



Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

**Department of Administration
Division of Facilities Management**

Notice of Hearing

Pursuant to K.S.A. 75-37,143(d), the State Building Advisory Commission will conduct a public hearing at 1:30 p.m. Wednesday, June 13, in Room 102, Conference Room 1E, Landon State Office Building, 900 S.W. Jackson, Topeka. The purpose of the hearing is for the public to have an opportunity to comment on a request from the University of Kansas for construction management at-risk services for the renovation of the first floor of the east wing of Wescoe Hall, located on the campus in Lawrence. The project is funded for a construction cost of \$3,890,000 in accordance with a program written by the university.

Marilyn Jacobson, Director
Division of Facilities Management

Doc. No. 034483

State of Kansas

**Department of Administration
Division of Facilities Management**

**Notice of Commencement of Negotiations
for Construction Management Services**

Notice is hereby given of the commencement of negotiations for construction management services as a consultant for the renovation of the first floor of the east wing of Wescoe Hall on the University of Kansas campus at Lawrence. The construction manager will provide consulting services to assess the project schedule, constructability, cost estimating and value engineering. The construction manager's role will be critical to identifying the requirements and other components of the project that will allow the project to be constructed under an accelerated schedule, difficult access conditions and respecting the academic mission of the university. The construction management services will be limited to the design phases of the project. A construction manager at-risk, selected through a different process, is anticipated for the construction phase of this project. The construction estimate for the project is \$3,890,000. A program is available.

For more information concerning the scope of services, contact Jim Modig, (785) 864-3431.

To be considered, five (5) bound proposals and one (1) PDF file on a CD of the following should be provided: a letter of interest, an SF330 Part I, information regarding similar projects, and an SF330 Part II for each firm and consultant. Proposals should be concise and follow the 2007 State Building Advisory Commission guidelines, available to firms at <http://da.ks.gov/fp/>. If copies of the guidelines are needed, contact Phyllis Fast, Division of Facilities Management, Suite 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-5796, Phyllis.Fast@da.ks.gov. Submittals should be received by Phyllis Fast before noon June 8.

Marilyn Jacobson, Director
Division of Facilities Management

Doc. No. 034482

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) FY 2007-2010 by adding the following project:

**Project X-2216-08, Preliminary Engineering for
FY 2008 Statewide Railroad Crossing Program**

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 amendment, contact the Kansas Department of Transportation, Bureau of Program and Project Management, 2nd Floor Tower, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754, (785) 296-3526, fax (785) 368-6664.

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 June 24.

Deb Miller
Secretary of Transportation

Doc. No. 034465

State of Kansas

**Department of Administration
Division of Facilities Management**

**Notice of Commencement of
Negotiations for On-Call Engineering Services**

Notice is hereby given of the commencement of negotiations for on-call mechanical-electrical-plumbing engineering services with BL3 lab experience for Kansas State University. The contract will be for one year, renewable for two additional one-year periods.

For more information concerning the scope of services, contact Abe Fattaey, (785) 532-1725.

To be considered, five (5) bound proposals and one (1) PDF file on a CD of the following should be provided: a letter of interest, an SF330 Part I, information regarding similar projects, and an SF330 Part II for each firm and consultant. Proposals should be concise and follow the 2007 State Building Advisory Commission guidelines, available to firms at <http://da.ks.gov/fp/>. If copies of the guidelines are needed, contact Phyllis Fast, Division of Facilities Management, Suite 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-5796, Phyllis.Fast@da.ks.gov. Submittals should be received by Phyllis Fast before noon June 8.

Marilyn Jacobson, Director
Division of Facilities Management

Doc. No. 034473

State of Kansas

Department of Transportation

Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consulting engineering firms for the projects listed below. 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, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754. Responses shall be limited to four pages and must be received by 1 p.m. June 14 for the consulting engineering firm to be considered.

From the firms expressing interest, the Consultant Selection Committee will select a list of the most highly qualified (not less than three 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.

400-11 KA-0740-01

400-50 KA-0741-01

Cherokee and Labette Counties

The rehabilitation of US-400 from 0.4 mile west of RS-1138 (Strauss) in Labette County, east 14.36 miles to K-7 in Cherokee County. The projects are scheduled for field check in April 2010. The consultant will provide all needed surveys. The construction cost is estimated to be \$29,274,000.

47-67 KA-0699-01

Neosho County

The replacement of the Neosho River Bridge (043), 3 miles east of US-59. The consultant will provide all needed surveys. The project is scheduled for field check in April 2010. The construction cost is estimated to be \$5,545,000.

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

1. Size and professional qualifications;
2. experience of staff;
3. location of firm with respect to proposed project;
4. work load of firm; and
5. firm's performance record.

Deb Miller
Secretary of Transportation

Doc. No. 034436

State of Kansas

Social and Rehabilitation Services

Request for Proposals

The Department of Social and Rehabilitation Services announces the release of a request for proposals by Health Care Policy/Mental Health for fiscal year 2008 (July 1, 2008 through June 30, 2008). This is the Therapeutic Preschool Programs — Early Childhood Mental Health Consultation grant to assist early childhood professionals and families with understanding and incorporating a mental health perspective in their work and interactions with young children.

Successful applicants will use recognized methods aimed at preventing, identifying, treating and reducing the impact of mental health problems among children from birth through age 5. Further essential characteristics of successful applicants include use of capacity building intervention within a collaborative relationship between a professional consultant with mental health expertise and one or more individuals with other areas of expertise—primarily child care professionals, early education and child development professionals, and families.

Groups interested in receiving a request for proposal should contact Pam Raiman at SRS/HCP/MH, Room 9 South, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612, (785) 296-7272 or fax (785) 296-6142. Complete proposals must be received not later than 5 p.m. June 30.

Don Jordan
Secretary of Social and
Rehabilitation Services

Doc. No. 034485

State of Kansas

Social and Rehabilitation Services
Department of Mental HealthNotice of Final Psychiatric Residential Treatment
Facility Rates for State Fiscal Year 2008 and
Methodology for Calculating Final Rates

On July 1, 2007, all Level V and VI facilities that are 16 beds or more serving youth needing inpatient mental health or substance abuse treatment must become a psychiatric residential treatment facility (PRTF) to receive a daily Medicaid reimbursement rate. The Secretary of Social and Rehabilitation Services administers the PRTF payment program on behalf of the Kansas Health Policy Authority. The Secretary of Social and Rehabilitation Services is publishing the final Medicaid per diem rates for PRTFs for the state fiscal year 2008 and the methodology underlying the establishment of the final rates. These changes in reimbursement methodology and PRTF standards are being made to comply with federal regulations pertaining to facility-based psychiatric services for youth. The expected increase in annual state and federal expenditures for state fiscal year 2008 is \$15,585,000.

I. Methodology Used to Calculate Medicaid Per Diem
Rates for Psychiatric Residential Treatment Facilities
for the State Fiscal Year 2008.

A. The PRTF Financial and Statistical Report is the uniform cost report that all Level V and VI residential facilities that operated for 12 months or more on June 30, 2006, submitted for the purpose of establishing Medicaid per diem rates for state fiscal year 2008. The cost report organizes commonly incurred business expenses into five reimbursable cost centers (administration; facility operating; property; room, board and support; and treatment). There is a non-reimbursable/non-resident-related cost center so that total operating expenses can be reconciled to the facility's accounting records.

B. The cost data from the cost reports for the Level VI residential facilities was used to set per diem amounts for the administrative, property and treatment cost centers. Some adjustments for costs not included in these facilities' cost reports were made to ensure that cost reports included all required service costs.

C. The allowable historic costs for the cost centers referenced in #1 plus adjustments for costs not captured in the cost reports were inflated and then divided by the total number of reported allowable resident days to arrive at a per diem per cost center.

Inflation is based on the latest available quarterly publication of the Data Resources, Inc., National Skilled Nursing Facility Market Basket Without Capital Index (DRI Index). Inflation is applied to the midpoint of each cost report period to the midpoint of the rate payment period.

D. Each facility's adjusted inflated per diem for the administrative, property and treatment cost centers was multiplied by the reported allowable resident days to arrive at the total costs for the facility. All Level VI facilities costs were summed by cost center and divided by the all Level VI allowable resident days to arrive at an average per diem for each cost center. The averages of these cost centers are summed resulting in the base reimbursement rate for these costs centers.

E. The base reimbursement rate is adjusted for acuity. Since acuity indices for newly admitted residents is not available for the initial rate setting period, actual reported costs of Level V and Level VI facilities were used as a proxy for the average acuity index. The 2006 costs as adjusted by desk review were arrayed and grouped into quartiles for acuity (see Kansas Medicaid State Plan).

F. Each facility's actual per diem rate, after desk review adjustments, for facility operating and room, board and support cost centers is inflated and added to the acuity adjusted base reimbursement rate to arrive at the facility's total reimbursement rate.

II. Final Psychiatric Residential Treatment Facility Per Diem Rates.

The following list includes the calculated Medicaid rate for each facility that has signed a letter of intent to become a PRTF as of July 1, 2007:

Facility Name	Per Diem Rate 7-1-07
Florence Crittenton Services of Topeka, Inc.	225.64
KVC Behavioral HealthCare, Inc.	285.66
Kings Achievement Center	246.24
Lakemary Center, Inc.	246.33
Liberty Juvenile Services & Treatment	263.85

Marillac Center	268.87
Niles Home for Children	264.63
Ozanam	235.30
Prairie View, Inc.	252.76
Spofford	270.99
St. Francis — Ellsworth	283.52
St. Francis — Salina	280.81
TLC	257.06
United Methodist Youthville, Inc. — Dodge City	270.64
United Methodist Youthville, Inc. — Newton	255.07

A copy of the Kansas Medicaid State Plan "Methods and Standards for Establishing Payment Rates — Psychiatric Residential Treatment Facilities," the reimbursement methodology approved by the Centers for Medicare and Medicaid Services, may be obtained by contacting Rick Shults at rls@srs.ks.gov or by visiting www.medicaidtraining.org (in the "Controlling Documents" section). Written comments may be sent to Rick Shults at the above e-mail address or to his attention at SRS, Health Care Policy, Management Operations, 9th Floor West, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1570.

Don Jordan
Secretary of Social and
Rehabilitation Services

Doc. No. 034491

(Published in the Kansas Register May 24, 2007.)

City of Wichita, Kansas

Notice to Bidders

The city of Wichita will receive bids at the Purchasing Office, 455 N. Main, 12th Floor, Wichita, 67202, until 10 a.m. Friday, June 22, for the following project:

**(KDOT Project No. 87N-0348-01/472-84185/
205385/490152/490151/490149/490150)
(OCA Code 706919/766134/766133/766131/766132)**

Paving

29th Street North, 119th Street West
to Maize Road (KDOT)

Requests for the bid documents and plans should be directed to City Blue Print at (316) 265-6224 or Marty Murphy at (316) 268-4488. Other questions should be directed to the respective design engineer, (316) 268-4501.

All bids received will thereafter be publicly opened, read aloud, and considered by the Board of Bids and Contracts. All work is to be done under the direction and supervision of the city manager and according to plans and specifications on file in the office of the city engineer. Bidders are required to enclose a bid bond in the amount of 5 percent with each bid as a guarantee of good faith. The Wichita City Council reserves the right to reject any and all bids.

The successful bidder may contact Kim Pelton at (316) 268-4499 for extra sets of plans and specifications.

Marty Murphy
Administrative Aide
City of Wichita—Engineering

Doc. No. 034453

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of May 31-June 1. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY (785) 296-8430. When available, agendas can be found at <http://kslegislature.org/klrd>.

Date	Room	Time	Committee	Agenda
May 31	514-S	10:00 a.m.	Joint Committee on Health Policy Oversight	KHPA status report of 2007 legislative session; update on work of KHPA advisory councils; update on selected programs and pilot projects; and discussion of committee work for 2007 interim.
May 31	123-S	10:00 a.m.	2010 Commission	Agenda not available.
June 1	123-S	9:00 a.m.		

Jeffrey M. Russell
Director of Legislative
Administrative Services

Doc. No. 034481

State of Kansas

Board of Healing Arts

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 10 a.m. Tuesday, July 24, at the office of the Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, to consider the adoption of three proposed amended rules and regulations, K.A.R. 100-11-1, 100-49-4 and 100-73-1.

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, 235 S. Topeka Blvd., Topeka, 66603, or by e-mail to healingarts@ink.org. 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 statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Barbara Montgomery at (785) 296-8558 or at barbaram@ink.org. 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 three proposed amended rules and regulations to be considered at the hearing and the respective economic impact follows:

K.A.R. 100-11-1. Fees. This regulation establishes the fees collected by the board for medical doctors, osteopathic doctors and chiropractors for license application, reinstatement and renewal.

K.A.R. 100-49-4. Fees. This regulation establishes the fees for initial licensure, license renewal, late renewal, temporary permits and various other fees collected by the board in the profession of podiatry.

K.A.R. 100-73-1. Fees. This regulation establishes the fees to be collected by the board for initial licensure of radiologic technologists and fees for a temporary license, paper renewal and online renewal, paper late renewal and online late renewal, reinstatement, certified copy of license and revoked license.

These regulations are not mandated by any federal law.

Based upon the assumption that the amendments to these rules and regulations will become effective prior to the September 30, 2007, expiration date for renewals, the changes in fees charged to applicable practitioners and the resulting revenues to be generated in FY 2008 are as follows:

FY 2008 anticipated additional income by amending K.A.R. 100-11-1:	\$383,194.00
FY 2008 anticipated additional income by amending K.A.R. 100-49-4:	\$5,339.00
FY 2008 anticipated additional income by amending K.A.R. 100-73-1:	\$24,650.00
No other methods were considered.	

Copies of the proposed regulations and the associated economic impact statements may be obtained by contacting Cathy Brown, Kansas State Board of Healing Arts, at (785) 296-3680; by visiting the board's Web site at www.ksbha.org/pubinfo.html; or by e-mail request to healingarts@ink.org.

Lawrence T. Buening, Jr.
Executive Director

Doc. No. 034474

State of Kansas
Persian Gulf War Health Initiative
Advisory Board
Notice of Meeting

The Kansas Commission on Veterans' Affairs will host a meeting of the Persian Gulf War Health Initiative Advisory Board at 9 a.m. Saturday, June 2, in the KCVa office, Suite 701, Jayhawk Tower, 700 S.W. Jackson, Topeka. The public is invited to attend. For more information, call (785) 296-3976.

George S. Webb
 KCVa Executive Director

Doc. No. 034490

State of Kansas
Department of Health
and Environment
Request for Bids

Sealed bids for lead hazard reduction at the following properties, under the Kansas Childhood Lead Poisoning Prevention Program, will be received by the Kansas Department of Health and Environment until 9 a.m. on the date indicated. For more information, call (785) 296-1519:

June 1, 2007
264-07-05

Project Lead Safe KCK

- Property #1 2108 N. 38th St.
Kansas City, KS 66104
- Property #2 3050 N. 21st St.
Kansas City, KS 66104
- Property #3 2312 N. 21st St.
Kansas City, KS 66104
- Property #4 647 Oakland Ave.
Kansas City, KS 66101
- Property #5 1018 Ford Ave.
Kansas City, KS 66102
- Property #6 360 S. 9th St.
Kansas City, KS 66101
- Property #7 1037 Metropolitan Ave.
Kansas City, KS 66103
- Property #8 3804 Silver Ave.
Kansas City, KS 66106

Contractors will be required to attend a walkthrough of each property in order to be eligible to respond to the Invitation for Bid. For times and actual locations, call (913) 262-0796 or go to the following Web site: http://www.unleadedks.com/contractor_info.html.

The above-referenced bid documents can be downloaded at the Web site listed above.

Roderick L. Bremby
 Secretary of Health
 and Environment

Doc. No. 034471

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. Everton Energy, LLC, has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to construct an ethanol manufacturing plant. Emissions of particulate matter (PM), PM equal to or less than 10 microns in diameter (PM₁₀), volatile organic compounds (VOCs), oxides of nitrogen (NOx), sulfur oxides (SOx), carbon monoxide (CO) and hazardous air pollutants (HAPs) were evaluated during the permit review process.

Everton Energy, LLC, proposes to own and operate a stationary source located in Cloud County (on Route 9, east of Concordia), at which a 121-million-gallon-per-year fuel-grade ethanol plant is to be constructed and operated.

A public comment period has been established until noon June 25 to allow citizens the opportunity to express any concerns they may have about this proposed permitting action. All comments should be submitted in writing to Terry T. Tavener, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. Comments also may be presented at the public hearing.

Any member of the public may request to hold a public hearing to receive comments on the proposed issuance of the draft air quality construction permit. Written requests to hold a public hearing should be sent to the attention of Sherry Walker at the address listed above or by fax to (785) 291-3953 and must be received by noon June 25. If a request is received, a public hearing is tentatively scheduled by KDHE at 7 p.m. July 2 at the City Hall, 701 Washington, Concordia. If no requests to hold the public hearing are received by this date and time, the public hearing will be cancelled.

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, 8 a.m. to 5 p.m., 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 North Central District Office, 2501 Market Place, Suite D, Salina. To obtain or review the proposed permit and supporting documentation, contact Terry Tavener, (785) 296-1581, at the KDHE central office; and to review the proposed permit only, contact the air quality district representative, (785) 827-9639, at the KDHE North Central District Office. The standard departmental cost will be assessed for any copies requested.

Roderick L. Bremby
 Secretary of Health
 and Environment

Doc. No. 034472

State of Kansas

University of Kansas

Notice to Bidders

The University of Kansas encourages interested vendors to visit the University of Kansas Purchasing Services Web sight at <http://www.purchasing.ku.edu/> for a complete list of all goods and services currently out for bid. For persons without Internet access, paper postings of all open bids may be reviewed at the Purchasing Services office, 1246 W. Campus Road, Room 7, Lawrence. Copies of current bids may be requested by contacting the Purchasing Services office at (785) 864-3790, by fax at (785) 864-3454, or by e-mail at purchasing@ku.edu.

Barry K. Swanson
Associate Comptroller/
Director of Purchasing Services

Doc. No. 034455

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. GE Engine Services, Inc. - Strother Field has applied for a Class I operating permit renewal 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.

GE Engine Services, Inc. - Strother Field, Arkansas City, owns and operates a facility for repair of aircraft engines located at Strother Field Industrial Park, Section 18, T33S, R4E, Arkansas City.

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 James Stewart, (785) 296-1556, at the KDHE central office; and to review the proposed permit only, contact David Butler, (316) 337-6042, 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 James Stewart, 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 June 25.

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 Sherry Walker, Bureau of Air and Radiation, not later than the close of business June 25 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's 45-day review 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 Jon Knodel, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7622, 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. 034484

(Published in the Kansas Register May 24, 2007.)

Sunflower Foundation:
Health Care for Kansans

Request for Proposals

The Topeka-based Sunflower Foundation: *Health Care for Kansans* has announced a statewide grant opportunity through the organization's semiannual request for proposals. This RFP (#08-101) calls for programs and projects that address issues specified in three grant categories within the foundation's interest areas — Bridge Grants, Capacity Building Grants and Walking Trails Grants. The process and deadlines for applying to this RFP are determined by the grant category under which application is made.

Complete details on this RFP, including application instructions and forms, can be found on the foundation's Web site, www.sunflowerfoundation.org, or are available by calling the foundation at (785) 232-3000 (local) or (866) 232-3020 (toll free), or by e-mail request to info@sunflowerfoundation.org.

For more information, contact Larry Tobias at ltobias@sunflowerfoundation.org.

Larry Tobias
Vice President for Programs

Doc. No. 034488

State of Kansas

Department of Health and Environment

Notice Concerning Kansas/Federal Water Pollution Control Permits and Applications

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, various draft water pollution control documents (permits, notices to revoke and reissue, notices to terminate) have been prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

The proposed actions concerning the draft documents are based on staff review, applying the appropriate standards, regulations and effluent limitations of the state of Kansas and the Environmental Protection Agency. The final action will result in a Federal National Pollutant Discharge Elimination System Authorization and/or a Kansas Water Pollution Control permit being issued, subject to certain conditions, revocation and reissuance of the designated permit or termination of the designated permit.

Public Notice No. KS-AG-07-148/153
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Linn Willow Creek Dairy, LLC Lee Holtmeier 1510 10th Road Linn, KS 66953 Kansas Permit No. A-LRWS-D001	NW/4 of Section 16, T04S, R03E, Washington County	Lower Republican River Basin

Federal Permit No. KS0094595
This permit is being reissued for an existing, modified facility for 1,500 head (2,100 animal units) of mature dairy cattle. The modifications to the facility will be a new wastewater retention structure in the southeast corner of the facility property to provide additional storage. A new waterway will be constructed to direct fresh water runoff around and away from the new south wastewater retention structure.

Name and Address of Applicant	Legal Description	Receiving Water
Daubert Truck Line, Inc. Larry Holland Box 728 Sublette, KS 67877 Kansas Permit No. A-CIHS-T001	NW/4 of Section 26, T29S, R32W, Haskell County	Cimarron River Basin

This is a new permit for an existing truck wash with a combination of owned trailers or trucks totaling not more than two.

Name and Address of Applicant	Legal Description	Receiving Water
Wooden Cross Cattle Merle Schlehuder 557 190th Hillsboro, KS 67063 Kansas Permit No. A-NEMN-B015	NW/4 of Section 02, T20S, R01E, Marion County	Neosho River Basin

This is a renewal permit for an existing facility for 400 head (400 animal units) of cattle weighing greater than 700 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Maurice Feldkamp 2460 F Road Baileyville, KS 66404 Kansas Permit No. A-MONM-S035	NW/4 of Section 01, T02S, R11E, Nemaha County	Missouri River Basin

This is a renewal permit for an existing facility for a maximum of 892 head (356.8 animal units) of swine greater than 55 pounds and 730 head (73 animal units) of swine 55 pounds or less, for a total of 429.8 animal units.

Name and Address of Applicant	Legal Description	Receiving Water
BG Feeders Greg Shamburg 1654 230 Road Glen Elder, KS 67446 Kansas Permit No. A-SOMC-B001	SW/4 of Section 20, T07S, R07W, Mitchell County	Solomon River Basin

This is a renewal permit for an existing facility for 999 head (999 animal units) of cattle weighing greater than 700 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Barr Dairy James L. and Kathy Barr 9775 W. 333rd St. Lebo, KS 66856 Kansas Permit No. A-MCOS-M004	NW/4 of Section 30, T18S, R14E, Osage County	Marais des Cygnes River Basin

This is a renewal permit for an existing facility for a maximum of 80 head (112 animal units) of dairy cows, 20 head (20 animal units) of dairy heifers more than 700 pounds, 16 head (8 animal units) of dairy calves, 4 head (8 animal units) of horses and 4 head (1.6 animal units) of swine more than 55 pounds, for a total of 149.6 animal units.

Name and Address of Applicant	Legal Description	Receiving Water
Deines Farms Inc. 2023 350th Ramona, KS 67475 Kansas Permit No. A-NEMN-B003	NW/4 of Section 17, T17S, R04E, Marion County	Neosho River Basin

This is a renewal permit with an increase in animal units for an existing facility for 550 head (550 animal units) of cattle weighing greater than 700 pounds. The increase from 275 animal units to 550 animal units is due to the confinement of cattle weighing greater than 700 pounds. The head count is not increasing and no expansion is proposed.

Public Notice No. KS-07-039/043

Name and Address of Applicant	Receiving Stream	Type of Discharge
Kingman, City of P.O. Box 168 Kingman, KS 67068 Kansas Permit No. M-AR52-OO02	South Fork Ninnescah River	Domestic Wastewater

Federal Permit No. KS0095982
Legal: SW¼, SE¼, NE¼, S5, T28S, R7W, Kingman County

Facility Description: The proposed action is to reissue an existing permit for an existing wastewater treatment plant treating primarily domestic wastewater. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform/E. coli and pH. Monitoring for total phosphorus, nitrate, nitrite, Kjeldahl nitrogen, total nitrogen, chlorides and effluent flow also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Lyons, City of P.O. Box 808 Lyons, KS 67554 Kansas Permit No. M-AR56-OO01	Cow Creek via Little Cow Creek	Domestic Wastewater

Federal Permit No. KS0022730
(continued)

Legal: SE $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$, S9, T20S, R8W, Rice County

Facility Description: The proposed action is to reissue an existing permit for an existing wastewater treatment plant treating primarily domestic wastewater. The proposed permit contains limits for biochemical oxygen demand, total suspended solids and fecal coliform/E. coli, dissolved oxygen and pH. Monitoring for total phosphorus, nitrate, nitrite, total Kjeldahl nitrogen, total nitrogen, chlorides, total recoverable copper and effluent flow also will be required. Contained in the permit is a schedule of compliance requiring the permittee to provide KDHE with a detailed operations plan for nitrification and de-nitrification of the effluent. 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	Receiving Stream	Type of Discharge
Nickerson, City of P.O. Box 52 Nickerson, KS 67561	Arkansas River	Domestic Wastewater

Kansas Permit No. M-AR66-001 Federal Permit No. KS0031097

Legal: N $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$, S22, T22S, R7W, Reno County

Facility Description: The proposed action is to reissue an existing permit for an existing wastewater treatment plant treating primarily domestic wastewater. The proposed permit contains limits for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia, fecal coliform/E. coli, chlorides and effluent flow also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Unified School District #450 4401 S.E. Shawnee Heights Road Tecumseh, KS 66542-9799	Whetstone Creek to Lake Jivaro	Domestic Wastewater

Kansas Permit No. M-KS72-0014 Federal Permit No. KS0078956

Legal: NE $\frac{1}{4}$, SE $\frac{1}{4}$, S19, T12S, R17E, Shawnee County

Facility Name: Shawnee Heights Jr. - Sr. High Schools

Facility Description: The proposed action is to reissue an existing permit for an existing wastewater treatment plant treating primarily domestic wastewater. The proposed permit contains limits for biochemical oxygen demand, total suspended solids and fecal coliform/E. coli, as well as monitoring for ammonia and pH. 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	Receiving Stream	Type of Discharge
Wichita, City of Sewer and Water Department 455 N. Main St., Eighth Floor Wichita, KS 67202	Cowskin Creek	Domestic Wastewater

Kansas Permit No. M-AR94-0003 Federal Permit No. KS0095681

Legal: NE $\frac{1}{4}$, SW $\frac{1}{4}$, S25, T26S, R2W, Sedgwick County

Facility Description: The proposed action is to reissue an existing permit for an existing wastewater treatment plant treating primarily domestic wastewater. The facility is a mechanical treatment plant consisting of an influent pump station, mechanical bar screen, mechanical grit removal, extended aeration activated sludge treatment capable of biological nutrient removal, secondary clarification, tertiary filtration, ultraviolet disinfection and cascade re-aeration. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform/E. coli, dissolved oxygen and pH. Monitoring for total phosphorus, nitrate, nitrite, total Kjeldahl nitrogen, total nitrogen, chlorides and effluent flow also will be required. The permittee will be required to perform a chronic whole effluent toxicity (WET) test annually as well as priority pollutant scan once during the term of this permit. The permit requirements are pursuant to the Kansas Surface Water Quality

Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Public Notice No. KS-ND-07-015

Name and Address of Applicant	Legal Description	Receiving Water
Kansas Department of Wildlife and Parks 512 SE 25th Ave. Pratt, KS 67124	SW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$, S35, T18S, R12W, Barton County	Nonoverflowing

Kansas Permit No. M-UA16-NO02 Federal Tracking No. KSJ000632

Facility Name: Wetlands Education Center

Facility Location: Highway 156 @ Cheyenne Bottoms

Facility Description: The proposed action is to issue a new permit for operation of a new nonoverflowing lagoon wastewater treatment facility. Discharge of wastewater from this treatment facility to surface waters of the state of Kansas is prohibited by this permit.

Public Notice No. KS-PT-07-007

Name and Address of Applicant	Receiving Facility	Type of Discharge
Dayton Superior Corporation 7777 Washington Village Drive Suite 130 Dayton, Ohio 45459	Parsons MWWTP	Process Wastewater

Kansas Permit No. P-NE55-0007 Federal Tracking No. KSP000097

Facility Address: 1900 Wilson Ave., Parsons, KS 67357

Facility Description: The proposed action is to issue a new pretreatment permit for this facility. This facility manufactures concrete reinforcing bars and rods made of steel. The steel is phosphated prior to being painted to produce the final product. Outfall 001 consists of phosphating wastes, which can be discharged from one of two tanks. The proposed permit includes limits for total toxic organics, cadmium, chromium, copper, lead, nickel, silver, zinc, total cyanide and pH, as well as monitoring of effluent flow. The permit limits are pursuant to state and federal pretreatment requirements.

Persons wishing to comment on the draft documents 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 considered in the decision-making process. Comments should be submitted to the attention of the Livestock Waste Management Section for agricultural-related draft documents or applications, or to the Technical Services Section 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 documents or application notices received on or before June 23 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-07-154/160, KS-07-039/043, KS-ND-07-015, KS-PT-07-007) and name of the applicant/permittee when preparing comments.

After review of any comments received during the public notice period, the Secretary of Health and Environment will issue a determination regarding final agency action on each draft document/application. If response to any draft document/application indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC).

All draft documents/applications and the supporting information including any comments received are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water. These documents are available upon request at the copying cost assessed by KDHE. Application information and components of plans and specifications for all new and expanding swine facilities are available on the Internet at <http://www.kdhe.state.ks.us/feedlots>. Division of Environment offices are open from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 034487

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) 296-2376:

- 06/04/2007 10482 Crack Seal Machine, Pull Type
- 06/04/2007 10483 Mower, Slope
- 06/04/2007 10484 Patcher, Pothole, Heavy Duty, Pull Type
- 06/04/2007 10501 Legal Counsel
- 06/06/2007 10477 Laundry Equipment, Commercial
- 06/06/2007 10487 Automated Flagger Assistance Device
- 06/06/2007 10491 Radar, Speed Monitoring Trailer Mounted
- 06/06/2007 10494 Chain Link Fence Materials
- 06/06/2007 10496 Tractors, Agricultural
- 06/07/2007 10490 Paper Goods
- 06/07/2007 10498 Agricultural Tractor and Disk
- 06/07/2007 10499 Core Drills, Truck Mounted
- 06/07/2007 10502 Skid Steer Loaders and/or Attachments
- 06/07/2007 10507 Vehicle Maintenance Service, Topeka
- 06/07/2007 10508 Vehicle Maintenance Service, Wichita
- 06/11/2007 10495 Bakery Products
- 06/14/2007 10459 Lab Equipment Biological Safety Cabinet
- 06/18/2007 10478 Training Services for Oracle, PeopleSoft and Unix Software

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

<http://www.da.ks.gov/purch/>

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>

Contractors wishing to bid on the projects listed below must be prequalified. Information regarding pre-qualification, projects and bid documents can be obtained by calling (785) 296-8899 or by visiting www.da.ks.gov/fp/.

- 06/07/2007 A-010424 Plaza Renovation — Gibson Hall, Pittsburg State University
- 06/14/2007 A-010364 Bleckley Hall, New Vestibule at West Entrance, Kansas Veterans' Home
- 06/14/2007 A-010401 Computer Services Facility, Install Backup Power Generator, University of Kansas

Chris Howe
Director of Purchases

Doc. No. 034492

State of Kansas

Kansas State University

Notice to Bidders

Sealed bids for the item listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 532-6214 or fax (785) 532-5577 for additional information:

Friday, June 8, 2007
#7167

Property Insurance

Carla K. Bishop
Director of Purchasing

Doc. No. 034489

(Published in the Kansas Register May 24, 2007.)

Summary Notice of Bond Sale
Unified School District No. 372
Shawnee County, Kansas (Silver Lake)
\$7,900,000
General Obligation School Building Bonds
Series 2007
(General obligation bonds payable from
unlimited ad valorem taxes)

Bids

Subject to the notice of bond sale dated May 9, 2007, written and electronic bids will be received on behalf of the clerk of Unified School District No. 372, Shawnee County, Kansas (Silver Lake) (the issuer), in the case of written bids, at the address set forth below, and in the case of electronic bids, through *PARITY*, until 2 p.m. June 13, 2007, for the purchase of the above-referenced bonds. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated June 1, 2007, and will become due on October 1 in the years as follows:

Year	Principal Amount
2012	\$ 55,000
2013	245,000
2014	275,000
2015	310,000
2016	345,000
2017	380,000
2018	420,000
2019	465,000
2020	505,000
2021	545,000
2022	595,000
2023	640,000
2024	695,000
2025	750,000
2026	805,000
2027	870,000

(continued)

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, 2008.

Optional 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 \$158,000 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about June 28, 2007, 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 2006 is \$31,044,067. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$9,130,000.

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 undersigned or from the financial advisor at the addresses set forth below.

Written Bid and Good Faith Deposit

Delivery Address:

Shellie Priddy, Clerk
Office of the Board of Education
200 Rice Road
P.O. Box 39
Silver Lake, KS 66539
(785) 583-4026
Fax (785) 582-5259
E-mail: spriddy@silverlake.k12.ks.us

Financial Advisor - Facsimile Bid and Good Faith

Deposit Delivery Address:

George K. Baum & Company
100 N. Main, Suite 810
Wichita, KS 67202
Attn: Stephen E. Shogren
(316) 264-9351
Fax (316) 264-9370
E-mail: shogren@gkbaum.com

Dated May 9, 2007.

Unified School District No. 372
Shawnee County, Kansas (Silver Lake)

Doc. No. 034478

State of Kansas

Department of Commerce

Notice of Available Grant Funding

The Department of Commerce is seeking proposals for the purpose of developing and operating the Older Kansans Employment Program. The purpose of this program is to locate and serve unemployed Kansans, age 55 and older, with employment placement services. Successful grant applicants will provide:

- Employment placement service with emphasis on employment in the private sector including nontraditional patterns of employment.
- Training in job-seeking skills to potential employees who are older Kansans.
- Job development/assistance to potential employers in utilizing the contributions of older Kansans to their work force.

It is expected that approximately \$320,000 will be available for funding for the period beginning July 1, 2007, and ending June 30, 2008. In order to provide a variety of services in as wide a geographical area as possible, it is projected that funding for most individual projects will be \$20,000 to \$60,000. Projects may be renewed for up to two additional years subject to performance and availability of funds. Only one application may be submitted per organization.

Applicants are encouraged to consult extensively within their communities to ensure that the activities proposed within their application provide opportunities that will coordinate with and enhance the employment and training programs offered by the local Workforce Centers.

The closing deadline for this competition is 5 p.m. Friday, May 25. The Kansas Department of Commerce requires applicants to submit an original and three copies of the application. Applications will be reviewed by a panel of experts using the selection criteria in the competitive grant announcement. The department anticipates that awards will be announced by June 8, with funds available in July 2007.

The application package, which contains all forms and instructions necessary to apply for a grant under the Older Kansans Employment Program, may be obtained by contacting Susan R. Weidenbach, Manager, Adult and Youth Services, at (785) 296-7842 or sweidenbach@kansascommerce.com.

David D. Kerr
Secretary of Commerce

Doc. No. 034464

(Published in the Kansas Register May 24, 2007.)

Grant County, Kansas

Notice of Proposed DBE Program

Grant County has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation, 49 CFR Part 26, for the Ulysses Airport. The county anticipates receiving federal financial assistance from the Department of Transportation, and, as a condition of receiving this assistance, the county will sign an assurance that it will comply with 49 CFR Part 26.

The county's overall project-specific goal for FY 2007/2008 is 4.25 percent of the federal financial assistance.

The proposed DBE Program is available for public inspection and comment at the Grant County offices, 108 S. Glenn, Ulysses, 67880. The county will accept comments on the goals for 30 days from the date of this notice. Comments can be sent to the Grant County Commissioners.

Linda McHenry
Grant County Clerk

Doc. No. 034454

(Published in the Kansas Register May 24, 2007.)

Summary Notice of Bond Sale

City of Liberal, Kansas
\$880,000

General Obligation Bonds, Series 2007

(General obligation bonds payable from unlimited ad valorem taxes)

Bids

Subject to the notice of bond sale dated May 8, 2007, written and electronic bids will be received on behalf of the clerk of the city of Liberal, Kansas (the issuer), in the case of written bids, at the address set forth below, and in the case of electronic bids, through *PARITY*, until 11 a.m. June 12, 2007, for the purchase of the above-referenced bonds. No bid of less than 99 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 July 1, 2007, and will become due on December 1 in the years as follows:

Year	Principal Amount
2008	\$150,000
2009	175,000
2010	180,000
2011	185,000
2012	190,000

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 June 1 and December 1 in each year, beginning June 1, 2008.

Optional Book-Entry-Only System

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

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$17,600 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about July 3, 2007, to DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States as may be specified by the successful bidder, or elsewhere at the expense of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2006 is \$120,592,449. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$17,240,000.

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 undersigned or from the financial advisor at the addresses set forth below.

Written Bid and Good Faith Deposit

Delivery Address:

Debra S. Giskie, Clerk
City Hall
325 N. Washington
P.O. Box 2199
Liberal, KS 67905-2199
(620) 626-0101
Fax (620) 626-0173
E-mail: liberalcityclk@swko.net

Financial Advisor - Facsimile Bid and Good Faith

Deposit Delivery Address:

Ranson Financial Consultants, L.L.C.
200 W. Douglas, Suite 600
Wichita, KS 67202
Attn: John Haas
(316) 264-3400
Fax (316) 265-4503
E-mail: jhaas@ransonfinancial.com

Dated May 8, 2007.

City of Liberal, Kansas

Doc. No. 034477

(Published in the Kansas Register May 24, 2007.)

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

Heartland Works, Inc. is accepting bids for the lease of office space (approximately 7,000 to 10,000 sq. ft.) in Junction City. This RFP is to reissue one dated March 8, 2007, which resulted in no bid award. To receive a request for proposal containing specifications, contact the Heartland Works office at 610 S.W. 10th Ave., Suite 210, Topeka, 66612-1616, (785) 234-0500. Bids must be received not later than 3 p.m. June 7. All companies and property owners are encouraged to bid.

Nancy Leonard
Executive Assistant

Doc. No. 034457

(Published in the Kansas Register May 24, 2007.)

**Summary Notice of Bond Sale
City of Minneapolis, Kansas****\$267,000****General Obligation Bonds, Series 2007****(General obligation bonds payable from
unlimited ad valorem taxes)****Bids**

Subject to the notice of bond sale dated May 8, 2007, written and electronic bids will be received on behalf of the clerk of the city of Minneapolis, Kansas (the issuer), in the case of written bids, at the address set forth below, and in the case of electronic bids, through *PARITY*, until 1 p.m. June 12, 2007, for the purchase of the above-referenced bonds. No bid of less than 98.75 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 July 1, 2007, and will become due on May 1 in the years as follows:

Year	Principal Amount
2008	\$32,000
2009	35,000
2010	35,000
2011	40,000
2012	40,000
2013	40,000
2014	45,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning May 1, 2008.

Optional Book-Entry-Only System

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

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$5,340 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about July 3, 2007, to DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States as may be specified by the successful bidder, or elsewhere at the expense of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2006 is \$10,355,813. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, but excluding temporary notes to be retired in conjunction therewith, is \$1,317,000.

