 531	
28-45-2	Revoked	V. 22, p. 1304	
28-45-2a	New (T)	V. 22, p. 531	
28-45-2a	New	V. 22, p. 1304	
28-45-3	Revoked (T)	V. 22, p. 532	
28-45-3	Revoked	V. 22, p. 1305	
28-45-3a	New (T)	V. 22, p. 532	
28-45-3a	New	V. 22, p. 1305	
28-45-4	Revoked (T)	V. 22, p. 533	
28-45-4	Revoked	V. 22, p. 1306	
28-45-4a	New (T)	V. 22, p. 533	
28-45-4a	New	V. 22, p. 1306	
28-45-5	Revoked (T)	V. 22, p. 533	
28-45-5	Revoked	V. 22, p. 1306	
28-45-5a	New (T)	V. 22, p. 533	
28-45-5a	New	V. 22, p. 1306	
28-45-6	Revoked (T)	V. 22, p. 534	
28-45-6	Revoked	V. 22, p. 1306	
28-45-6a	New (T)	V. 22, p. 534	
28-45-6a	New	V. 22, p. 1306	
28-45-7	Revoked (T)	V. 22, p. 535	
28-45-7	Revoked	V. 22, p. 1308	
28-45-7a	New (T)	V. 22, p. 535	
28-45-7a	New	V. 22, p. 1308	
28-45-8	Revoked (T)	V. 22, p. 536	
28-45-8	Revoked	V. 22, p. 1309	
28-45-8a	New (T)	V. 22, p. 536	
28-45-8a	New	V. 22, p. 1309	
28-45-9	Revoked (T)	V. 22, p. 536	
28-45-9	Revoked	V. 22, p. 1309	
28-45-9a	New (T)	V. 22, p. 536	
28-45-9a	New	V. 22, p. 1309	
28-45-10	Revoked (T)	V. 22, p. 536	
28-45-10	Revoked	V. 22, p. 1309	
28-45-10a	New (T)	V. 22, p. 536	
28-45-10a	New	V. 22, p. 1309	
28-45-11	Revoked (T)	V. 22, p. 537	
28-45-11	Revoked	V. 22, p. 1310	
28-45-11a	New (T)	V. 22, p. 537	
28-45-11a	New	V. 22, p. 1310	
28-45-12			
through			
28-45-30	New (T)	V. 22, p. 537-548	
28-45-12			
through			
28-45-30	New	V. 22, p. 1310-1321	
28-45a-1			
through			
28-45a-19	New (T)	V. 22, p. 548-557	
28-45a-1			
through			
28-45a-19	New	V. 22, p. 1321-1331	
28-51-100	Amended	V. 22, p. 2099	
28-51-108	Amended	V. 22, p. 2100	
28-51-113			
through			
28-51-116	New	V. 22, p. 2100-2102	

**AGENCY 30: SOCIAL AND
REHABILITATION SERVICES**

Reg. No.	Action	Register
30-4-39	Amended	V. 22, p. 1533
30-4-55	Amended	V. 22, p. 1533
30-4-96	Revoked	V. 22, p. 249
30-4-110	Amended	V. 22, p. 1534
30-5-59	Amended	V. 22, p. 2087
30-5-64	Amended	V. 22, p. 2088
30-5-78	Amended	V. 22, p. 2090
30-5-81u	Amended (T)	V. 22, p. 83
30-5-81u	Amended	V. 22, p. 432
30-5-89	Amended	V. 22, p. 1355
30-5-89a	Amended	V. 22, p. 1355
30-5-102	Amended (T)	V. 22, p. 83
30-5-102	Amended	V. 22, p. 2090
30-5-105	Amended (T)	V. 22, p. 83
30-5-105	Amended	V. 22, p. 2091
30-5-107	Amended	V. 22, p. 1043
30-5-107a	Amended	V. 22, p. 1044
30-5-116	Amended	V. 22, p. 2091
30-5-300	Amended	V. 22, p. 2091
30-6-65	Amended	V. 22, p. 1044
30-6-103	Amended (T)	V. 22, p. 84
30-6-103	Amended	V. 22, p. 433
30-6-106	Amended	V. 22, p. 249
30-6-108	Amended	V. 22, p. 1045
30-6-109	Amended	V. 22, p. 1045
30-10-14	Revoked	V. 22, p. 1355
30-10-15a	Amended	V. 22, p. 1355
30-10-17	Amended (T)	V. 22, p. 990
30-10-17	Amended	V. 22, p. 1233
30-10-18	Amended (T)	V. 22, p. 991
30-10-18	Amended	V. 22, p. 1234
30-10-19	Amended (T)	V. 22, p. 994
30-10-19	Amended	V. 22, p. 1236
30-10-21	Amended	V. 22, p. 1357
30-10-23b	Amended	V. 22, p. 1357
30-14-28	Amended (T)	V. 22, p. 84
30-14-28	Amended	V. 22, p. 434
30-44-5	New	V. 22, p. 1047
30-60-1	Amended	V. 22, p. 1090
30-60-2	Amended	V. 22, p. 1090
30-60-5	Amended	V. 22, p. 1090
30-60-6	Amended	V. 22, p. 1091
30-60-7	Amended	V. 22, p. 1092
30-60-8	New	V. 22, p. 1092
30-60-10	Amended	V. 22, p. 1093
30-60-11	Amended	V. 22, p. 1093
30-60-12	Amended	V. 22, p. 1093
30-60-13	New	V. 22, p. 1094
30-60-14	New	V. 22, p. 1094
30-60-15	New	V. 22, p. 1094
30-60-16	New	V. 22, p. 1094
30-60-17	Amended	V. 22, p. 1095
30-60-18	Amended	V. 22, p. 1095
30-16-19	Amended	V. 22, p. 1096
30-60-25	Amended	V. 22, p. 1096
30-60-26	Amended	V. 22, p. 1097
30-60-27	Amended	V. 22, p. 1097
30-60-28	Amended	V. 22, p. 1097
30-60-29	New	V. 22, p. 1097
30-60-30	New	V. 22, p. 1098
30-60-40	Amended	V. 22, p. 1098
30-60-41	Amended	V. 22, p. 1098
30-60-45	Amended	V. 22, p. 1099
30-60-46	Amended	V. 22, p. 1099
30-60-47	Amended	V. 22, p. 1099
30-60-48	New	V. 22, p. 1099
30-60-49	New	V. 22, p. 1100
30-60-50	Amended	V. 22, p. 1100
30-60-51	New	V. 22, p. 1101
30-60-55	Amended	V. 22, p. 1102
30-60-56	New	V. 22, p. 1103
30-60-57	New	V. 22, p. 1103
30-60-60	Revoked	V. 22, p. 1103
30-60-61	Revoked	V. 22, p. 1103
30-60-62	Amended	V. 22, p. 1103
30-60-63	New	V. 22, p. 1104
30-60-64	New	V. 22, p. 1105
30-60-70	Amended	V. 22, p. 1108
30-60-71	Amended	V. 22, p. 1108
30-60-72	Amended	V. 22, p. 1108
30-60-73	Amended	V. 22, p. 1108

30-60-74	Amended	V. 22, p. 1109
30-60-75	Revoked	V. 22, p. 1109
30-60-76	Amended	V. 22, p. 1109
30-61-1	Amended	V. 22, p. 1109
30-61-2	Amended	V. 22, p. 1109
30-61-5	Amended	V. 22, p. 1109
30-61-6	Amended	V. 22, p. 1110
30-61-10	Amended	V. 22, p. 1110
30-61-11	New	V. 22, p. 1110
30-61-15	Amended	V. 22, p. 1110
30-61-16	Revoked	V. 22, p. 1111

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-40-1		
through		
36-40-9	New	V. 22, p. 1806, 1807

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-48	Amended	V. 23, p. 426
40-1-50	New (T)	V. 23, p. 244
40-1-51	New	V. 23, p. 361
40-2-26	Amended	V. 23, p. 151
40-3-48	Amended	V. 22, p. 2008
40-4-1	Amended	V. 22, p. 1709
40-4-36	Amended	V. 22, p. 465
40-5-110	Amended	V. 22, p. 1709

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-5-115	Amended (T)	V. 23, p. 384
44-6-115a	Amended (T)	V. 22, p. 383
44-6-115a	Amended	V. 22, p. 1231
44-7-104	Amended (T)	V. 23, p. 385
44-7-113	Amended (T)	V. 23, p. 386
44-12-313	Amended (T)	V. 23, p. 386
44-12-601	Amended (T)	V. 23, p. 387
44-12-1002	Amended (T)	V. 22, p. 384
44-12-1002	Amended	V. 22, p. 1232
44-13-201b	Amended (T)	V. 22, p. 384
44-13-201b	Amended	V. 22, p. 1232