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 undersigned or from the financial advisor, at the addresses set forth below.

Written Bid and Good Faith Deposit**Delivery Address:**

Barry S. Hodges, Clerk
City Hall
218 N. Rock
Minneapolis, KS 67467
(785) 392-2176
Fax (785) 392-2177
E-mail: citympls@nckn.com

Financial Advisor - Facsimile Bid and Good Faith**Deposit Delivery Address:**

Ranson Financial Consultants, L.L.C.
200 W. Douglas, Suite 600
Wichita, KS 67202
Attn: John Haas
(316) 264-3400
Fax (316) 265-5403
E-mail: jhaas@ransonfinancial.com

Dated May 8, 2007.

City of Minneapolis, Kansas

Doc. No. 034479

(Published in the Kansas Register May 24, 2007.)

Heartland Works, Inc.

Request for Proposals

Heartland Works, Inc. is accepting proposals for information technology services and solutions for the Heartland Works administrative office and the five workforce centers for which it is responsible, located in Topeka, Atchison, Lawrence, Manhattan and Junction City. To receive a request for proposals packet, which includes all specifications, contact the Heartland Works office at 610 S.W. 10th Ave., Suite 210, Topeka, 66612-1616, (785) 234-0500. Proposals must be received not later than 3 p.m. August 25. Heartland Works, Inc. welcomes all interested companies to submit a proposal.

Nancy Leonard
Executive Assistant

Doc. No. 034480

State of Kansas

Kansas Health Policy Authority

Public Notice

The Kansas Health Policy Authority is changing the reimbursement methodology for Medicaid-covered services provided by school districts or local education agencies (LEAs). Effective July 1, 2007, Medicaid-covered services will be paid on a fee-for-service basis, rather than the existing bundled rate that pays an amount per eligible child, per month. The fee-for-service rates for school districts and LEAs will be the same as those paid to other similarly qualified professionals providing the same Medicaid-covered services.

These changes are being made in response to audit findings identified by the Department of Health and Human Services, Office of Inspector General, and a state decision to discontinue the bundled rate methodology for school-based services.

The school districts or LEAs will no longer have to provide certification of available local funds to provide the state match for the federal Medicaid funds. School districts and LEAs will receive the full rate in payment for the Medicaid-covered services. The rate schedule and covered services will be available in the Local Education Agency Provider Manual and can be found at <https://www.kmap-state-ks.us/>.

The Kansas Health Policy Authority anticipates no fiscal impact for federal fiscal year 2007 and a \$10.8 million savings in federal fiscal year 2008.

A copy of the proposed state plan change, which has additional information, may be obtained from any local SRS office. To send comments or to review comments received, or to obtain additional information, contact Rita Haverkamp, Kansas Health Policy Authority, Room 900-N, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1220, or e-mail Rita.Haverkamp@khpa.ks.gov.

Marcia Nielsen, Ph.D., MPH
Executive Director

Doc. No. 034470

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 5-21-07 through 5-27-07

Term	Rate
1-89 days	5.25%
3 months	4.71%
6 months	4.90%
1 year	4.98%
18 months	4.92%
2 years	4.79%

Derl S. Treff
Director of Investments

Doc. No. 034456

State of Kansas

**Department of Revenue
Division of Property Valuation**

Directive #07-042

To: County Appraisers

Subject: View and Inspection Requirements

This directive is adopted pursuant to the provisions of K.S.A. 79-505, and shall take effect and be in force from and after its publication in the Kansas Register.

A question has arisen as to whether recent, digital technology tools can be used to replace routine, cyclical field inspections of real property performed for ad valorem tax purposes. Field inspections are performed by county appraisers for primarily three purposes: (1) 6-year reinspections; (2) discovery (accurately listing all real property in the county on an annual basis); and (3) final reviews performed for valuation purposes. See the laws below.

Relevant Laws:

(1) Every parcel of real property shall be actually viewed and inspected by the county or district appraiser once every six years. (K.S.A. 79-1476).

(2) The county appraiser shall list and appraise all real property in the county on an annual basis. (K.S.A. 79-1455). When real property subject to taxation has been omitted from the tax rolls, such property shall immediately be listed on the tax roll for the current year, and up to two prior years. (K.S.A. 79-1475).

(3) The county appraiser shall determine the fair market value of each parcel of real property as of January 1 each year from an actual view and inspection of the property. (K.S.A. 79-501, 79-503a).

(4) The county appraiser shall not increase the valuation of real property unless the record of the latest physical inspection is reviewed and documentation exists to support the increase in compliance with the Directives and Specifications of the Director of Property Valuation. (K.S.A. 79-1460 (a)).

(continued)

(5) The county appraiser shall prepare and maintain an annual appraisal record for each parcel of real property and every improvement thereon, including the location, measurements, descriptors and other information necessary to accurately value and assess it for ad valorem tax purposes. (See K.S.A. 79-1459(b) and (c) for a more complete list of requirements).

Analysis:

Laws currently in effect were written at a time when it was not possible to measure or adequately review property characteristics without an on-site, physical inspection or "field" inspection. New developments in technology provide opportunities for efficiency and greater uniformity and accuracy; however, certain elements of their use also pose risks. At this time, the decision of whether to allow a county to utilize digital tools in place of certain field inspections shall be made on a case-by-case basis. Once the technology and business rules are sufficiently developed to allow incorporation into the annual Maintenance Specifications, the approval process required by this Directive will become obsolete. In the meantime, the following guidelines shall apply.

Guidelines:

(1) The Maintenance Specifications currently allow a county appraiser to utilize still or video images to perform certain aspects of final review. See Maintenance Specifications Section 16.7, Final Review. Any request to deviate from the Maintenance Specifications must be submitted in advance by the county for the Director's approval. See also Directive No. 92-003.

(2) The Maintenance Specifications currently allow a county to augment the 6-year re-inspection process using digital data, but only in addition to an on-site physical inspection. Furthermore, alternative methods for measurements must be approved. See Maintenance Specifications Section 12.1.1., Re-inspections. Therefore, a county appraiser shall submit a request for approval of any plan to utilize digital technology tools in lieu of on-site field inspections. For those counties that are not in compliance, the county must also show that the implementation of the new procedures will not adversely impact the county's plan to regain compliance.

(3) County plans shall clearly identify the on-site physical field inspection(s) the county intends to replace with digital tools and shall include, at a minimum:

- Specifications for the images and software to be utilized.
 - If the county plans to utilize orthophoto images for discovery purposes, it shall require images to have a minimum 6" pixel resolution in urban/suburban and 12" resolution in rural areas. Such county plans shall ensure that images are updated at least every two years in rapid growth areas, or every six years in slow growth areas. Such images are not sufficient for 6-year reinspection purposes.
 - If the county plans to utilize low-level oblique images for 6-year reinspection purposes, it shall require images to have four cardinal directions, and a minimum 6" pixel resolution in urban/suburban & 12" pixel resolution in rural areas. Such county

plans shall ensure that the image of every parcel of real property in the county is updated at least once every six years.

- County plans shall present quality control procedures that utilize on-site, physical field inspections to independently confirm the accuracy of the imagery and measurements.
- County plans shall present implementation plans and post-implementation business rules for the new technology.
- County plans shall include an attached copy of the contract or proposed contract for software and/or services.

(3) Once the county's plan is implemented, the county real property records shall indicate the type of field inspection (physical or digital) performed on each property.

(4) A county appraiser shall continue to perform on-site, physical field inspections in order to:

- List new construction or additions.
- List demolition or catastrophic damage.
- Review the listings of real property that has sold.
- Review real property with unclear or obstructed imagery, regardless of whether that imagery is street-level or aerial, if the ambiguity affects value.
- Review the listing of real property requiring a valuation appeal decision based upon a property characteristic or condition.
- Review neighborhood condition, trends, conformity, parameters, etc.
- Review real property when the current measurement on record varies from the measurement determined by digital imagery and software by more than 2 feet or 5%. This review may be performed on a sample basis.

The purpose of the last, bulleted review above is to conform to current Maintenance Specifications 6.1 (data integrity of improvements) and 12.5 (quality control reviews of re-inspections). Even if a county requesting to use new technology has an existing measurement variance, the county shall perform the review. The county is proposing to utilize a new method of performing a field inspection and quality control review of measurements. The integrity of the new method must be confirmed.

(5) Once the county appraiser has documented that measurements obtained through use of new technology and methods is at least as reliable as measurements performed during an on-site, physical field inspection, the new technology may be used to perform quality control reviews of measurements.

(6) The use of digital tools to perform certain field inspections does not supplant the county appraiser's duty to monitor interior property characteristics and property uses by means of building permits, interviews or questionnaires. See, e.g., Maintenance Specifications 7.1 and 7.4 (residential property); 8.6.1 and 9.4.1 (tenants); 12.3 (land devoted to agricultural use); Section 12.2.4 (re-verification); 12.4.1 (records).

Approved May 15, 2007.

Mark S. Beck
Director of Property Valuation

Doc. No. 034476

State of Kansas
Kansas Insurance Department

**Permanent Administrative
 Regulations**

Article 7.—AGENTS

40-7-19. Agents; individual records; fees. (a) Each person, company, or organization requesting a paper copy of any verification of license record, duplicate license, certification of home state, or clearance letter from the commissioner shall pay a fee of \$10.00.

(b) The fee established by this regulation shall be charged for each document requested and shall not be refunded for any reason. (Authorized by K.S.A. 40-103, 40-241k; implementing K.S.A. 40-241k; effective May 1, 1984; amended May 1, 1986; amended May 1, 1987; amended Jan. 4, 1993; amended June 8, 2007.)

Sandy Praeger
 Kansas Insurance Commissioner

Doc. No. 034486

State of Kansas
Behavioral Sciences Regulatory Board

**Permanent Administrative
 Regulations**

Article 1.—CERTIFICATION OF PSYCHOLOGISTS

102-1-7. (Authorized by K.S.A. 1987 Supp. 74-7507; implementing K.S.A. 1987 Supp. 74-5310, as amended by L. 1988, Ch. 243, Sec. 15, K.S.A. 1987 Supp. 74-5333; effective May 1, 1982; amended May 1, 1984; amended May 1, 1987; amended July 24, 1989; revoked June 8, 2007.)

Article 2.—LICENSING OF SOCIAL WORKERS

102-2-10. (Authorized by K.S.A. 74-7507, as amended by L. 1996, Ch. 153, Sec. 43; implementing K.S.A. 1995 Supp. 65-6311 and K.S.A. 65-6313; effective, T-85-36, Dec. 19, 1984; effective May 1, 1985; amended May 1, 1987; amended Oct. 24, 1997; revoked June 8, 2007.)

Article 3.—PROFESSIONAL COUNSELORS; FEES

102-3-8a. (Authorized by K.S.A. 1996 Supp. 74-7507; implementing K.S.A. 1996 Supp. 65-5806 and 65-5809; effective Dec. 19, 1997; revoked June 8, 2007.)

Article 4.—MASTER’S LEVEL PSYCHOLOGISTS

102-4-8a. (Authorized by K.S.A. 1996 Supp. 74-7507; implementing K.S.A. 1996 Supp. 74-5363 and 74-5369; effective Dec. 19, 1997; revoked June 8, 2007.)

**Article 5.—LICENSING OF MARRIAGE
 AND FAMILY THERAPISTS**

102-5-8. (Authorized by K.S.A. 1996 Supp. 74-7507(j); implementing K.S.A. 1996 Supp. 65-6407; effective March 29, 1993; amended Dec. 19, 1997; revoked June 8, 2007.)

**Article 6.—REGISTERED ALCOHOL AND OTHER
 DRUG ABUSE COUNSELORS**

102-6-8. Registrations. Each applicant and each registrant shall notify the board in writing of any address or name change within 30 days of the date on which the change occurred. (Authorized by and implementing K.S.A. 2006 Supp. 74-7507; effective July 17, 1995; amended June 8, 2007.)

Phyllis Gilmore
 Executive Director

Doc. No. 034475

State of Kansas
Kansas Lottery
**Temporary Administrative
 Regulations**

Article 4.—INSTANT GAMES AND DRAWINGS

111-4-2558. “High Roller” instant ticket lottery game number 680. (a) The Kansas lottery shall conduct an instant winner lottery game entitled “High Roller” commencing on or after May 1, 2007. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2558.

(b) The “play symbols” and “play symbol captions” for this game are as follows:

Play Symbols	Play Symbol Captions
FREE	TICKET
\$1 ⁰⁰	ONE\$
\$2 ⁰⁰	TWO\$
\$5 ⁰⁰	FIVE\$
10 ⁰⁰	TEN\$
15 ⁰⁰	FIFTEEN
25 ⁰⁰	TWEN-FIV
50 ⁰⁰	FIFTY
\$100\$	ONE-HUN
\$250\$	TWOFTY
\$500\$	FIVHUN
\$4000	FOURTHOU
Symbol of one dot	ONE
Symbol of two dots	TWO
Symbol of three dots	THR
Symbol of four dots	FOR
Symbol of five dots	FIV
Symbol of six dots	SIX

(c) For this game, a play symbol shall appear in each of 15 play spots within the play area or areas.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 299.

(e) The three letters comprising the retailer validation codes used in this game shall appear in three of eight varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

FRE	=	Free Ticket
ONE	=	\$1.00
TWO	=	\$2.00
FIV	=	\$5.00

(continued)

TEN	=	\$10.00
FTN	=	\$15.00
TWF	=	\$25.00
FTY	=	\$50.00
HUN	=	\$100.00
FHN	=	\$500.00

\$1 ⁰⁰	ONES\$
\$3 ⁰⁰	THR\$
\$5 ⁰⁰	FIVE\$
10 ⁰⁰	TEN\$
15 ⁰⁰	FIFTEEN
30 ⁰⁰	THIRTY
50 ⁰⁰	FIFTY
\$100\$	ONE-HUN
\$1000	ONETHOU
\$3000	THRTHOU

Symbol of a bankroll	ROLL
Symbol of a safe	SAFE
Symbol of a gold nugget	NUGGET
Symbol of a gold bar	BAR
Symbol of a treasure chest	CHEST
Symbol of a stack of bills	BILLS
Symbol of a coin	COIN
Symbol of a money bag	MNYBAG
Symbol of a pot of gold	GOLD
Symbol of a piggy bank	PGYBNK

(f) The price of instant tickets sold by a retailer for this game shall be \$1.00 each.

(g) "High Roller" is a dice game. A player will remove the scratch-off material to reveal three rolls. Each roll will consist of two "YOUR DICE," two "HOUSE DICE," and one prize amount. If the sum of the "YOUR DICE" is higher than the sum of the "HOUSE DICE" in the same roll, the player wins the prize shown for that roll.

(h) Each ticket in this game may win up to three times.

(i) Approximately 600,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(j) The expected number and value of instant prizes in this game shall be as follows:

Prize	Expected Number of Prizes in Game	Expected Value in Game
Free Ticket	48,000	\$0
\$1	64,000	64,000
\$2	14,000	28,000
\$1 + \$1	16,000	32,000
\$5	4,000	20,000
\$1 + \$2 + \$2	6,000	30,000
\$10	1,600	16,000
\$5 + \$5	2,000	20,000
\$15	400	6,000
\$5 + \$10	400	6,000
\$5 + \$5 + \$5	600	9,000
\$25	200	5,000
\$10 + \$15	200	5,000
\$5 + \$10 + \$10	300	7,500
\$50	100	5,000
\$25 + \$25	100	5,000
\$10 + \$15 + \$25	100	5,000
\$100	40	4,000
\$50 + \$50	40	4,000
\$25 + \$25 + \$50	60	6,000
\$500	12	6,000
\$250 + \$250	12	6,000
\$4,000	8	32,000
TOTAL	158,172	\$321,500

(k) The odds of winning a prize in this game are approximately one in 3.79. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-4-25-07, April 18, 2007.)

111-4-2559. "Treasure Chest" instant ticket lottery game number 681. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Treasure Chest" commencing on or after May 1, 2007. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2559.

(b) The "play symbols" and "play symbol captions" for this game are as follows:

Play Symbols	Play Symbol Captions
FREE	TICKET

(c) For this game, a play symbol shall appear in each of 12 play spots within the play area or areas.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 299.

(e) The three letters comprising the retailer validation codes used in this game shall appear in three of eight varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

FRE	=	Free Ticket
ONE	=	\$1.00
THR	=	\$3.00
FIV	=	\$5.00
TEN	=	\$10.00
FTN	=	\$15.00
TRY	=	\$30.00
FTY	=	\$50.00
HUN	=	\$100.00
THH	=	\$300.00

(f) The price of instant tickets sold by a retailer for this game shall be \$1.00 each.

(g) "Treasure Chest" is a symbol match game. A player will remove the scratch-off material to reveal three "ROWS." Each "ROW" will consist of three "PLAY SYMBOLS" and one prize amount. If a player matches two like symbols in any one "ROW," the player wins the prize shown for that "ROW." If a player matches three like symbols in any one "ROW," the player wins double the prize shown for that "ROW."

(h) Each ticket in this game may win up to three times.

(i) Approximately 600,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(j) The expected number and value of instant prizes in this game shall be as follows:

Prize	Expected Number of Prizes in Game	Expected Value in Game
Free Ticket	52,000	\$0
\$1	38,000	38,000

\$3	\$3	14,000	42,000
\$1 + \$1 + \$1	\$3	15,000	45,000
\$5	\$5	7,000	35,000
\$10	\$10	1,100	11,000
\$5 (DBL)	\$10	1,200	12,000
\$15	\$15	600	9,000
\$5 + \$10	\$15	600	9,000
\$5 + \$5 + \$5	\$15	700	10,500
\$30	\$30	250	7,500
\$15 (DBL)	\$30	300	9,000
\$10 + \$10 + \$10	\$30	400	12,000
\$50	\$50	160	8,000
\$30 + \$10 (DBL)	\$50	160	8,000
\$10 + \$10 + \$30	\$50	200	10,000
\$100	\$100	30	3,000
\$50 (DBL)	\$100	30	3,000
\$50 (DBL) + \$100 + \$100	\$300	30	9,000
\$100 + \$100 + \$100	\$300	30	9,000
\$1,000	\$1,000	6	6,000
\$3,000	\$3,000	4	12,000
\$1,000 + \$1,000 + \$1,000	\$3,000	4	12,000
TOTAL		<u>131,804</u>	<u>\$320,000</u>

(k) The odds of winning a prize in this game are approximately one in 4.55. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-4-25-07, April 18, 2007.)

111-4-2560. "Double Wild 7s" instant ticket lottery game number 682. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Double Wild 7s" commencing on or after May 1, 2007. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2560.

(b) The "play symbols" and "play symbol captions" for this game are as follows:

Play Symbols	Play Symbol Captions
FREE	TICKET
\$1 ⁰⁰	ONE\$
\$2 ⁰⁰	TWO\$
\$4 ⁰⁰	FOR\$
\$5 ⁰⁰	FIVE\$
10 ⁰⁰	TEN\$
20 ⁰⁰	TWENTY
80 ⁰⁰	EIGHTY
\$100\$	ONEHUN
\$250\$	TWOFTY
\$500\$	FIVEHUN
\$2,777	TWSEVS
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
08	EGT
09	NIN
10	TEN
11	ELV
12	TWV
13	TTN
14	FRTN
15	FFTN
Symbol of a graphic 7 (outlined)	SEV

(c) For this game, a play symbol shall appear in each of 16 play spots within the play area or areas.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 299.

(e) The three letters comprising the retailer validation codes used in this game shall appear in three of eight varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

FRE	=	Free Ticket
ONE	=	\$1.00
TWO	=	\$2.00
FOR	=	\$4.00
TEN	=	\$10.00
TWY	=	\$20.00
ETY	=	\$80.00
HUN	=	\$100.00
FHN	=	\$500.00

(f) The price of instant tickets sold by a retailer for this game shall be \$1.00 each.

(g) "Double Wild 7s" is a key symbol match game. A player will remove the scratch-off material to reveal four games. If a player reveals a "7" symbol in any game, the player wins the prize shown for that game. If a player gets two "7" symbols in any game, the player wins double the prize for that game.

(h) Each ticket in this game may win up to four times.

(i) Approximately 600,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(j) The expected number and value of instant prizes in this game shall be as follows:

Prize	Expected Number of Prizes in Game	Expected Value in Game
Free Ticket	Free Ticket	\$0
\$1	\$1	\$35,000
\$2	\$2	\$20,000
\$1 (DBL)	\$2	\$20,000
(\$1 x 2)	\$2	\$20,000
\$4	\$4	\$28,000
(\$1 x 4)	\$4	\$20,000
\$2 (DBL)	\$4	\$20,000
\$10	\$10	\$20,000
(\$2 x 3) + \$2 (DBL)	\$10	\$20,000
(\$1 x 2) + \$4 (DBL)	\$10	\$20,000
\$20	\$20	\$20,000
\$10 (DBL)	\$20	\$10,800
(\$5 x 4)	\$20	\$10,800
\$80	\$80	\$11,200
(\$20 x 4)	\$80	\$11,200
\$100	\$100	\$2,000
\$500	\$500	\$4,000
\$250 (DBL)	\$500	\$4,000
\$2,777	\$2,777	\$22,216
TOTAL	<u>144,404</u>	<u>\$319,216</u>

(k) The odds of winning a prize in this game are approximately one in 4.16. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-4-25-07, April 18, 2007.)

111-4-2561. "3 Cheers" instant ticket lottery game number 683. (a) The Kansas lottery shall conduct an in-

(continued)

stant winner lottery game entitled "3 Cheers" commencing on or after May 1, 2007. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2561.

(b) The "play symbols" and "play symbol captions" for this game are as follows:

Play Symbols	Play Symbol Captions
FREE	TICKET
\$1. ⁰⁰	ONES\$
\$2. ⁰⁰	TWOS\$
\$5. ⁰⁰	FIVES\$
10. ⁰⁰	TENS\$
50. ⁰⁰	FIFTY
\$100\$	ONEHUN
\$1000	ONETHOU

Symbol of a graphic "3" (outlined) THREE

(c) For this game, a play symbol shall appear in each of six play spots within the play area or areas.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 299.

(e) The three letters comprising the retailer validation codes used in this game shall appear in three of eight varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

FRE	=	Free Ticket
ONE	=	\$1.00
TWO	=	\$2.00
THR	=	\$3.00
FIV	=	\$5.00
TEN	=	\$10.00
TRY	=	\$30.00
FTY	=	\$50.00
HUN	=	\$100.00
THH	=	\$300.00

(f) The price of instant tickets sold by a retailer for this game shall be \$1.00 each.

(g) The "3 Cheers" game combines two different game plays within the same play area. A player can win by matching three of six prize amounts, or by revealing one or more "3" symbols to win a prize according to the prize legend on the ticket front and as shown in section (j) below. A player will remove the scratch-off material covering the game play area to reveal six prize/play symbols. If three of the six prize amounts are identical, the player wins the prize amount. If a player reveals from one to four "3" symbols, the player wins a prize according to the prize legend on the ticket front and as shown in section (j) below.

(h) Each ticket in this game may win up to one time.

(i) Approximately 600,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(j) The expected number and value of instant prizes in this game shall be as follows:

	Prize	Expected Number of Prizes in Game	Expected Value in Game
3 - Free's	Free Ticket	52,000	\$0
3 - \$1.00's	\$1	58,000	58,000
3 - \$2.00's	\$2	29,000	58,000

	One 3	\$3	16,400	49,200
3 - \$5.00's		\$5	9,600	48,000
3 - \$10.00's		\$10	2,800	28,000
	Two 3s	\$30	900	27,000
3 - \$50.00's		\$50	240	12,000
3 - \$100.00's		\$100	120	12,000
	Three 3s	\$300	20	6,000
3 - \$1,000.00's		\$1,000	4	4,000
	Four 3s	\$3,000	6	18,000
TOTAL			<u>169,090</u>	<u>\$320,200</u>

(k) The odds of winning a prize in this game are approximately one in 3.55. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-4-25-07, April 18, 2007.)

OPEN SEASON DRAWING

111-4-2562. Name of drawing. The Kansas lottery shall conduct three drawings, each entitled "Open Season Drawing," and will accept entries on and after the day Kansas lottery "Open Season" instant tickets are first offered for sale to the general public and ending on the dates specified in K.A.R. 111-4-2565. The drawings will be held on July 20, 2007, September 21, 2007, and November 16, 2007. Rules applicable to this drawing are contained in K.A.R. 111-4-2562 through 111-4-2566 and K.A.R. 111-3-1, *et seq.* (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-25-07, April 18, 2007.)

111-4-2563. Definitions. (a) All definitions contained in the Kansas lottery act (K.S.A. 74-8701 *et seq.*) and lottery regulations are hereby incorporated by reference and govern unless otherwise indicated.

(b) "Open Season Drawing" means the act of drawing prizes conducted by the Kansas Lottery on the dates described in K.A.R. 111-4-2565, in which participants are selected to win prizes as described in K.A.R. 111-4-2564.

(c) "Non-winning ticket" means any valid Kansas "Open Season" instant game lottery ticket not eligible to win a prize under the rules of that instant game.

(d) "Receptacle" or "drum" means a container in which non-winning Kansas instant game lottery tickets are placed and from which the entries for this drawing are drawn. Receptacles or drums may be sealable and shall be capable of being mixed or rotated for the purpose of ensuring random distribution. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-25-07, April 18, 2007.)

111-4-2564. Prize. (a) The first winner drawn in the "Open Season Drawing," shall receive his or her choice of three Land Pride brand Treker utility vehicles, together with towing trailer, various accessories, and \$1,000 cash, a lifetime state of Kansas combination hunting and fishing license, and mandatory federal and state income withholding taxes.

(b) The second winner drawn shall receive his or her choice of the remaining of the three vehicles, together with towing trailer, various accessories, \$1,000 cash, a lifetime state of Kansas combination hunting and fishing license, and mandatory federal and state income withholding taxes.

(c) The third winner drawn shall receive the last remaining of the three vehicles, together with towing

trailer, various accessories, \$1,000 cash, a lifetime state of Kansas combination hunting and fishing license, and mandatory federal and state income withholding taxes.

(d) All prizes are subject to lottery validation, set-offs and deductions authorized by law.

(e) At the end of each of the three drawings, six additional secondary prizes shall also be awarded consisting of a lifetime state of Kansas combination hunting and fishing license, together with mandatory federal and state income withholding taxes.

(f) The winner of a prize shall return to the lottery a completed claim form as provided by the lottery no later than 5:00 p.m. on the thirtieth day following the day of the drawing or the person named on the ticket drawn will no longer be eligible for the prize. In such an event, the first eligible alternate entry drawn for that prize pursuant to these rules shall be declared the winner.

(g) All lifetime state of Kansas combination hunting and fishing prizes may only be awarded to qualified residents of the state of Kansas. Said license prizes are transferrable one time. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-25-07, April 18, 2007.)

111-4-2565. Method of entry. (a) Entry into the "Open Season Drawing" shall be accomplished as follows:

(1) Obtain a valid "Open Season" Kansas instant lottery ticket.

(2) Determine if the ticket is a winning ticket in accordance with the rules of that game. If the ticket is a winning ticket, it is not eligible for this drawing and shall be redeemed in accordance with the instant game rules.

(3) If the ticket is a valid non-winning ticket, the ticket is eligible for the drawing and the holder of the ticket may use it to enter the drawing.

(4) The holder of the non-winning ticket must complete the information form on the back of the ticket in a legible manner. Only one name shall appear on a non-winning ticket entered.

(5) Players may deposit entries for this drawing into any receptacle the Kansas lottery has specifically designated for said purpose.

(6) Entries other than those entered pursuant to subsection (a)(5) herein shall be mailed with proper postage to "Open Season, c/o Kansas lottery, P. O. Box 3561, Topeka, Kansas 66601-3561." Mailed entries must be received by morning mail pickup on Tuesday, July 17, 2007, for the first drawing; by Tuesday, September 18, 2007, for the second drawing; and Tuesday, November 13, 2007, for the third drawing. More than one entry may be mailed in one envelope.

(7) The holder of the ticket is not required to personally attend the drawing or be present at the time of the drawing to be determined a winner.

(8) The first drawing will be conducted by the lottery on July 20, 2007; the second drawing will be conducted on September 21, 2007; and the third drawing will be conducted by the lottery on November 16, 2007.

(b) There is no limit on the number of entries a person may make, but a person may only win one time total in the three drawings. Entries in a drawing are not eligible for another drawing and will be destroyed following the drawing for which they were eligible.

(c) Only valid non-winning "Open Season" tickets which are mailed with proper postage to the address set forth above, and tickets deposited into any other receptacle designated by the lottery as provided in the rules herein shall be eligible for the drawing. All tickets so mailed or deposited shall be secured by the lottery until the drawing is conducted.

(d) Eligible entrants in this drawing must be 18 years of age or older.

(e) Completing the information form on the non-winning ticket and entering the ticket into the drawing constitutes authorization to identify publicly the person whose entry is drawn. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-25-07, April 18, 2007.)

111-4-2566. Selection of winners. The following process shall be used for the selection of winners in the "Open Season Drawing:"

(a) Kansas lottery personnel shall pick up all mail containing tickets for this drawing at the United States Post Office in Topeka, Kansas, with the final pick up at the Topeka post office in the morning mail pickup on Tuesday, July 20, 2007, for the first drawing; Tuesday, September 18, 2007 for the second drawing; and Tuesday, November 13, 2007, for the third drawing. Following each final mail pickup, the envelopes containing mailed entries will be transported to lottery headquarters and opened by lottery personnel. All mailed entries shall then be placed in the drawing receptacle or drum with all entries deposited into any other receptacle designated by the lottery.

(b) The drawing shall be held at the Kansas lottery headquarters and shall be open to the public with lottery security personnel present. The drawing shall be audio and video taped.

(c) At each drawing, lottery security personnel will be present with the person designated by the executive director to perform the drawing. Prior to each drawing, if a drum is used, the drum shall be sealed and the contents mixed by rotating the drum at least 10 times. If a receptacle other than a drum is used, the contents shall be thoroughly mixed with a shovel or by other means.

(d) At each drawing, the designated individual shall then unseal the drum, if a drum is used, and using the bare-arm technique, while looking away, remove a single entry from the receptacle or drum. The person whose name appears on the entry shall be the winner of one of the grand prizes identified in these rules, subject to validation by the lottery as set forth in these rules. The first winner drawn shall have his or her choice of the three vehicles. This process shall be repeated for the second drawing, except that the winner of said drawing shall have his or her choice of the remaining two vehicles. This process shall be repeated for the third drawing, except that the winner of said drawing shall receive the remaining vehicle. All grand prize winners will also receive the other items identified in these rules as part of the grand prize.

(e) After a valid entry has been selected in each drawing for the grand prize, six more entries shall be drawn in the same manner as the grand prizes. Each of those

(continued)

winners shall receive a hunting and fishing license as described in these rules.

(f) After all valid entries have been drawn at each drawing and verified as valid, four more valid entries will be drawn, one at a time to serve as alternate entries for the prizes. The alternate entries will be marked in order drawn, 1A, 2A, 3A, and 4A. Each winner shall have until 5:00 p.m. on the thirtieth day following the drawing to present the fully-executed claim form to lottery headquarters. If a prize winner cannot be located or is declared ineligible, or fails to timely present a fully-executed claim form to lottery headquarters, that prize will be awarded to the first alternate entry drawn. The alternates will be used, if necessary, in the order drawn.

(g) The Kansas lottery security official present shall review each ticket drawn to determine the validity of the entry into this drawing in accordance with these regulations. If it is a valid entry and the name is legible, the event manager and the security person present shall record the name of the winner and the prize won. The prize winners shall be given or sent a prize claim form to be completed and returned as set forth in subsection (f) herein.

(h) If any entry drawn is determined to be ineligible, it shall be discarded by the security person present and another entry drawn. This procedure will be repeated until the required number of apparently eligible selections is obtained.

(i) Only non-winning "Open Season" instant tickets are eligible for the drawing.

(j) All tickets remaining in the drum or receptacle after the winners and alternatives have been selected in each drawing, and all entries not received in compliance with these rules, shall be destroyed pursuant to K.A.R. 111-3-34. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-25-07, April 18, 2007.)

Article 7.—ON-LINE GAMES

111-7-197. Description of game. (a) "Kansas Hold 'Em" is an online lottery game that pays players varying prize amounts, depending upon the ranking of the player's composite hand of five cards as compared to the ranking of the composite hand of five cards held by three (3) virtual players.

(b) Each Kansas Hold 'Em game shall utilize symbols in a standard 52-card deck of playing cards.

(c) Prior to the sale of tickets to players in each Kansas Hold 'Em game, the lottery's online computer system shall randomly select a total of 14 cards from the deck for that game. None of said 14 cards shall appear as either of the two cards on a player's ticket. From said 14 cards, the online system shall randomly select cards in the following order to be used for the following purposes: one card to each of the three virtual players; a second card to each of the three virtual players; one burn card; the first three community cards; one burn card; the fourth community card; one burn card; and the fifth community card. The identity of burn cards shall not be revealed to players during the game, but a record of said cards and all other cards "dealt" during each game shall be maintained by the lottery computer system.

(d) A player purchases one or more Kansas Hold 'Em tickets from a Kansas lottery retailer, each of which shall contain two symbols representing two different randomly selected cards in a standard 52-card deck of playing cards, but not including any of the 14 cards previously removed as set forth in subsection (c) above. All tickets shall be quick pick tickets.

(e) During the draw for each game, the three virtual players shall each receive two cards and the community cards shall be displayed in the order set forth in subsection (c) above. After all virtual players' cards and the community cards have been displayed in each game, the player's cards are combined with the community cards to make the highest ranking standard poker hand of five cards and each virtual player's cards are combined with the community cards to make the highest ranking hand of five cards. At least one of the two cards in the player's hand each of the virtual player's hands shall be used to create that player's highest ranking hand. The highest ranking five-card poker hand among the player and the three virtual players wins that game. If the player's hand ranks higher than the hands of all virtual players' hands, the player wins the prize amount set forth in the prize structure based upon the ranking of that hand, as set forth hereinafter. If one or more of the virtual players' hands ranks higher than the player's hand, the player's hand is non-winning. In the event the ranking of the player's hand and the highest ranking hand among the three virtual players is identical (a tie), the player's hand shall be considered non-winning winning and the player shall not be entitled to any prize one free Kansas Hold 'Em ticket in a wager amount equal to the wager amount of said winning ticket. The suit of a card or cards is irrelevant to the ranking of any hand.

(f) The lowest possible ranking card in any straight or straight flush shall be an "A" when used as a "1" card, and the lowest possible ranking card in any straight, straight flush, or royal flush shall not be greater than a "10." So-called "wrap-around" straights and straight flushes shall not be allowed (for example, "J," "Q," "K," "A," and "2").

(g) A validated ticket shall be the only proof of a game play or plays. The only method of claiming a prize or prizes shall be the submission of the winning ticket to and receipt of the ticket by the lottery or its authorized agent.

(h) A Kansas Hold 'Em game ticket shall sell for two dollars. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-9-18-2006, Aug. 16, 2006; amended, T-111-4-25-07, April 18, 2007.)

111-7-198. Expected number and value of prizes, and odds of winning. (a) The expected number and value of prizes for each winning hand in the Kansas Hold 'Em game and the approximate odds of winning are as follows:

Get	Approximate Odds 1:	Prize (on \$2 play)
Royal flush	32,258.06	\$2,000
Straight flush	3,831.42	\$200
Four of a kind	672.95	\$25
Full house	51.63	\$10
Flush	47.25	\$8
Straight	34.65	\$7

Three of a kind	36.90	\$5
Two pairs	12.54	\$3
One pair	17.32	\$2
High card	726.74	\$2

The overall odds of obtaining any prize, including break-even prizes, are approximately 1:4.22.

(b) Players may place wagers in increments of \$2, \$4, \$6, \$8, or \$10. The value of monetary prizes for winning hands set forth in subsection (a) hereinabove applies to \$2 wagers. For wagers in the amount of \$4, each of the prizes available shall be multiplied by a factor of two; for wagers in the amount of \$6, each of the prizes available shall be multiplied by a factor of three; for wagers in the amount of \$8, each of the prizes available shall be multiplied by a factor of four; and for wagers in the amount of \$10, each of the prizes available shall be multiplied by a factor of five. In the event of a tie as described in K.A.R. 111-7-197(e), the player shall be entitled to one free Kansas Hold 'Em ticket in a wager amount equal to the wager amount of said winning ticket. The odds of winning remain the same for all wager increments.

(c) In each game, the top prize shall become pari-mutuel if the total liability for top prizes in that game exceeds \$500,000. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-9-18-2006, Aug. 16, 2006; amended, T-111-4-25-07, April 18, 2007.)

GET AN EDGE DRAWING

111-7-218. Name of drawing. The Kansas lottery shall conduct a drawing entitled "Get an Edge Drawing," and will accept entries on and after May 20, 2007, and ending on Sunday, September 16, 2007. The drawing will be held soon after 6:00 p.m. on Sunday, September 16, 2007, at the Kansas state fair lottery building, Hutchinson, Kansas. Rules applicable to this drawing are contained in K.A.R. 111-7-218 through 111-7-222 and K.A.R. 111-6-1, *et seq.* (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-25-07, April 18, 2007.)

111-7-219. Definitions. (a) All definitions contained in the Kansas lottery act (K.S.A. 74-8701 *et seq.*) and lottery regulations are hereby incorporated by reference and govern unless otherwise indicated.

(b) "Get an Edge Drawing" means the act of drawing prizes conducted by the Kansas Lottery at the 2007 Kansas state fair in Hutchinson, Kansas, at the time described in these rules, in which participants are selected to win various prizes as described in these rules.

(c) "Entry form" means the blank entry form that is automatically printed by the lottery retailer terminal upon a qualifying purchase.

(d) "Receptacle" or "drum" means a container in which entry forms are placed and from which the drawing entries are drawn. Receptacles or drums may be sealable and shall be capable of being mixed or rotated for the purpose of ensuring random distribution. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-25-07, April 18, 2007.)

111-7-220. Prize. (a) The winner of the grand prize at the "Get an Edge Drawing," which will be conducted on September 16, 2007, shall receive a 2008 Ford Explorer Edge vehicle, together with mandatory federal and state

income withholding taxes, property taxes, registration fee, title fee, and cash.

(b) All prizes are subject to lottery validation, set-offs and deductions authorized by law.

(c) The winner of the grand prize shall return to the lottery a completed claim form as provided by the lottery no later than 5:00 p.m. on the tenth day following the day the claim form is mailed to the person whose name was drawn or the person named on the ticket drawn will no longer be eligible for the prize. In such an event, the first eligible alternate entry drawn for that prize pursuant to these rules shall be declared the winner. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-25-07, April 18, 2007.)

111-7-221. Method of entry. (a) Entry into the "Get an Edge Drawing" to be conducted on September 16, 2007, shall be accomplished as follows:

(1) Beginning at 5:00 a.m. on May 20, 2007, and ending at the close of business as defined in subsection (p) of K.A.R. 111-6-1, on September 8, 2007, and at the Kansas lottery building at the Kansas state fair in Hutchinson, Kansas, until 6:00 p.m. on September 16, 2007, for every single Super Kansas Cash ticket purchase of \$3.00 or more, the purchaser shall receive free of charge an entry blank for the drawing, which entry blank shall be automatically dispensed from the terminal upon the qualifying purchase.