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-9-7	Amended	V. 22, p. 1804
51-9-17	New	V. 22, p. 2031

AGENCY 61: BOARD OF BARBERING

Reg. No.	Action	Register
61-4-2	Amended (T)	V. 22, p. 1304
61-7-1	Amended (T)	V. 22, p. 1304

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-5-6	Amended	V. 22, p. 1575

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-8-5	Amended	V. 23, p. 95

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-2-9	Amended	V. 22, p. 118
68-2-10	Amended	V. 22, p. 118
68-2-11	Amended	V. 22, p. 118
68-2-12a	Amended	V. 22, p. 118
68-2-15	Amended	V. 22, p. 430
68-2-20	Amended	V. 22, p. 119
68-7-12	Amended	V. 22, p. 119
68-7-12a	Amended	V. 22, p. 120
68-7-12b	New	V. 22, p. 120
68-7-20	New	V. 23, p. 382
68-8-1	Amended	V. 22, p. 431
68-9-2	Amended	V. 22, p. 121
68-11-1	Amended	V. 22, p. 122
68-11-2	Amended	V. 22, p. 122

68-12-2	Amended	V. 22, p. 122
68-13-1	Amended	V. 22, p. 122

AGENCY 70: BOARD OF VETERINARY EXAMINERS

Reg. No.	Action	Register
70-5-1	Amended	V. 23, p. 360

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-1-1	Revoked	V. 23, p. 151
71-1-2	Revoked	V. 23, p. 151
71-1-3	Revoked	V. 23, p. 151
71-1-8	Revoked	V. 23, p. 151
71-1-10	Revoked	V. 23, p. 151
71-1-11	Revoked	V. 23, p. 151
71-1-15	Amended	V. 23, p. 151
71-2-1	Revoked	V. 23, p. 151
71-2-4	Revoked	V. 23, p. 151
71-2-9	Revoked	V. 23, p. 151
71-2-12	Revoked	V. 23, p. 151
71-3-5	Revoked	V. 23, p. 151
71-4-1	Amended	V. 23, p. 151
71-4-3	Revoked	V. 23, p. 152
71-6-1	Amended	V. 23, p. 383
71-7-1	New	V. 23, p. 152

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-1-1	Amended	V. 22, p. 1894
74-1-2	Amended	V. 22, p. 1894
74-1-3	Amended	V. 22, p. 1894
74-1-6	Amended	V. 22, p. 1895
74-1-8	New	V. 22, p. 1895
74-2-1	Amended	V. 22, p. 1896
74-2-4	Revoked	V. 22, p. 1896
74-4-7	Amended	V. 22, p. 1896
74-4-8	Amended	V. 22, p. 1896
74-4-9	Amended	V. 22, p. 1897
74-5-202	Amended	V. 22, p. 1898
74-11-6	Amended	V. 22, p. 1898
74-11-7	Amended	V. 22, p. 1898
74-12-1	Amended	V. 22, p. 1898

AGENCY 75: STATE BANK COMMISSIONER—DIVISION OF CONSUMER AND MORTGAGE LENDING

Reg. No.	Action	Register
75-6-33	New	V. 22, p. 1815
75-6-34	New	V. 22, p. 1454

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-1-201	Revoked	V. 22, p. 1650
82-1-202	Amended	V. 22, p. 1650
82-1-204	Amended	V. 22, p. 1650
82-1-204a	New	V. 22, p. 1652
82-1-205	Amended	V. 22, p. 1652
82-1-206	Amended	V. 22, p. 1652
82-1-207	Amended	V. 22, p. 1652
82-1-208	Amended	V. 22, p. 1652
82-1-212	Amended	V. 22, p. 1652
82-1-214	Amended	V. 22, p. 1653
82-1-215	Amended	V. 22, p. 1653
82-1-216	Amended	V. 22, p. 1653
82-1-218	Amended	V. 22, p. 1653
82-1-219	Amended	V. 22, p. 1654
82-1-220	Amended	V. 22, p. 1655
82-1-221	Amended	V. 22, p. 1655
82-1-221b	Revoked	V. 22, p. 1656
82-1-222	Amended	V. 22, p. 1656
82-1-224	Amended	V. 22, p. 1656
82-1-225	Amended	V. 22, p. 1656
82-1-226	Amended	V. 22, p. 1657
82-1-227	Amended	V. 22, p. 1657
82-1-228	Amended	V. 22, p. 1657
82-1-229	Amended	V. 22, p. 1658
82-1-230	Amended	V. 22, p. 1659
82-1-230a	New	V. 22, p. 1659
82-1-231	Amended	V. 22, p. 1660
82-1-231a	Amended	V. 22, p. 1663
82-1-231b	Amended	V. 22, p. 1664
82-1-232	Amended	V. 22, p. 1665