(2) The executive director may suspend or terminate this promotion at any time or modify the qualifying purchase necessary to receive an entry during periods of high sales of Super Kansas Cash tickets, which renders the generation of entries impractical.

(3) The holder of an entry form must complete the information thereon in a legible manner. Only one name shall appear on an entry form entered.

(4) A receptacle or drum shall be available and entries may be made at the Kansas lottery building at the Kansas state fair between September 7, 2007, and 6:00 p.m. September 16, 2007.

(5) Players may also deposit entries for this drawing into any receptacle that the lottery has specifically designated a receptacle for deposit of said entries.

(6) Entries other than those entered at the Kansas state fair or into any other receptacle as designated by the lottery shall be mailed with proper postage to "Get an Edge Drawing, c/o Kansas lottery, P. O. Box 19226, Topeka, Kansas 66619-0226." Mailed entries must be received by morning mail pickup on Tuesday, September 11, 2007. More than one entry may be mailed in one envelope.

(7) The holder of the entry is not required to personally attend the drawing or be present at the time of the drawing to be determined a winner.

(8) The drawing will be conducted soon after 6:00 p.m. on Sunday, September 16, 2007.

(b) There is no limit on the number of entries a person may make, but a person may only win one time in the drawing.

(c) Only valid entry forms which are mailed and received by the lottery as provided by these rules and entry forms entered into any other receptacle designated by the

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lottery or at the Kansas state fair lottery building as provided in the rules herein shall be eligible for the drawing. All entries so mailed or deposited shall be secured by the lottery until the drawing is conducted.

(d) Eligible entrants in this drawing must be 18 years of age or older.

(e) Completing the information form on the entry form and entering the form into the drawing constitutes authorization to publicly identify the person whose entry is drawn. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-25-07, April 18, 2007.)

111-7-222. Selection of winners. The following process shall be used for the selection of winners in the "Get an Edge Drawing:"

(a) Kansas lottery personnel shall pick up all mail containing "Get an Edge Drawing" entries at the United States Post Office in Topeka, Kansas, with the final pick up at the Topeka post office in the morning mail pickup on Tuesday, September 11, 2007. Following said morning mail pickup, the envelopes containing mailed entries will be transported to lottery headquarters and opened by lottery personnel. All mailed entries shall then be placed in a secure receptacle, transported to the state fair, and placed in the drawing receptacle or drum with all entries deposited at the state fair and into any other receptacle designated by the lottery.

(b) The drawing shall be held at the Kansas state fair lottery building and shall be open to the public with lottery security personnel present. The drawing shall be audio and video taped.

(c) At the final drawing on Sunday, September 16, 2007, lottery security personnel will be present with the person designated by the executive director to perform the drawing. Prior to the drawing, if a drum is used, the drum shall be sealed and the contents mixed by rotating the drum at least 10 times. If a receptacle other than a drum is used, the contents shall be thoroughly mixed with a shovel or by other means.

(d) The designated individual shall then unseal the drum, if a drum is used, and using the bare-arm technique, while looking away, remove a single entry from the receptacle or drum. The person whose name appears on the entry shall be the winner of the grand prize identified in these rules, subject to validation by the lottery as set forth in these rules.

(e) After a single entry has been drawn and the entry has been verified as valid, three more valid entries will be drawn, one at a time. The last three entries drawn will serve as alternate entries for the grand prize. The alternate entries will be marked in order drawn, 1A, 2A, and 3A. The winner shall have until 5:00 p.m. on the tenth day following mailing of a claim form to the winner to present the fully-executed claim form to lottery headquarters. If the grand prize winner cannot be located or is declared ineligible, or fails to timely present a fully-executed claim form to lottery headquarters, the grand prize will be awarded to the first alternate entry drawn. The alternates will be used, if necessary, in the order drawn. If a winner or an alternate winner for the grand prize cannot be located, is declared ineligible, or fails to present a fully-executed claim form to lottery headquar-

ters as required herein, the alternate winner process shall be repeated until the prize is properly claimed or until such time as no alternate winners remain, whichever occurs first.

(f) The Kansas lottery security official present shall review each entry drawn to determine the validity of the entry into this drawing in accordance with these regulations. If it is a valid entry and the name is legible, the event manager and the security person present shall record the name of the winner and the prize won. The prize winners shall be given or sent a prize claim form to be completed and returned as set forth in subsection (e) herein.

(g) If any entry drawn is determined to be ineligible, it shall be discarded by the security person present and another entry drawn. This procedure will be repeated until the required number of apparently eligible selections is obtained.

(h) Only entry forms created by the lottery terminal are eligible for the drawing.

(i) All entries remaining in the drum or receptacle after the winners and alternatives have been selected, and all entries not received in compliance with these rules, shall be destroyed pursuant to K.A.R. 111-3-34. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-25-07, April 18, 2007.)

Article 9.—PULL-TAB GAMES

111-9-146. "Cash Carnival" pull tab ticket lottery game number 674. (a) The Kansas lottery shall conduct a pull tab lottery game entitled "Cash Carnival" commencing on or after May 1, 2007. The rules for this game are contained in K.A.R. 111-8-1 *et seq.* and K.A.R. 111-9-146.

(b) The price of pull tab tickets sold by a retailer for this game shall be \$1.00 each.

(c) Approximately 1,200,000 tickets shall be ordered initially for this pull tab game which shall be packaged in packs of 300 tickets each. The ticket numbers in each pack in this game shall start with 000 and end with 299. Additional ticket orders shall have the same prize structure, the same number of prizes per pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(d) The play symbols for this game are as follows:

- Symbol of a ferris wheel
- Symbol of a clown
- Symbol of a horse
- Symbol of a tent
- Symbol of a bumper car
- Symbol of a bag of peanuts

(e) For this game, three play symbols shall appear under each of four tabs on the back of each ticket. On the front of each ticket shall appear a legend of all winning combinations using the play symbols for this game along with the corresponding prize amount for each combination, as follows: three bags of peanuts symbols equal \$1.00; three bumper car symbols equal \$5.00; three tent symbols equal \$10.00; three horse symbols equal \$25.00; three clown symbols equal \$100.00; and three ferris wheel symbols equal \$1,000.00.

(f) All tabs on the back of each ticket are to be pulled open. For each combination of three play symbols matching the legend on the front of the ticket, the player wins the prize amount corresponding to each combination as shown in (h) below. All winning combinations shall be within a single window in a horizontal line.

(g) The three letters comprising the retailer validation codes used in this game shall appear in three of 12 varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

ONE	=	\$1.00
FIV	=	\$5.00
SIX	=	\$6.00
TEN	=	\$10.00
FTN	=	\$15.00
TWF	=	\$25.00
THF	=	\$35.00
HUN	=	\$100.00

(h) The number and value of prizes in this game and winning combinations shall be as follows: (See corresponding play symbol values in subsection (e) above.)

Get	Prizes	Expected Number of Prizes in Game	Expected Value in Game
\$1	\$1	220,000	\$220,000
\$5	\$5	40,000	200,000
\$1 + \$5	\$6	24,000	144,000
\$10	\$10	6,000	60,000
\$5 + \$10	\$15	3,200	48,000
\$25	\$25	1,740	43,500
\$10 + \$25	\$35	1,100	38,500
\$100	\$100	420	42,000
\$1,000	\$1,000	20	20,000
TOTAL		<u>296,480</u>	<u>\$816,000</u>

(i) Each ticket in this game may have up to two winning combinations.

(j) The overall odds of winning a prize in this game are approximately one in 4.05. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-4-25-07, April 18, 2007.)

111-9-147. "Dino Bucks" pull tab ticket lottery game number 675. (a) The Kansas lottery shall conduct a pull tab lottery game entitled "Dino Bucks" commencing on or after May 1, 2007. The rules for this game are contained in K.A.R. 111-8-1 *et seq.* and K.A.R. 111-9-147.

(b) The price of pull tab tickets sold by a retailer for this game shall be \$1.00 each.

(c) Approximately 1,200,000 tickets shall be ordered initially for this pull tab game which shall be packaged in packs of 300 tickets each. The ticket numbers in each pack in this game shall start with 000 and end with 299. Additional ticket orders shall have the same prize structure, the same number of prizes per pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(d) The play symbols for this game are as follows:

- Symbol of a tyrannosaurus
- Symbol of an ankylosaurus
- Symbol of a pterodactyl
- Symbol of a brontosaurus
- Symbol of a stegosaurus

Symbol of a woolly mammoth

(e) For this game, three play symbols shall appear under each of four tabs on the back of each ticket. On the front of each ticket shall appear a legend of all winning combinations using the play symbols for this game along with the corresponding prize amount for each combination, as follows: three woolly mammoth symbols equal \$1.00; three stegosaurus symbols equal \$5.00; three brontosaurus symbols equal \$10.00; three pterodactyl symbols equal \$25.00; three ankylosaurus symbols equal \$100.00; and three tyrannosaurus symbols equal \$1,000.00.

(f) All tabs on the back of each ticket are to be pulled open. For each combination of three play symbols matching the legend on the front of the ticket, the player wins the prize amount corresponding to each combination as shown in (h) below. All winning combinations shall be within a single window in a horizontal line.

(g) The three letters comprising the retailer validation codes used in this game shall appear in three of 12 varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

ONE	=	\$1.00
FIV	=	\$5.00
SIX	=	\$6.00
TEN	=	\$10.00
FTN	=	\$15.00
TWF	=	\$25.00
THF	=	\$35.00
HUN	=	\$100.00

(h) The number and value of prizes in this game and winning combinations shall be as follows: (See corresponding play symbol values in subsection (e) above.)

Get	Prizes	Expected Number of Prizes in Game	Expected Value in Game
\$1	\$1	220,000	\$220,000
\$5	\$5	40,000	200,000
\$1 + \$5	\$6	24,000	144,000
\$10	\$10	6,000	60,000
\$5 + \$10	\$15	3,200	48,000
\$25	\$25	1,740	43,500
\$10 + \$25	\$35	1,100	38,500
\$100	\$100	420	42,000
\$1,000	\$1,000	20	20,000
TOTAL		<u>296,480</u>	<u>\$816,000</u>

(i) Each ticket in this game may have up to two winning combinations.

(j) The overall odds of winning a prize in this game are approximately one in 4.05. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-4-25-07, April 18, 2007.)

111-9-148. "Cash Express" pull tab ticket lottery game number 676. (a) The Kansas lottery shall conduct a pull tab lottery game entitled "Cash Express" commencing on or after May 1, 2007. The rules for this game are contained in K.A.R. 111-8-1 *et seq.* and K.A.R. 111-9-148.

(b) The price of pull tab tickets sold by a retailer for this game shall be \$2.00 each.

(c) Approximately 600,000 tickets shall be ordered initially for this pull tab game which shall be packaged in

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packs of 150 tickets each. The ticket numbers in each pack in this game shall start with 000 and end with 149. Additional ticket orders shall have the same prize structure, the same number of prizes per pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(d) The play symbols for this game are as follows:

- Symbol of an engine
- Symbol of a caboose
- Symbol of a stop watch
- Symbol of a cart
- Symbol of a train crossing sign
- Symbol of a set of luggage
- Symbol of a hat
- Symbol of a lantern

(e) For this game, three play symbols shall appear under each of eight tabs on the back of each ticket. On the front of each ticket shall appear a legend of all winning combinations using the play symbols for this game along with the corresponding prize amount for each combination, as follows: three lantern symbols equal \$2.00; three hat symbols equal \$5.00; three sets of luggage symbols equal \$10.00; three train crossing sign symbols equal \$25.00; three cart symbols equal \$50.00; three stop watch symbols equal \$100.00; three caboose symbols equal \$250.00; three engine symbols equal \$2,500.00.

(f) All tabs on the back of each ticket are to be pulled open. For each combination of three play symbols matching the legend on the front of the ticket, the player wins the prize amount corresponding to each combination as shown in (h) below. All winning combinations shall be within a single window in a horizontal line.

(g) The three letters comprising the retailer validation codes used in this game shall appear in three of 12 varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

TWO	=	\$2.00
FOR	=	\$4.00
FIV	=	\$5.00
SEV	=	\$7.00
TEN	=	\$10.00
EGN	=	\$18.00
TWF	=	\$25.00
THF	=	\$35.00
FTY	=	\$50.00
HUN	=	\$100.00
THY	=	\$250.00

(h) The number and value of prizes in this game and winning combinations shall be as follows: (See corresponding play symbol values in subsection (e) above.)

Get	Prizes	Expected Number of Prizes in Game	Expected Value in Game
\$2	\$2	82,000	\$164,000
\$2 + \$2	\$4	28,120	112,480
\$5	\$5	26,000	130,000
\$5 + \$2	\$7	16,000	112,000
\$10	\$10	3,600	36,000
\$5 + \$5	\$10	3,600	36,000
\$2 + \$2 + \$2 + \$2 + \$5 + \$5	\$18	1,800	32,400
\$25	\$25	1,400	35,000

\$5 + \$10 + \$10	\$25	1,400	35,000
\$5 + \$5 + \$5 + \$10	\$25	1,400	35,000
\$5 + \$5 + \$5 + \$5 + \$5 + \$10	\$35	660	23,100
\$50	\$50	400	20,000
\$100	\$100	100	10,000
\$250	\$250	40	10,000
\$2,500	\$2,500	10	25,000
TOTAL		<u>166,530</u>	<u>\$815,980</u>

(i) Each ticket in this game may have up to six winning combinations.

(j) The overall odds of winning a prize in this game are approximately one in 3.60. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-4-25-07, April 18, 2007.)

111-9-149. "Har-Money" pull tab ticket lottery game number 677. (a) The Kansas lottery shall conduct a pull tab lottery game entitled "Har-Money" commencing on or after May 1, 2007. The rules for this game are contained in K.A.R. 111-8-1 *et seq.* and K.A.R. 111-9-149.

(b) The price of pull tab tickets sold by a retailer for this game shall be \$1.00 each.

(c) Approximately 1,200,000 tickets shall be ordered initially for this pull tab game which shall be packaged in packs of 300 tickets each. The ticket numbers in each pack in this game shall start with 000 and end with 299. Additional ticket orders shall have the same prize structure, the same number of prizes per pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(d) The play symbols for this game are as follows:

- Symbol of a violin
- Symbol of a saxophone
- Symbol of a guitar
- Symbol of a drum set
- Symbol of a treble clef
- Symbol of a musical note

(e) For this game, three play symbols shall appear under each of four tabs on the back of each ticket. On the front of each ticket shall appear a legend of all winning combinations using the play symbols for this game along with the corresponding prize amount for each combination, as follows: three musical note symbols equal \$1.00; three treble clef symbols equal \$5.00; three drum set symbols equal \$10.00; three guitar symbols equal \$25.00; three saxophone symbols equal \$100.00; and three violin symbols equal \$1,000.00.

(f) All tabs on the back of each ticket are to be pulled open. For each combination of three play symbols matching the legend on the front of the ticket, the player wins the prize amount corresponding to each combination as shown in (h) below. All winning combinations shall be within a single window in a horizontal line.

(g) The three letters comprising the retailer validation codes used in this game shall appear in three of 12 varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

ONE	=	\$1.00
FIV	=	\$5.00
SIX	=	\$6.00

TEN	=	\$10.00
FTN	=	\$15.00
TWF	=	\$25.00
THF	=	\$35.00
HUN	=	\$100.00

(h) The number and value of prizes in this game and winning combinations shall be as follows: (See corresponding play symbol values in subsection (e) above.)

Get	Prizes	Expected Number of Prizes in Game	Expected Value in Game
\$1	\$1	220,000	\$220,000
\$5	\$5	40,000	200,000
\$1 + \$5	\$6	24,000	144,000
\$10	\$10	6,000	60,000
\$5 + \$10	\$15	3,200	48,000
\$25	\$25	1,740	43,500
\$10 + \$25	\$35	1,100	38,500
\$100	\$100	420	42,000
\$1,000	\$1,000	20	20,000
TOTAL		<u>296,480</u>	<u>\$816,000</u>

(i) Each ticket in this game may have up to two winning combinations.

(j) The overall odds of winning a prize in this game are approximately one in 4.05. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-4-25-07, April 18, 2007.)

111-9-150. "Tropicash" pull tab ticket lottery game number 678. (a) The Kansas lottery shall conduct a pull tab lottery game entitled "Tropicash" commencing on or after May 1, 2007. The rules for this game are contained in K.A.R. 111-8-1 *et seq.* and K.A.R. 111-9-150.

(b) The price of pull tab tickets sold by a retailer for this game shall be \$1.00 each.

(c) Approximately 1,200,000 tickets shall be ordered initially for this pull tab game which shall be packaged in packs of 300 tickets each. The ticket numbers in each pack in this game shall start with 000 and end with 299. Additional ticket orders shall have the same prize structure, the same number of prizes per pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(d) The play symbols for this game are as follows:

- Symbol of a toucan
- Symbol of a dolphin
- Symbol of a flamingo
- Symbol of a crab
- Symbol of a palm tree
- Symbol of a shell

(e) For this game, three play symbols shall appear under each of four tabs on the back of each ticket. On the front of each ticket shall appear a legend of all winning combinations using the play symbols for this game along with the corresponding prize amount for each combination, as follows: three shell symbols equal \$1.00; three palm tree symbols equal \$5.00; three crab symbols equal \$10.00; three flamingo symbols equal \$25.00; three dolphin symbols equal \$100.00; and three toucan symbols equal \$1,000.00.

(f) All tabs on the back of each ticket are to be pulled open. For each combination of three play symbols matching the legend on the front of the ticket, the player wins

the prize amount corresponding to each combination as shown in (h) below. All winning combinations shall be within a single window in a horizontal line.

(g) The three letters comprising the retailer validation codes used in this game shall appear in three of 12 varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

ONE	=	\$1.00
FIV	=	\$5.00
SIX	=	\$6.00
TEN	=	\$10.00
FTN	=	\$15.00
TWF	=	\$25.00
THF	=	\$35.00
HUN	=	\$100.00

(h) The number and value of prizes in this game and winning combinations shall be as follows: (See corresponding play symbol values in subsection (e) above.)

Get	Prizes	Expected Number of Prizes in Game	Expected Value in Game
\$1	\$1	220,000	\$220,000
\$5	\$5	40,000	200,000
\$1 + \$5	\$6	24,000	144,000
\$10	\$10	6,000	60,000
\$5 + \$10	\$15	3,200	48,000
\$25	\$25	1,740	43,500
\$10 + \$25	\$35	1,100	38,500
\$100	\$100	420	42,000
\$1,000	\$1,000	20	20,000
TOTAL		<u>296,480</u>	<u>\$816,000</u>

(i) Each ticket in this game may have up to two winning combinations.

(j) The overall odds of winning a prize in this game are approximately one in 4.05. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-4-25-07, April 18, 2007.)

111-9-151. "Raise The Stakes" pull tab ticket lottery game number 679. (a) The Kansas lottery shall conduct a pull tab lottery game entitled "Raise The Stakes" commencing on or after May 1, 2007. The rules for this game are contained in K.A.R. 111-8-1 *et seq.* and K.A.R. 111-9-151.

(b) The price of pull tab tickets sold by a retailer for this game shall be \$2.00 each.

(c) Approximately 600,000 tickets shall be ordered initially for this pull tab game which shall be packaged in packs of 150 tickets each. The ticket numbers in each pack in this game shall start with 000 and end with 149. Additional ticket orders shall have the same prize structure, the same number of prizes per pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(d) The play symbols for this game are as follows:

- Symbol of a card
- Symbol of a roulette wheel
- Symbol of a dice
- Symbol of a poker chip
- Symbol of a spade
- Symbol of a diamond

(continued)

Symbol of a club
Symbol of a heart

(e) For this game, three play symbols shall appear under each of eight tabs on the back of each ticket. On the front of each ticket shall appear a legend of all winning combinations using the play symbols for this game along with the corresponding prize amount for each combination, as follows: three heart symbols equal \$2.00; three club symbols equal \$5.00; three diamond symbols equal \$10.00; three spade symbols equal \$25.00; three poker chip symbols equal \$50.00; three dice symbols equal \$100.00; three roulette wheel symbols equal \$250.00; three card symbols equal \$2,500.00.

(f) All tabs on the back of each ticket are to be pulled open. For each combination of three play symbols matching the legend on the front of the ticket, the player wins the prize amount corresponding to each combination as shown in (h) below. All winning combinations shall be within a single window in a horizontal line.

(g) The three letters comprising the retailer validation codes used in this game shall appear in three of 12 varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

TWO	=	\$2.00
FOR	=	\$4.00
FIV	=	\$5.00
SEV	=	\$7.00
TEN	=	\$10.00
EGN	=	\$18.00
TWF	=	\$25.00
THF	=	\$35.00
FTY	=	\$50.00
HUN	=	\$100.00
THY	=	\$250.00

(h) The number and value of prizes in this game and winning combinations shall be as follows: (See corresponding play symbol values in subsection (e) above.)

Get	Prizes	Expected Number of Prizes in Game	Expected Value in Game
\$2	\$2	82,000	\$164,000
\$2 + \$2	\$4	28,120	112,480
\$5	\$5	26,000	130,000
\$5 + \$2	\$7	16,000	112,000
\$10	\$10	3,600	36,000
\$5 + \$5	\$10	3,600	36,000
\$2 + \$2 + \$2 + \$2 + \$5 + \$5	\$18	1,800	32,400
\$25	\$25	1,400	35,000
\$5 + \$10 + \$10	\$25	1,400	35,000
\$5 + \$5 + \$5 + \$10	\$25	1,400	35,000
\$5 + \$5 + \$5 + \$5 + \$5 + \$10	\$35	660	23,100
\$50	\$50	400	20,000
\$100	\$100	100	10,000
\$250	\$250	40	10,000
\$2,500	\$2,500	10	25,000
TOTAL		<u>166,530</u>	<u>\$815,980</u>

(i) Each ticket in this game may have up to six winning combinations.

(j) The overall odds of winning a prize in this game are approximately one in 3.60. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-4-25-07, April 18, 2007.)

Ed Van Petten
Executive Director

State of Kansas

Secretary of State

Certification of New State Laws

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

Ron Thornburgh
Secretary of State

(Published in the Kansas Register May 24, 2007.)

SENATE BILL No. 351

AN ACT concerning the office of administrative hearings; amending K.S.A. 2006 Supp. 75-37,121 and repealing the existing section.

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

Section 1. K.S.A. 2006 Supp. 75-37,121 is hereby amended to read as follows: 75-37,121. (a) There is created the office of administrative hearings within the department of administration, to be headed by a director appointed by the secretary of administration. The director shall be in the unclassified service under the Kansas civil service act.

(b) The office may employ or contract with presiding officers, court reporters and other support personnel as necessary to conduct proceedings required by the Kansas administrative procedure act for adjudicative proceedings of the state agencies, boards and commissions specified in subsection (h). The office shall conduct adjudicative proceedings of any state agency which is specified in subsection (h) when requested by such agency. Only a person admitted to practice law in this state or a person directly supervised by a person admitted to practice law in this state may be employed as a presiding officer. The office may employ regular part-time personnel. Persons employed by the office shall be under the classified civil service.

(c) If the office cannot furnish one of its presiding officers within 60 days in response to a requesting agency's request, the director shall designate in writing a full-time employee of an agency other than the requesting agency to serve as presiding officer for the proceeding, but only with the consent of the employing agency. The designee must possess the same qualifications required of presiding officers employed by the office.

(d) The director may furnish presiding officers on a contract basis to any governmental entity to conduct any proceeding other than a proceeding as provided in subsection (h).

(e) The secretary of administration may adopt rules and regulations:

(1) To establish procedures for agencies to request and for the director to assign presiding officers. An agency may neither select nor reject any individual presiding officer for any proceeding except in accordance with the Kansas administrative procedure act;

(2) to establish procedures and adopt forms, consistent with the Kansas administrative procedure act, the model rules of procedure, and other provisions of law, to govern presiding officers; and

(3) to facilitate the performance of the responsibilities conferred upon the office by the Kansas administrative procedure act.

(f) The director may implement the provisions of this section and rules and regulations adopted under its authority.

(g) The secretary of administration may adopt rules and regulations to establish fees to charge a state agency for the cost of using a presiding officer.

(h) The following state agencies, boards and commissions shall utilize the office of administrative hearings for conducting adjudicative hearings under the Kansas administrative procedures act in which the presiding officer is not the agency head or one or more members of the agency head:

(1) On and after July 1, 2005: Department of social and rehabilitation services, juvenile justice authority, department on aging, department of health and environment, Kansas public employees retirement system, Kansas water office, Kansas animal health department and Kansas insurance department.

(2) On and after July 1, 2006: Emergency medical services board, emergency medical services council, Kansas health policy authority and Kansas human rights commission.

(3) On and after July 1, 2007: Kansas lottery, Kansas racing and gaming commission, state treasurer, pooled money investment board, Kansas department of wildlife and parks and state board of tax appeals.

(4) On and after July 1, 2008: Department of human resources, state corporation commission, state conservation commission, agricultural labor relations board, department of administration, department of revenue, board of adult care home administrators, Kansas state grain inspection department, board of accountancy and Kansas wheat commission.

(5) On and after July 1, 2009: ~~Except for administrative hearings conducted by the state board of pharmacy, Kansas dental board, state board of veterinary examiners, behavioral sciences regulatory board, state board of cosmetology, Kansas real estate commission, real estate appraisal board, state board of mortuary arts, Kansas board of barbering, board of nursing, Kansas board of examiners in fitting and dispensing of hearing aids, board of examiners in optometry, state board of healing arts, Kansas state banking board, state department of credit unions, office of the securities commissioner of Kansas and state board of technical professions, all other Kansas administrative procedure act hearings not mentioned in subsections (1), (2), (3) and (4).~~

(i) ~~With respect to hearings before the secretary of agriculture in accordance with the Kansas administrative procedures act, the secretary of agriculture or a hearing officer from the office of administrative hearings shall be the presiding officer unless the party requests that the matter, for which a hearing has been scheduled or for which a right to a hearing exists, be heard by a hearing officer appointed by the secretary.~~

—(j) (1) Effective July 1, 2005, any presiding officer in agencies specified in subsection (h)(1) which conduct hearings pursuant to the Kansas administrative procedure act, except those exempted pursuant to K.S.A. 77-551 and amendments thereto, and support personnel for such presiding officers, shall be transferred to and shall become employees of the office of administrative hearings. Such personnel shall retain all rights under the state personnel system and retirement benefits under the laws of this state which had accrued to or vested in such personnel prior to the effective date of this section. Such person's services shall be deemed to have been continuous. All transfers of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder. This section shall not affect any matter pending before an administrative hearing officer at the time of the effective date of the transfer, and such matter shall proceed as though no transfer of employment had occurred.

(2) Effective July 1, 2006, any presiding officer in agencies specified in subsection (h)(2) which conduct hearings pursuant to the Kansas administrative procedure act, except those exempted pursuant to K.S.A. 77-551 and amendments thereto, and support personnel for such presiding officers, shall be transferred to and shall become employees of the office of administrative hearings. Such personnel shall retain all rights under the state personnel system and retirement benefits under the laws

of this state which had accrued to or vested in such personnel prior to the effective date of this section. Such person's services shall be deemed to have been continuous. All transfers of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder. This section shall not affect any matter pending before an administrative hearing officer at the time of the effective date of the transfer, and such matter shall proceed as though no transfer of employment had occurred.

(3) Effective July 1, 2007, any presiding officer in agencies specified in subsection (h)(3) which conduct hearings pursuant to the Kansas administrative procedure act, except those exempted pursuant to K.S.A. 77-551 and amendments thereto, and support personnel for such presiding officers, shall be transferred to and shall become employees of the office of administrative hearings. Such personnel shall retain all rights under the state personnel system and retirement benefits under the laws of this state which had accrued to or vested in such personnel prior to the effective date of this section. Such person's services shall be deemed to have been continuous. All transfers of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder. This section shall not affect any matter pending before an administrative hearing officer at the time of the effective date of the transfer, and such matter shall proceed as though no transfer of employment had occurred.

(4) Effective July 1, 2008, any full-time presiding officer in agencies specified in subsection (h)(4) which conduct hearings pursuant to the Kansas administrative procedure act, except those exempted pursuant to K.S.A. 77-551 and amendments thereto, and support personnel for such presiding officers, shall be transferred to and shall become employees of the office of administrative hearings. Such personnel shall retain all rights under the state personnel system and retirement benefits under the laws of this state which had accrued to or vested in such personnel prior to the effective date of this section. Such person's services shall be deemed to have been continuous. All transfers of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder. This section shall not affect any matter pending before an administrative hearing officer at the time of the effective date of the transfer, and such matter shall proceed as though no transfer of employment had occurred.

(5) *Effective July 1, 2009, any full-time presiding officer in agencies specified in subsection (h)(5) which conduct hearings pursuant to the Kansas administrative procedure act, except those exempted pursuant to K.S.A. 77-551, and amendments thereto, and support personnel for such presiding officers, shall be transferred to and shall become employees of the office of administrative hearings. Such personnel shall retain all rights under the state personnel system and retirement benefits under the laws of this state which had accrued to or vested in such personnel prior to the effective date of this section. Such person's services shall be deemed to have been continuous. All transfers of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder. This section shall not affect any matter pending before an administrative hearing officer at the time of the effective date of the transfer, and such matter shall proceed as though no transfer of employment occurred.*

Sec. 2. K.S.A. 2006 Supp. 75-37,121 is hereby repealed.

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

(Published in the Kansas Register May 24, 2007.)

SENATE Substitute for Substitute for
HOUSE BILL No. 2451

AN ACT concerning consumer protection; relating to health care providers; amending K.S.A. 50-635 and repealing the existing section.

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

Section 1. K.S.A. 50-635 is hereby amended to read as follows: 50-635. (a) The Kansas consumer protection act does not apply to a publisher, broadcaster, printer or other person engaged in the dissemination of information or the reproduction of printed or pictorial matter so far as the information or matter has been disseminated or reproduced on behalf of others without actual knowledge that it violated the Kansas consumer protection act.

(b) *The Kansas consumer protection act does not allow for a private cause of action or remedy against a licensed health care provider for causes of action for personal injury or death resulting, or alleged to have resulted, from medical negligence. For purposes of this subsection, "health care provider" shall have the same meaning as provided in subsection (a)(1) of K.S.A. 65-4915, and amendments thereto.*

(c) A supplier alleged to have violated this act has the burden of showing the applicability of this section.

Sec. 2. K.S.A. 50-635 is hereby repealed.

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

(Published in the Kansas Register May 24, 2007.)

SENATE BILL No. 30

AN ACT concerning alcoholic liquors; amending K.S.A. 2006 Supp. 41-104, 41-308a, 41-311 and 41-2623 and repealing the existing sections; also repealing K.S.A. 41-312.

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

Section 1. K.S.A. 2006 Supp. 41-2623 is hereby amended to read as follows: 41-2623. (a) No license shall be issued under the provisions of this act to:

(1) Any person described in subsection (a)(1), (2), (4), (5), (6), (7), (8), (9), (12) or (13) of K.S.A. 41-311, and amendments thereto, except that the provisions of subsection (a)(7) of such section shall not apply to nor prohibit the issuance of a license for a class A club to an officer of a post home of a congressionally chartered service or fraternal organization, or a benevolent association or society thereof.

(2) A person who has had the person's license revoked for cause under the provisions of this act.

(3) A person who has not been a resident of this state for a period of at least one year immediately preceding the date of application.

(4) A person who has a beneficial interest in the manufacture, preparation or wholesaling or the retail sale of alcoholic liquors or a beneficial interest in any other club, drinking establishment or caterer licensed hereunder, except that:

(A) A license for premises located in a hotel may be granted to a person who has a beneficial interest in one or more other clubs or drinking establishments licensed hereunder if such other clubs or establishments are located in hotels.

(B) A license for a club or drinking establishment which is a restaurant may be issued to a person who has a beneficial interest in other clubs or drinking establishments which are restaurants.

(C) A caterer's license may be issued to a person who has a beneficial interest in a club or drinking establishment and a li-

cense for a club or drinking establishment may be issued to a person who has a beneficial interest in a caterer.

(D) A license for a class A club may be granted to an organization of which an officer, director or board member is a distributor or retailer licensed under the liquor control act if such distributor or retailer sells no alcoholic liquor to such club.

(E) ~~On and after January 1, 1988, a license for a class B club or drinking establishment may be granted to a person who has a beneficial interest in a microbrewery or farm winery licensed pursuant to the Kansas liquor control act~~ Any person who has a beneficial interest in a microbrewery or farm winery licensed pursuant to the Kansas liquor control act may be issued any or all of the following: (1) Class B club license; (2) drinking establishment license; and (3) caterer's license.

(5) A copartnership, unless all of the copartners are qualified to obtain a license.

(6) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation would be ineligible to receive a license hereunder for any reason other than citizenship and residence requirements.

(7) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation, has been an officer, manager or director, or a stockholder owning in the aggregate more than 5% of the common or preferred stock, of a corporation which:

(A) Has had a license revoked under the provisions of the club and drinking establishment act; or

(B) Has been convicted of a violation of the club and drinking establishment act or the cereal malt beverage laws of this state.

(8) A corporation organized under the laws of any state other than this state.

(9) A trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) of K.S.A. 41-311, and amendments thereto shall not apply in determining whether a beneficiary would be eligible for a license.

(b) No club or drinking establishment license shall be issued under the provisions of the club and drinking establishment act to:

(1) A person described in subsection (a)(11) of K.S.A. 41-311, and amendments thereto.

(2) A person who is not a resident of the county in which the premises sought to be licensed are located.

Sec. 2. K.S.A. 2006 Supp. 41-308a is hereby amended to read as follows: 41-308a. (a) A farm winery license shall allow:

(1) The manufacture of domestic table wine and domestic fortified wine in a quantity not exceeding 100,000 gallons per year and the storage thereof;

(2) the sale of wine, manufactured by the licensee, to licensed wine distributors, retailers, clubs, drinking establishments and caterers;

(3) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

(4) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of wine manufactured by the licensee or imported under subsection (f), if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

(5) if the licensee is also licensed as a club or drinking establishment, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act;

(6) if the licensee is also licensed as a caterer, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consump-

tion on the unlicensed premises as authorized by the club and drinking establishment act;

(7) the sale and shipping, in the original unopened container, to consumers outside this state of wine manufactured by the licensee, provided that the licensee complies with applicable laws and rules and regulations of the jurisdiction to which the wine is shipped; and

~~(7)~~ (8) the sale and shipping of wine within this state pursuant to a permit issued pursuant to K.S.A. 2006 Supp. 41-348, and amendments thereto.

(b) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a farm winery licensee, the director may issue not to exceed three winery outlet licenses to the farm winery licensee. A winery outlet license shall allow:

(1) The sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee; and

(2) the serving on the licensed premises of samples of wine manufactured by the licensee or imported under subsection (f), if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments.

(c) Not less than 60% of the products utilized in the manufacture of domestic table wine and domestic fortified wine by a farm winery shall be grown in Kansas except when a lesser proportion is authorized by the director based upon the director's findings and judgment. The label of domestic wine and domestic fortified wine shall indicate that a majority of the products utilized in the manufacture of the wine at such winery were grown in Kansas.

(d) A farm winery or winery outlet may sell domestic wine and domestic fortified wine in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day except Sunday and between 12 noon and 6 p.m. on Sunday. If authorized by subsection (a), a farm winery may serve samples of domestic wine, domestic fortified wine and wine imported under subsection (e) and serve and sell domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor. If authorized by subsection (b), a winery outlet may serve samples of domestic wine, domestic fortified wine and wine imported under subsection (e) at any time when the winery outlet is authorized to sell domestic wine and domestic fortified wine.

(e) The director may issue to the Kansas state fair or any bona fide group of grape growers or wine makers a permit to import into this state small quantities of wines. Such wine shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such wine shall not be subject to the tax imposed by K.S.A. 41-501, and amendments thereto. The permit shall identify specifically the brand and type of wine to be imported, the quantity to be imported, the tasting programs for which the wine is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of wine pursuant to this subsection and the conduct of tasting programs for which such wine is imported.

(f) A farm winery license or winery outlet license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(g) No farm winery or winery outlet shall:

(1) Employ any person under the age of 18 years in connection with the manufacture, sale or serving of any alcoholic liquor;

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when

not under the on-premise supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or

(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony.

(h) Whenever a farm winery or winery outlet licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and order forfeiture of all fees paid for the license, after a hearing before the director for that purpose in accordance with the provisions of the Kansas administrative procedure act.

(i) This section shall be part of and supplemental to the Kansas liquor control act.

Sec. 3. K.S.A. 2006 Supp. 41-104 is hereby amended to read as follows: 41-104. No person shall manufacture, bottle, blend, sell, barter, transport, deliver, furnish or possess any alcoholic liquor for beverage purposes, except as specifically provided in this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, except that nothing contained in this act shall prevent:

(a) The possession and transportation of alcoholic liquor for the personal use of the possessor, the possessor's family and guests except that the provisions of K.S.A. 41-407 and amendments thereto shall be applicable to all persons;

(b) the making of wine, cider or beer by a person from fruits, vegetables or grains, or the product thereof, by simple fermentation and without distillation, if it is made solely for the use of the maker and the maker's family;

(c) any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of the medical or dental profession;

(d) any hospital or other institution caring for sick and diseased persons, from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or institution;

(e) any drugstore employing a licensed pharmacist from possessing and using alcoholic liquor in the compounding of prescriptions of duly licensed physicians;

(f) the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church; or

(g) the sale of wine to a consumer in this state by a person which holds a valid license authorizing the manufacture of wine in this or another state and the shipment of such wine directly to such consumer, subject to the following: (1) The consumer must be at least 21 years of age; (2) the consumer must purchase the wine while physically present on the premises of the wine manufacturer; (3) the wine must be for the consumer's personal consumption and not for resale; and (4) the consumer shall comply with the provisions of K.S.A. 41-407, and amendments thereto, by payment of all applicable taxes within such time after purchase of the wine as prescribed by rules and regulations adopted by the secretary.

(h) *The serving of complimentary alcoholic liquor or cereal malt beverages at fund raising activities of charitable organizations as defined by K.S.A. 17-1760, and amendments thereto, and as qualified pursuant to 26 U.S.C.A. 501(c) and by committees formed pursuant to K.S.A. 25-4142 et seq., and amendments thereto. The serving of such alcoholic liquor at such fund raising activities shall not constitute a sale pursuant to this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto. Any such fund raising activity shall not be required to obtain a license or a temporary permit pursuant to this act, the club*

(continued)

and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 4. K.S.A. 2006 Supp. 41-311 is hereby amended to read as follows: 41-311. (a) No license of any kind shall be issued pursuant to the liquor control act to a person:

(1) Who has not been a citizen of the United States for at least 10 years, except that the spouse of a deceased retail licensee may receive and renew a retail license notwithstanding the provisions of this subsection (a)(1) if such spouse is otherwise qualified to hold a retail license and is a United States citizen or becomes a United States citizen within one year after the deceased licensee's death;

(2) who has been convicted of a felony under the laws of this state, any other state or the United States;

(3) who has had a license revoked for cause under the provisions of the liquor control act, the beer and cereal malt beverage keg registration act or who has had any license issued under the cereal malt beverage laws of any state revoked for cause except that a license may be issued to a person whose license was revoked for the conviction of a misdemeanor at any time after the lapse of 10 years following the date of the revocation;

(4) who has been convicted of being the keeper or is keeping a house of prostitution or has forfeited bond to appear in court to answer charges of being a keeper of a house of prostitution;

(5) who has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes;

(6) who is not at least 21 years of age;

(7) who, other than as a member of the governing body of a city or county, appoints or supervises any law enforcement officer, who is a law enforcement official or who is an employee of the director;

(8) who intends to carry on the business authorized by the license as agent of another;

(9) who at the time of application for renewal of any license issued under this act would not be eligible for the license upon a first application, except as provided by subsection (a)(12);

(10) who is the holder of a valid and existing license issued under article 27 of chapter 41 of the Kansas Statutes Annotated unless the person agrees to and does surrender the license to the officer issuing the same upon the issuance to the person of a license under this act, except that a retailer licensed pursuant to K.S.A. 41-2702, and amendments thereto, shall be eligible to receive a retailer's license under the Kansas liquor control act;

(11) who does not own the premises for which a license is sought, or does not have a written lease thereon for at least 3/4 of the period for which the license is to be issued;

(12) whose spouse would be ineligible to receive a license under this act for any reason other than citizenship, residence requirements or age, except that this subsection (a)(12) shall not apply in determining eligibility for a renewal license;

(13) whose spouse has been convicted of a felony or other crime which would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under this act; or

(14) who does not provide any data or information required by K.S.A. 2006 Supp. 41-311b, and amendments thereto.

(b) No retailer's license shall be issued to:

(1) A person who is not a resident of this state;

(2) a person who has not been a resident of this state for at least four years immediately preceding the date of application;

(3) a person who has a beneficial interest in ~~the manufacture, preparation or wholesaling of alcoholic beverages~~ a manufacturer, distributor, farm winery or microbrewery licensed under this act;

(4) a person who has a beneficial interest in any other retail establishment licensed under this act, except that the spouse of a licensee may own and hold a retailer's license for another retail establishment;

(5) a copartnership, unless all of the copartners are qualified to obtain a license;

(6) a corporation; or

(7) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(c) No manufacturer's license shall be issued to:

(1) A corporation, if any officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a manufacturer's license for any reason other than citizenship and residence requirements;

(2) a copartnership, unless all of the copartners shall have been residents of this state for at least five years immediately preceding the date of application and unless all the members of the copartnership would be eligible to receive a manufacturer's license under this act;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license;

(4) an individual who is not a resident of this state; or

(5) an individual who has not been a resident of this state for at least five years immediately preceding the date of application; or

(6) a person who has a beneficial interest in a distributor, retailer, farm winery or microbrewery licensed under this act.

(d) No distributor's license shall be issued to:

(1) A corporation, if any officer, director or stockholder of the corporation would be ineligible to receive a distributor's license for any reason. It shall be unlawful for any stockholder of a corporation licensed as a distributor to transfer any stock in the corporation to any person who would be ineligible to receive a distributor's license for any reason, and any such transfer shall be null and void, except that: (A) If any stockholder owning stock in the corporation dies and an heir or devisee to whom stock of the corporation descends by descent and distribution or by will is ineligible to receive a distributor's license, the legal representatives of the deceased stockholder's estate and the ineligible heir or devisee shall have 14 months from the date of the death of the stockholder within which to sell the stock to a person eligible to receive a distributor's license, any such sale by a legal representative to be made in accordance with the provisions of the probate code; or (B) if the stock in any such corporation is the subject of any trust and any trustee or beneficiary of the trust who is 21 years of age or older is ineligible to receive a distributor's license, the trustee, within 14 months after the effective date of the trust, shall sell the stock to a person eligible to receive a distributor's license and hold and disburse the proceeds in accordance with the terms of the trust. If any legal representatives, heirs, devisees or trustees fail, refuse or neglect to sell any stock as required by this subsection, the stock shall revert to and become the property of the corporation, and the corporation shall pay to the legal representatives, heirs, devisees or trustees the book value of the stock. During the period of 14 months prescribed by this subsection, the corporation shall not be denied a distributor's license or have its distributor's license revoked if the corporation meets all of the other requirements necessary to have a distributor's license;

(2) a copartnership, unless all of the copartners are eligible to receive a distributor's license; or

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except

that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license; or

(4) a person who has a beneficial interest in a manufacturer, retailer, farm winery or microbrewery licensed under this act.

(e) No nonbeverage user's license shall be issued to a corporation, if any officer, manager or director of the corporation or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a nonbeverage user's license for any reason other than citizenship and residence requirements.

(f) No microbrewery license or farm winery license shall be issued to a:

(1) Person who is not a resident of this state;

(2) person who has not been a resident of this state for at least four years immediately preceding the date of application;

(3) person who has a beneficial interest in ~~the manufacture, preparation or wholesaling of alcoholic beverages other than that produced by such brewery or winery~~ a manufacturer or distributor licensed under this act or a person who currently has a beneficial interest in a farm winery;

(4) person, copartnership or association which has a beneficial interest in any retailer licensed under this act or under K.S.A. 41-2702, and amendments thereto;

(5) copartnership, unless all of the copartners are qualified to obtain a license;

(6) corporation, unless stockholders owning in the aggregate 50% or more of the stock of the corporation would be eligible to receive such license and all other stockholders would be eligible to receive such license except for reason of citizenship or residency; or

(7) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(g) The provisions of subsections (b)(1), (b)(2), (c)(3), (c)(4), (d)(3), (f)(1), (f)(2) and K.S.A. 2006 Supp. 41-311b, and amendments thereto, shall not apply in determining eligibility for the 10th, or a subsequent, consecutive renewal of a license if the applicant has appointed a citizen of the United States who is a resident of Kansas as the applicant's agent and filed with the director a duly authenticated copy of a duly executed power of attorney, authorizing the agent to accept service of process from the director and the courts of this state and to exercise full authority, control and responsibility for the conduct of all business and transactions within the state relative to alcoholic liquor and the business licensed. The agent must be satisfactory to and approved by the director, except that the director shall not approve as an agent any person who:

(1) Has been convicted of a felony under the laws of this state, any other state or the United States;

(2) has had a license issued under the alcoholic liquor or cereal malt beverage laws of this or any other state revoked for cause, except that a person may be appointed as an agent if the person's license was revoked for the conviction of a misdemeanor and 10 years have lapsed since the date of the revocation;

(3) has been convicted of being the keeper or is keeping a house of prostitution or has forfeited bond to appear in court to answer charges of being a keeper of a house of prostitution;

(4) has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes; or

(5) is less than 21 years of age.

Sec. 5. K.S.A. 41-312 and K.S.A. 2006 Supp. 41-104, 41-308a, 41-311 and 41-2623 are hereby repealed.

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

(Published in the Kansas Register May 24, 2007.)

Substitute for SENATE Substitute for HOUSE BILL No. 2237

AN ACT concerning the infrastructure needs of postsecondary educational institutions and the financing thereof; making and concerning appropriations for the fiscal years ending June 30, 2007, June 30, 2008, June 30, 2009, June 30, 2010, June 30, 2011, and June 30, 2012; income tax credits for certain contributions; amending K.S.A. 76-719, as amended by section 11 of chapter 132 of the 2006 Session Laws of Kansas, and 76-753 and repealing the existing sections.

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

New Section 1. Sections 1 through 7, and amendments thereto, shall be known and may be cited as the state educational institution long-term infrastructure maintenance program.

New Sec. 2. As used in the state educational institution long-term infrastructure maintenance program:

(a) "Infrastructure maintenance fund" or "fund" means the fund established by section 4, and amendments thereto.

(b) "State educational institution" or "institution" means a state educational institution as defined by K.S.A. 76-711, and amendments thereto.

(c) "State board" means the state board of regents.

(d) (1) "Project" or "infrastructure improvement project" means the maintenance, repair, reconstruction or rehabilitation of a building located at a state educational institution, any utility system and other infrastructure relating to such building, any life-safety upgrades to such building and any improvements necessary to be made to such building in order to comply with the requirements of the Americans with disabilities act or other federal or state law.

(2) "Infrastructure improvement project" shall not mean:

(A) The new construction of buildings;

(B) the maintenance, repair, reconstruction or rehabilitation of any building used as an athletic facility that does not directly support the delivery of academic pursuits; or

(C) the maintenance, repair, reconstruction or rehabilitation of the residence of the president or chancellor of a state educational institution.

(e) "Cost" means all costs or expenses which are necessary or incidental to a project and which are directly attributable thereto.

(f) "Program" means the state educational institution long-term infrastructure maintenance program.

(g) "Joint committee" means the joint committee on state building construction.

New Sec. 3. (a) There is hereby established the state educational institution long-term infrastructure maintenance program. Subject to the limitations provided by this act, the program shall be administered by the state board. The state board shall establish standards and criteria for prioritizing, reviewing, evaluating and approving projects and the allocation of moneys available under the program. When allocating moneys to finance the costs of projects under the program, the state board shall take into consideration the square footage, age and complexity of the buildings and infrastructure at each state educational institution.

(b) At least once each calendar quarter, the state board shall prepare a report on projects financed under the program. The report shall include information showing the progress which has been made during the reporting period to reduce the building and infrastructure maintenance backlog that existed on the effective date of this act. The report shall include information showing the effect that the expenditures have had on the campuses of each state educational institution. The report shall in-

(continued)

clude any other information deemed necessary by the state board. A copy of such report shall be submitted to the governor and the joint committee on state building construction.

(c) (1) On or before January 14, 2009, and each two years thereafter, the state board shall prepare an inventory of buildings and space utilization. Such inventory shall state the age of each building located at each state educational institution, the use of the space in the building and the cost of replacing the building.

(2) On or before January 14, 2009, and each two years thereafter, the state board shall prepare a report concerning deferred and annual maintenance of buildings and infrastructure at each state educational institution. The report shall include a comprehensive building and infrastructure audit that provides an overview of the maintenance needs of all state-owned buildings and infrastructure at each state educational institution. The report shall describe the maintenance needs of each building and infrastructure and the estimated cost of such needs. The report shall include any other information deemed necessary by the state board.

(3) On or before January 14, 2009, and each two years thereafter, the state board shall submit a copy of the inventory and report required by this subsection to the governor, the joint committee, the senate committee on ways and means and the house of representatives committee on appropriations.

(d) All reports required by this section shall be prepared and submitted in an electronic format.

New Sec. 4. (a) There is hereby established in the state treasury the infrastructure maintenance fund which shall be administered and maintained for the use and benefit of the state educational institutions as provided by the state educational institution long-term infrastructure maintenance program. The fund shall be administered by the state board. Subject to the provisions of appropriation acts, all expenditures from the fund shall be made for purposes of financing the costs of projects.

(b) Subject to the provisions of appropriation acts, the state board may transfer moneys from the infrastructure maintenance fund to an account or accounts of the infrastructure maintenance fund of an institution for expenditure by the institution to pay the costs of a project as approved by the state board.

New Sec. 5. (a) Subject to the provisions of subsection (c), the state board shall advise and consult with the joint committee regarding each project. The state board shall not approve a project to be financed by moneys from the infrastructure maintenance fund unless the state board first has advised and consulted with the joint committee. A state educational institution shall advise and consult with the joint committee before expenditure of any moneys from the infrastructure maintenance fund, or from any account or accounts of the infrastructure maintenance fund of such institution, for each project. No moneys received by a state educational institution as a contribution which qualifies as an income tax credit pursuant to law to finance the cost of a project may be expended unless the institution first has advised and consulted with the joint committee.

(b) Except as specifically provided by this act, the project financed under the program shall not be subject to any further process or procedure that requires the submission, review or approval of any infrastructure improvement. The state board shall ensure that projects financed under the program comply with nationally recognized codes and life-safety inspections under K.S.A. 31-132 et seq., and amendments thereto. Such inspections, plan reviews and other related work shall be conducted by the division of facilities management, or a designee of the division, prior to certification for building occupancy. The state board shall not be subject to the oversight of the state fire marshal.

(c) The joint committee shall develop recommendations for a plan for the management and oversight of projects financed un-

der the program. Such recommendations shall be submitted to the president of the senate and the speaker of the house of representatives on or before January 14, 2008.

New Sec. 6. (a) On July 1, 2007, or as soon thereafter as sufficient moneys are available, \$30,000,000 shall be transferred by the director of accounts and reports from the statewide maintenance and disaster relief fund to the infrastructure maintenance fund established by section 4, and amendments thereto.

(b) On January 1, 2008, or as soon thereafter as sufficient moneys are available, \$13,000,000 shall be transferred by the director of accounts and reports from the statewide maintenance and disaster relief fund to the infrastructure maintenance fund established by section 4, and amendments thereto.

New Sec. 7. (a) (1) On July 1, 2008, or as soon thereafter as sufficient moneys are available, \$7,000,000 shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by section 4, and amendments thereto.

(2) On July 1, 2009, or as soon thereafter as sufficient moneys are available, \$15,000,000 shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by section 4, and amendments thereto.

(3) On July 1, 2010, or as soon thereafter as sufficient moneys are available, \$15,000,000 shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by section 4, and amendments thereto.

(4) On July 1, 2011, or as soon thereafter as sufficient moneys are available, \$10,000,000 shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by section 4, and amendments thereto.

(b) All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.

(c) All moneys credited to the infrastructure maintenance fund shall be expended or transferred only for the purpose of paying the cost of projects approved by the state board pursuant to the state educational institution long-term infrastructure maintenance program.

New Sec. 8. Sections 8 through 12, and amendments thereto, shall be known and may be cited as the postsecondary educational institution infrastructure finance program.

New Sec. 9. As used in the infrastructure finance program:

(a) "State board" means the state board of regents.

(b) "Postsecondary educational institution" or "institution" means Washburn university and any community college or technical college.

(c) "Community college" means a community college established under the provisions of the community college act.

(d) "Technical college" means a technical college as designated pursuant to K.S.A. 72-4472, 72-4473, 72-4474, 72-4475 and 72-4476, and amendments thereto.

(e) (1) "Project" or "infrastructure improvement project" means the maintenance, repair, reconstruction, remodeling or rehabilitation of a building located at a postsecondary educational institution, any additions to a building, any utility system and other infrastructure relating to such building, any life-safety upgrades to such building, any improvements necessary to be made to such building in order to comply with the requirements of the Americans with disabilities act or other federal or state law.

(2) "Infrastructure improvement project" shall not mean:

(A) The new construction of buildings;

(B) The maintenance, repair, reconstruction or rehabilitation of any building used as an athletic facility that does not directly support the delivery of academic pursuits; or

(C) the maintenance, repair, reconstruction or rehabilitation of the residence of the president or chief executive officer of a postsecondary educational institution.

(f) "Cost" means all costs or expenses which are necessary or incidental to an infrastructure improvement project and which are directly attributable thereto.

(g) "Program" means the postsecondary educational institution infrastructure finance program.

(h) "Joint committee" means the joint committee on state building construction.

New Sec. 10. (a) There is hereby established the postsecondary educational institution infrastructure finance program. Subject to the limitations provided by this act, the program shall be administered by the state board. Applications for financing under the program shall be submitted in the manner provided by the state board. When approving applications for financing under the program, the state board shall take into consideration the need for the project and the financial ability of the institution to meet its obligation if the application is approved.

(b) On or before January 14 of each year, the state board shall prepare a report on projects financed under the program during the preceding fiscal year. The report shall disclose the aggregate amount of bonds issued, the amount of bonds issued at the request of each postsecondary educational institution and an overview of the projects financed by such bonds. The report shall include any other information deemed necessary by the state board. A copy of such report shall be submitted to the governor and the joint committee on state building construction.

(c) All reports required by this section shall be prepared and submitted in an electronic format.

New Sec. 11. Neither the state nor the state board shall have the power to pledge the full faith and credit or taxing power of the state of Kansas for such purposes and any payment by the state board for such purposes shall be subject to and dependent on appropriations by the legislature. Any obligation of the state board for payment of debt service on bonds and any such bonds issued for the purposes set forth in section 12, and amendments thereto, shall not be considered a debt or obligation of the state for the purpose of section 6 of article 11 of the constitution of the state of Kansas.

New Sec. 12. (a) (1) Subject to the provisions of this section, the Kansas development finance authority is hereby authorized to issue bonds to finance the cost of projects. Projects which are approved by the state board under the program are hereby approved for the state board for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto. The aggregate principal amount of bonds issued pursuant to this section in a single fiscal year shall not exceed \$100,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for projects during the time such improvements are being made and any required reserves for the payment of principal and interest on the bonds. The aggregate principal amount of bonds issued pursuant to this section in a single fiscal year shall not exceed \$20,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for projects during the time such improvements are being made and any required reserves for the payment of principal and interest on the bonds. All moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants. The debt service for any such bonds issued for such project shall be paid by appropriations of moneys from the state general fund as may be necessary to pay debt service on the bonds. Subject to the provisions of appropriations acts, and as directed by the Kansas development finance authority, payment of principal and interest on the bonds shall be made by the state board from annual appropriations by the legislature or from any other moneys as may be made available by

law or from the postsecondary educational institution in amounts sufficient to pay the principal and interest on the bonds until the bonds are finally paid. The state board is authorized to enter into loan agreements with a postsecondary educational institution to provide for payment of principal on the bonds. All moneys received pursuant to such agreements shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state general fund.

(2) No bonds shall be issued pursuant to this section after June 30, 2012.

(b) The aggregate principal amount of bonds issued pursuant to this section to finance the cost of projects at a single postsecondary educational institution shall not exceed \$15,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for projects during the time such improvements are being made and any required reserves for the payment of principal and interest on the bonds.

(c) The date of maturity on bonds issued pursuant to this section shall not be fixed for a period of time which exceeds eight years from the date of issuance.

(d) Subject to the provisions of appropriation acts, the secretary of administration may enter into pledge agreements with the state board and the Kansas development finance authority to pledge moneys for the payment of bonds issued pursuant to the approval in subsection (a).

(e) Any postsecondary educational institutions may apply for a loan under the program. Applications shall be submitted in the manner and form required by the state board. The state board may enter into agreements with the postsecondary educational institutions for the provision of a loan and for the payment of all or a part of eligible project costs. The purposes for which the loan is to be provided, the amount thereof and the repayment terms and conditions shall be included in the agreement entered into pursuant to subsection (d).

(f) The first payment of any principal and interest on bonds issued pursuant to this section during fiscal year 2008, shall not be made prior to July 1, 2008.

New Sec. 13. When preparing the inventory required by section 3, and amendments thereto, the state board shall evaluate all buildings to determine if any building is obsolete. If a building is determined to be obsolete, the state board shall retire the building from service. In addition, if the state board determines that it would be prudent to do so, the building may be razed.

New Sec. 14. (a) As used in this section:

(1) "State educational institution" has the meaning ascribed thereto by K.S.A. 76-711, and amendments thereto.

(2) "Private moneys" means moneys from nongovernmental sources.

(3) "Improvement" means new construction of a building or other capital improvement of which at least 51% of the cost is financed with private moneys.

(4) "State board" means the state board of regents.

(b) Each state educational institution shall provide for the future annual maintenance and operation costs for an improvement. From and after July 1, 2007, the state board shall not request any moneys from the state general fund to pay for the cost of maintenance and operation of improvements which exceed the amount of moneys paid from the state general fund in fiscal year 2007 for such purpose.

The provisions of this subsection shall apply to any improvement approved by the state board after January 31, 2007.

(c) Each state educational institution shall submit to the state board a plan to provide for the annual maintenance and operation costs of an improvement when seeking approval for the making of such improvement from the state board.

(continued)

New Sec. 15. Except for bonds issued pursuant to the postsecondary educational institution infrastructure finance program, no moneys received by a postsecondary educational institution as a contribution which qualifies as an income tax credit pursuant to law may be expended to pay for bonds or the interest on such bonds.

New Sec. 16. (a) On and after July 1, 2008, any taxpayer who contributes in the manner prescribed by this section to a community college located in Kansas for capital improvements, to a technical college for deferred maintenance or the purchase of technology or equipment or to a postsecondary educational institution located in Kansas for deferred maintenance, shall be allowed a credit against the tax imposed by the Kansas income tax act, the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by net income of financial institutions imposed pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated. The tax credit allowed by this section is applicable for the tax year 2008 for any contributions made on and after July 1, 2008, and for the tax years 2009, 2010, 2011 and 2012 for any contributions made during the entire tax year. The amount of the credit allowed by this section shall not exceed 60% of the total amount contributed during the taxable year by the taxpayer to a community college or a technical college located in Kansas for such purposes. The amount of the credit allowed by this section shall not exceed 50% of the total amount contributed during the taxable year by the taxpayer to a postsecondary educational institution for such purposes. If the amount of the credit allowed by this section for a taxpayer who contributes to a community college or a technical college exceeds the taxpayer's income tax liability imposed by the Kansas income tax act, such excess amount shall be refunded to the taxpayer. If the amount of the tax credit for a taxpayer who contributes to a postsecondary educational institution exceeds the taxpayer's income tax liability for the taxable year, the amount which exceeds the tax liability may be carried over for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability, except that no such tax credit shall be carried over for deduction after the third taxable year succeeding the taxable year in which the contribution is made. Prior to the issuance of any tax credits pursuant to this section, the structure of the process in which contributions received by a community college, a technical college or a postsecondary educational institution qualify as tax credits allowed and issued pursuant to this section shall be developed by a community college, a technical college and a postsecondary educational institution in consultation with the secretary of revenue and the foundation or endowment association of any such community college, technical college or postsecondary educational institution in a manner that complies with requirements specified in the federal internal revenue code of 1986, as amended, so that contributions qualify as charitable contributions allowable as deductions from federal adjusted gross income.

(b) (1) Upon receipt of any such contributions to a community college made pursuant to the provisions of this section, the treasurer of the community college shall deposit such contributions to the credit of the capital outlay fund of such community college established as provided by K.S.A. 71-501a, and amendments thereto. Expenditures from such fund shall be made for the purposes described in subsection (a) of K.S.A. 71-501, and amendments thereto, except that expenditures shall not be made from such fund for new construction or the acquisition of real property for use as building sites or for educational programs.

(2) Upon receipt of any such contributions to a technical college made pursuant to the provisions of this section, such contributions shall be deposited to the credit of a deferred maintenance fund or a technology and equipment fund established

by the technical college which received the contribution. Expenditures from such fund shall be made only for the purpose as provided in this subsection.

(3) Upon receipt of any such contributions to a postsecondary educational institution made pursuant to the provisions of this section, such contributions shall be deposited to the credit of the appropriate deferred maintenance support fund of the postsecondary educational institution which received the contribution. Expenditures from such fund shall be made only for the purposes designated for such fund pursuant to law.

(c) (1) In no event shall the total amount of credits allowed under this section for taxpayers who contribute to any one such community college or technical college exceed the following amounts: For the tax year 2008, an amount not to exceed \$78,125; for the tax year 2009, an amount not to exceed \$156,250; and for the tax years 2010, 2011 and 2012, an amount not to exceed \$208,233.33.

(2) In no event shall the total of credits allowed under this section for taxpayers who contribute to postsecondary educational institutions exceed the following amounts: For the tax year 2008, an amount not to exceed \$5,625,000; for the tax year 2009, an amount not to exceed \$11,250,000; and for the tax years 2010, 2011 and 2012, an amount not to exceed \$15,000,000. Except as otherwise provided, the allocation of such tax credits for each individual state educational institution shall be determined by the state board of regents in consultation with the secretary of revenue and the university foundation or endowment association of each postsecondary educational institution, and such determination shall be completed prior to the issuance of any tax credits pursuant to this section. Not more than 40% of the total of credits allowed under this section shall be allocated to any one postsecondary educational institution unless all such postsecondary educational institutions approve an allocation to any one such postsecondary educational institution which exceeds 40% of the total of such credits allowed under this section.

(d) As used in this section: (1) "Community college" means a community college established under the provisions of the community college act;

(2) "deferred maintenance" means the maintenance, repair, reconstruction or rehabilitation of a building located at a technical college or a postsecondary educational institution which has been deferred, any utility systems relating to such building, any life-safety upgrades to such building and any improvements necessary to be made to such building in order to comply with the requirements of the Americans with disabilities act or other federal or state law;

(3) "postsecondary educational institution" means the university of Kansas, Kansas state university of agriculture and applied science, Wichita state university, Emporia state university, Pittsburg state university, Fort Hays state university and Washburn university of Topeka; and

(4) "technical college" means a technical college as designated pursuant to K.S.A. 72-4472, 72-4473, 72-4474, 72-4475 and 72-4477, and amendments thereto.

(e) Any taxpayer not subject to Kansas income, privilege or premiums tax who contributes to a community college, technical college or postsecondary educational institution, hereinafter designated the transferor, may sell, assign, convey or otherwise transfer tax credits allowed and earned pursuant to this section. The sale price of a tax credit shall be at least 50% of the full value of the credit. Such credit shall be deemed to be allowed and earned by any such taxpayer which is only disqualified therefrom by reason of not being subject to such Kansas taxes. The taxpayer acquiring earned credits, hereinafter designated the transferee, may use the amount of the acquired credits to offset up to 100% of the taxpayer's income, privilege or premiums tax liability for the taxable year in which such acquisition was made. Such credits may be sold or transferred only one time

and, if sold or transferred, shall be transferred in the tax year such credit is earned or the two successive tax years. A transferred credit shall be claimed in the year purchased. The transferor shall enter into a written agreement with the transferee establishing the terms and conditions of the sale or transfer and shall perfect such transfer by notifying the secretary of revenue in writing within 30 calendar days following the effective date of the transfer, subject to the review and approval or denial of such transfer by the secretary of revenue. The transferor and transferee shall provide any information pertaining to the sale or transfer as may be required by the secretary of revenue to administer and carry out the provisions of this section. The amount received by the transferor of such tax credit shall be taxable as income of the transferor, and the excess of the value of such credit over the amount paid by the transferee for such credit shall be taxable as income of the transferee.

(f) The secretary of revenue shall submit an annual report to the legislature to assist the legislature in the evaluation of the utilization of any credits claimed pursuant to this act, including information specific as to each community college, technical college or postsecondary educational institution. Such report shall be due on or before the first day of the legislative session following the tax year in which the credits were claimed.

(g) The secretary of revenue shall adopt rules and regulations necessary to administer the provisions of this section.

Sec. 17. K.S.A. 76-719, as amended by section 11 of chapter 132 of the 2006 Session Laws of Kansas, is hereby amended to read as follows: 76-719. (a) Subject to K.S.A. 76-742 and amendments thereto, the board of regents shall fix tuition, fees and charges to be collected by each state educational institution. If a state educational institution collects a student-activity fee, the funds so collected shall be set apart and used for the purpose of supporting appropriate student activities.

(b) All moneys received by a state educational institution for tuition fixed by the state board of regents shall be deposited in the state treasury and credited to the general fees fund of the state educational institution. All moneys received for any student-activity fee or for any other fees or charges fixed by the state board of regents shall be deposited in the state treasury and credited to the appropriate account of the restricted fees fund of the state educational institution or to another appropriate special revenue fund of the state educational institution.

(c) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the ~~general fees~~ *deferred maintenance support* fund of each state educational institution interest earnings based on:

(1) The average daily balance of moneys in the general fees fund of the state educational institution for the preceding month; and

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

(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 ~~restricted fees~~ *deferred maintenance support* fund of each state educational institution interest earnings based on:

(1) The average daily balance of moneys in the restricted fees fund of the state educational institution for the preceding month; and

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

(e) All moneys transferred to the *deferred maintenance support* fund pursuant to this section shall be expended solely to finance infrastructure improvement projects as defined by section 2, and amendments thereto.

Sec. 18. K.S.A. 76-753 is hereby amended to read as follows: 76-753. (a) There is hereby established in the state treasury a sponsored research overhead fund for each state educational institution.

(b) All moneys received by a state educational institution as overhead costs on sponsored research projects shall be deposited to the credit of the sponsored research overhead fund.

(c) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the *deferred maintenance support* fund of each state educational institution interest earnings based on:

(1) The average daily balance of moneys in the sponsored research overhead fund of the state educational institution for the preceding month; and

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

(d) In accordance with the provisions of appropriations acts, expenditures may be made from the sponsored research overhead fund of a state educational institution for administration, operation and development of research and for matching federal funds available for capital improvements and equipment that qualify for research purposes.

(e) All moneys transferred to the *deferred maintenance support* fund pursuant to this section shall be expended solely to finance infrastructure improvement projects as defined by section 2, and amendments thereto.

(f) As used in this section, "sponsored research overhead fund" includes the research and institutional overhead fund of Emporia state university.

Sec. 19. K.S.A. 76-719, as amended by section 11 of chapter 132 of the 2006 Session Laws of Kansas, and 76-753 are hereby repealed.

Sec. 20.

STATE BOARD OF REGENTS

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

Infrastructure maintenance fund	
For the fiscal year ending June 30, 2008	\$30,000,000
For the fiscal year ending June 30, 2009	\$20,000,000
For the fiscal year ending June 30, 2010	\$15,000,000
For the fiscal year ending June 30, 2011	\$15,000,000
For the fiscal year ending June 30, 2012	\$10,000,000

Provided, That, during the fiscal years ending June 30, 2008, June 30, 2009, June 30, 2010, June 30, 2011, and June 30, 2012, the state board of regents is hereby authorized to transfer moneys from the infrastructure maintenance fund to an account or accounts of the infrastructure maintenance fund of any state educational institution to be expended by the state educational institution for infrastructure improvement projects, as defined by section 2, and amendments thereto, approved by the state board of regents after first having advised and consulted with the joint committee on state building construction regarding approval of such projects: *Provided, however*, That no expenditures shall be made from any such account until the program statement and other detailed information about the proposed project has been reviewed by the joint committee on state building construction: *Provided further*, That the state board of regents shall certify to the director of accounts and reports each such transfer of moneys to any such separate account of the infrastructure maintenance fund for a state educational institution: *And provided further*, That the state board of regents shall transmit a copy of each such certification to the director of the budget and to the director of legislative research.

Sec. 21. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register May 24, 2007.)

SENATE Substitute for Substitute for
HOUSE BILL No. 2457

AN ACT concerning the Kansas public employees retirement system and systems thereunder; investment standards, prohibited investments and divestment, conditions and procedures; purchase of participating service credit; exemption from taxation of benefits; disability benefits for certain members; amending K.S.A. 74-4923 and 74-4960 and repealing the existing sections.

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

New Section 1. (a) As used in sections 1 and 2, and amendments thereto:

(1) "Active business operations" means a company engaged in business operations that provide revenue to the government of Sudan or a company engaged in oil-related activities;

(2) "board" means the board of trustees of the Kansas public employees retirement system;

(3) "business operations" means maintaining, selling or leasing equipment, facilities, personnel, or any other apparatus of business or commerce in Sudan, including the ownership or possession of real or personal property located in Sudan;

(4) "company" means a sole proprietorship, organization, association, corporation, partnership, venture or other entity, its subsidiary or affiliate that exists for profitmaking purposes or to otherwise secure economic advantage. "Company" also means a company owned or controlled, either directly or indirectly, by the government of Sudan, that is established or organized under the laws of or has its principal place of business in the republic of the Sudan;

(5) "complicity" means the taking of actions which have directly supported or promoted the genocidal campaign in Darfur;

(6) "energy or power-related operations" means any business operation that involves a project commissioned by the national electricity corporation of Sudan or similar Sudanese entity whose purpose is to facilitate energy or power generation and delivery;

(7) "government of Sudan" means the government of Sudan or its instrumentalities;

(8) "invest" or "investment" means the purchase, ownership or control of stock of a company, association or corporation, the capital stock of a mutual water company or corporation, bonds issued by the government or a political subdivision of Sudan, corporate bonds or other debt instruments issued by a company, or the commitment of funds or other assets to a company, including a loan or extension of credit to that company;

(9) "KPERS fund" means the Kansas public employees retirement fund created pursuant to the provisions of K.S.A. 74-4921, and amendments thereto;

(10) "military equipment" means weapons, arms or military defense supplies;

(11) "mineral extraction activities" includes, but is not limited to, the exploring, extracting, processing, transporting or wholesale selling or trading of elemental minerals or associated metal alloys or oxides or ore;

(12) "oil-related activities" means, but is not limited to, the export of oil, extracting or producing oil, exploration for oil, or the construction or maintenance of a pipeline, refinery, or other oil field infrastructure;

(13) "research firm" means a reputable, neutral third-party research firm;

(14) "substantial action" means a boycott of the government of Sudan, curtailing business in Sudan until that time described in subsection (m), selling company assets, equipment or real and personal property located in Sudan, or undertaking significant

humanitarian efforts in the eastern, southern, or western regions of Sudan; and

(15) "Sudan" means the republic of the Sudan, a territory under the administration or control of the Sudan, including, but not limited to, the Darfur region, or an individual, company, or public agency located in Khartoum, northern Sudan, or the Nile River Valley that supports the republic of the Sudan.

(b) The board shall not invest KPERS funds in a company with business operations in Sudan that meets all of the following criteria:

(1) The company is engaged in active business operations in Sudan. If that company is not engaged in oil-related activities, that company also lacks significant business operations in the eastern, southern and western regions of Sudan; and

(2) either of the following apply:

(A) The company is engaged in oil-related activities, mineral extraction activities or energy or power-related operations, or contracts with another company with business operations in the oil, mineral extraction, energy and power sectors of Sudan, and the company failed to take substantial action related to the government of Sudan because of the Darfur genocide; or

(B) the company has demonstrated complicity in the Darfur genocide.

(c) Notwithstanding subsection (b), the board shall not invest KPERS funds in a company that supplies military equipment within the borders of Sudan. If a company provides equipment within the borders of Sudan that may be readily used for military purposes, including, but not limited to, radar systems and military-grade transport vehicles, there shall also be a strong presumption against investing in that company unless that company implements safeguards to prevent the use of that equipment for military purposes.

(d) (1) The board may contract with a research firm or firms to determine those companies that have business operations in Sudan. Such research firm or firms may obtain aggregate data on a majority of companies with business operations in Sudan. On or before September 30, 2007, such research firm or firms may report any findings to the board and may submit further findings to the board if there is a change of circumstances in Sudan.

(2) In addition to the reports described in subsection (d)(1), the board shall take all of the following actions no later than September 30, 2007:

(A) Review publicly available information regarding companies with business operations in Sudan;

(B) contact other institutional investors that invest in companies with business operations in Sudan; and

(C) send written notice to a company with business operations in Sudan that the company may be subject to this section.

(e) (1) The board shall determine, by the next applicable board meeting and based on the information and reports described in subsection (d), if a company meets the criteria described in subsection (b) or (c). If the board plans to invest or has investments in a company that meets the criteria described in subsection (b) or (c), that planned or existing investments shall be subject to subsections (g) and (h).

(2) Investments of the board in a company that does not meet the criteria described in subsection (b) or (c) or does not have active business operations in Sudan are not subject to subsection (h), provided that the company does not subsequently meet the criteria described in subsection (b) or (c) or engage in active business operations. The board shall identify the reasons why that company does not satisfy the criteria described in subsection (b) or (c) or does not engage in active business operations in the report to the joint committee on pensions, investments and benefits described in subsection (i).

(f) (1) The board shall not be required to divest passively managed commingled funds when the estimated annual costs

of divestment exceed 5% of the total value of scrutinized companies with active business operations held in the fund and the ratio holds for at least six months time. Such an estimate should be submitted in a report to the joint committee on pensions, investments, and benefits before the exemption is exercised. The report should be updated semi-annually thereafter as applicable.

(2) Notwithstanding subsection (e), if the board's investment in a company described in subsection (b) or (c) is limited to investment via an externally and actively managed commingled fund, the board shall contact that fund manager in writing and request that the fund manager remove that company from the KPERs fund as described in subsection (h). If the KPERs fund or account manager creates a fund or account devoid of companies described in subsection (b) or (c), the transfer of board investments from the prior fund or account to the fund or account devoid of companies with business operations in Sudan shall be deemed to satisfy subsection (h).

(3) If the board's investment in a company described in subsection (b) or (c) is limited to an alternative fund or account, the alternative fund or account manager creates an actively managed commingled fund that excludes companies described in subsection (b) or (c), and the new fund or account is deemed to be financially equivalent to the existing fund or account, the transfer of board investments from the existing fund or account to the new fund or account shall be deemed to satisfy subsection (h). If the board determines that the new fund or account is not financially equivalent to the existing fund, the board shall include the reasons for that determination in the report described in subsection (i).

(4) The board shall make a good faith effort to identify any private equity investments that involve companies described in subsection (b) or (c) or are linked to the government of Sudan. If the board determines that a private equity investment clearly involves a company described in subsection (b) or (c) or is linked to the government of Sudan, the board shall consider, at its discretion, if those private equity investments shall be subject to subsection (h). If the board determines that a private equity investment clearly involves a company described in subsection (b) or (c) or is linked to the government of Sudan and the board does not take action as described in subsection (h), the board shall include the reasons for its decision in the report described in subsection (i).

(g) Except as described in subsection (f) or subsection (e)(2), the board, in the board's capacity of shareholder or investor, shall notify any company described in subsection (e)(1) that the company is subject to subsection (h) and permit that company to respond to the information and reports described in subsection (d). The board shall request that the company take substantial action no later than 90 days from the date the board notified the company under this subsection. If the board determines that a company has taken substantial action or has made sufficient progress towards substantial action before the expiration of that 90-day period, that company shall not be subject to subsection (h). The board shall, at intervals not to exceed 90 days, continue to monitor and review the progress of the company until that company has taken substantial action in Sudan. A company that fails to complete substantial action or continue to make sufficient progress towards substantial action by the next time interval shall be subject to subsection (h).

(h) If a company described in subsection (e)(1) fails to complete substantial action by the time described in subsection (g), the board shall take the following actions:

(1) The board shall not make additional or new investments or renew existing investments in that company.

(2) The board shall liquidate the investments of the board in that company no later than 18 months after this subsection applies to that company. The board shall liquidate those in-

vestments in a manner to address the need for companies to take substantial action in Sudan and consistent with the board's fiduciary responsibilities as provided in K.S.A. 74-4921, and amendments thereto.