82-1-235	Amended	V. 22, p. 1666
82-1-237	Amended	V. 22, p. 1666
82-1-238	Amended	V. 22, p. 1666
82-1-239	Amended	V. 22, p. 1667
82-3-101	Amended	V. 23, p. 426
82-3-600	Amended	V. 23, p. 429
82-3-600a	Amended	V. 23, p. 430
82-3-600b	Revoked	V. 23, p. 430
82-3-601a	Amended	V. 23, p. 430
82-3-601b	Amended	V. 23, p. 431
82-3-602	Amended	V. 23, p. 431
82-3-603	Amended	V. 23, p. 431
82-3-604	Amended	V. 23, p. 432
82-3-605	Revoked	V. 23, p. 432
82-3-606	Amended	V. 23, p. 432
82-3-607	New	V. 23, p. 433

82-3-700		
through		
82-3-704	Amended (T)	V. 23, p. 152-155
82-3-705		
through		
82-3-710	New (T)	V. 23, p. 155-158
82-4-2	Amended	V. 22, p. 86
82-4-3a	New (T)	V. 22, p. 2175
82-4-20	Amended	V. 22, p. 86
82-4-21	Amended	V. 22, p. 87
82-4-23	Amended	V. 22, p. 87
82-4-26	Amended	V. 22, p. 87
82-4-26a	Amended	V. 22, p. 88
82-4-27	Amended	V. 22, p. 88
82-4-27a	Amended	V. 22, p. 88
82-4-27e	Amended	V. 22, p. 89
82-4-28	Amended	V. 22, p. 89
82-4-28a	Amended	V. 22, p. 89
82-4-29	Amended	V. 22, p. 90
82-4-29a	Amended	V. 22, p. 90
82-4-30a	Amended	V. 22, p. 90
82-4-32	Amended	V. 22, p. 90
82-4-35	Amended	V. 22, p. 91
82-4-46	Amended	V. 22, p. 91
82-4-49b		
through		
82-4-49e	Revoked	V. 22, p. 91
82-7-2		
through		
82-7-5	Revoked	V. 22, p. 91
82-8-1	Amended	V. 22, p. 91
82-8-2	Amended	V. 22, p. 91
82-8-3	Amended	V. 22, p. 92
82-11-1	Amended	V. 22, p. 1078
82-11-3	Amended	V. 22, p. 1079
82-11-4	Amended	V. 22, p. 1079
82-11-8	Amended	V. 22, p. 1084
82-11-10	Amended	V. 22, p. 1084

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-23-2	Amended	V. 23, p. 276
88-23-2a	New	V. 23, p. 278
88-23-3	Revoked	V. 23, p. 279
88-23-3a	New	V. 23, p. 279
88-23-7	New	V. 22, p. 1709

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-201	Amended	V. 22, p. 2125
91-1-203	Amended	V. 22, p. 2126
91-1-206	Amended	V. 22, p. 2129
91-1-213	Amended	V. 22, p. 2130
91-18-24	Revoked	V. 23, p. 280
91-18-27	Revoked	V. 23, p. 280
91-18-29	Revoked	V. 23, p. 280
91-18-34	Revoked	V. 23, p. 280
91-18-40	Revoked	V. 23, p. 280
91-31-16		
through		
91-31-30	Revoked	V. 22, p. 124
91-31-31		
through		
91-31-42	New	V. 22, p. 124-128
91-38-1	Amended	V. 22, p. 356
91-38-2	Amended	V. 22, p. 356

(continued)

91-38-3	Amended	V. 22, p. 357
91-38-5	Amended	V. 22, p. 357
91-38-6	Amended	V. 22, p. 358
91-38-7	Amended	V. 22, p. 360