(i) On or before June 30, 2008, and every year thereafter, the board shall file a report with the joint committee on pensions, investments and benefits. The report shall describe the following:

(1) A list of investments the board has in companies with business operations in Sudan, including, but not limited to, the issuer, by name, of the stock, bonds, securities and other evidence of indebtedness;

(2) a detailed summary of the business operations a company described in subsection (i)(1) has in Sudan and whether that company satisfies all of the criteria in subsection (b) or (c);

(3) whether the board has reduced KPERs fund investments in a company that satisfies the criteria in subsection (b) or (c);

(4) if the board has not completely reduced KPERs fund investments in a company that satisfies the criteria in subsection (b) or (c), when the board anticipates that the board will reduce all investments in that company or the reasons why a sale or transfer of investments is inconsistent with the fiduciary responsibilities of the board as provided in K.S.A. 74-4921, and amendments thereto;

(5) any information described in subsection (e); and

(6) a detailed summary of investments that were transferred to funds or accounts devoid of companies with business operations in Sudan as described in subsection (f).

(j) If the board voluntarily sells or transfers all KPERs fund investments in a company with business operations in Sudan, this section shall not apply except that the board shall file a report with the legislature related to that company as described in subsection (i).

(k) Nothing in this section shall require the board to take action as described in this section unless the board determines, in good faith, that the action described in this section is consistent with the fiduciary responsibilities of the board as provided in K.S.A. 74-4921, and amendments thereto.

(l) Subsection (h) shall not apply to any of the following:

(1) Investments in a company that is primarily engaged in supplying goods or services intended to relieve human suffering in Sudan, and the supplying of such goods and services is done in conjunction with an international organization, the government of Sudan, the regional government of Southern Sudan or a non-profit entity, and is evaluated and certified by an independent third party to be substantial in relationship to the business operations of the company in Sudan and of benefit to one or more marginalized populations of Sudan;

(2) investments in a company that promotes health, education, journalistic or religious activities in or welfare in the western, eastern or southern regions of Sudan; and

(3) investments in a United States company that is authorized by the federal government to have business operations in Sudan.

(m) This section shall remain in effect only until one of the following occurs, and as of the date of that action, is repealed:

(1) The government of Sudan halts the genocide in Darfur for 12 months as determined by both the department of state and the congress of the United States; or

(2) the United States revokes its current sanctions against Sudan.

New Sec. 2. Present, future and former board members jointly and individually, state officers and employees, research firms described in subsection (d) of section 1, and amendments thereto, and investment managers under contract with the Kansas public employees retirement system shall be indemnified from the state general fund and held harmless by the state from

(continued)

all claims, demands, suits, actions, damages, judgments, costs, charges and expenses, including court costs and attorney's fees, and against all liability, losses and damages of any nature whatsoever that these present, future or former board members, officers, employees, research firms or contract investment managers shall or may at any time sustain by reason of any decision to restrict, reduce or eliminate investments pursuant to section 1, and amendments thereto.

New Sec. 3. Any member of the Kansas public employees retirement system who was previously employed in service as law enforcement personnel in support of a mission administered by the united nations, may purchase participating service credit for periods of such service which commenced on or after January 1, 1962. Such purchase of participating service credit shall be made in accordance with the provisions of K.S.A. 74-49,123, and amendments thereto. The benefit for each such period of service purchased by the member shall be equal to 1.75% of the final average salary of any such member. Such member may purchase such participating service credit by submitting proof of such service acceptable to the board of trustees and by making application therefor prior to the date of retirement of such member for such purchase and to have such member's employee contributions deducted from such member's compensation at an additional rate of contribution, in addition to the employee's rate of contribution as provided in K.S.A. 74-4919, and amendments thereto, based upon the member's attained age at the time of purchase and using actuarial assumptions and tables in use by the retirement system at such time of purchase for such periods of service. Such additional rate of contribution shall commence at the beginning of the quarter following the date upon which such member made application for such purchase and shall remain in effect until all of the full quarters of such service have been purchased. In lieu of the deduction of employee contributions as provided in this section, any such member may purchase such participating service credit by means of a single lump-sum payment in an amount equal to the then present value of benefits being purchased as determined by the actuary using the member's attained age at the time of purchase, annual compensation at the time of purchase and the actuarial assumptions and tables currently in use by the system. The lump-sum payment shall be made immediately upon being notified of the amount due under this purchase method. The provisions of this section shall be part of and supplemental to the provisions of K.S.A. 74-4901 et seq., and amendments thereto.

Sec. 4. K.S.A. 74-4923 is hereby amended to read as follows: 74-4923. (a) No alteration, amendment or repeal of this act shall affect the then existing rights of members and beneficiaries but shall be effective only as to rights which would otherwise accrue under this act as a result of services rendered by an employee after the alteration, amendment or repeal. This subsection shall not apply to any alteration or amendment of this act which provides greater benefits to members or beneficiaries, but any increase of benefits shall only be applicable to benefits payable on the first day of the month coinciding with or following the effective date of the alteration or amendment.

(b) Any annuity, benefits, funds, property or rights created by, or accruing to any person under the provisions of K.S.A. 74-4901 et seq. or 74-4951 et seq., and amendments thereto, *including, but not limited to, for all taxable years beginning after December 31, 2000, amounts received as a lump-sum payment at retirement as provided by K.S.A. 74-4918, 74-4964 or 74-4964a, and amendments thereto, and all earnings thereof*, shall be exempt from any tax of the state of Kansas or any political subdivision or taxing body of the state, *and such lump-sum payment at retirement, and all earnings thereof, shall retain such tax exempt status even if a retirant elects to roll over such lump-sum payment at retirement, and earnings, into*

a qualified retirement account whether segregated from or commingled with other retirement funds; shall not be subject to execution, garnishment or attachment, or, except as otherwise provided, any other process or claim whatsoever; and shall be unassignable, except that within 30 days after the death of a retirant the lump-sum death benefit payable to a retirant's beneficiary pursuant to the provisions of K.S.A. 74-4989 and amendments thereto may be assignable to a funeral establishment providing funeral services to the retirant by the beneficiary of such retirant. Any annuity or benefit or accumulated contributions due and owing to any person under the provisions of K.S.A. 74-4901 et seq. or 74-4951 et seq. and amendments thereto are subject to claims of an alternate payee under a qualified domestic relations order. As used in this subsection, the terms "alternate payee" and "qualified domestic relations order" shall have the meaning ascribed to them in section 414(p) of the federal internal revenue code. The provisions of this act shall apply to any qualified domestic relations order which is in effect on or after July 1, 1994. The Kansas public employees retirement system shall not be a party to any action under article 16 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto, but is subject to orders from such actions issued by the district court of the county where such action was filed and may also accept orders which it deems to be qualified under this subsection from courts having jurisdiction of such actions outside the state of Kansas. Such orders from such actions shall specify either a specific amount or specific percentage of the amount of the pension or benefit or any accumulated contributions due and owing from the system to be distributed by the system pursuant to this act.

(c) In any case where a state agency is owed a debt or where a participating employer under the Kansas public employees retirement system or under the Kansas police and firemen's retirement system has been required to pay and has paid an arrearage obligation of the amount of contributions of a member which were not paid at the time required and where the employment of the member by the state agency or participating employer has been terminated and the member is eligible to withdraw accumulated contributions in accordance with K.S.A. 74-4917 and 74-4963, and amendments thereto, the state agency or participating employer shall be paid from the member's account in the fund an amount equal to the debt or the amount of contributions of the member paid by the participating employer pursuant to an arrearage obligation, upon application to the board therefor accompanied by certification of the amount to be paid to the state agency or participating employer. If any application and certification under this subsection are not received by the board prior to the withdrawal of accumulated contributions by the member, the board shall not be liable to pay and shall not pay any amount from the fund pursuant to any such application and certification.

Sec. 5. K.S.A. 74-4960 is hereby amended to read as follows: 74-4960. (1) If any active contributing member becomes totally and permanently disabled due to service-connected causes as defined in subsection (10) of K.S.A. 74-4952 and amendments thereto, such member shall be retired and the following benefits shall become payable and shall continue until the member's death or until the member recovers from the disability if: A report of the event in a form acceptable to the board is filed in the office of the executive director of the board within 220 days after the date of the event or act of duty causing such disability; and an application for such benefit, in such form and manner as the board prescribes, is filed by the member or the member's authorized representative in the office of the executive director of the board within two years of the date of disability, except the board may waive such two-year requirement if the board is presented with evidence that clearly warrants such a waiver:

(a) On and after July 1, 1993, the member shall receive a retirement benefit equal to 50% of the member's final average

salary or, if the member has no dependents, as defined in subsection (1)(b), the retirement benefit the member would have been entitled to as provided under K.S.A. 74-4958 and amendments thereto had the member retired, whichever is greater. Such benefit shall accrue from the day upon which the member ceases to draw compensation.

(b) Except as otherwise provided by this subsection, each of the member's children under the age of 18 years or each of the member's children under the age of 23 years who is a full-time student as provided in K.S.A. 74-49,117 and amendments thereto shall receive an annual benefit equal to 10% of the member's final average salary. Such benefit shall accrue from the day upon which the member ceases to draw compensation and shall end on the last day of the month in which each such child or children shall attain the age of 18 years or die, whichever occurs earlier or in which such children attain the age of 23 years, if such child is a full-time student as provided in K.S.A. 74-49,117 and amendments thereto. Commencing on the effective date of this act, any child who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such child's marriage, shall be entitled to once again receive benefits pursuant to this section subject to the limitations contained in this section, except that such child shall not be entitled to recover any benefits not received after the termination of benefits by reason of such child's marriage but before the effective date of this act. For a member who becomes totally and permanently disabled as provided in this section on and after July 1, 2001, only the member's children who were born, conceived or adopted prior to the commencement of the member's disability are entitled to the annual benefit as provided in this subsection.

(c) In no case shall the total of the benefits payable under paragraphs (a) and (b) of this subsection (1) be in excess of 75% of the member's final average salary. *In no case shall a member who qualifies for a benefit payable under paragraph (b) of this subsection receive a total retirement benefit that would be less than the total benefit that the member would be entitled to if the member qualified for a benefit payable under subsection (a) of this subsection. Any deficiency caused by the fact that the member has a child or children shall be compensated by the percentage difference in the member's total retirement benefit.*

(d) In the event a member who is retired under subsection (1) dies within two years after the date of such retirement and no benefits are payable under subsection (3) of K.S.A. 74-4958 and amendments thereto, then benefits may be payable under subsection (1) of K.S.A. 74-4959 and amendments thereto.

(e) In the event a member who is retired under subsection (1) dies more than two years after the date of such retirement, and the proximate cause of such death is the service-connected cause from which the disability resulted and no benefits are payable under subsection (3) of K.S.A. 74-4958 and amendments thereto, then benefits may be payable under subsection (1) of K.S.A. 74-4959 and amendments thereto. The provisions of this paragraph (e) of this subsection (1) shall apply in all cases of such members who die after June 30, 1978.

(f) In the event a member who is retired under subsection (1) dies after the date of such retirement, and no benefits are payable under paragraphs (d) and (e) of subsection (1), nor under subsection (3) of K.S.A. 74-4958 and amendments thereto, the following benefits shall be payable:

(i) To the member's spouse, if lawfully wedded to the member at the time of the member's death, a lump-sum benefit equal to 50% of the member's final average salary at the time of the member's retirement.

(ii) To the member's spouse, if lawfully wedded to the member at the time of the member's death, an annual benefit equal to 50% of the member's retirement benefit payable in monthly installments, to accrue from the first day of the month following the member's date of death and ending on the last day of the

month in which the spouse dies. Commencing on the effective date of this act, any surviving spouse, who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such spouse's remarriage, shall be entitled to once again receive benefits pursuant to this section, except that such surviving spouse shall not be entitled to recover any benefits not received after the termination of benefits by reason of such surviving spouse's remarriage but before the effective date of this act. If there is no surviving spouse, or if after the death of the spouse there remain one or more children under the age of 18 years or one or more children under the age of 23 years who is a full-time student as provided in K.S.A. 74-49,117 and amendments thereto, the annual spouse's benefit shall be payable, subject to the provisions of K.S.A. 74-49,123 and amendments thereto, in equal shares to such children and each child's share shall end on the last day of the month in which such child attains the age of 18 years or dies, whichever occurs earlier or in which such child attains the age of 23 years, if such child is a full-time student as provided in K.S.A. 74-49,117 and amendments thereto. Commencing on the effective date of this act, any child who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such child's marriage, shall be entitled to once again receive benefits pursuant to this section subject to the limitations contained in this section, except that such child shall not be entitled to recover any benefits not received after the termination of benefits by reason of such child's marriage but before the effective date of this act.

The provisions of paragraph (f) of subsection (1) shall apply in all cases of such members who die after December 1, 1984.

(2) (a) If any active contributing member, prior to such member's normal retirement, becomes totally and permanently disabled for a period of 180 days from causes not service-connected, and not as the result of a willfully negligent or intentional act of the member, such member shall be retired and the following benefit shall become payable and shall continue until the member's death or until the member recovers from such disability, whichever occurs first, if a report of the disability in a form acceptable to the board is filed in the office of the executive director of the board within 220 days after the date of the commencement of such disability and if an application for such benefit in such form and manner as the board shall prescribe is filed in the office of the executive director of the board within two years of the date of disability, except that the board may waive such two-year requirement, if the board is presented with evidence that clearly warrants such a waiver.

A retirement benefit equal to 2.5% of the member's final average salary multiplied by the number of years of credited service or the retirement benefit the member would have been entitled to as provided under K.S.A. 74-4958 and amendments thereto had the member retired, whichever is greater, multiplied by the number of years of credited service except that such retirement benefit shall be at least equal to 25% of the member's final average salary but shall not exceed the amount of the retirement benefit provided in paragraph (a) of subsection (1). Such benefit shall not become payable until satisfactory evidence shall be presented to the board that the member is and has been totally and permanently disabled for a period of 180 days, but benefits shall accrue from the day upon which the member ceases to draw compensation.

(b) In the event a member who is retired under subsection (2) dies after the date of such retirement, the following benefits shall be payable:

(i) Pursuant to the provisions of K.S.A. 74-49,128, and amendments thereto, to the member's spouse, if lawfully wedded to the member at the time of the member's death and if no benefits are payable under subsection (3) of K.S.A. 74-4958, and

(continued)

amendments thereto, a lump-sum benefit equal to 50% of the member's final average salary at the time of the member's retirement.

(ii) To the member's spouse, if lawfully wedded to the member at the time of the member's death, an annual benefit equal to 50% of the member's retirement benefit payable in monthly installments, to accrue from the first day of the month following the member's date of death and ending on the last day of the month in which the spouse dies. Commencing on the effective date of this act, any surviving spouse, who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such spouse's remarriage, shall be entitled to once again receive benefits pursuant to this section, except that such surviving spouse shall not be entitled to recover any benefits not received after the termination of benefits by reason of such surviving spouse's remarriage but before the effective date of this act. If there is no surviving spouse, or if after the death of the spouse there remain one or more children under the age of 18 years or one or more children under the age of 23 years who are full-time students as provided in K.S.A. 74-49,117 and amendments thereto, the spouse's benefit shall be payable, subject to the provisions of K.S.A. 74-49,123 and amendments thereto, in equal shares to such children and each child's share shall end on the last day of the month in which such child attains the age of 18 years or dies, whichever occurs earlier or in which such child attains the age of 23 years, if such child is a full-time student as provided in K.S.A. 74-49,117 and amendments thereto. Commencing on the effective date of this act, any child who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such child's marriage, shall be entitled to once again receive benefits pursuant to this section subject to the limitations contained in this section, except that such child shall not be entitled to recover any benefits not received after the termination of benefits by reason of such child's marriage but before the effective date of this act.

The provisions of paragraph (b) of subsection (2) shall apply in all cases of such members who die after July 1, 1989.

(3) Any member who was employed for compensation by an employer other than the member's participating employer and whose disability was incurred in the course of such other employment shall not be eligible for any of the benefits provided in subsection (2).

(4) If a member becomes totally and permanently disabled and no benefits are payable under subsection (1) or (2), the sum of the member's accumulated contributions shall be paid to the member.

(5) Any member receiving benefits under this section shall submit to medical examination, not more frequent than annually, by one or more physicians or any other practitioners of the healing arts holding a valid license issued by Kansas state board of healing arts, as the board of trustees may direct. If upon such medical examination, the examiner's report to the board states that the retirant is physically able and capable of resuming employment with the same or a different participating employer, the disability benefits shall terminate. A retirant who has been receiving benefits under the provisions of this section and who returns to employment, as defined in subsection (4) of K.S.A. 74-4952 and amendments thereto, of a participating employer shall immediately commence accruing service credit which shall be added to that which has been accrued by virtue of previous service.

(6) Any retirant who has been receiving benefits under the provisions of this section for a period of five years shall be deemed finally retired and shall not be subject to further medical examinations, except that if the board of trustees shall have reasonable grounds to question whether the retirant remains totally and permanently disabled, a further medical examination or examinations may be required.

(7) Refusal or neglect to submit to examination as provided in subsection (5) shall be sufficient cause for suspending or discontinuing benefit payments under this section and if such refusal or neglect shall continue for a period of one year, the member's rights in and to all benefits under this system may be revoked by the board.

(8) Any retirement benefits payable under the provisions of this section shall be in lieu of normal retirement benefits as provided in subsections (1) and (2) of K.S.A. 74-4958 and amendments thereto.

(9) Each member shall report to such member's participating employer any event or act of duty causing disability within 200 days after such event or act of duty. The member's participating employer shall file in the office of the executive director of the board, in a form acceptable to the board, a report of the event or act of duty causing disability within 220 days after the event or act of duty.

(10) In any case of any event occurring prior to July 1, 1979, and after June 30, 1998, for which a report of the event was made by the participating employer to the director of workers compensation in accordance with K.S.A. 44-557 and amendments thereto, such report to the director of workers compensation shall satisfy the requirement under subsection (1) of this section to file a report of such event, in a form acceptable to the board within 220 days. No such report to the director of workers' compensation shall be deemed to satisfy such requirement with respect to events occurring on or after July 1, 1979, and prior to July 1, 1998.

(11) All payments due under this section to a minor shall be made to a legally appointed conservator of such minor.

(12) The provisions of this section shall apply only to members who were appointed or employed prior to July 1, 1989, and who did not make an election pursuant to K.S.A. 74-4955a and amendments thereto.

(13) Any retirant who has been receiving benefits under the provisions of this section and who returns to employment with the same or different participating employer in the system shall be deemed no longer retired.

(14) Upon the death of a member after retirement, if no benefits are payable under the provisions of this section, the excess, if any, of the retirant's accumulated contributions over the sum of all benefits paid shall be paid to the member's beneficiary.

Sec. 6. K.S.A. 74-4923 and 74-4960 are hereby repealed.

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

(Published in the Kansas Register May 24, 2007.)

HOUSE Substitute for SENATE BILL No. 14

AN ACT concerning the department of corrections and the criminal code recodification commission; amending K.S.A. 75-5268, 75-5293 and 75-52,111 and K.S.A. 2006 Supp. 21-4706, 21-4722 and 22-3717 and repealing the existing sections.

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

New Section 1. (a) On and after July 1, 2007, subject to the provision of appropriation acts, the secretary of corrections shall develop and implement a grant program with the goal of increasing public safety, reducing the risk of offenders on community supervision and reducing each community corrections program's revocations rate by at least 20% from such program's fiscal year 2006 revocation rate. Any county or counties operating community correctional services may apply for the grant. The program shall give priority to a county or counties in which the revocation rate for offenders on community supervision is significantly higher than the statewide average, which target a

higher percentage of revocation reductions than the required minimum of 20% or which target the successful reentry of offenders who are considered medium or high risk for revocation.

(b) The secretary shall adopt grant requirements in accordance with this section. Proposals for grants under this program shall include, but not be limited to, provisions to:

(1) Target offenders at medium and high risk for revocation utilizing risk assessment instruments approved by the secretary;

(2) reduce and specialize caseloads for community corrections officers;

(3) provide the offenders with the needed supervision and services to improve such offenders' opportunity to successfully complete community correctional services programs, resulting in a reduction in revocations to prison. Such services may include, but not be limited to, employment training and placement, educational assistance, transportation and housing. Such services shall be evidence-based and address offenders' criminogenic risks, needs and responsivity characteristics;

(4) use an intermediate sanctions community supervision model;

(5) provide staff training and skill development for community corrections officers in risk reduction and intervention. Such training and development shall be approved and certified by the secretary;

(6) utilize treatment options, including substance abuse treatment, mental health treatment, and cognitive and behavioral programs for offenders. For identified need areas, approved assessment and evaluation instruments should be utilized to ensure offender placement into appropriate levels of treatment and intervention;

(7) use gang intervention strategies;

(8) address safety concerns of the community;

(9) implement a method of tracking and reporting revocations;

(10) establish a goal of reducing the number of offenders, by a specified percentage, whose supervision is revoked and the offender sentenced to prison by providing: (A) A plan to reduce the revocation rate for offenders on community supervision by at least 20% from such program's fiscal year 2006 revocations rate; (B) a plan to reduce the revocation rate at a percentage greater than the 20% minimum established to receive such grants; or (C) a plan which targets the successful reentry of offenders who are considered medium or high risk for revocation;

(11) develop a specific accountability system for monitoring, tracking and utilizing the grant funds and to evaluate the effectiveness of the grant funds; and

(12) develop a consistent set of policies that will guide judges and community corrections officers in the supervision and revocation of offenders on community corrections supervision.

(c) The department of corrections shall establish a date for achieving goals based upon implementation time-lines and goals specific to each grant, which may include an overall reduction or a reduction for a specifically targeted population.

(d) The department of corrections shall evaluate the programs which received a grant using a research-based process evaluation targeting the critical components of effective programs to ensure that the program is being delivered as such program was designed. Continued funding shall be contingent on the program meeting the established goals.

(e) The secretary shall prepare a report which states the number of programs receiving grants pursuant to this section, specifically identifying each program, summarizing the provisions of each program and the success of the program in reducing revocations. Such report shall be delivered to the governor, the secretary of the senate, the chief clerk of the house of representatives and the Kansas reentry policy council on or before

the first day of the regular legislative session each year in which the grant program is funded.

Sec. 2. On and after July 1, 2007, K.S.A. 2006 Supp. 21-4706 is hereby amended to read as follows: 21-4706. (a) For crimes committed on or after July 1, 1993, the sentences of imprisonment shall represent the time a person shall actually serve, subject to a reduction of up to 15% of the primary sentence for good time as authorized by law. *For crimes committed on or after January 1, 2008, the sentences of imprisonment shall represent the time a person shall actually serve, subject to a reduction of up to 20% of the primary sentence for good time for drug severity level 3 or 4 or non-drug severity level 7 through 10 crimes and a reduction for program credit as authorized by K.S.A. 21-4722, and amendments thereto.*

(b) The sentencing court shall pronounce sentence in all felony cases.

(c) Violations of K.S.A. 21-3401, 21-3439 and 21-3801 and amendments thereto and K.S.A. 2006 Supp. 21-3449 and 21-3450, and amendments thereto, are off-grid crimes for the purpose of sentencing. Except as otherwise provided by K.S.A. 21-4622 through 21-4627, and 21-4629 through 21-4631, and amendments thereto, the sentence shall be imprisonment for life and shall not be subject to statutory provisions for suspended sentence, community service or probation.

(d) As identified in K.S.A. 21-3502, ~~21-3404~~ 21-3504, 21-3506, 21-3513 and 21-3516 and K.S.A. 2006 Supp. 21-3447, and amendments thereto, if the offender is 18 years of age or older and the victim is under 14 years of age, such violations are off-grid crimes for the purposes of sentencing. Except as provided in K.S.A. 2006 Supp. 21-4642, and amendments thereto, the sentence shall be imprisonment for life pursuant to K.S.A. 2006 Supp. 21-4643, and amendments thereto.

Sec. 3. On and after July 1, 2007, K.S.A. 2006 Supp. 21-4722 is hereby amended to read as follows: 21-4722. (a) For purposes of determining release of an inmate ~~for a crime committed on or after July 1, 1993,~~ the following shall apply with regard to good time calculations:

(1) A system shall be developed whereby good behavior by inmates is the expected norm and negative behavior will be punished; and

(2) the amount of *good time* which can be earned by an inmate and subtracted from any sentence is limited to: (A) *For a crime committed on or after July 1, 1993,* an amount equal to 15% of the prison part of the sentence; or (B) *for a drug severity level 3 or 4 or a nondrug severity level 7 through 10 crime committed on or after January 1, 2008,* an amount equal to 20% of the prison part of the sentence.

(b) Any time which is earned and subtracted from ~~any presumptive~~ *the prison part of the sentence* of any inmate pursuant to good time calculation shall be added to such inmate's ~~time~~ *time of postrelease supervision obligation.*

(c) The secretary of corrections is hereby authorized to adopt rules and regulations to carry out the provisions of this ~~act~~ *section* regarding good time calculations. Such rules and regulations shall provide circumstances upon which an inmate may earn good time credits and for the forfeiture of earned credits and such circumstances may include factors substantially related to program and work participation and conduct and the inmate's willingness to examine and confront the past behavior patterns that resulted in the commission of the inmate's crimes.

(d) An inmate shall not be awarded good time credits pursuant to this section for any review period established by the secretary of corrections in which a court finds that the inmate has done any of the following while in the custody of the secretary of corrections:

(1) Filed a false or malicious action or claim with the court;

(2) brought an action or claim with the court solely or primarily for delay or harassment;

(continued)

(3) testified falsely or otherwise submitted false evidence or information to the court;

(4) attempted to create or obtain a false affidavit, testimony or evidence; or

(5) abused the discovery process in any judicial action or proceeding.

(e) (1) *For purposes of determining release of an inmate who is serving only a sentence for a nondrug severity level 4 through 10 crime or a drug severity level 3 or 4 crime committed on or after January 1, 2008, in addition to any good time credits earned and retained, the following shall apply with regard to program credit calculations:*

(A) *A system shall be developed whereby program credits may be earned by inmates for the successful completion of a general education diploma, a technical or vocational training program, a substance abuse treatment program or any other program designated by the secretary which has been shown to reduce offender's risk after release; and*

(B) *the amount of time which can be earned and retained by an inmate for the successful completion of programs and subtracted from any sentence is limited to not more than 60 days.*

(2) *Any time which is earned and subtracted from the prison part of the sentence of any inmate pursuant to program credit calculation shall be added to such inmate's postrelease supervision obligation, if applicable.*

(3) *When separate sentences of imprisonment for different crimes are imposed on a defendant on the same date, a defendant shall only be eligible for program credits if such crimes are a nondrug severity level 4 through 10 or a drug severity level 3 or 4.*

(4) *Program credits shall not be earned by any offender successfully completing a sex offender treatment program.*

(5) *The secretary of corrections is hereby authorized to adopt rules and regulations to carry out the provisions of this subsection regarding program credit calculations. Such rules and regulations shall provide circumstances upon which an inmate may earn program credits and for the forfeiture of earned credits and such circumstances may include factors substantially related to program participation and conduct.*

(6) *The secretary of corrections shall report to the Kansas sentencing commission and the Kansas reentry policy council the data on the program credit calculations.*

Sec. 4. On and after July 1, 2007, K.S.A. 2006 Supp. 22-3717 is hereby amended to read as follows: 22-3717. (a) Except as otherwise provided by this section; K.S.A. 1993 Supp. 21-4628 prior to its repeal; K.S.A. 21-4635 through 21-4638, and amendments thereto; K.S.A. 8-1567, and amendments thereto; K.S.A. 2006 Supp. 21-4642, and amendments thereto; and K.S.A. 21-4624, and amendments thereto, an inmate, including an inmate sentenced pursuant to K.S.A. 21-4618, and amendments thereto, shall be eligible for parole after serving the entire minimum sentence imposed by the court, less good time credits.

(b) (1) Except as provided by K.S.A. 21-4635 through 21-4638, and amendments thereto, an inmate sentenced to imprisonment for the crime of capital murder, or an inmate sentenced for the crime of murder in the first degree based upon a finding of premeditated murder, committed on or after July 1, 1994, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits.

(2) Except as provided by subsection (b)(1) or (b)(4), K.S.A. 1993 Supp. 21-4628 prior to its repeal and K.S.A. 21-4635 through 21-4638, and amendments thereto, an inmate sentenced to imprisonment for an off-grid offense committed on or after July 1, 1993, but prior to July 1, 1999, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits and an inmate sentenced to imprisonment for an off-grid offense committed on or after July 1, 1999, shall be eligible for parole after serving 20 years of confinement without deduction of any good time credits.

(3) Except as provided by K.S.A. 1993 Supp. 21-4628 prior to its repeal, an inmate sentenced for a class A felony committed before July 1, 1993, including an inmate sentenced pursuant to

K.S.A. 21-4618, and amendments thereto, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits.

(4) An inmate sentenced to imprisonment for a violation of subsection (a) of K.S.A. 21-3402, and amendments thereto, committed on or after July 1, 1996, but prior to July 1, 1999, shall be eligible for parole after serving 10 years of confinement without deduction of any good time credits.

(5) An inmate sentenced to imprisonment pursuant to K.S.A. 2006 Supp. 21-4643, and amendments thereto, committed on or after July 1, 2006, shall be eligible for parole after serving the mandatory term of imprisonment without deduction of any good time credits.

(c) (1) Except as provided in subsection (e), if an inmate is sentenced to imprisonment for more than one crime and the sentences run consecutively, the inmate shall be eligible for parole after serving the total of:

(A) The aggregate minimum sentences, as determined pursuant to K.S.A. 21-4608 and amendments thereto, less good time credits for those crimes which are not class A felonies; and

(B) an additional 15 years, without deduction of good time credits, for each crime which is a class A felony.

(2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 2006 Supp. 21-4643, and amendments thereto, for crimes committed on or after July 1, 2006, the inmate shall be eligible for parole after serving the mandatory term of imprisonment.

(d) (1) Persons sentenced for crimes, other than off-grid crimes, committed on or after July 1, 1993, or persons subject to subparagraph (G), will not be eligible for parole, but will be released to a mandatory period of postrelease supervision upon completion of the prison portion of their sentence as follows:

(A) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity level 1 through 4 crimes and drug severity levels 1 and 2 crimes must serve 36 months, plus the amount of good time *and program credit* earned and retained pursuant to K.S.A. 21-4722, and amendments thereto, on postrelease supervision.

(B) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 5 and 6 crimes and drug severity level 3 crimes must serve 24 months, plus the amount of good time *and program credit* earned and retained pursuant to K.S.A. 21-4722, and amendments thereto, on postrelease supervision.

(C) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity level 7 through 10 crimes and drug severity level 4 crimes must serve 12 months, plus the amount of good time *and program credit* earned and retained pursuant to K.S.A. 21-4722, and amendments thereto, on postrelease supervision.

(D) (i) The sentencing judge shall impose the postrelease supervision period provided in subparagraph (d)(1)(A), (d)(1)(B) or (d)(1)(C), unless the judge finds substantial and compelling reasons to impose a departure based upon a finding that the current crime of conviction was sexually motivated. In that event, departure may be imposed to extend the postrelease supervision to a period of up to 60 months.

(ii) If the sentencing judge departs from the presumptive postrelease supervision period, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure. Departures in this section are subject to appeal pursuant to K.S.A. 21-4721, and amendments thereto.

(iii) In determining whether substantial and compelling reasons exist, the court shall consider:

(a) Written briefs or oral arguments submitted by either the defendant or the state;

(b) any evidence received during the proceeding;

(c) the presentence report, the victim's impact statement and any psychological evaluation as ordered by the court pursuant

to subsection (e) of K.S.A. 21-4714, and amendments thereto; and

(d) any other evidence the court finds trustworthy and reliable.

(iv) The sentencing judge may order that a psychological evaluation be prepared and the recommended programming be completed by the offender. The department of corrections or the parole board shall ensure that court ordered sex offender treatment be carried out.

(v) In carrying out the provisions of subparagraph (d)(1)(D), the court shall refer to K.S.A. 21-4718, and amendments thereto.

(vi) Upon petition, the parole board may provide for early discharge from the postrelease supervision period upon completion of court ordered programs and completion of the presumptive postrelease supervision period, as determined by the crime of conviction, pursuant to subparagraph (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from postrelease supervision is at the discretion of the parole board.

(vii) Persons convicted of crimes deemed sexually violent or sexually motivated, shall be registered according to the offender registration act, K.S.A. 22-4901 through 22-4910, and amendments thereto.

(viii) Persons convicted of K.S.A. 21-3510 or 21-3511, and amendments thereto, shall be required to participate in a treatment program for sex offenders during the postrelease supervision period.

(E) The period of postrelease supervision provided in subparagraphs (A) and (B) may be reduced by up to 12 months and the period of postrelease supervision provided in subparagraph (C) may be reduced by up to six months based on the offender's compliance with conditions of supervision and overall performance while on postrelease supervision. The reduction in the supervision period shall be on an earned basis pursuant to rules and regulations adopted by the secretary of corrections.

(F) In cases where sentences for crimes from more than one severity level have been imposed, the offender shall serve the longest period of postrelease supervision as provided by this section available for any crime upon which sentence was imposed irrespective of the severity level of the crime. Supervision periods will not aggregate.

(G) Except as provided in subsection (u), persons convicted of a sexually violent crime committed on or after July 1, 2006, and who are released from prison, shall be released to a mandatory period of postrelease supervision for the duration of the person's natural life.

(2) As used in this section, "sexually violent crime" means:

(A) Rape, K.S.A. 21-3502, and amendments thereto;

(B) indecent liberties with a child, K.S.A. 21-3503, and amendments thereto;

(C) aggravated indecent liberties with a child, K.S.A. 21-3504, and amendments thereto;

(D) criminal sodomy, subsection (a)(2) and (a)(3) of K.S.A. 21-3505, and amendments thereto;

(E) aggravated criminal sodomy, K.S.A. 21-3506, and amendments thereto;

(F) indecent solicitation of a child, K.S.A. 21-3510, and amendments thereto;

(G) aggravated indecent solicitation of a child, K.S.A. 21-3511, and amendments thereto;

(H) sexual exploitation of a child, K.S.A. 21-3516, and amendments thereto;

(I) aggravated sexual battery, K.S.A. 21-3518, and amendments thereto;

(J) aggravated incest, K.S.A. 21-3603, and amendments thereto; or

(K) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, and amendments thereto, of a sexually violent crime as defined in this section.

"Sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(e) If an inmate is sentenced to imprisonment for a crime committed while on parole or conditional release, the inmate shall be eligible for parole as provided by subsection (c), except that the Kansas parole board may postpone the inmate's parole eligibility date by assessing a penalty not exceeding the period of time which could have been assessed if the inmate's parole or conditional release had been violated for reasons other than conviction of a crime.

(f) If a person is sentenced to prison for a crime committed on or after July 1, 1993, while on probation, parole, conditional release or in a community corrections program, for a crime committed prior to July 1, 1993, and the person is not eligible for retroactive application of the sentencing guidelines and amendments thereto pursuant to K.S.A. 21-4724, and amendments thereto, the new sentence shall not be aggregated with the old sentence, but shall begin when the person is paroled or reaches the conditional release date on the old sentence. If the offender was past the offender's conditional release date at the time the new offense was committed, the new sentence shall not be aggregated with the old sentence but shall begin when the person is ordered released by the Kansas parole board or reaches the maximum sentence expiration date on the old sentence, whichever is earlier. The new sentence shall then be served as otherwise provided by law. The period of postrelease supervision shall be based on the new sentence, except that those offenders whose old sentence is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp. 21-4628 prior to its repeal, or an indeterminate sentence with a maximum term of life imprisonment, for which there is no conditional release or maximum sentence expiration date, shall remain on postrelease supervision for life or until discharged from supervision by the Kansas parole board.

(g) Subject to the provisions of this section, the Kansas parole board may release on parole those persons confined in institutions who are eligible for parole when: (1) The board believes that the inmate should be released for hospitalization, for deportation or to answer the warrant or other process of a court and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate; or (2) the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a, and amendments thereto, or any revision of such agreement, and the board believes that the inmate is able and willing to fulfill the obligations of a law abiding citizen and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate. Parole shall not be granted as an award of clemency and shall not be considered a reduction of sentence or a pardon.

(h) The Kansas parole board shall hold a parole hearing at least the month prior to the month an inmate will be eligible for parole under subsections (a), (b) and (c). At least the month preceding the parole hearing, the county or district attorney of the county where the inmate was convicted shall give written notice of the time and place of the public comment sessions for the inmate to any victim of the inmate's crime who is alive and whose address is known to the county or district attorney or, if the victim is deceased, to the victim's family if the family's address is known to the county or district attorney. Except as otherwise provided, failure to notify pursuant to this section shall not be a reason to postpone a parole hearing. In the case of any inmate convicted of an off-grid felony or a class A felony the secretary of corrections shall give written notice of the time and

(continued)

place of the public comment session for such inmate at least one month preceding the public comment session to any victim of such inmate's crime or the victim's family pursuant to K.S.A. 74-7338, and amendments thereto. If notification is not given to such victim or such victim's family in the case of any inmate convicted of an off-grid felony or a class A felony, the board shall postpone a decision on parole of the inmate to a time at least 30 days after notification is given as provided in this section. Nothing in this section shall create a cause of action against the state or an employee of the state acting within the scope of the employee's employment as a result of the failure to notify pursuant to this section. If granted parole, the inmate may be released on parole on the date specified by the board, but not earlier than the date the inmate is eligible for parole under subsections (a), (b) and (c). At each parole hearing and, if parole is not granted, at such intervals thereafter as it determines appropriate, the Kansas parole board shall consider: (1) Whether the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a, and amendments thereto, or any revision of such agreement; and (2) all pertinent information regarding such inmate, including, but not limited to, the circumstances of the offense of the inmate; the presentence report; the previous social history and criminal record of the inmate; the conduct, employment, and attitude of the inmate in prison; the reports of such physical and mental examinations as have been made; comments of the victim and the victim's family including in person comments, contemporaneous comments and prerecorded comments made by any technological means; comments of the public; official comments; and capacity of state correctional institutions.

(i) In those cases involving inmates sentenced for a crime committed after July 1, 1993, the parole board will review the inmates proposed release plan. The board may schedule a hearing if they desire. The board may impose any condition they deem necessary to insure public safety, aid in the reintegration of the inmate into the community, or items not completed under the agreement entered into under K.S.A. 75-5210a, and amendments thereto. The board may not advance or delay an inmate's release date. Every inmate while on postrelease supervision shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary.

(j) Before ordering the parole of any inmate, the Kansas parole board shall have the inmate appear before either in person or via a video conferencing format and shall interview the inmate unless impractical because of the inmate's physical or mental condition or absence from the institution. Every inmate while on parole shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary. Whenever the Kansas parole board formally considers placing an inmate on parole and no agreement has been entered into with the inmate under K.S.A. 75-5210a, and amendments thereto, the board shall notify the inmate in writing of the reasons for not granting parole. If an agreement has been entered under K.S.A. 75-5210a, and amendments thereto, and the inmate has not satisfactorily completed the programs specified in the agreement, or any revision of such agreement, the board shall notify the inmate in writing of the specific programs the inmate must satisfactorily complete before parole will be granted. If parole is not granted only because of a failure to satisfactorily complete such programs, the board shall grant parole upon the secretary's certification that the inmate has successfully completed such programs. If an agreement has been entered under K.S.A. 75-5210a, and amendments thereto, and the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by such agreement, or any revision thereof, the board shall not require further program participation. However, if the board determines that other pertinent information regarding the inmate warrants the in-

mate's not being released on parole, the board shall state in writing the reasons for not granting the parole. If parole is denied for an inmate sentenced for a crime other than a class A or class B felony or an off-grid felony, the board shall hold another parole hearing for the inmate not later than one year after the denial unless the parole board finds that it is not reasonable to expect that parole would be granted at a hearing if held in the next three years or during the interim period of a deferral. In such case, the parole board may defer subsequent parole hearings for up to three years but any such deferral by the board shall require the board to state the basis for its findings. If parole is denied for an inmate sentenced for a class A or class B felony or an off-grid felony, the board shall hold another parole hearing for the inmate not later than three years after the denial unless the parole board finds that it is not reasonable to expect that parole would be granted at a hearing if held in the next 10 years or during the interim period of a deferral. In such case, the parole board may defer subsequent parole hearings for up to 10 years but any such deferral shall require the board to state the basis for its findings.

(k) Parolees and persons on postrelease supervision shall be assigned, upon release, to the appropriate level of supervision pursuant to the criteria established by the secretary of corrections.

(l) The Kansas parole board shall adopt rules and regulations in accordance with K.S.A. 77-415 et seq., and amendments thereto, not inconsistent with the law and as it may deem proper or necessary, with respect to the conduct of parole hearings, postrelease supervision reviews, revocation hearings, orders of restitution, reimbursement of expenditures by the state board of indigents' defense services and other conditions to be imposed upon parolees or releasees. Whenever an order for parole or postrelease supervision is issued it shall recite the conditions thereof.

(m) Whenever the Kansas parole board orders the parole of an inmate or establishes conditions for an inmate placed on postrelease supervision, the board:

(1) Unless it finds compelling circumstances which would render a plan of payment unworkable, shall order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision pay any transportation expenses resulting from returning the parolee or the person on postrelease supervision to this state to answer criminal charges or a warrant for a violation of a condition of probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision;

(2) to the extent practicable, shall order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision make progress towards or successfully complete the equivalent of a secondary education if the inmate has not previously completed such educational equivalent and is capable of doing so;

(3) may order that the parolee or person on postrelease supervision perform community or public service work for local governmental agencies, private corporations organized not-for-profit or charitable or social service organizations performing services for the community;

(4) may order the parolee or person on postrelease supervision to pay the administrative fee imposed pursuant to K.S.A. 2006 Supp. 22-4529, and amendments thereto, unless the board finds compelling circumstances which would render payment unworkable; and

(5) unless it finds compelling circumstances which would render a plan of payment unworkable, shall order that the parolee or person on postrelease supervision reimburse the state for all or part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the person. In determining the amount and method of pay-

ment of such sum, the parole board shall take account of the financial resources of the person and the nature of the burden that the payment of such sum will impose. Such amount shall not exceed the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less, minus any previous payments for such services.

(n) If the court which sentenced an inmate specified at the time of sentencing the amount and the recipient of any restitution ordered as a condition of parole or postrelease supervision, the Kansas parole board shall order as a condition of parole or postrelease supervision that the inmate pay restitution in the amount and manner provided in the journal entry unless the board finds compelling circumstances which would render a plan of restitution unworkable.

(o) Whenever the Kansas parole board grants the parole of an inmate, the board, within 10 days of the date of the decision to grant parole, shall give written notice of the decision to the county or district attorney of the county where the inmate was sentenced.

(p) When an inmate is to be released on postrelease supervision, the secretary, within 30 days prior to release, shall provide the county or district attorney of the county where the inmate was sentenced written notice of the release date.

(q) Inmates shall be released on postrelease supervision upon the termination of the prison portion of their sentence. Time served while on postrelease supervision will vest.

(r) An inmate who is allocated regular good time credits as provided in K.S.A. 22-3725, and amendments thereto, may receive meritorious good time credits in increments of not more than 90 days per meritorious act. These credits may be awarded by the secretary of corrections when an inmate has acted in a heroic or outstanding manner in coming to the assistance of another person in a life threatening situation, preventing injury or death to a person, preventing the destruction of property or taking actions which result in a financial savings to the state.

(s) The provisions of subsections (d)(1)(A), (d)(1)(B), (d)(1)(C) and (d)(1)(E) shall be applied retroactively as provided in subsection (t).

(t) For offenders sentenced prior to the effective date of this act who are eligible for modification of their postrelease supervision obligation, the department of corrections shall modify the period of postrelease supervision as provided for by this section for offenders convicted of severity level 9 and 10 crimes on the sentencing guidelines grid for nondrug crimes and severity level 4 crimes on the sentencing guidelines grid for drug crimes on or before September 1, 2000; for offenders convicted of severity level 7 and 8 crimes on the sentencing guidelines grid for nondrug crimes on or before November 1, 2000; and for offenders convicted of severity level 5 and 6 crimes on the sentencing guidelines grid for nondrug crimes and severity level 3 crimes on the sentencing guidelines grid for drug crimes on or before January 1, 2001.

(u) An inmate sentenced to imprisonment pursuant to K.S.A. 2006 Supp. 21-4643, and amendments thereto, for crimes committed on or after July 1, 2006, shall be placed on parole for life and shall not be discharged from supervision by the Kansas parole board. When the board orders the parole of an inmate pursuant to this subsection, the board shall order as a condition of parole that the inmate be electronically monitored for the duration of the inmate's natural life.

(v) Whenever the Kansas parole board or the court orders a person to be electronically monitored, the board or court shall order the person to reimburse the state for all or part of the cost of such monitoring. In determining the amount and method of payment of such sum, the board or court shall take account of

the financial resources of the person and the nature of the burden that the payment of such sum will impose.

Sec. 5. On and after July 1, 2007, K.S.A. 75-5268 is hereby amended to read as follows: 75-5268. (1) Any inmate who is allowed to participate in such paid employment or in such job training or paid employment for which a subsistence allowance is paid in connection with such job training shall pay over to the secretary or the designated representative of the secretary all moneys received from such paid employment or job training except that, pursuant to rules and regulations adopted by the secretary of corrections, the inmate shall retain a stipulated reasonable amount of the money as the secretary or the designated representative of the secretary deems necessary for expenses connected with the employment or job training. The balance of the moneys paid to the secretary or the designated representative of the secretary shall be disbursed for the following purposes:

(a) A designated minimum amount of that money paid to the secretary shall be returned to the state general fund or to the political subdivision, federal government or community-based center for such inmate's food and lodging or, if the inmate is participating in a private industry program other than work release, the minimum amount collected shall be deposited to the correctional industries fund;

(b) transportation to and from the place of employment at the rate allowed in K.S.A. 75-3203 and amendments thereto;

(c) if any of the dependents of the inmate are receiving public assistance, a reasonable percentage of the inmate's net pay after deduction of the above expenses shall be forwarded to the court which ordered support for the dependent or, if there is no order, to the secretary of social and rehabilitation services;

(d) a reasonable percentage of the inmate's net pay after deduction of the above expenses shall be disbursed for the payment, either in full or ratable, of the inmate's obligations if such obligations relate to the care and support of the defendant's immediate family and have been reduced to judgment;

(e) after deduction of the above amounts, payment of a reasonable amount for costs assessed to the inmate pursuant to the code of civil procedure;

(f) to the clerk of the district court in which the crime occurred, payment of a reasonable amount pursuant to an order ~~of restitution~~ for all costs, fines, fees and restitution assessed. Such payment shall be distributed in the following order of priority: Restitution, costs, fines and fees;

(g) payment of a reasonable amount into a savings account for disbursement to the inmate upon release from custody;

(h) after deduction of the above amounts, a reasonable percentage of the inmate's net pay shall be disbursed for the payment, either in full or ratable, of the inmate's other obligations acknowledged by the inmate in writing, as authorized by the secretary; and

(i) the balance, if any, shall be credited to the inmate's account and shall be made available to the inmate in such manner and for such purposes as are authorized by the secretary.

Sec. 6. On and after July 1, 2007, K.S.A. 75-5293 is hereby amended to read as follows: 75-5293. In order to assist a county or group of cooperating counties which has established a corrections advisory board but which does not have a comprehensive plan which has been approved by the secretary of corrections and which requires financial aid to defray all or part of the expenses incurred by corrections advisory board members in discharging their official duties pursuant to K.S.A. 75-5299 and amendments thereto, the secretary of corrections, upon receipt of resolutions by the board or boards of county commissioners, or the administrative authority established by cooperating counties, certifying the need for and inability to pay such

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expenses, may pay quarterly to the county or counties an amount determined by the secretary based on existing experience of other corrections advisory boards.

Sec. 7. On and after July 1, 2007, K.S.A. 75-52,111 is hereby amended to read as follows: 75-52,111. (a) On or before each July 1, the secretary of corrections shall determine annually the amount of the grant for the ensuing fiscal year for each county or group of counties which has qualified to receive grants as provided in this section.

(b) ~~(1) For each county or group of counties entitled to receive grants prior to July 1, 1990, the secretary of corrections shall determine on or before each January 1 the amount of the grant for the ensuing fiscal year based on the fiscal year 1989 per capita costs of such county or group of counties and the budget request of each county or group of counties for additional grant moneys submitted to the secretary as provided by subpart (2). The per capita costs of each county or group of counties shall be determined by dividing the amount of the fiscal year 1989 grant of such county or group of counties by the number of individuals served by the community correctional services program of such county or group of counties during fiscal year 1989. Subject to the other provisions of this subsection, the amount of the ensuing fiscal year grant for a county or group of counties shall be an amount equal to the fiscal year 1989 per capita costs, as determined pursuant to this subsection, multiplied by the number of individuals to be served by the community correctional services program of such county or group of counties during the ensuing fiscal year. Except as provided in this subsection for reduction of a grant with respect to certain community correctional services, no grant for a county or group of counties which received a grant for fiscal year 1989 shall be less than the amount of the grant funds expended by the county or group of counties during fiscal year 1989, if such county or group of counties continues to serve, or is projected to serve, at least the same number of persons as served during fiscal year 1989 and continues to provide the same community correctional services as provided during fiscal year 1989, as provided by K.S.A. 75-5291 and amendments thereto. The secretary of corrections may reduce the grant of shall award grants to a county or a group of counties with respect to certain for community correctional services from funds appropriated for that purpose in an amount determined by the secretary subject to limitations provided in this subsection. The determination to reduce of the grant of a county or group of counties amount by the secretary shall be based on the following criteria, whether: Staffing levels exceed levels justified by active cases under supervision; one-time expenditures such as renovation or construction costs, major equipment purchases or capital acquisitions were a factor in the fiscal year 1989 base; administrative costs were excessive; funded contracts for services remain remaining unused for an unreasonable period of time; any unreasonable indirect costs were factored into or allowed in the fiscal year 1989 base; client numbers were reduced; caseload projections were supported by historical experience; excessive travel costs outside the program area were a factor in the fiscal year 1989 base; contracted services' costs factored into the fiscal year 1989 base are significantly higher than other programs of the department of correction's experienced costs; and whether shrinkage factors; vacancy savings and; turnover rates are relevant factors for consideration; and the comprehensive community corrections plan submitted to the secretary meeting the provisions of K.S.A. 75-5290, and amendments thereto. Except as provided in K.S.A. 75-52,105 and amendments thereto, The secretary may reduce a grant to a county or group of counties only at the time the county or group of counties submits its annual budget request to the secretary for determination of such county or group of counties annual grant amount as provided in this section as pro-~~

vided by K.S.A. 75-52,105, and amendments thereto, or due to changes in the availability of funds.

~~(2) As a part of such county's or group of counties' budget request submitted to the secretary, the county or group of counties may request a higher grant amount than determined as provided in subpart (1) for new or expanded programs as provided in K.S.A. 75-52,102 and amendments thereto and increased amounts as determined in subpart (1) for inflationary costs. The secretary shall determine such additional grant amount for such new or expanded programs based on existing experience of other programs offering similar programs.~~

~~(c) On or before July 1, 1990, each county or group of counties applying to receive a grant for the first time shall submit a budget request to the secretary. The secretary shall determine the amount of the grant for such county or group of counties based on existing experience of similar programs. For each fiscal year thereafter, the amount of the grant for such county or group of counties shall be determined as provided in subsection (b), except that the grant received by such county or group of counties pursuant to this subsection shall not be less than the amount of the grant received by such county or group of counties during the first year of operation, if such county or group of counties continues to serve at least the same number of persons as served during the first year of operation and continues to provide the same community correctional services as provided during the first year of operation, as provided by K.S.A. 75-5291 and amendments thereto. The per capita costs of such county or group of counties for the purposes of determining grants for ensuing fiscal years under this section shall be determined as provided in subsection (b), except that per capita costs shall be based on the first year of operation.~~

~~(d) All determinations of base year per capita costs pursuant to this section, shall include all actual audited costs incurred for approved programs included without limitation as to fixed administrative costs.~~

New Sec. 8. (a) There is hereby created the Kansas criminal code recodification commission.

(b) The commission shall re-codify the Kansas criminal code by:

(1) Reviewing the American law institute model penal code, the criminal codes of other states, and other criminal law study resources, and making recommendations concerning proposed modifications, amendments and additions to the code.

(2) Analyzing and reviewing all criminal statutes and 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.

(3) 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.

(4) 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.

(5) Studying and making revisions to clarify the code to facilitate just and expedient resolution of criminal prosecutions and resolve or prevent statutory conflicts.

(c) The commission shall be made up of the following members:

(1) One legislator who is a member of the senate judiciary committee shall be appointed by the president of the senate;

(2) one legislator who is a member of the senate judiciary committee shall be appointed by the minority leader of the senate;

(Published in the Kansas Register May 24, 2007.)

(3) one legislator who is a member of the house of representatives judiciary committee shall be appointed by the speaker of the house of representatives;

(4) one legislator who is a member of the house of representatives judiciary committee 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) two members of the Kansas judicial council criminal law advisory committee appointed by the criminal law advisory committee;

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

(12) a member of the Kansas sentencing commission appointed by the Kansas sentencing commission;

(13) the attorney general or the attorney general's designee; and

(14) the secretary of corrections or the secretary's designee.

(d) The members of the commission shall elect officers from among its members necessary to discharge its duties.

(e) Each member of the commission 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 commission 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 commission 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 commission shall have the authority to:

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

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

(3) hire and employ staff persons; and

(4) contract for the services of persons, organizations and agencies necessary for the discharge of the commission's duties.

(g) The commission shall work with the department of corrections and the Kansas sentencing commission and review studies and findings of the Kansas sentencing commission concerning proportionality of sentencing.

(h) The commission shall prepare and submit an interim report to the legislature on or before February 1, 2008 and February 1, 2009. A final report and recommendations shall be submitted to the legislature on or before January 11, 2010.

(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 commission and to the extent authorized by the legislative coordinating council.

(j) The provisions of this section shall expire on July 1, 2010.

Sec. 9. On and after July 1, 2007, K.S.A. 75-5268, 75-5293 and 75-52,111 and K.S.A. 2006 Supp. 21-4706, 21-4722 and 22-3717 are hereby repealed.

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

SENATE Substitute for HOUSE BILL No. 2556

AN ACT concerning technical education; establishing the postsecondary technical education authority and the Kansas technical college and technical school commission; relating to the powers and duties thereof.

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

Section 1. (a) There is hereby established the postsecondary technical education authority. The authority shall be composed of 12 members appointed as follows:

(1) Four members shall be appointed by the state board of regents. Of the members appointed by the state board of regents: Two shall be members of the state board of regents, or the designee thereof; one shall be a representative of the community colleges which provides technical education, or the designee thereof; and one shall be a representative of the technical colleges in the state, or the designee thereof;

(2) three members shall be appointed by the governor. Of the members appointed by the governor: One shall represent Kansas business and industry; and two shall represent the general public;

(3) one member shall be appointed by the president of the senate and shall be a representative of business and industry;

(4) one member shall be appointed by the speaker of the house of representatives and shall be a representative of business and industry; and

(5) the commissioner of education, the secretary of commerce and the secretary of labor who shall serve as ex officio members of the authority.

(b) When making appointments of the representatives of Kansas business and industry and the general public, consideration shall be given to persons who are recognized for their knowledge or expertise and are representative of current and emerging technical career clusters of the state. No more than two members of the authority shall be representative of any one specific technical career cluster. Of the members appointed to represent Kansas business and industry and the general public, there shall be appointed at least one member from each congressional district. Redistricting of congressional districts occurring subsequent to a member's appointment shall not disqualify any member of the authority from service. The state board of regents shall determine the technical career clusters of the state.

(c) No more than five voting members of the authority shall be members of the same political party.

(d) Any vacancy in the membership of the authority shall be filled by appointment in the same manner as provided for original appointment of the member.

(e) The members of the authority shall meet and organize annually by electing one member as chairperson, except that the governor shall designate the first chairperson of the authority from among the first members appointed.

(f) The authority may meet at any time and at any place within the state on the call of the chairperson. A quorum of the authority shall be five voting members. All actions of the authority shall be by motion adopted by a majority of those voting members present when there is a quorum.

(g) Members of the authority attending meetings of the authority, or attending a subcommittee meeting thereof authorized by the authority, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature.

Sec. 2. (a) The postsecondary technical education authority shall:

(continued)

(1) Have delegated authority from the board of regents to coordinate state-wide planning for postsecondary technical education, new postsecondary technical education programs and contract training. Such planning shall be conducted in coordination with federal agencies, the state board of education and other state agencies and Kansas business and industry;

(2) recommend for adoption by the state board of regents rules and regulations for the supervision of postsecondary technical education;

(3) review existing and proposed postsecondary technical educational programs and program locations and make recommendations to the state board of regents for approval or disapproval of such programs for state funding purposes;

(4) review requests of state funding for postsecondary technical education and make recommendations to the state board of regents for amounts of state funding and the distribution thereof;

(5) develop benchmarks and accountability indicators of programs to be utilized in the awarding of state funding and make recommendations relating thereto to the state board of regents;

(6) develop and advocate annually a policy agenda for postsecondary technical education;

(7) conduct continuous studies of ways to maximize the utilization of resources available for postsecondary technical education and make recommendations for improvement in the use of such resources to the state board of regents;

(8) conduct studies to develop strategies and programs for meeting needs of business and industry and make recommendations relating thereto to the state board of regents;

(9) make reports on the performance of its functions and duties together with any proposals and recommendations it may formulate with respect thereto to the state board of regents and the legislature; and

(10) coordinate the development of a seamless system for the delivery of technical education between the secondary-school level and the postsecondary-school level.

(b) Recommendations adopted by the authority pursuant to subsection (a) shall be submitted to the state board of regents. A recommendation of the authority shall be implemented by the state board unless the state board, by majority vote thereof, vetoes the recommendation within 45 days of the submission of the recommendation to the state board.

(c)(1) Subject to the provisions of paragraph (2), the state board of regents and the postsecondary technical education authority shall appoint a vice-president of workforce development who shall serve as the executive director of the postsecondary technical education authority. The vice-president for workforce development shall be in the unclassified service under the Kansas civil service act. Such person shall not be a member of the authority and shall serve at the pleasure of the state board of regents.

(2) The state board of regents shall develop a procedure for the appointment of the vice-president of workforce development. Such procedure shall provide for the participation of the Kansas association of community college trustees and the Kansas association of technical schools and colleges, or the successor organizations thereof, in the selection of the vice-president of workforce development.

Sec. 3. Subject to the provisions of appropriation acts, the state board of regents shall provide staff, facilities and other assistance as may be requested by the postsecondary technical education authority.

Sec. 4. The provisions of sections 1, 2 and 3, and amendments thereto, shall expire on June 30, 2014.

Sec. 5. (a) On or before July 1, 2008, the governing bodies of the northeast Kansas technical college, Kansas City area technical school, Kaw area technical school, Salina area technical school and southwest Kansas technical school shall submit to the state board of regents a plan to merge or affiliate with a postsecondary educational institution or become an accredited technical college with an independent governing board.

(b) As used in this section:

(1) "Postsecondary educational institution" means a technical college, community college, municipal university or a state educational institution.

(2) "Technical college", "community college", "municipal university" and "state educational institution" have the meanings ascribed thereto by K.S.A. 74-3201b, and amendments thereto.

Sec. 6. (a) There is hereby established the Kansas technical college and technical school commission. Subject to the provisions of subsection (b), the commission shall consist of 10 members as follows:

(1) One member shall be a member of the state board of regents and shall be appointed by the state board of regents;

(2) one member shall be the president of a Kansas technical college and shall be appointed by the state board of regents;

(3) one member shall be a representative of the community colleges in the state which provide technical education and shall be appointed by the state board of regents;

(4) one member shall be appointed by the president of the senate;

(5) one member shall be appointed by the minority leader of the senate;

(6) one member shall be appointed by the speaker of the house of representatives;

(7) one member appointed by the minority leader of the house of representatives;

(8) two members appointed by the governor. One of the members appointed by the governor shall be a resident of the northeast area of the state; and

(9) the president of the state board of regents, or the designee thereof. Such member shall serve ex-officio and shall be a nonvoting member.

(b) When making appointments to the initial appointments to the commission, the governor and legislators shall appoint the same members appointed to the Kansas technical college and vocational school commission established pursuant to subsection (c) of section 2 of chapter 216 of the 2006 Session Laws of Kansas. If any of the members appointed to the Kansas technical college and vocational school commission declines to serve on the Kansas technical college and technical school commission established by this section, the appointing authority shall appoint another person as otherwise provided by this section. If a vacancy occurs in the membership of the commission created by this section, a successor shall be appointed in the same manner as the original appointment. When filling vacancies on the commission, the governor and legislators shall give consideration to persons representing businesses, industry and instructional staff of technical schools and colleges.

(c) The governor shall designate the member who shall serve as chairperson of the commission. The commission shall meet on call of the chairperson or on the request of six or more members of the commission. Six voting members of the commission shall constitute a quorum. All actions of the commission shall be taken by a majority of all voting members of the commission.

(d) The staff of the office of the revisor of statutes, the legislative research department and the division of legislative administrative services shall provide such assistance as may be requested by the commission and authorized by the legislative coordinating council.

(e) Members of the commission attending meetings of such commission or subcommittee meetings thereof as authorized by

such commission, shall be paid amounts as provided in subsection (e) of K.S.A. 75-3223, and amendments thereto, upon vouchers approved by the chairperson of the commission or the chairperson's designee.

(f) The commission shall:

(1) Study and conduct hearings on the governance, funding and the mission of Kansas technical colleges and technical schools; and

(2) submit reports of the commission's activities and recommendations regarding governance, funding and the mission of Kansas technical colleges and technical schools to the legislative educational planning committee. A preliminary report shall be submitted on or before November 15, 2007. The final report shall be submitted on or before November 15, 2008. Such reports shall include recommendations for legislative changes.

(g) The provisions of this section shall expire on December 31, 2008.

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

(Published in the Kansas Register May 24, 2007.)

SENATE BILL No. 68

AN ACT concerning school districts; relating to the powers and duties thereof; relating to school finance; amending K.S.A. 2006 Supp. 72-6407, 72-6433 and 72-6454 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 72-6407, as amended by section 1 of 2007 Senate Bill No. 95.

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

Section 1. K.S.A. 2006 Supp. 72-6407 is hereby amended to read as follows: 72-6407. (a) (1) "Pupil" means any person who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 maintained by the district or who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 in another district in accordance with an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in a district and attending special education services provided for preschool-aged exceptional children by the district.

(2) Except as otherwise provided in paragraph (3) of this subsection, a pupil in attendance full time shall be counted as one pupil. A pupil in attendance part time shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance bears to full-time attendance. A pupil attending kindergarten shall be counted as $\frac{1}{2}$ pupil. A pupil enrolled in and attending an institution of postsecondary education which is authorized under the laws of this state to award academic degrees shall be counted as one pupil if the pupil's postsecondary education enrollment and attendance together with the pupil's attendance in either of the grades 11 or 12 is at least $\frac{3}{4}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's postsecondary education attendance and attendance in grade 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in and attending an area vocational school, area vocational-technical school or approved vocational education program shall be counted as one pupil if the pupil's vocational education enrollment and attendance together with the pupil's attendance in any of grades nine through 12 is at least $\frac{3}{4}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's vocational education attendance and attendance in any of grades nine through 12 bears to full-time attendance. A pupil enrolled in a district and attending special education and related services, except special education and related services for preschool-aged exceptional children, provided for by the district shall be counted as one

pupil. A pupil enrolled in a district and attending special education and related services for preschool-aged exceptional children provided for by the district shall be counted as $\frac{1}{2}$ pupil. A preschool-aged at-risk pupil enrolled in a district and receiving services under an approved at-risk pupil assistance plan maintained by the district shall be counted as $\frac{1}{2}$ pupil. A pupil in the custody of the secretary of social and rehabilitation services or in the custody of the commissioner of juvenile justice and enrolled in unified school district No. 259, Sedgwick county, Kansas, but housed, maintained, and receiving educational services at the Judge James V. Riddell Boys Ranch, shall be counted as two pupils.

(3) A pupil residing at the Flint Hills job corps center shall not be counted. A pupil confined in and receiving educational services provided for by a district at a juvenile detention facility shall not be counted. A pupil enrolled in a district but housed, maintained, and receiving educational services at a state institution shall not be counted. A pupil enrolled in a virtual school in a district but who is not a resident of the state of Kansas shall not be counted.

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

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

(d) "Preschool-aged at-risk pupil" means an at-risk pupil who has attained the age of four years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines consonant with guidelines governing the selection of pupils for participation in head start programs.

(e) "Enrollment" means: (1) (A) Subject to the provisions of paragraph (1)(B), for districts scheduling the school days or school hours of the school term on a trimestral or quarterly basis, the number of pupils regularly enrolled in the district on September 20 plus the number of pupils regularly enrolled in the district on February 20 less the number of pupils regularly enrolled on February 20 who were counted in the enrollment of the district on September 20; and for districts not specified in this paragraph (1), the number of pupils regularly enrolled in the district on September 20; (B) a pupil who is a foreign exchange student shall not be counted unless such student is regularly enrolled in the district on September 20 and attending kindergarten or any of the grades one through 12 maintained by the district for at least one semester or two quarters or the equivalent thereof;

(2) if enrollment in a district in any school year has decreased from enrollment in the preceding school year, enrollment of the district in the current school year means whichever is the greater of (A) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled, plus enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled, or (B) the sum of enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled and the average (mean) of the sum of (i) enrollment of the district in the current school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled and (ii) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled and (iii) enrollment in the school year next preceding the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled; or

(continued)

(3) the number of pupils as determined under K.S.A. 72-6447 or K.S.A. 2006 Supp. 72-6448, and amendments thereto.

(f) "Adjusted enrollment" means enrollment adjusted by adding at-risk pupil weighting, program weighting, low enrollment weighting, if any, density at-risk weighting, if any, nonproficient pupil weighting, if any, high enrollment weighting, if any, declining enrollment weighting, if any, school facilities weighting, if any, ancillary school facilities weighting, if any, cost of living weighting, if any, special education and related services weighting, and transportation weighting to enrollment.

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

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

(i) "Low enrollment weighting" means an addend component assigned to enrollment of districts pursuant to K.S.A. 72-6412, and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such districts in comparison with costs attributable to maintenance of educational programs by districts having to which high enrollment weighting is assigned pursuant to K.S.A. 2006 Supp. 72-6442b, and amendments thereto.

(j) "School facilities weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to commencing operation of new school facilities.

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

(l) "Cost of living weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2006 Supp. 72-6449, and amendments thereto, apply on the basis of costs attributable to the cost of living in the district.

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

(n) "Juvenile detention facility" means: (1) Any secure public or private facility which is used for the lawful custody of accused or adjudicated juvenile offenders and which shall not be a jail;

(2) any level VI treatment facility licensed by the Kansas department of health and environment which is a psychiatric residential treatment facility for individuals under the age of 21 which conforms with the regulations of the centers for medicare/medicaid services and the joint commission on accreditation of health care organizations governing such facilities; and

(3) the Forbes Juvenile Attention Facility, the Sappa Valley Youth Ranch of Oberlin, Salvation Army/Koch Center Youth Services, the Clarence M. Kelley Youth Center, the Clarence M. Kelley Transitional Living Center, Trego County Secure Care Center, St. Francis Academy at Atchison, St. Francis Academy at Ellsworth, St. Francis Academy at Salina, St. Francis Center at Salina, King's Achievement Center, and Liberty Juvenile Services and Treatment.

(n) "Juvenile detention facility" has the meaning ascribed thereto by 72-8187, and amendments thereto.

(o) "Special education and related services weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to provision of special education and related services for pupils determined to be exceptional children.

(p) "Virtual school" means any kindergarten or grades one through 12 course offered for credit that uses distance-learning technologies which predominantly use internet-based methods to deliver instruction and for which the course content is available on an "anytime, anyplace" basis, but the instruction occurs asynchronously with the teacher and pupil in separate locations, not necessarily located within a local education agency.

(q) "Declining enrollment weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2006 Supp. 72-6451, and amendments thereto, apply on the basis of reduced revenues attributable to the declining enrollment of the district.

(r) "High enrollment weighting" means an addend component assigned to enrollment of districts pursuant to K.S.A. 2006 Supp. 72-6442b, and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such districts as a correlate to low enrollment weighting assigned to enrollment of districts pursuant to K.S.A. 72-6412, and amendments thereto.

(s) "High density at-risk pupil weighting" means an addend component assigned to enrollment of districts to which the provisions of ~~section 5~~ K.S.A. 2006 Supp. 72-6455, and amendments thereto, apply.

(t) "Nonproficient pupil" means a pupil who is not eligible for free meals under the national school lunch act and who has scored less than proficient on the mathematics or reading state assessment during *the preceding* school year ~~2004-2005~~ and who is enrolled in a district which maintains an approved proficiency assistance plan.

(u) "Nonproficient pupil weighting" means an addend component assigned to enrollment of districts on the basis of enrollment of nonproficient pupils pursuant to K.S.A. 2006 Supp. 72-6454, and amendments thereto.

(v) "Psychiatric residential treatment facility" has the meaning ascribed thereto by K.S.A. 72-8187, and amendments thereto.

Sec. 2. K.S.A. 2006 Supp. 72-6454 is hereby amended to read as follows: 72-6454. (a) The nonproficient pupil weighting of each district shall be determined by the state board as follows:

~~(1) Determine the number of pupils who were not eligible for free meals under the national school lunch act and who took the mathematics or reading state assessments in school year 2004-2005;~~

~~—(2) determine the number of all pupils who scored below proficiency on either the mathematics or reading state assessments in school year 2004-2005;~~

~~—(3) divide the number determined under paragraph (2) by the number determined under paragraph (1);~~

~~—(4) subtract the number of pupils who are eligible for free meals under the national school lunch act from the enrollment of the district;~~

~~—(5) multiply the difference determined under paragraph (3) by the dividend determined under paragraph (4); and~~

~~—(6) multiply the product determined under paragraph (5) by .029. The product is the nonproficient pupil weighting of the district.~~

~~—(b) The provisions of this section shall expire June 30, 2007.~~

(1) Determine the number of pupils who were not eligible for free meals under the national school lunch act and who scored below proficiency or failed to meet the standards established by the state board on either the mathematics or reading state assessments in the preceding school year; and

(2) multiply the number determined under paragraph (1) by .0465. The product is the nonproficient pupil weighting of the district.

(b) If the state board determines that as a result of the occurrence of a disaster in the school district, pupils in the school district are unable to participate in the state assessments, the nonproficient pupil weighting of the school district shall be equal to the nonproficient pupil weighting of the district in the preceding school year.

As used in this subsection, "disaster" means the occurrence of widespread or severe damage, injury or loss of life or property resulting from any natural or manmade cause, including but not limited to fire, flood, earthquake, tornado, wind, storm, drought, epidemics, air contamination, blight, drought, infestation or explosion.

Sec. 3. K.S.A. 2006 Supp. 72-6433 is hereby amended to read as follows: 72-6433. (a) (1) The board of any district may adopt a local option budget in each school year in an amount not to exceed an amount equal to the district prescribed percentage of the amount of state financial aid determined for the district in the school year. As used in this section, "district prescribed percentage" means:

—(A) For any district that was authorized to adopt and that adopted a local option budget in the 1996-97 school year and to which the provisions of K.S.A. 72-6444, and amendments thereto, do not apply in the current school year, in the 2001-02 school year and in each school year thereafter, a percentage that is equal to 80% of the percentage specified in the resolution under which the district was authorized to adopt a local option budget in the 1996-97 school year;

—(B) for any district that was authorized to adopt and that adopted a local option budget in the 1996-97 school year and to which the provisions of K.S.A. 72-6444, and amendments thereto, apply in the current school year, a percentage in the 2001-02 school year and each school year thereafter that is equal to the sum of the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year and the percentage computed for the district by the state board under the provisions of K.S.A. 72-6444, and amendments thereto;

—(C) for any district that was not authorized to adopt a local option budget in the 1996-97 school year and to which the provisions of K.S.A. 72-6444, and amendments thereto, apply in the current school year, a percentage in the 2001-02 school year and each school year thereafter that is equal to the sum of the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year and the percentage computed for the district by the state board under the provisions of K.S.A. 72-6444, and amendments thereto;

—(D) for any district to which the provisions of K.S.A. 72-6444, and amendments thereto, applied in the 1997-98 school year and to which the provisions of K.S.A. 72-6444, and amendments thereto, do not apply in the current school year because an increase in the amount budgeted by the district in its local option budget as authorized by a resolution adopted under the provisions of subsection (b) causes the actual amount per pupil budgeted by the district in the preceding school year as determined for the district under provision (1) of subsection (a) of K.S.A. 72-6444, and amendments thereto, to equal or exceed the average amount per pupil of general fund budgets and local option budgets computed by the state board under whichever of the provisions (7) through (10) of subsection (a) of K.S.A. 72-6444, and amendments thereto, is applicable to the district's enrollment group, a percentage that is equal to the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year if the resolution authorized the district to increase its local option budget on a continuous and permanent basis. If the resolution that authorized the district to increase its local option budget specified a definite period of time for which the district would retain its authority to increase the local option budget and such authority lapses at the conclusion of such period and is not renewed, the term district prescribed percentage means a percentage that is equal to the

percentage of the amount of state financial aid the district was authorized to budget in the preceding school year less the percentage of increase that was authorized by the resolution unless the loss of the percentage of increase that was authorized by the resolution would cause the actual amount per pupil budgeted by the district to be less than the average amount per pupil of general fund budgets and local option budgets computed by the state board under whichever of the provisions (7) through (10) of subsection (a) of K.S.A. 72-6444, and amendments thereto, is applicable to the district's enrollment group, in which case, the term district prescribed percentage means a percentage that is equal to the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year less the percentage of increase that was authorized by the resolution plus a percentage which shall be computed for the district by the state board in accordance with the provisions of K.S.A. 72-6444, and amendments thereto, except that, in making the determination of the actual amount per pupil budgeted by the district in the preceding school year, the state board shall exclude the percentage of increase that was authorized by the resolution.

—(2) (A) Subject to the provisions of subpart (B), the adoption of a local option budget under authority of this subsection shall require a majority vote of the members of the board and shall require no other procedure, authorization or approval.

—(B) In lieu of utilizing the authority granted by subpart (A) for adoption of a local option budget, the board of a district may pass a resolution authorizing adoption of such a budget and publish such resolution once in a newspaper having general circulation in the district. The resolution shall be published in substantial compliance with the following form:

Unified School District No. _____,
_____ County, Kansas.

RESOLUTION

Be It Resolved that:

—The board of education of the above-named school district shall be authorized to adopt a local option budget in each school year for a period of time not to exceed _____ years in an amount not to exceed _____% of the amount of state financial aid determined for the current school year. The local option budget authorized by this resolution may be adopted, unless a petition in opposition to the same, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after publication of this resolution. In the event a petition is filed, the county election officer shall submit the question of whether adoption of the local option budget shall be authorized to the electors of the school district at an election called for the purpose or at the next general election, as is specified by the board of education of the school district.

CERTIFICATE

—This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. _____, _____ County, Kansas, on the _____ day of _____, _____.

Clerk of the board of education.

—All of the blanks in the resolution shall be appropriately filled. The blank preceding the word "years" shall be filled with a specific number, and the blank preceding the percentage symbol shall be filled with a specific number. No word shall be inserted in either of the blanks. The percentage specified in the resolution shall not exceed the district prescribed percentage. The resolution shall be published once in a newspaper having general circulation in the school district. If no petition as specified above is filed in accordance with the provisions of the resolution, the board may adopt a local option budget. If a petition is filed as provided in the resolution, the board may notify the county election officer of the date of an election to be held to submit the question of whether adoption of a local option budget shall be authorized. If the board fails to notify the county election

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officer within 30 days after a petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board within the nine months following publication of the resolution. If any district is authorized to adopt a local option budget under this subpart, but the board of such district chooses, in any school year, not to adopt such a budget or chooses, in any school year, to adopt such budget in an amount less than the amount of the district prescribed percentage of the amount of state financial aid in any school year, such board of education may so choose. If the board of any district refrains from adopting a local option budget in any one or more school years or refrains from budgeting the total amount authorized for any one or more school years, the authority of such district to adopt a local option budget shall not be extended by such refrainment beyond the period specified in the resolution authorizing adoption of such budget, nor shall the amount authorized to be budgeted in any succeeding school year be increased by such refrainment. Whenever an initial resolution has been adopted under this subpart, and such resolution specified a lesser percentage than the district prescribed percentage, the board of the district may adopt one or more subsequent resolutions under the same procedure as provided for the initial resolution and subject to the same conditions, and shall be authorized to increase the percentage as specified in any such subsequent resolution for the remainder of the period of time specified in the initial resolution. Any percentage specified in a subsequent resolution or in subsequent resolutions shall be limited so that the sum of the percentage authorized in the initial resolution and the percentage authorized in the subsequent resolution or in subsequent resolutions is not in excess of the district prescribed percentage in any school year. The board of any district that has been authorized to adopt a local option budget under this subpart and levied a tax under authority of K.S.A. 72-6435, and amendments thereto, may initiate, at any time after the final levy is certified to the county clerk under any current authorization, procedures to renew its authority to adopt a local option budget in the manner specified in this subpart or may utilize the authority granted by subpart (A). As used in this subpart, the term "authorized to adopt a local option budget" means that a district has adopted a resolution under this subpart, has published the same, and either that the resolution was not protested or that it was protested and an election was held by which the adoption of a local option budget was approved.

—(3)—The provisions of this subsection are subject to the provisions of subsections (b) and (c).

—(b) (1)—The board of any district that adopts a local option budget under subsection (a) may increase the amount of such budget in each school year in an amount which together with the percentage of the amount of state financial aid budgeted under subsection (a) does not exceed the state prescribed percentage of the amount of state financial aid determined for the district in the school year if the board of the district determines that an increase in such budget would be in the best interests of the district.