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-19-200		
through		
92-19-203	New	V. 22, p. 431
92-51-24	Amended	V. 23, p. 40
92-51-25	Amended	V. 23, p. 40
92-51-28	New	V. 23, p. 40
92-51-29	New	V. 23, p. 41
92-51-34a	New	V. 23, p. 41
92-52-9	Amended	V. 23, p. 41

**AGENCY 93: DEPARTMENT OF REVENUE—
DIVISION OF PROPERTY VALUATION**

Reg. No.	Action	Register
93-6-4	Amended	V. 22, p. 666
93-6-7	New	V. 22, p. 666

AGENCY 94: BOARD OF TAX APPEALS

Reg. No.	Action	Register
94-2-4	Amended (T)	V. 22, p. 1504
94-2-4	Amended	V. 22, p. 2009
94-2-19	Amended (T)	V. 22, p. 1504
94-2-19	Amended	V. 22, p. 2009
94-2-20	Amended (T)	V. 22, p. 1504
94-2-20	Amended	V. 22, p. 2010
94-2-21	New (T)	V. 22, p. 1505
94-2-21	New	V. 22, p. 2010

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-22-4	New	V. 22, p. 690
100-29-9	Amended	V. 22, p. 1892
100-29-10	Amended	V. 22, p. 1893
100-54-2		
through		
100-54-8	Amended	V. 22, p. 1926-1929
100-54-4	Amended (T)	V. 23, p. 383
100-55-4	Amended (T)	V. 23, p. 383
100-55-5	Amended	V. 22, p. 690
100-55-9	Amended	V. 22, p. 690
100-72-1		
through		
100-72-7	New (T)	V. 22, p. 79-81
100-72-1		
through		
100-72-6	New	V. 22, p. 691, 692
100-72-7	New	V. 22, p. 1893
100-75-1	New (T)	V. 22, p. 82
100-75-1	New	V. 22, p. 693

**AGENCY 102: BEHAVIORAL SCIENCES
REGULATORY BOARD**

Reg. No.	Action	Register
102-1-3a	Amended (T)	V. 22, p. 1267
102-1-3a	Amended	V. 22, p. 1808
102-1-3b	New (T)	V. 22, p. 1268
102-1-3b	New	V. 22, p. 1809
102-1-8	Amended	V. 22, p. 1148
102-1-10a	Amended	V. 22, p. 2179
102-1-15	Amended	V. 22, p. 1149
102-2-2b	New (T)	V. 22, p. 1269
102-2-2b	New	V. 22, p. 1810
102-2-2c	New (T)	V. 22, p. 1270
102-2-2c	New	V. 22, p. 1811
102-2-4a	Amended	V. 22, p. 1150
102-2-7	Amended	V. 22, p. 2182
102-2-9	Amended	V. 22, p. 1151

102-2-11	Amended	V. 22, p. 1151
102-2-12	Amended	V. 22, p. 1084
102-3-3a	Amended	V. 22, p. 1302
102-3-4b	New (T)	V. 22, p. 1271
102-3-4b	New	V. 22, p. 1811
102-3-7a	Amended	V. 22, p. 1085
102-3-9a	Amended	V. 22, p. 1151
102-3-10a	Amended	V. 22, p. 1152
102-3-12a	Amended	V. 22, p. 2184
102-4-4b	New (T)	V. 22, p. 1272
102-4-4b	New	V. 22, p. 1812
102-4-6a	Amended	V. 22, p. 2186
102-4-9a	Amended	V. 22, p. 1153
102-4-10a	Amended	V. 22, p. 1153
102-4-12	Amended	V. 22, p. 2187
102-5-3	Amended	V. 22, p. 1087
102-5-4b	New (T)	V. 22, p. 1273
102-5-4b	New	V. 22, p. 1813
102-5-7a	Amended	V. 22, p. 1088
102-5-9	Amended	V. 22, p. 1155
102-5-10	Amended	V. 22, p. 1155
102-5-12	Amended	V. 22, p. 2189
102-5-16	New	V. 22, p. 1158
102-6-9	Amended	V. 22, p. 1159
102-6-10	Amended	V. 22, p. 1159