—(2)—No district may increase a local option budget under authority of this subsection until: (A) A resolution authorizing such an increase is passed by the board and published once in a newspaper having general circulation in the district; or (B) the question of whether the board shall be authorized to increase the local option budget has been submitted to and approved by the qualified electors of the district at a special election called for the purpose. Any such election shall be noticed, called and held in the manner provided by K.S.A. 10-120, and amendments thereto, for the noticing, calling and holding of elections upon the question of issuing bonds under the general bond law. The notice of such election shall state the purpose for and time of the election, and the ballot shall be designed with the question of whether the board of education of the district shall be contin-

uously and permanently authorized to increase the local option budget of the district in each school year by a percentage which together with the percentage of the amount of state financial aid budgeted under subsection (a) does not exceed the state prescribed percentage in any school year. If a majority of the qualified electors voting at the election approve authorization of the board to increase the local option budget, the board shall have such authority. If a majority of the qualified electors voting at the election are opposed to authorization of the board to increase the local option budget, the board shall not have such authority and no like question shall be submitted to the qualified electors of the district within the nine months following the election.

—(3) (A)—Subject to the provisions of subpart (B), a resolution authorizing an increase in the local option budget of a district shall state that the board of education of the district shall be authorized to increase the local option budget of the district in each school year in an amount not to exceed _____% of the amount of state financial aid determined for the current school year and that the percentage of increase may be reduced so that the sum of the percentage of the amount of state financial aid budgeted under subsection (a) and the percentage of increase specified in the resolution does not exceed the state prescribed percentage in any school year. The blank preceding the percentage symbol shall be filled with a specific number. No word shall be inserted in the blank. The resolution shall specify a definite period of time for which the board shall be authorized to increase the local option budget and such period of time shall be expressed by the specific number of school years for which the board shall retain its authority to increase the local option budget. No word shall be used to express the number of years for which the board shall be authorized to increase the local option budget.

—(B)—In lieu of the requirements of subpart (A) and at the discretion of the board, a resolution authorizing an increase in the local option budget of a district may state that the board of education of the district shall be continuously and permanently authorized to increase the local option budget of the district in each school year by a percentage which together with the percentage of the amount of state financial aid budgeted under subsection (a) does not exceed the state prescribed percentage in any school year.

—(4)—A resolution authorizing an increase in the local option budget of a district shall state that the amount of the local option budget may be increased as authorized by the resolution unless a petition in opposition to such increase, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after publication. If no petition is filed in accordance with the provisions of the resolution, the board is authorized to increase the local option budget of the district. If a petition is filed as provided in the resolution, the board may notify the county election officer of the date of an election to be held to submit the question of whether the board shall be authorized to increase the local option budget of the district. If the board fails to notify the county election officer within 30 days after a petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board within the nine months following publication of the resolution.

—(5)—The requirements of provision (2) do not apply to any district that is continuously and permanently authorized to increase the local option budget of the district. An increase in the amount of a local option budget by such a district shall require a majority vote of the members of the board and shall require no other procedure, authorization or approval.

—(6)—If any district is authorized to increase a local option budget, but the board of such district chooses, in any school year, not to adopt or increase such budget or chooses, in any

school year, to adopt or increase such budget in an amount less than the amount authorized, such board of education may so choose. If the board of any district refrains from adopting or increasing a local option budget in any one or more school years or refrains from budgeting the total amount authorized for any one or more school years, the amount authorized to be budgeted in any succeeding school year shall not be increased by such refrainment, nor shall the authority of the district to increase its local option budget be extended by such refrainment beyond the period of time specified in the resolution authorizing an increase in the local option budget if the resolution specified such a period of time.

—(7) Whenever an initial resolution has been adopted under this subsection, and such resolution specified a percentage which together with the percentage of the amount of state financial aid budgeted under subsection (a) is less than the state prescribed percentage, the board of the district may adopt one or more subsequent resolutions under the same procedure as provided for the initial resolution and shall be authorized to increase the percentage as specified in any such subsequent resolution. If the initial resolution specified a definite period of time for which the district is authorized to increase its local option budget, the authority to increase such budget by the percentage specified in any subsequent resolution shall be limited to the remainder of the period of time specified in the initial resolution. Any percentage specified in a subsequent resolution or in subsequent resolutions shall be limited so that the sum of the percentage authorized in the initial resolution and the percentage authorized in the subsequent resolution or in subsequent resolutions together with the percentage of the amount of state financial aid budgeted under subsection (a) is not in excess of the state prescribed percentage in any school year.

—(8) (A) Subject to the provisions of subpart (B), the board of any district that has adopted a local option budget under subsection (a), has been authorized to increase such budget under a resolution which specified a definite period of time for retention of such authorization, and has levied a tax under authority of K.S.A. 72-6435, and amendments thereto, may initiate, at any time after the final levy is certified to the county clerk under any current authorization, procedures to renew the authority to increase the local option budget subject to the conditions and in the manner specified in provisions (2) and (3) of this subsection.

—(B) The provisions of subpart (A) do not apply to the board of any district that is continuously and permanently authorized to increase the local option budget of the district.

—(9) As used in this subsection:

—(A) “Authorized to increase a local option budget” means either that a district has held a special election under provision (2)(B) by which authority of the board to increase a local option budget was approved, or that a district has adopted a resolution under provision (2)(A), has published the same, and either that the resolution was not protested or that it was protested and an election was held by which the authority of the board to increase a local option budget was approved.

—(B) “State prescribed percentage” means 30% for school year 2006-2007 and 31% for school year 2007-2008 and each school year thereafter.

—(c) To the extent the provisions of the foregoing subsections conflict with this subsection, this subsection shall control. Any district that is authorized to adopt a local option budget in the 1997-98 school year under a resolution which authorized the adoption of such budget in accordance with the provisions of this section prior to its amendment by this act may continue to operate under such resolution for the period of time specified in the resolution or may abandon the resolution and operate under the provisions of this section as amended by this act. Any such district shall operate under the provisions of this section

as amended by this act after the period of time specified in the resolution has expired.

—(d) (1) There is hereby established in every district that adopts a local option budget a fund which shall be called the supplemental general fund. The fund shall consist of all amounts deposited therein or credited thereto according to law.

—(2) Subject to the limitation imposed under provision (3), and subsection (e) of K.S.A. 72-6434, and amendments thereto, amounts in the supplemental general fund may be expended for any purpose for which expenditures from the general fund are authorized or may be transferred to the general fund of the district or to any program-weighted fund or categorical fund of the district. Amounts in the supplemental general fund attributable to any percentage over 25% of state financial aid determined for the current school year may be transferred to the capital improvements fund of the district and the capital outlay fund of the district if such transfers are specified in the resolution authorizing the adoption of a local option budget in excess of 25%.

—(3) Amounts in the supplemental general fund may not be expended nor transferred to the general fund of the district for the purpose of making payments under any lease-purchase agreement involving the acquisition of land or buildings which is entered into pursuant to the provisions of K.S.A. 72-8225, and amendments thereto.

—(4) Any unexpended and unencumbered cash balance remaining in the supplemental general fund of a district at the conclusion of any school year in which a local option budget is adopted shall be disposed of as provided in this subsection. If the district did not receive supplemental general state aid in the school year and the board of the district determines that it will be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be maintained in such fund or transferred to the general fund of the district. If the board of such a district determines that it will not be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be transferred to the general fund of the district. If the district received supplemental general state aid in the school year, transferred or expended the entire amount budgeted in the local option budget for the school year, and determines that it will be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be maintained in such fund or transferred to the general fund of the district. If such a district determines that it will not be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be transferred to the general fund of the district. If the district received supplemental general state aid in the school year, did not transfer or expend the entire amount budgeted in the local option budget for the school year, and determines that it will not be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be transferred to the general fund of the district. If the district received supplemental general state aid in the school year, did not transfer or expend the entire amount budgeted in the local option budget for the school year, and determines that it will be necessary to adopt a local option budget in the ensuing school year, the state board shall determine the ratio of the amount of supplemental general state aid received to the amount of the local option budget of the district for the school year and multiply the total amount of the cash balance remaining in the supplemental general fund by such ratio. An amount equal to the amount of the product shall be transferred to the general fund

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of the district. The amount remaining in the supplemental general fund may be maintained in such fund or transferred to the general fund of the district.

(e) To the extent the provisions of the foregoing section conflict with this subsection, this subsection shall control. Any resolution authorizing the adoption of a local option budget in excess of 30% of the state financial aid of the district in the current school year shall not become effective unless such resolution has been submitted to and approved by a majority of the qualified electors of the school district voting at an election called and held thereon. Such resolution shall specify how the moneys will be expended and shall be published in the manner provided by this section. The election shall be called and held in the manner provided by this section.

(a) As used in this section:

(1) "State prescribed percentage" means 31% of state financial aid of the district in the current school year.

(2) "Authorized to adopt a local option budget" means that a district has adopted a resolution under this section, has published the same, and either that the resolution was not protested or that it was protested and an election was held by which the adoption of a local option budget was approved.

(b) In each school year, the board of any district may adopt a local option budget which does not exceed the state prescribed percentage.

(c) Subject to the limitation of subsection (b), in each school year, the board of any district may adopt, by resolution, a local option budget in an amount not to exceed:

(1) (A) The amount which the board was authorized to adopt in accordance with the provisions of this section in effect prior to its amendment by this act; plus

(B) the amount which the board was authorized to adopt pursuant to any resolution currently in effect; plus

(C) the amount which the board was authorized to adopt pursuant to K.S.A. 72-6444, and amendments thereto, if applicable to the district; or

(2) the state-wide average for the preceding school year as determined by the state board pursuant to subsection (j).

Except as provided by subsection (e), the adoption of a resolution pursuant to this subsection shall require a majority vote of the members of the board. Such resolution shall be effective upon adoption and shall require no other procedure, authorization or approval.

(d) If the board of a district desires to increase its local option budget authority above the amount authorized under subsection (c) or if the board was not authorized to adopt a local option budget in 2006-2007, the board may adopt, by resolution, such budget in an amount not to exceed the state prescribed percentage. The adoption of a resolution pursuant to this subsection shall require a majority vote of the members of the board. The resolution shall be published at least once in a newspaper having general circulation in the district. The resolution shall be published in substantial compliance with the following form:

Unified School District No. _____, _____ County, Kansas.

RESOLUTION

Be It Resolved that:

The board of education of the above-named school district shall be authorized to adopt a local option budget in each school year in an amount not to exceed _____% of the amount of state financial aid. The local option budget authorized by this resolution may be adopted, unless a petition in opposition to the same, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after publication of this resolution. If a petition is filed, the county election officer shall submit the question of whether adoption of the local option budget shall be authorized to the electors of the school district at an election called for the purpose or at the next general election, as is specified by the board of education of the school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. _____, County, Kansas, on the day of _____, _____.

Clerk of the board of education.

All of the blanks in the resolution shall be filled as is appropriate. If a sufficient petition is not filed, the board may adopt a local option budget. If a sufficient petition is filed, the board may notify the county election officer of the date of an election to be held to submit the question of whether adoption of a local option budget shall be authorized. Any such election shall be noticed, called and held in the manner provided by K.S.A. 10-120, and amendments thereto. If the board fails to notify the county election officer within 30 days after a sufficient petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board within the nine months following publication of the resolution.

(e) Any resolution authorizing the adoption of a local option budget in excess of 30% of the state financial aid of the district in the current school year shall not become effective unless such resolution has been submitted to and approved by a majority of the qualified electors of the school district voting at an election called and held thereon. The election shall be called and held in the manner provided by K.S.A. 10-120, and amendments thereto.

(f) Unless specifically stated otherwise in the resolution, the authority to adopt a local option budget shall be continuous and permanent. The board of any district which is authorized to adopt a local option budget may choose not to adopt such a budget or may adopt a budget in an amount less than the amount authorized. If the board of any district whose authority to adopt a local option budget is not continuous and permanent refrains from adopting a local option budget, the authority of such district to adopt a local option budget shall not be extended by such refrainment beyond the period specified in the resolution authorizing adoption of such budget.

(g) The board of any district may initiate procedures to renew or increase the authority to adopt a local option budget at any time during a school year after the tax levied pursuant to K.S.A. 72-6435, and amendments thereto, is certified to the county clerk under any existing authorization.

(h) The board of any district that is authorized to adopt a local option budget prior to the effective date of this act under a resolution which authorized the adoption of such budget in accordance with the provisions of this section in effect prior to its amendment by this act may continue to operate under such resolution for the period of time specified in the resolution or may abandon the resolution and operate under the provisions of this section as amended by this act. Any such district shall operate under the provisions of this section as amended by this act after the period of time specified in the resolution has expired.

(i) Any resolution adopted pursuant to this section may revoke or repeal any resolution previously adopted by the board. If the resolution does not revoke or repeal previously adopted resolutions, all resolutions which are in effect shall expire on the same date. The maximum amount of the local option budget of a school district under all resolutions in effect shall not exceed the state prescribed percentage in any school year.

(j) (1) There is hereby established in every district that adopts a local option budget a fund which shall be called the supplemental general fund. The fund shall consist of all amounts deposited therein or credited thereto according to law.

(2) Subject to the limitation imposed under paragraph (3) and subsection (e) of K.S.A. 72-6434, and amendments thereto, amounts in the supplemental general fund may be expended for any purpose for which expenditures from the general fund are authorized or may be transferred to any program weighted fund or categorical fund of the district. Amounts in the supplemental general fund attributable to any percentage over 25% of state financial aid determined for the current school year may be transferred to the capital improvements fund of the district and the capital outlay fund of the district if such transfers are specified in the resolution authorizing the adoption of a local option budget in excess of 25%.

(3) Amounts in the supplemental general fund may not be expended for the purpose of making payments under any lease-purchase agreement involving the acquisition of land or buildings which is entered into pursuant to the provisions of K.S.A. 72-8225, and amendments thereto.

(4) (A) Except as provided in paragraph (B), any unexpended budget remaining in the supplemental general fund of a district at the conclusion of any school year in which a local option budget is adopted shall be maintained in such fund.

(B) If the district received supplemental general state aid in the school year, the state board shall determine the ratio of the amount of supplemental general state aid received to the amount of the local option budget of the district for the school year and multiply the total amount of the unexpended budget remaining by such ratio. An amount equal to the amount of the product shall be transferred to the general fund of the district or remitted to the state treasurer. Upon receipt of any such remittance, the state treasurer shall deposit the same in the state treasury to the credit of the state school district finance fund.

(k) Each year the state board of education shall determine the state-wide average percentage of local option budgets legally adopted by school districts for the preceding school year.

New Sec. 4. (a) As used in this section:

(1) "Bullying" means: (A) Any intentional gesture or any intentional written, verbal or physical act or threat that is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student or staff member that a reasonable person, under the circumstances, knows or should know will have the effect of:

- (i) Harming a student or staff member, whether physically or mentally;
- (ii) damaging a student's or staff member's property;
- (iii) placing a student or staff member in reasonable fear of harm to the student or staff member; or
- (iv) placing a student or staff member in reasonable fear of damage to the student's or staff member's property; or

(B) any other form of intimidation or harassment prohibited by the board of education of the school district in policies concerning bullying adopted pursuant to this section or subsection (e) of K.S.A. 72-8205, and amendments thereto.

(2) "School vehicle" means any school bus, school van, other school vehicle and private vehicle used to transport students or staff members to and from school or any school-sponsored activity or event.

(b) The board of education of each school district shall adopt a policy to prohibit bullying on school property, in a school vehicle or at a school-sponsored activity or event.

(c) The board of education of each school district shall adopt and implement a plan to address bullying on school property, in a school vehicle or at a school-sponsored activity or event. Such plan shall include provisions for the training and education for staff members and students.

(d) The board of education of each school district may adopt additional policies relating to bullying pursuant to subsection (e) of K.S.A. 72-8205, and amendments thereto.

(e) The requirements of this section shall be implemented by school districts on or before January 1, 2008.

New Sec. 5. (a) Upon request of a school district, the state board shall assist in the development of a grade appropriate curriculum for character development programs which may be offered to students in the school district. Nothing in this subsection shall be construed as requiring the state board to develop a new curriculum or a new character development program.

(b) As used in this section:

(1) "Character development program" means a program which is secular in nature and which stresses character qualities.

(2) "Character qualities" means positive character qualities which include, but is not limited to, honesty, responsibility, attentiveness, patience, kindness, respect, self-control, tolerance, cooperation, initiative, patriotism and citizenship.

(3) "State board" means the state board of education.

Sec. 6. On and after July 1, 2007, K.S.A. 2006 Supp. 72-6407, as amended by section 1 of 2007 Senate Bill No. 95, is hereby repealed.

Sec. 7. K.S.A. 2006 Supp. 72-6407, 72-6433 and 72-6454 are hereby repealed.

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

(Published in the Kansas Register May 24, 2007.)

SENATE BILL No. 166

AN ACT concerning crimes, punishments and criminal procedure; amending K.S.A. 17-1311a, 47-604 and 65-28,107 and K.S.A. 2006 Supp. 21-3516, 21-3610c, 21-4603d, 21-4643, 22-2411, 38-2304 and 38-2376 and repealing the existing sections; also repealing K.S.A. 66-276 and 75-7b19 and K.S.A. 2006 Supp. 21-4603d, as amended by section 1 of 2007 House Bill No. 2193.

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

Section 1. K.S.A. 17-1311a is hereby amended to read as follows: 17-1311a. (a) Misuse of the permanent maintenance fund or any money belonging thereto is using, lending or permitting another to use, moneys in the fund in a manner not authorized by law, by a custodian or other person having charge or control of such fund or moneys by virtue of his position.

(b) Misuse of the permanent maintenance fund is a ~~class-D~~ severity level 7, nonperson felony.

Sec. 2. K.S.A. 2006 Supp. 21-3516 is hereby amended to read as follows: 21-3516. (a) Sexual exploitation of a child is:

(1) Except as provided in subsection (a)(5), employing, using, persuading, inducing, enticing or coercing a child under 18 years of age to engage in sexually explicit conduct for the purpose of promoting any performance;

(2) possessing any visual depiction, including any photograph, film, video picture, digital or computer generated image or picture, whether made or produced by electronic, mechanical or other means, where such visual depiction of a child under 18 years of age is shown or heard engaging in sexually explicit conduct with intent to arouse or satisfy the sexual desires or appeal to the prurient interest of the offender, the child or another;

(3) being a parent, guardian or other person having custody or control of a child under 18 years of age and knowingly permitting such child to engage in, or assist another to engage in, sexually explicit conduct for any purpose described in subsection (a)(1) or (2);

(4) except as provided in subsection (a)(6), promoting any performance that includes sexually explicit conduct by a child under 18 years of age, knowing the character and content of the performance;

(5) employing, using, persuading, inducing, enticing or coercing a child under 14 years of age to engage in sexually explicit conduct for the purpose of promoting any performance; or

(6) promoting any performance that includes sexually explicit conduct by a child under 14 years of age, knowing the character and content of the performance.

(b) As used in this section:

(1) "Sexually explicit conduct" means actual or simulated: Exhibition in the nude; sexual intercourse or sodomy, including genital-genital, oral-genital, anal-genital or oral-anal contact,

(continued)

whether between persons of the same or opposite sex; masturbation; sado-masochistic abuse for the purpose of sexual stimulation; or lewd exhibition of the genitals, female breasts or pubic area of any person.

(2) "Promoting" means procuring, selling, providing, lending, mailing, delivering, transferring, transmitting, distributing, circulating, disseminating, presenting, producing, directing, manufacturing, issuing, publishing, displaying, exhibiting or advertising:

(A) For pecuniary profit; or

(B) with intent to arouse or gratify the sexual desire or appeal to the prurient interest of the offender, the child or another.

(3) "Performance" means any film, photograph, negative, slide, book, magazine or other printed or visual medium, any audio tape recording or any photocopy, video tape, video laser disk, computer hardware, software, floppy disk or any other computer related equipment or computer generated image that contains or incorporates in any manner any film, photograph, negative, photocopy, video tape or video laser disk or any play or other live presentation.

(4) "Nude" means any state of undress in which the human genitals, pubic region, buttock or female breast, at a point below the top of the areola, is less than completely and opaquely covered.

(c) ~~Except as provided further, sexual exploitation of a child as described in subsection (a)(1), (a)(2), (a)(3) or (a)(4) is a severity level 5, person felony. Sexual exploitation of a child as described in subsection (a)(5) or (a)(6) when the offender is 18 years of age or older is an off-grid person felony.~~

(d) This section shall be part of and supplemental to the Kansas criminal code.

Sec. 3. K.S.A. 2006 Supp. 21-3610c is hereby amended to read as follows: 21-3610c. (a) Unlawfully hosting minors consuming alcoholic liquor or cereal malt beverage is intentionally permitting a person's residence or any land, building, structure or room owned, occupied or procured by such person to be used by an invitee of such person or an invitee of such person's child or ward, in a manner that results in the possession or consumption therein of alcoholic liquor or cereal malt beverages by ~~persons under the age of 18 a minor.~~

(b) Unlawfully hosting minors consuming alcoholic liquor or cereal malt beverage is a class A person misdemeanor, for which the minimum fine is \$1,000. If the court sentences the offender to perform community or public service work as a condition of probation, as described in subsection (c)(10) of K.S.A. 21-4610, and amendments thereto, the court shall consider ordering the offender to serve the community or public service at an alcohol treatment facility.

(c) As used in this section, terms have the meanings provided by K.S.A. 41-102, and amendments thereto, ~~except for the purposes of this section, "minor" means a person under the age of 18.~~

(d) This section shall be a part of and supplemental to the Kansas criminal code.

Sec. 4. K.S.A. 2006 Supp. 21-4603d is hereby amended to read as follows: 21-4603d. (a) Whenever any person has been found guilty of a crime, the court may adjudge any of the following:

(1) Commit the defendant to the custody of the secretary of corrections if the current crime of conviction is a felony and the sentence presumes imprisonment, or the sentence imposed is a dispositional departure to imprisonment; or, if confinement is for a misdemeanor, to jail for the term provided by law;

(2) impose the fine applicable to the offense;

(3) release the defendant on probation if the current crime of conviction and criminal history fall within a presumptive nonprison category or through a departure for substantial and

compelling reasons subject to such conditions as the court may deem appropriate. In felony cases except for violations of K.S.A. 8-1567, and amendments thereto, the court may include confinement in a county jail not to exceed 60 days, which need not be served consecutively, as a condition of an original probation sentence and up to 60 days in a county jail upon each revocation of the probation sentence, or community corrections placement;

(4) assign the defendant to a community correctional services program as provided in K.S.A. 75-5291, and amendments thereto, or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution;

(5) assign the defendant to a conservation camp for a period not to exceed six months as a condition of probation followed by a six-month period of follow-up through adult intensive supervision by a community correctional services program, if the offender successfully completes the conservation camp program;

(6) assign the defendant to a house arrest program pursuant to K.S.A. 21-4603b and amendments thereto;

(7) order the defendant to attend and satisfactorily complete an alcohol or drug education or training program as provided by subsection (3) of K.S.A. 21-4502, and amendments thereto;

(8) order the defendant to repay the amount of any reward paid by any crime stoppers chapter, individual, corporation or public entity which materially aided in the apprehension or conviction of the defendant; repay the amount of any costs and expenses incurred by any law enforcement agency in the apprehension of the defendant, if one of the current crimes of conviction of the defendant includes escape, as defined in K.S.A. 21-3809, and amendments thereto, or aggravated escape, as defined in K.S.A. 21-3810, and amendments thereto; repay expenses incurred by a fire district, fire department or fire company responding to a fire which has been determined to be arson under K.S.A. 21-3718 or 21-3719, and amendments thereto, if the defendant is convicted of such crime; repay the amount of any public funds utilized by a law enforcement agency to purchase controlled substances from the defendant during the investigation which leads to the defendant's conviction; or repay the amount of any medical costs and expenses incurred by any law enforcement agency or county. Such repayment of the amount of any such costs and expenses incurred by a county, law enforcement agency, fire district, fire department or fire company or any public funds utilized by a law enforcement agency shall be deposited and credited to the same fund from which the public funds were credited to prior to use by the county, law enforcement agency, fire district, fire department or fire company;

(9) order the defendant to pay the administrative fee authorized by K.S.A. 2006 Supp. 22-4529, and amendments thereto, unless waived by the court;

(10) order the defendant to pay a domestic violence special program fee authorized by K.S.A. 2006 Supp. 20-369, and amendments thereto;

(11) impose any appropriate combination of (1), (2), (3), (4), (5), (6), (7), (8), (9) and (10); or

(12) suspend imposition of sentence in misdemeanor cases.

(b) (1) In addition to or in lieu of any of the above, the court shall order the defendant to pay restitution, which shall include, but not be limited to, damage or loss caused by the defendant's crime, unless the court finds compelling circumstances which would render a plan of restitution unworkable. In regard to a violation of K.S.A. 21-4018, and amendments thereto, such damage or loss shall include, but not be limited to, attorney fees and costs incurred to repair the credit history or rating of the person whose personal identification documents were obtained and used in violation of such section, and to satisfy a debt, lien or other obligation incurred by the person whose personal iden-

tification documents were obtained and used in violation of such section. If the court finds a plan of restitution unworkable, the court shall state on the record in detail the reasons therefor.

(2) If the court orders restitution, the restitution shall be a judgment against the defendant which may be collected by the court by garnishment or other execution as on judgments in civil cases. If, after 60 days from the date restitution is ordered by the court, a defendant is found to be in noncompliance with the plan established by the court for payment of restitution, and the victim to whom restitution is ordered paid has not initiated proceedings in accordance with K.S.A. 60-4301 et seq., and amendments thereto, the court shall assign an agent procured by the attorney general pursuant to K.S.A. 75-719, and amendments thereto, to collect the restitution on behalf of the victim. The administrative judge of each judicial district may assign such cases to an appropriate division of the court for the conduct of civil collection proceedings.

(c) In addition to or in lieu of any of the above, the court shall order the defendant to submit to and complete an alcohol and drug evaluation, and pay a fee therefor, when required by subsection (4) of K.S.A. 21-4502, and amendments thereto.

(d) In addition to any of the above, the court shall order the defendant to reimburse the county general fund for all or a part of the expenditures by the county to provide counsel and other defense services to the defendant. Any such reimbursement to the county shall be paid only after any order for restitution has been paid in full. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

(e) In imposing a fine the court may authorize the payment thereof in installments. In releasing a defendant on probation, the court shall direct that the defendant be under the supervision of a court services officer. If the court commits the defendant to the custody of the secretary of corrections or to jail, the court may specify in its order the amount of restitution to be paid and the person to whom it shall be paid if restitution is later ordered as a condition of parole, conditional release or postrelease supervision.

(f) (1) When a new felony is committed while the offender is incarcerated and serving a sentence for a felony, or while the offender is on probation, assignment to a community correctional services program, parole, conditional release, or post-release supervision for a felony, a new sentence shall be imposed pursuant to the consecutive sentencing requirements of K.S.A. 21-4608, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(2) *When a new felony is committed while the offender is incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671 prior to its repeal or K.S.A. 2006 Supp. 38-2373, and amendments thereto, for an offense, which if committed by an adult would constitute the commission of a felony, upon conviction, the court shall sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure. The conviction shall operate as a full and complete discharge from any obligations, except for an order of restitution,*

imposed on the offender arising from the offense for which the offender was committed to a juvenile correctional facility.

(3) When a new felony is committed while the offender is on release for a felony pursuant to the provisions of article 28 of chapter 22 of the Kansas Statutes Annotated, or similar provisions of the laws of another jurisdiction, a new sentence may be imposed pursuant to the consecutive sentencing requirements of K.S.A. 21-4608, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(g) Prior to imposing a dispositional departure for a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 4-E or 4-F of the sentencing guideline grid for drug crimes and whose offense does not meet the requirements of K.S.A. 2006 Supp. 21-4729, and amendments thereto, prior to revocation of a nonprison sanction of a defendant whose offense is classified in grid blocks 4-E or 4-F of the sentencing guideline grid for drug crimes and whose offense does not meet the requirements of K.S.A. 2006 Supp. 21-4729, and amendments thereto, or prior to revocation of a nonprison sanction of a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid or grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, the court shall consider placement of the defendant in the Labette correctional conservation camp, conservation camps established by the secretary of corrections pursuant to K.S.A. 75-52,127, and amendment thereto or a community intermediate sanction center. Pursuant to this paragraph the defendant shall not be sentenced to imprisonment if space is available in a conservation camp or a community intermediate sanction center and the defendant meets all of the conservation camp's or a community intermediate sanction center's placement criteria unless the court states on the record the reasons for not placing the defendant in a conservation camp or a community intermediate sanction center.

(h) The court in committing a defendant to the custody of the secretary of corrections shall fix a term of confinement within the limits provided by law. In those cases where the law does not fix a term of confinement for the crime for which the defendant was convicted, the court shall fix the term of such confinement.

(i) In addition to any of the above, the court shall order the defendant to reimburse the state general fund for all or a part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment. The amount of attorney fees to be included in the court order for reimbursement shall be the amount

(continued)

claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less.

(j) This section shall not deprive the court of any authority conferred by any other Kansas statute to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty as a result of conviction of crime.

(k) An application for or acceptance of probation or assignment to a community correctional services program shall not constitute an acquiescence in the judgment for purpose of appeal, and any convicted person may appeal from such conviction, as provided by law, without regard to whether such person has applied for probation, suspended sentence or assignment to a community correctional services program.

(l) The secretary of corrections is authorized to make direct placement to the Labette correctional conservation camp or a conservation camp established by the secretary pursuant to K.S.A. 75-52,127, and amendments thereto, of an inmate sentenced to the secretary's custody if the inmate: (1) Has been sentenced to the secretary for a probation revocation, as a departure from the presumptive nonimprisonment grid block of either sentencing grid, for an offense which is classified in grid blocks 5-H, 5-I, or 6-G of the sentencing guidelines grid for non-drug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, or for an offense which is classified in gridblocks 4-E or 4-F of the sentencing guidelines grid for drug crimes and such offense does not meet the requirements of K.S.A. 2006 Supp. 21-4729, and amendments thereto, and (2) otherwise meets admission criteria of the camp. If the inmate successfully completes a conservation camp program, the secretary of corrections shall report such completion to the sentencing court and the county or district attorney. The inmate shall then be assigned by the court to six months of follow-up supervision conducted by the appropriate community corrections services program. The court may also order that supervision continue thereafter for the length of time authorized by K.S.A. 21-4611 and amendments thereto.

(m) When it is provided by law that a person shall be sentenced pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, the provisions of this section shall not apply.

(n) Except as provided by subsection (f) of K.S.A. 21-4705, and amendments thereto, in addition to any of the above, for felony violations of K.S.A. 65-4160 or 65-4162, and amendments thereto, the court shall require the defendant who meets the requirements established in K.S.A. 2006 Supp. 21-4729, and amendments thereto, to participate in a certified drug abuse treatment program, as provided in K.S.A. 2006 Supp. 75-52,144, and amendments thereto, including but not limited to, an approved after-care plan. If the defendant fails to participate in or has a pattern of intentional conduct that demonstrates the offender's refusal to comply with or participate in the treatment program, as established by judicial finding, the defendant shall be subject to revocation of probation and the defendant shall serve the underlying prison sentence as established in K.S.A. 21-4705, and amendments thereto. For those offenders who are convicted on or after the effective date of this act, upon completion of the underlying prison sentence, the defendant shall not be subject to a period of postrelease supervision. The amount of time spent participating in such program shall not be credited as service on the underlying prison sentence.

Sec. 5. K.S.A. 2006 Supp. 21-4643 is hereby amended to read as follows: 21-4643. (a) (1) Except as provided in subsection (b) or (d), a defendant who is 18 years of age or older and is convicted of the following crimes committed on or after July 1, 2006, shall be sentenced to a term of imprisonment for life with a mandatory minimum term of imprisonment of not less than 25

years unless the court determines that the defendant should be sentenced as determined in paragraph (2):

(A) Aggravated trafficking, as defined in K.S.A. 2006 Supp. 21-3447, and amendments thereto, if the victim is less than 14 years of age;

(B) rape, as defined in subsection (a)(2) of K.S.A. 21-3502, and amendments thereto;

(C) aggravated indecent liberties with a child, as defined in subsection (a)(3) of K.S.A. 21-3504, and amendments thereto;

(D) aggravated criminal sodomy, as defined in subsection (a)(1) or (a)(2) of K.S.A. 21-3506, and amendments thereto;

(E) promoting prostitution, as defined in K.S.A. 21-3513, and amendments thereto, if the prostitute is less than 14 years of age;

(F) sexual exploitation of a child, as defined in subsection (a)(5) or (a)(6) of K.S.A. 21-3516, and amendments thereto; and

(G) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, and amendments thereto, of an offense defined in paragraphs (A) through (F).

(2) The provision of paragraph (1) requiring a mandatory minimum term of imprisonment of not less than 25 years shall not apply if the court finds:

(A) The defendant is an aggravated habitual sex offender and sentenced pursuant to K.S.A. 2006 Supp. 21-4642, and amendments thereto; or

(B) the defendant, because of the defendant's criminal history classification, is subject to presumptive imprisonment pursuant to the sentencing guidelines grid for nondrug crimes and the sentencing range exceeds 300 months. In such case, the defendant is required to serve a mandatory minimum term equal to the sentence established pursuant to the sentencing range.

(b) (1) On and after July 1, 2006, if a defendant who is 18 years of age or older is convicted of a crime listed in subsection (a)(1) and such defendant has previously been convicted of a crime listed in subsection (a)(1), *a crime in effect at any time prior to the effective date of this act which is substantially the same as a crime listed in subsection (a)(1) or a crime under a law of another jurisdiction which is substantially the same as such crime* a crime listed in subsection (a)(1), the court shall sentence the defendant to a term of imprisonment for life with a mandatory minimum term of imprisonment of not less than 40 years. *The provisions of this paragraph shall not apply to a crime committed under K.S.A. 2006 Supp. 21-3522, and amendments thereto, or a crime under a law of another jurisdiction which is substantially the same as K.S.A. 2006 Supp. 21-3522, and amendments thereto.*

(2) The provision of paragraph (1) requiring a mandatory minimum term of imprisonment of not less than 40 years shall not apply if the court finds:

(A) The defendant is an aggravated habitual sex offender and sentenced pursuant to K.S.A. 2006 Supp. 21-4642, and amendments thereto; or

(B) the defendant, because of the defendant's criminal history classification, is subject to presumptive imprisonment pursuant to the sentencing guidelines grid for nondrug crimes and the sentencing range exceeds 480 months. In such case, the defendant is required to serve a mandatory minimum term equal to the sentence established pursuant to the sentencing range.

(c) When a person is sentenced pursuant to subsection (a) or (b), such person shall be sentenced to a mandatory minimum term of imprisonment of not less than 25 years, 40 years or be sentenced as determined in subsection (a)(2) or subsection (b)(2), whichever is applicable, and shall not be eligible for probation or suspension, modification or reduction of sentence. In addition, a person sentenced pursuant to this section shall not be eligible for parole prior to serving such mandatory term of imprisonment, and such imprisonment shall not be reduced by the application of good time credits.

(d) On or after July 1, 2006, for a first time conviction of an offense listed in paragraph (a)(1), the sentencing judge shall impose the mandatory minimum term of imprisonment provided by subsection (a), unless the judge finds substantial and compelling reasons, following a review of mitigating circumstances, to impose a departure. If the sentencing judge departs from such mandatory minimum term of imprisonment, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure. The departure sentence shall be the sentence pursuant to the sentencing guidelines act, K. S. A. 21-4701 et seq., and amendments thereto, and no sentence of a mandatory minimum term of imprisonment shall be imposed hereunder. As used in this subsection, mitigating circumstances shall include, but are not limited to, the following:

(1) The defendant has no significant history of prior criminal activity.

(2) The crime was committed while the defendant was under the influence of extreme mental or emotional disturbances.

(3) The victim was an accomplice in the crime committed by another person, and the defendant's participation was relatively minor.

(4) The defendant acted under extreme distress or under the substantial domination of another person.

(5) The capacity of the defendant to appreciate the criminality of the defendant's conduct or to conform the defendant's conduct to the requirements of law was substantially impaired.

(6) The age of the defendant at the time of the crime.

Sec. 6. K.S.A. 2006 Supp. 22-2411 is hereby amended to read as follows: 22-2411. (a) A federal law enforcement officer who enters this state may arrest a person, without a warrant, when in the judgment of the federal law enforcement officer a person:

(1) Asserts physical force or uses forcible compulsion likely to cause death or great bodily harm to any person; or

(2) is committing an inherently dangerous felony as defined in K.S.A. 21-3436, and amendments thereto.

(b) To provide assistance to law enforcement officers, a federal law enforcement officer shall have the same authority as a law enforcement officer where:

(1) The federal law enforcement officer is rendering assistance at the request of any law enforcement officer; or

(2) the federal law enforcement officer is effecting an arrest or providing assistance as part of a bona fide task force or joint investigation in which law enforcement officers are participating.

(c) Any lawful actions pursuant to this section shall be deemed to be within the scope of the federal law enforcement officer's employment.

(d) As used in this section:

(1) "Federal law enforcement officer" means a person employed by the United States government and assigned to the federal bureau of investigation who is empowered to effect an arrest with or without a warrant for violation of the United States code and who is authorized to carry a firearm in the performance of the person's official duties as a federal law enforcement officer.

(2) "Law enforcement officer" has the meaning ascribed thereto in K.S.A. 21-3110, and amendments thereto.

(e) This section shall be a part of and supplemental to the Kansas criminal code.

~~(f) The provisions of this section shall expire on July 1, 2007.~~

Sec. 7. K.S.A. 2006 Supp. 38-2304 is hereby amended to read as follows: 38-2304. (a) Except as provided in K.S.A. 2006 Supp. 38-2347, and amendments thereto, proceedings concerning a juvenile shall be governed by the provisions of this code.

(b) The district court shall have original jurisdiction to receive and determine proceedings under this code.

(c) When a complaint is filed under this code, the juvenile shall be presumed to be subject to this code, unless the contrary is proved.

(d) Once jurisdiction is acquired by the district court over an alleged juvenile offender, except as otherwise provided in subsection (e), jurisdiction shall continue until one of the following occurs:

(1) The complaint is dismissed;

(2) the juvenile is adjudicated not guilty at trial;

(3) the juvenile, after being adjudicated guilty and sentenced:

(i) Successfully completes the term of probation or order of assignment to community corrections;

(ii) is discharged by the commissioner pursuant to K.S.A. 2006 Supp. 38-2376, and amendments thereto; or

(iii) reaches the juveniles 21st birthday and no exceptions apply that extend jurisdiction beyond age 21; or

(4) the court terminates jurisdiction; or

(5) *the offender is convicted of a new felony while the offender is incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671 prior to its repeal or K.S.A. 2006 Supp. 38-2373, and amendments thereto, for an offense, which if committed by an adult would constitute the commission of a felony.*

(e) Once jurisdiction is acquired by the district court over an alleged juvenile offender, it shall continue beyond the juvenile offender's 21st birthday but no later than the juvenile offender's 23rd birthday if either or both of the following conditions apply:

(1) The juvenile offender is sentenced pursuant to K.S.A. 2006 Supp. 38-2369, and amendments thereto, and the term of the sentence including successful completion of aftercare extends beyond the juvenile offender's 21st birthday; or

(2) the juvenile offender is sentenced pursuant to an extended jurisdiction juvenile prosecution and continues to successfully serve the sentence imposed pursuant to the revised Kansas juvenile justice code.