**AGENCY 108: STATE EMPLOYEES
HEALTH CARE COMMISSION**

Reg. No.	Action	Register
108-1-4	Amended	V. 22, p. 2177

**AGENCY 109: BOARD OF
EMERGENCY MEDICAL SERVICES**

Reg. No.	Action	Register
109-3-2	New	V. 23, p. 202
109-5-4	Amended	V. 22, p. 1805
109-7-1	Amended	V. 22, p. 1805

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-8-1		
through		
110-8-6	New	V. 22, p. 2032, 2033
110-8-8		
through		
110-8-11	New	V. 22, p. 2033, 2034
110-10-1	New (T)	V. 22, p. 1815
110-10-1	New	V. 23, p. 180

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. A list of regulations filed by the Kansas Lottery from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. The following regulations were filed after January 1, 2004:

Reg. No.	Action	Register
111-2-151		
through		
111-2-156	New	V. 23, p. 95, 96
111-2-154	Amended	V. 23, p. 261
111-2-155	Amended	V. 23, p. 262
111-2-156	Amended	V. 23, p. 262
111-2-157	New	V. 23, p. 262
111-2-158	New	V. 23, p. 459
111-3-22	Amended	V. 23, p. 97
111-4-881	Amended	V. 23, p. 97
111-4-1448	Amended	V. 23, p. 98
111-4-2052	Amended	V. 23, p. 262
111-4-2055	Amended	V. 23, p. 263
111-4-2057	Amended	V. 23, p. 263

111-4-2074	Amended	V. 23, p. 98
111-4-2093	Amended	V. 23, p. 309
111-4-2094	New	V. 23, p. 100
111-4-2095		
through		
111-4-2115	New	V. 23, p. 264-275
111-4-2097	Amended	V. 23, p. 310
111-4-2098	Amended	V. 23, p. 310
111-4-2116		
through		
111-4-2125	New	V. 23, p. 311-318
111-4-2126		
through		
111-4-2146	New	V. 23, p. 459-471
111-5-96	Amended	V. 23, p. 101
111-5-111		
through		
111-5-115	New	V. 23, p. 245, 246
111-5-113	Amended	V. 23, p. 472
111-5-114	Amended	V. 23, p. 472
111-7-188		
through		
111-7-192	New	V. 23, p. 319, 320
111-7-190	Amended	V. 23, p. 473
111-7-192	Amended	V. 23, p. 473

**AGENCY 112: RACING AND GAMING
COMMISSION**

Reg. No.	Action	Register
112-3-11	Amended	V. 22, p. 1427
112-4-1	Amended	V. 22, p. 2057
112-4-1a	New	V. 22, p. 278
112-4-1b	New	V. 22, p. 279
112-6-4	Amended	V. 22, p. 85
112-8-4	Amended	V. 22, p. 1428
112-8-5	Amended	V. 22, p. 1428
112-9-44	Amended	V. 22, p. 279
112-10-2	Amended	V. 22, p. 85
112-10-3	Amended	V. 23, p. 93
112-11-20	Amended	V. 22, p. 281
112-12-10	Amended	V. 22, p. 86
112-13-2	Amended	V. 23, p. 94
112-18-9	Amended	V. 22, p. 1710
112-18-11	Amended	V. 22, p. 1710
112-18-18	Amended	V. 22, p. 1710

**AGENCY 115: DEPARTMENT OF
WILDLIFE AND PARKS**

Reg. No.	Action	Register
115-1-1	Amended	V. 22, p. 1930
115-2-1	Amended	V. 22, p. 1932
115-4-6	Amended	V. 22, p. 1227
115-4-11	Amended	V. 22, p. 436
115-17-6		
through		
115-17-9	Amended	V. 22, p. 437-439
115-18-8	Amended	V. 22, p. 1229
115-18-10	Amended	V. 22, p. 439
115-21-1	Amended	V. 22, p. 1506
115-21-2	Amended	V. 22, p. 1507

**AGENCY 117: REAL ESTATE
APPRAISAL BOARD**

Reg. No.	Action	Register
117-1-1	Amended	V. 22, p. 684
117-2-1	Amended	V. 22, p. 684
117-3-1	Amended	V. 22, p. 685
117-4-1	Amended	V. 22, p. 686
117-5-2	Amended	V. 22, p. 2007
117-6-1	Amended	V. 22, p. 687
117-6-2	Amended	V. 22, p. 688
117-6-3	Amended	V. 22, p. 688
117-8-1	Amended	V. 23, p. 337
117-9-1	Amended	V. 23, p. 150

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