(f) Termination of jurisdiction pursuant to this section shall have no effect on the juvenile offender's continuing responsibility to pay restitution ordered.

(g) (1) If a juvenile offender, at the time of sentencing, is in an out of home placement in the custody of the secretary of social and rehabilitation services under the Kansas code for care of children, the sentencing court may order the continued placement of the juvenile offender as a child in need of care unless the offender was adjudicated for a felony or a second or subsequent misdemeanor. If the adjudication was for a felony or a second or subsequent misdemeanor, the continued placement cannot be ordered unless the court finds there are compelling circumstances which, in the best interest of the juvenile offender, require that the placement should be continued. In considering whether compelling circumstances exist, the court shall consider the reports and recommendations of the foster placement, the contract provider, the secretary of social and rehabilitation services, the presentence investigation and all other relevant factors. If the foster placement refuses to continue the juvenile in the foster placement the court shall not order continued placement as a child in need of care.

(2) If a placement with the secretary of social and rehabilitation services is continued after sentencing, the secretary shall not be responsible for any costs of sanctions imposed under this code.

(3) If the juvenile offender is placed in the custody of the juvenile justice authority, the secretary of social and rehabilitation services shall not be responsible for furnishing services ordered in the child in need of care proceeding during the time of the placement pursuant to the revised Kansas juvenile justice code. Nothing in this subsection shall preclude the juvenile offender from accessing other services provided by the department of social and rehabilitation services or any other state

(continued)

agency if the juvenile offender is otherwise eligible for the services.

Sec. 8. K.S.A. 2006 Supp. 38-2376 is hereby amended to read as follows: 38-2376. (a) When a juvenile offender has reached the age of 23 years, *has been convicted as an adult while serving a term of incarceration at a juvenile correctional facility*, or has completed the prescribed terms of incarceration at a juvenile correctional facility, together with any conditional release following the program, the juvenile shall be discharged by the commissioner from any further obligation under the commitment unless the juvenile was sentenced pursuant to an extended jurisdiction juvenile prosecution upon court order and the commissioner transfers the juvenile to the custody of the secretary of corrections. The discharge shall operate as a full and complete release from any obligations imposed on the juvenile offender arising from the offense for which the juvenile offender was committed.

(b) At least 45 days prior to the discharge of the juvenile offender, the juvenile justice authority shall notify the court and the county or district attorney of the county where the offender was adjudicated a juvenile offender of the pending discharge of such juvenile offender, the offense would have constituted a class A, B or C felony before July 1, 1993, or an off-grid crime, a nondrug crime ranked at severity level 1, 2, 3, 4 or 5 or a drug crime ranked at severity level 1, 2 or 3, on or after July 1, 1993, if committed by an adult. The county or district attorney shall give written notice at least 30 days prior to the discharge of the juvenile offender pursuant to K.S.A. 2006 Supp. 38-2379, and amendments thereto.

Sec. 9. K.S.A. 47-604 is hereby amended to read as follows: 47-604. Any person who knowingly and intentionally violates, disregards or evades, or attempts to violate, disregard or evade any order establishing or regulating a quarantine issued pursuant to article 6 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, upon a first conviction shall be guilty of a class A misdemeanor. On a second or subsequent conviction of a violation of this section, such person shall be guilty of a class ~~D~~ severity level 7 nonperson felony.

Sec. 10. K.S.A. 65-28,107 is hereby amended to read as follows: 65-28,107. (a) An attending physician who refuses to comply with the declaration of a qualified patient pursuant to this act shall effect the transfer of the qualified patient to another physician. Failure of an attending physician to comply with the declaration of a qualified patient and to effect the transfer of the qualified patient shall constitute unprofessional conduct as defined in K.S.A. 65-2837, and amendments thereto.

(b) Any person who willfully conceals, cancels, defaces, obliterates or damages the declaration of another without such declarant's consent or who falsifies or forges a revocation of the declaration of another shall be guilty of a class A person misdemeanor.

(c) Any person who falsifies or forges the declaration of another, or willfully conceals or withholds personal knowledge of the revocation of a declaration, with the intent to cause a withholding or withdrawal of life-sustaining procedures contrary to the wishes of the declarant, and thereby, because of such act, directly causes life-sustaining procedures to be withheld or withdrawn and death to be hastened, shall be guilty of a class E severity level 7 person felony.

Sec. 11. K.S.A. 17-1311a, 47-604, 65-28,107, 66-276 and 75-7b19 and K.S.A. 2006 Supp. 21-3516, 21-3610c, 21-4603d, 21-4643, 22-2411, 38-2304 and 38-2376 are hereby repealed.

Sec. 12. On July 1, 2007, K.S.A. 2006 Supp. 21-4603d, as amended by section 1 of 2007 House Bill No. 2193, is hereby repealed.

Sec. 13. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register May 24, 2007.)

HOUSE BILL No. 2128

AN ACT concerning elections; amending K.S.A. 25-2407, 25-3005a and 25-4156 and K.S.A. 2006 Supp. 25-213 and repealing the existing sections.

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

Section 1. K.S.A. 2006 Supp. 25-213 is hereby amended to read as follows: 25-213. At all national and state primary elections, the national and state offices as specified for each in this section shall be printed upon the official primary election ballot for national and state offices and the county and township offices as specified for each in this section shall be printed upon the official primary election ballot for county and township offices. The official primary election ballots shall have the following heading:

OFFICIAL PRIMARY ELECTION BALLOT

_____ Party

To vote for a person whose name is printed on the ballot make a cross or check mark in the square at the left of the person's name. To vote for a person whose name is not printed on the ballot, write the person's name in the blank space, if any is provided, and make a cross or check mark in the square to the left.

The words national and state or the words county and township shall appear on the line preceding the part of the form shown above.

The form shown shall be followed by the names of the persons for whom nomination petitions or declarations have been filed according to law for political parties having primary elections, and for the national and state offices in the following order: United States senator, United States representative from _____ district, governor and lieutenant governor, secretary of state, attorney general, state treasurer, commissioner of insurance, senator _____ district, representative _____ district, district judge _____ district, district magistrate judge _____ district, district attorney _____ judicial district, and member state board of education _____ district. For county and township offices the form shall be followed by the names of persons for whom nomination petitions or declarations have been filed according to law for political parties having primary elections in the following order: commissioner _____ district, county clerk, treasurer, register of deeds, county attorney, sheriff, township trustee, township treasurer, township clerk. When any office is not to be elected, it shall be omitted from the ballot. Other offices to be elected but not listed, shall be inserted in the proper places. For each office there shall be a statement of the number to vote for.

To the left of each name there shall be printed a square. Official primary election ballots may be printed in one or more columns. The names certified by the secretary of state or county election officer shall be printed on official primary election ballots and no others. In case there are no nomination petitions or declarations on file for any particular office, the title to the office shall be printed on the ballot followed by a blank line with a square, and such title, followed by a blank line, may be printed in the list of candidates published in the official paper. No blank line shall be printed following any office where there are nomination petitions or declarations on file for the office except following the offices of precinct committeeman and precinct committeewoman. Except as otherwise provided in this section, no person's name shall be printed more than once on either the official primary election ballot for national and state offices or the official primary election ballot for county and township offices. No name that is printed on the official primary election ballot as a candidate of a political party shall be printed or written in as a candidate for any office on the official primary election ballot of any other political party. If a person is a candidate

for the unexpired term for an office, the person's name may be printed on the same ballot as a candidate for the next regular term for such office. The name of any candidate on the ballot may be printed on the same ballot as such candidate and also as a candidate for precinct committeeman or committeewoman. No name that is printed on the official primary election ballot for national and state offices shall be printed or written in elsewhere on such ballot or on the official primary election ballot for county and township offices except for precinct committeeman or committeewoman. No name that is printed on the official primary election ballot for county and township offices shall be printed or written in on the official primary election ballot for national and state offices or elsewhere on such county and township ballot except for precinct committeeman or committeewoman.

No person shall be elected to the office of precinct committeeman or precinct committeewoman where no nomination petitions or declarations have been filed, unless the person receives at least five write-in votes. As a result of a primary election, no person shall receive the nomination and no person's name shall be printed on the official general election ballot when no nomination petitions or declarations were filed, unless the person receives votes equal in number to not less than ~~10%~~ 5% of the electors who voted for the office of secretary of state at the last preceding general election for such office total of the current voter registration designated in the state, county or district in which the office is sought, as compiled by the office of the secretary of state, except that a candidate for township office may receive the nomination and have such person's name printed on the ballot where no nomination petitions or declarations have been filed if such candidate receives three or more write-in votes. No such person shall be required to obtain more than 5,000 votes.

Sec. 2. K.S.A. 25-3005a is hereby amended to read as follows: 25-3005a. (a) As used in this act "authorized poll agent" means any one of the following persons:

- (1) Chairperson of county party committee;
- (2) chairpersons of committees concerned with question submitted elections;
- (3) chairperson of state party committee;
- (4) any candidate;
- (5) any precinct committeeman or precinct committeewoman;
- (6) any write-in candidate who has filed an affidavit of write-in pursuant to K.S.A. 25-305, and amendments thereto;
- (7) any person appointed as provided in this section by any of the persons specified in this subsection.

(b) Every person appointed to be an authorized poll agent under authority of this act shall be so appointed in writing by the person making such appointment. Such written appointment shall be filed with the county election office by hand delivery, express delivery service, facsimile transmission or any electronic method authorized by the secretary of state and a copy of such appointment shall be carried by the authorized poll agent at all times such person is acting as such agent and shall be displayed upon demand of any member of any election board or any other election officer. Each authorized poll agent shall wear a badge clearly identifying the wearer as an authorized poll agent. The badge shall contain the word "observer" in 32-point or larger type. The badge shall be issued by the county election officer. Every appointment of an authorized poll agent shall be made in such form as is approved by the secretary of state. The number of authorized poll agents in each voting place at any one time appointed by any of the following shall be limited to the number indicated:

- (1) State and county chairpersons, one;
- (2) candidates, not to exceed one each;
- (3) precinct committeemen and committeewomen, one each;
- (4) the chairperson of each committee or organization concerned with any election on a question submitted, one each;

(5) write-in candidates who have filed an affidavit or write-in pursuant to K.S.A. 25-305, and amendments thereto, one each.

(c) When any candidate or any precinct committeeman or precinct committeewoman is acting as an authorized poll agent, such person shall carry identification which shall be supplied by the county election officer. Such identification shall indicate the authority by which such person is an authorized poll agent, and the same shall be in such form as is approved by the secretary of state. Whenever an authorized poll agent is required to carry identification under the provisions of this subsection such agent shall display the same upon demand of any member of any election board or any other election officer.

(d) Each person appointed to be an authorized poll agent shall:

- (1) Be a registered Kansas voter;
- (2) a member of any candidate's immediate family; or
- (3) be a person under 18 years of age but at least 14 years of age who meets all other requirements for qualification of an elector except that of age.

~~(d)~~ (e) The provisions of this section shall apply to all elections.

(f) Violations of this section shall be a class C nonperson misdemeanor.

Sec. 3. K.S.A. 25-2407 is hereby amended to read as follows: 25-2407. Corrupt political advertising is:

(a) (1) Publishing or causing to be published in a newspaper or other periodical any paid matter which is designed or tends to aid, injure or defeat any candidate for nomination or election to public office expressly advocates the nomination, election or defeat of any candidate, unless such matter is followed by the word "advertisement" or the abbreviation "adv." in a separate line together with the name of the chairman of the political or other organization inserting the same or the name of the person who is responsible therefor; or

~~(b)~~ (2) broadcasting or causing to be broadcast by any radio or television station any paid matter which is designed or tends to aid, injure or defeat any candidate for nomination or election to public office expressly advocates the nomination, election or defeat of any candidate, unless such matter is followed by a statement that the preceding was an advertisement together with the name of the chairman of the which states: "Paid for" or "Sponsored by" followed by the name of the sponsoring organization and the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the person who is responsible therefor; or

~~(c)~~ (3) publishing or causing to be published in a newspaper or other periodical any paid matter which is intended to influence the vote of any person or persons for or against any question submitted for a proposition to amend the constitution or to authorize the issuance of bonds or any other question submitted at an election, unless such matter is followed by the word "advertisement" or the abbreviation "adv." in a separate line together with the name of the chairman of the political or other organization inserting the same or the name of the person who is responsible therefor; or

~~(d)~~ (4) broadcasting or causing to be broadcast by any radio or television station any paid matter which is intended to influence the vote of any person or persons for or against any question submitted for a proposition to amend the constitution or to authorize the issuance of bonds or any other question submitted at an election, unless such matter is followed by a statement that the preceding was an advertisement together with the name of the chairman of the which states: "Paid for" or "Sponsored by" followed by the name of the sponsoring organization and the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the person who is responsible therefor; or

(continued)

(5) publishing or causing to be published any brochure, flier or other political fact sheet which is intended to influence the vote of any person or persons for or against any question submitted for a proposition to amend the constitution or to authorize the issuance of bonds or any other question submitted at an election, unless such matter is followed by a statement which states: "Paid for" or "Sponsored by" followed by the name of the sponsoring organization and the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.

(b) Corrupt political advertising is a class C misdemeanor.

(c) For the purposes of this section, the term "expressly advocate the nomination, election or defeat of a candidate" shall have the meaning ascribed to it in K.S.A. 25-4143 and amendments thereto.

Sec. 4. K.S.A. 25-4156 is hereby amended to read as follows: 25-4156. (a) (1) Whenever any person sells space in any newspaper, magazine or other periodical to a candidate or to a candidate committee, party committee or political committee, the charge made for the use of such space shall not exceed the charges made for comparable use of such space for other purposes.

(2) Intentionally charging an excessive amount for political advertising is a class A misdemeanor.

(b) (1) Corrupt political advertising of a state or local office is:

(A) Publishing or causing to be published in a newspaper or other periodical any paid matter which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by the word "advertisement" or the abbreviation "adv." in a separate line together with the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor;

(B) broadcasting or causing to be broadcast by any radio or television station any paid matter which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by a statement which states: "Paid for" or "Sponsored by" followed by the name of the sponsoring organization and the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor; or

(C) publishing or causing to be published any brochure, flier or other political fact sheet which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by a statement which states: "Paid for" or "Sponsored by" followed by the name of the chairperson or treasurer of the political or other organization

sponsoring the same or the name of the individual who is responsible therefor.

The provisions of this subsection (C) requiring the disclosure of the name of an individual shall not apply to individuals making expenditures in an aggregate amount of less than \$2,500 within a calendar year.

(2) Corrupt political advertising of a state or local office is a class C misdemeanor.

(c) If any provision of this section or application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of this section which can be given effect without the invalid application or provision, and to this end the provisions of this section are declared to be severable.

New Sec. 5. Advance voting suppression is knowingly, with intent to impede, obstruct or exert undue influence on the election process: (a) Destroying or altering another person's advance voting ballot applied for, or completed, by a registered voter, unless such registered voter consents in writing to such destruction or alteration;

(b) obstructing the delivery of an advance voting ballot to a voter or a completed advance voting ballot to the county election officer;

(c) failing to deliver any such advance voting ballot to the appropriate county election officer within two business days or before the close of polls on election day, whichever first occurs;

(d) exercising undue influence upon an advance voter in applying for, delivering or marking an advance voting ballot; or

(e) opening an advance voting ballot envelope sealed by the voter or examining or disclosing the contents of such voter's advance voting ballot except as required to fulfill official duties as otherwise prescribed by law.

(f) Delivering an advance voting ballot to the United States mail, with first-class postage attached, at least five calendar days prior to election day for delivery to the county election officer shall not be a violation of this section.

(g) As used in this section:

(1) "Undue influence" means coercion, compulsion or restraint as to diminish the voter's free agency, and by overcoming the power of resistance, obliges or causes such voter to adopt the will of another; and

(2) "deliver" means hand-deliver, mail or otherwise transmit an advance voting ballot.

Advance voting suppression is a severity level 9, nonperson felony.

Sec. 6. K.S.A. 25-2407, 25-3005a and 25-4156 and K.S.A. 2006 Supp. 25-213 are hereby repealed.

Sec. 7. 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 2006 Volumes of the *Kansas Administrative Regulations*.

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Reg. No.	Action	Register
1-2-46	Amended	V. 25, p. 1831
1-2-77	Revoked	V. 25, p. 1832

1-3-5	New	V. 25, p. 1832
1-3-6	New	V. 25, p. 1832
1-5-8	Amended	V. 25, p. 1305
1-6-2	Amended	V. 25, p. 1306
1-6-22a	Amended	V. 25, p. 1306
1-9-7b	Amended	V. 25, p. 1307
1-9-18	Revoked	V. 25, p. 1832
1-9-25	Amended	V. 25, p. 1832
1-9-26	Amended	V. 25, p. 1833

AGENCY 3: KANSAS STATE TREASURER

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3-4-7	New (T)	V. 25, p. 984, 985
3-4-1		
through		
3-4-7	New	V. 25, p. 1446, 1447

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4-7-510	Amended	V. 25, p. 1142
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4-7-716	Amended	V. 25, p. 1142
4-7-717	Amended	V. 25, p. 1142
4-8-14a	Amended	V. 26, p. 489
4-8-27	Amended	V. 26, p. 489
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4-16-3a	Amended	V. 25, p. 1143
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4-17-5a	Revoked	V. 25, p. 1145
4-19-1	Amended	V. 26, p. 173

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

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5-40-33	New	V. 26, p. 653
5-40-40	New	V. 26, p. 653
5-40-41	New	V. 26, p. 654
5-40-42	New	V. 26, p. 654
5-40-43	New	V. 26, p. 655
5-40-44	New	V. 26, p. 655
5-40-45	New	V. 26, p. 655
5-40-46	New	V. 26, p. 655
5-40-50	New	V. 26, p. 656
5-40-51	New	V. 26, p. 656
5-40-52	New	V. 26, p. 657
5-40-53	New	V. 26, p. 657
5-40-54	New	V. 26, p. 657
5-40-55	New	V. 26, p. 658
5-40-56	New	V. 26, p. 658
5-40-57	New	V. 26, p. 658
5-40-70	New	V. 26, p. 659
5-40-71	New	V. 26, p. 659
5-40-72	New	V. 26, p. 659
5-40-73	New	V. 26, p. 659
5-40-73a	New	V. 26, p. 660
5-40-74	New	V. 26, p. 661
5-40-75	New	V. 26, p. 661
5-40-76	New	V. 26, p. 662
5-40-77	New	V. 26, p. 662
5-40-90	New	V. 26, p. 662
5-40-91	New	V. 26, p. 663
5-40-92	New	V. 26, p. 663
5-40-93	New	V. 26, p. 663
5-40-94	New	V. 26, p. 663
5-40-100	New	V. 26, p. 663
5-40-101	New	V. 26, p. 663
5-40-102	New	V. 26, p. 664
5-40-103	New	V. 26, p. 664
5-40-104	New	V. 26, p. 664
5-40-105	New	V. 26, p. 664
5-40-106	New	V. 26, p. 664
5-42-1	Amended	V. 26, p. 664
5-42-5	New	V. 26, p. 665
5-44-7	New	V. 26, p. 666

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-17-22	Amended	V. 26, p. 325
7-44-1	through	
7-44-7	New (T)	V. 26, p. 15
7-44-1	through	
7-44-7	New	V. 26, p. 505, 506

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Reg. No.	Action	Register
9-32-1	through	
9-32-8	New (T)	V. 25, p. 46-48
9-32-1	through	
9-32-8	New	V. 25, p. 375-378

AGENCY 10: KANSAS BUREAU OF INVESTIGATION

Reg. No.	Action	Register
10-20-1	Amended	V. 26, p. 507
10-20-2	Amended	V. 26, p. 507
10-20-2a	Amended	V. 26, p. 507
10-20-14	Amended	V. 26, p. 507

AGENCY 11: STATE CONSERVATION COMMISSION

Reg. No.	Action	Register
11-3-1	through	
11-3-10	Amended	V. 25, p. 250, 251
11-3-11	New	V. 25, p. 252
11-3-12	New	V. 25, p. 252
11-4-1	through	
11-4-4	Amended	V. 25, p. 1268, 1269
11-4-6	through	
11-4-14	Amended	V. 25, p. 1269, 1270
11-4-15	New	V. 25, p. 1270
11-4-16	New	V. 25, p. 1270

AGENCY 16: ATTORNEY GENERAL

Reg. No.	Action	Register
16-11-1	through	
16-11-6	New (T)	V. 25, p. 980-982, 1019
16-11-1	through	
16-11-7	New	V. 25, p. 1598-1600
16-11-8	New	V. 25, p. 1772

AGENCY 22: STATE FIRE MARSHAL

Reg. No.	Action	Register
22-8-2	Amended	V. 25, p. 274
22-8-3	Amended	V. 25, p. 275
22-8-5	Amended	V. 25, p. 275
22-8-8	through	
22-8-14	New	V. 25, p. 276, 277
22-8-17	New	V. 25, p. 277

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-1-2	Amended	V. 25, p. 413
28-1-26	Amended	V. 25, p. 866
28-4-501	Amended (T)	V. 25, p. 985, 1019
28-4-501	Amended	V. 25, p. 1402
28-4-510	Amended (T)	V. 25, p. 986, 1019
28-4-510	Amended	V. 25, p. 1403
28-4-514	New (T)	V. 25, p. 987, 1019
28-4-514	New	V. 25, p. 1403
28-15-35	Amended	V. 26, p. 825
28-15-36a	Amended	V. 26, p. 829
28-16-28g	Amended	V. 26, p. 691
28-16-56c	Amended	V. 26, p. 283
28-16-56d	Amended	V. 26, p. 284
28-18-1	Amended	V. 26, p. 284
28-18-2	Amended	V. 26, p. 288

28-18-4	Amended	V. 26, p. 289
28-18-8	Amended	V. 26, p. 289
28-18-9	Amended	V. 26, p. 290
28-18-11	Amended	V. 26, p. 290
28-18-12	Amended	V. 26, p. 290
28-18-13	Amended	V. 26, p. 291
28-18-14	Amended	V. 26, p. 292
28-18-16	New	V. 26, p. 292
28-18-17	New	V. 26, p. 293
28-18a-1	Amended	V. 26, p. 294
28-18a-2	Amended	V. 26, p. 298
28-18a-4	Amended	V. 26, p. 299
28-18a-8	Amended	V. 26, p. 299
28-18a-9	Amended	V. 26, p. 300
28-18a-11	Amended	V. 26, p. 300
28-18a-12	Amended	V. 26, p. 300
28-18a-19	Amended	V. 26, p. 301
28-18a-21	Amended	V. 26, p. 302
28-18a-22	Amended	V. 26, p. 302
28-18a-26	Amended	V. 26, p. 303
28-18a-32	Revoked	V. 26, p. 303
28-18a-33	New	V. 26, p. 303
28-19-350	Amended	V. 25, p. 845
28-35-178b	Amended	V. 25, p. 256
28-46-2	Revoked	V. 26, p. 214
28-46-2a	New	V. 26, p. 215
28-46-25	Amended	V. 26, p. 215
28-46-26	Revoked	V. 26, p. 215
28-46-26a	New	V. 26, p. 215
28-46-34a	New	V. 26, p. 215
28-46-38	Amended	V. 26, p. 216
28-51-100	Amended	V. 25, p. 1448
28-51-112	through	
28-51-116	Amended	V. 25, p. 1449, 1450
28-73-1	through	
28-73-7	New	V. 25, p. 307-311

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-4-64	Amended	V. 25, p. 1636
30-4-90	Amended	V. 25, p. 786
30-4-98	New	V. 25, p. 1027
30-5-88	Revoked	V. 25, p. 1830
30-5-108	Revoked	V. 25, p. 1569
30-5-118	Revoked	V. 25, p. 663
30-5-118b	Revoked	V. 25, p. 663
30-6-38	Revoked	V. 25, p. 1028
30-6-77	Revoked	V. 25, p. 847
30-14-22	Revoked	V. 25, p. 1028
30-14-27	Revoked	V. 25, p. 847
30-31-1	Amended	V. 25, p. 1800
30-31-2	Revoked	V. 25, p. 1800
30-31-3	Revoked	V. 25, p. 1800
30-31-4	Revoked	V. 25, p. 1800
30-31-6	Revoked	V. 25, p. 1800
30-31-7	Revoked	V. 25, p. 1800
30-31-10	Revoked	V. 25, p. 1800
30-31-11	Revoked	V. 25, p. 1800
30-31-12	Revoked	V. 25, p. 1800
30-63-20	Amended	V. 25, p. 1693
30-63-22	Amended	V. 25, p. 1693
30-64-24	Amended	V. 25, p. 1693

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-2-20	Amended	V. 26, p. 101
40-3-5	Amended	V. 25, p. 182
40-3-12	Amended	V. 25, p. 182
40-3-22	Amended	V. 25, p. 210
40-3-40	Amended	V. 25, p. 212
40-3-43	Amended	V. 25, p. 183
40-3-44	Amended	V. 25, p. 212
40-3-46	Revoked	V. 25, p. 183
40-3-47	Amended	V. 25, p. 183
40-3-48	Amended	V. 25, p. 212
40-4-25	Amended	V. 25, p. 278
40-4-29a	New	V. 25, p. 1835
40-4-41	Amended	V. 25, p. 1835
40-4-41b	Amended	V. 25, p. 1838

(continued)

40-4-41c	Amended	V. 25, p. 1839
40-4-41d	Amended	V. 25, p. 1841
40-4-41e	Amended	V. 25, p. 1842
40-4-41f	Amended	V. 25, p. 1843
40-4-41i	Amended	V. 25, p. 1843
40-4-41j	Amended	V. 25, p. 1844
40-7-1	Revoked	V. 25, p. 1844
40-7-5	Amended	V. 25, p. 844
40-7-20a	Amended	V. 26, p. 103
40-7-24	Amended	V. 25, p. 1844
40-7-25	Amended	V. 26, p. 488

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-6-101	Amended	V. 26, p. 817
44-6-125	Amended	V. 26, p. 818
44-6-136	Amended	V. 26, p. 819
44-11-111	Amended	V. 26, p. 819
44-11-113	Amended	V. 26, p. 820
44-11-123	Amended	V. 26, p. 820
44-15-101a	Amended	V. 26, p. 820
44-15-102	Amended	V. 26, p. 821
44-15-104	Amended	V. 26, p. 822
44-16-104a	New	V. 26, p. 822

AGENCY 47: DEPARTMENT OF HEALTH AND ENVIRONMENT — MINED-LAND CONSERVATION AND RECLAMATION

Reg. No.	Action	Register
47-2-75	Amended	V. 25, p. 1639
47-3-2	Amended	V. 25, p. 1640
47-3-42	Amended	V. 25, p. 1641
47-4-14a	Amended	V. 25, p. 1644
47-5-5a	Amended	V. 25, p. 1649
47-6-1	Amended	V. 25, p. 1652
47-6-2	Amended	V. 25, p. 1653
47-6-3	Amended	V. 25, p. 1653
47-6-4	Amended	V. 25, p. 1653
47-6-6	Amended	V. 25, p. 1654
47-6-8	Amended	V. 25, p. 1654
47-6-9	Amended	V. 25, p. 1654
47-6-10	Amended	V. 25, p. 1654
47-6-11	Amended	V. 25, p. 1655
47-7-2	Amended	V. 25, p. 1655
47-8-9	Amended	V. 25, p. 1655
47-9-1	Amended	V. 25, p. 1656
47-9-4	Amended	V. 25, p. 1661
47-10-1	Amended	V. 25, p. 1662
47-11-8	Amended	V. 25, p. 1663
47-12-4	Amended	V. 25, p. 1664
47-13-4	Amended	V. 25, p. 1665
47-14-7	Amended	V. 25, p. 1665
47-15-1a	Amended	V. 25, p. 1666
47-16-9	Amended	V. 25, p. 1667
47-16-10	Amended	V. 25, p. 1667
47-16-12	Amended	V. 25, p. 1667

AGENCY 49: DEPARTMENT OF LABOR

Reg. No.	Action	Register
49-45-1	Amended	V. 25, p. 1494
49-45-2	Amended	V. 25, p. 1494
49-45-3	Amended	V. 25, p. 1494
49-45-4	Amended	V. 25, p. 1494
49-45-4a	Amended	V. 25, p. 1494
49-45-4b	New	V. 25, p. 1494
49-45-5	Amended	V. 25, p. 1494
49-45-6	Amended	V. 25, p. 1494
49-45-7	Amended	V. 25, p. 1494
49-45-8	Amended	V. 25, p. 1494
49-45-9	Amended	V. 25, p. 1495
49-45-20	Amended	V. 25, p. 1495
49-45-21		
through		
49-45-26	Revoked	V. 25, p. 1495
49-45-28	Amended	V. 25, p. 1495
49-45-29	Amended	V. 25, p. 1495
49-45-30	Revoked	V. 25, p. 1495
49-45-31	Amended	V. 25, p. 1495
49-45-32	Amended	V. 25, p. 1495
49-45-34	Amended	V. 25, p. 1495
49-45-35	New	V. 25, p. 1495
49-45-37	New	V. 25, p. 1495
49-45-38	New	V. 25, p. 1495

49-45a-1	Amended	V. 25, p. 1495
49-47-2	Amended	V. 25, p. 1496
49-49-1	Amended	V. 25, p. 25
49-49-1a	Amended	V. 25, p. 25
49-50-3	Amended	V. 25, p. 1496
49-50-7	Amended	V. 25, p. 1497
49-50-9	Amended	V. 25, p. 1497
49-50-10	Amended	V. 25, p. 1498
49-50-13	Amended	V. 25, p. 1498
49-50-17	Amended	V. 25, p. 1498
49-50-19	Amended	V. 25, p. 1498
49-50-22	Amended	V. 25, p. 1499
49-50-23	New	V. 25, p. 1499
49-50-24	New	V. 25, p. 1499
49-51-3a	Amended	V. 25, p. 1499
49-51-6	Amended	V. 25, p. 1499
49-51-11	Amended	V. 25, p. 1500
49-51-12	Amended	V. 25, p. 1501
49-52-6	Amended	V. 25, p. 1501
49-52-10	Amended	V. 25, p. 1502
49-52-14	Amended	V. 25, p. 1502
49-52-17	Amended	V. 25, p. 1502
49-52-18	New	V. 25, p. 1502
49-52-19	New	V. 25, p. 1502

AGENCY 50: DEPARTMENT OF LABOR— DIVISION OF EMPLOYMENT

Reg. No.	Action	Register
50-3-2a	New	V. 25, p. 1493

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-4-101	Amended	V. 26, p. 446
60-7-106	Amended	V. 26, p. 447
60-8-101	Amended	V. 26, p. 448
60-11-119	Amended	V. 26, p. 448
60-17-102	Amended	V. 26, p. 448
60-17-103	Amended	V. 26, p. 449
60-17-104	Amended	V. 26, p. 449
60-17-105	Amended	V. 26, p. 450
60-17-107	Amended	V. 26, p. 450
60-17-108	Amended	V. 26, p. 451
60-17-110	Amended	V. 26, p. 451

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-1	Amended	V. 26, p. 126
63-5-1	Amended	V. 26, p. 126

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-4	Amended	V. 25, p. 1801
66-8-4	Amended	V. 25, p. 44
66-8-8	Amended	V. 25, p. 1802
66-10-1	Amended	V. 25, p. 44
66-10-9	Amended	V. 25, p. 1802
66-10-10a	Amended	V. 25, p. 1802
66-10-11	Amended	V. 25, p. 44
66-10-12	Amended	V. 25, p. 45
66-10-14	Amended	V. 25, p. 45
66-11-2	Amended	V. 25, p. 1802
66-11-5	Amended	V. 25, p. 45

AGENCY 67: BOARD OF EXAMINERS IN THE FITTING AND DISPENSING OF HEARING INSTRUMENTS

Reg. No.	Action	Register
67-3-5	New (T)	V. 26, p. 202
67-5-3	Revoked	V. 26, p. 692
67-5-4	Amended	V. 26, p. 692
67-5-5	New	V. 26, p. 692

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-1b	Amended	V. 25, p. 1401
68-1-1d	Amended	V. 25, p. 1401
68-1-1f	Amended	V. 25, p. 1401
68-1-1g	New	V. 25, p. 1401
68-2-22	Amended	V. 25, p. 661
68-5-16	Amended	V. 26, p. 488
68-11-1	Amended	V. 25, p. 1401

68-16-1		
through		
68-16-9	New	V. 25, p. 1637-1639
68-20-1	Amended	V. 26, p. 488

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-8-1		
through		
71-8-9	New	V. 25, p. 99, 100

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-4-1a	Amended	V. 26, p. 126
74-4-7	Amended	V. 25, p. 610
74-4-8	Amended	V. 25, p. 610
74-5-2	Amended	V. 26, p. 127
74-5-101	Amended	V. 26, p. 127
74-5-102	Amended	V. 25, p. 612
73-5-105	Revoked	V. 26, p. 127
74-5-202	Amended	V. 26, p. 127
74-5-203	Amended	V. 25, p. 613
74-5-403	Amended	V. 26, p. 128
74-5-408	New	V. 26, p. 128
74-11-6	Amended	V. 26, p. 128
74-11-7	Amended	V. 25, p. 614

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-1-1	Amended	V. 26, p. 20
81-2-1	Amended	V. 25, p. 1057
81-3-1	Amended	V. 25, p. 1058
81-3-2	Amended	V. 25, p. 1059
81-3-5	Amended	V. 25, p. 1059
81-3-6	New	V. 25, p. 1060
81-3-7	New	V. 25, p. 1064
81-4-1	Amended	V. 26, p. 21
81-4-2	Amended	V. 26, p. 22
81-5-3	Amended	V. 26, p. 22
81-5-4	Revoked	V. 26, p. 22
81-5-5	Revoked	V. 26, p. 23
81-5-6	Amended	V. 26, p. 23
81-5-7	Amended	V. 26, p. 24
81-5-8	Amended	V. 26, p. 24
81-5-10	Amended	V. 26, p. 24
81-5-11	Amended	V. 26, p. 25
81-5-12	Amended	V. 26, p. 25
81-5-13	Amended	V. 26, p. 26
81-5-14	Amended	V. 26, p. 27
81-5-16		
through		
81-5-20	New	V. 26, p. 28-30
81-6-1	Amended	V. 26, p. 30
81-7-1	Amended	V. 26, p. 30
81-7-2	Amended	V. 26, p. 31
81-7-3	New	V. 26, p. 31
81-10-1	Amended	V. 26, p. 32
81-14-1	Amended	V. 25, p. 1065
81-14-2	Amended	V. 25, p. 1066
81-14-3	Revoked	V. 25, p. 1066
81-14-4	Amended	V. 25, p. 1066
81-14-5	Amended	V. 25, p. 1071
81-14-6	Amended	V. 25, p. 1075
81-14-7	Amended	V. 25, p. 1076
81-14-8	Revoked	V. 25, p. 1076
81-14-9	New	V. 25, p. 1076
81-14-10	New	V. 25, p. 1079

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-3-101	Amended	V. 25, p. 1750
82-3-206	Amended	V. 25, p. 1754
82-3-303	Amended	V. 26, p. 823
82-3-304	Amended	V. 26, p. 824
82-3-305	Amended	V. 25, p. 1754
82-3-307	Amended	V. 25, p. 1754
82-4-3a	Amended (T)	V. 25, p. 378
82-4-3a	Amended	V. 25, p. 844
82-14-1		
through		
82-14-5	New	V. 26, p. 16-19
82-15-1	New (T)	V. 25, p. 984, 1019

82-15-1 New V. 25, p. 1363

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-3-8	Amended	V. 25, p. 1057
88-15-1	Revoked	V. 25, p. 1403
88-15-2	Revoked	V. 25, p. 1403
88-16-1	Revoked	V. 25, p. 1404
88-16-1b	Revoked	V. 25, p. 1404
88-16-2	Revoked	V. 25, p. 1404
88-16-5	Revoked	V. 25, p. 1404
88-16-5b	Revoked	V. 25, p. 1404
88-16-6	Revoked	V. 25, p. 1404
88-16-8	Revoked	V. 25, p. 1404
88-23-1	Revoked	V. 25, p. 1404
88-23-2	Revoked	V. 25, p. 1404
88-23-2a	Revoked	V. 25, p. 1404
88-23-3a	Revoked	V. 25, p. 1404
88-23-4	Revoked	V. 25, p. 1404
88-23-5	Revoked	V. 25, p. 1404
88-23-6	Revoked	V. 25, p. 1404
88-23-7	Revoked	V. 25, p. 1404
88-28-1 through		
88-28-6	New	V. 25, p. 1404-1410
88-28-7	New	V. 25, p. 1451
88-28-8	New	V. 25, p. 1411
88-29-1 through		
88-29-19	New	V. 26, p. 216-229

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-201	Amended	V. 25, p. 1098
91-1-202	Amended	V. 25, p. 1099
91-1-205	Amended	V. 25, p. 1101

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-12-4	Revoked	V. 25, p. 252
92-12-4a	New	V. 25, p. 252
92-12-5	Revoked	V. 25, p. 254
92-12-120	New	V. 25, p. 254
92-12-121	New	V. 25, p. 254
92-12-130	New	V. 25, p. 254
92-13-9	Amended	V. 25, p. 1568
92-19-16a	Amended	V. 26, p. 408
92-19-16b	New	V. 26, p. 409
92-19-22a	Amended	V. 25, p. 254
92-19-55a	Revoked	V. 26, p. 409
92-19-81	Amended	V. 26, p. 409
92-21-7	Revoked	V. 26, p. 409
92-21-8	Revoked	V. 26, p. 409
92-21-10	Revoked	V. 26, p. 409
92-21-14	Amended	V. 26, p. 409
92-21-16	Revoked	V. 26, p. 409
92-21-17	Revoked	V. 26, p. 409
92-51-41	Amended	V. 25, p. 255
92-51-41a	New	V. 25, p. 255

AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION

Reg. No.	Action	Register
93-7-1	New	V. 26, p. 14
93-7-2	New	V. 26, p. 14
93-7-3	New	V. 26, p. 14
93-8-1	New	V. 26, p. 14
93-8-2	New	V. 26, p. 14
93-8-3	New	V. 26, p. 14

AGENCY 97: KANSAS COMMISSION ON VETERANS' AFFAIRS

Reg. No.	Action	Register
97-4-1 through		
97-4-8	New	V. 25, p. 1596, 1597
97-6-1	New	V. 26, p. 484
97-6-2	New	V. 26, p. 485
97-6-4 through		
97-6-11	New	V. 26, p. 485-488

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-15-5	Amended	V. 26, p. 384
100-15-6	Amended	V. 26, p. 385
100-22-8	New (T)	V. 26, p. 628
100-25-1 through		
100-25-5	New	V. 25, p. 213-216
100-26-1	Amended	V. 25, p. 217
100-26-2	New	V. 25, p. 217
100-26-3	New	V. 25, p. 217
100-27-1	Amended	V. 25, p. 1206
100-29-1	Amended	V. 25, p. 639
100-29-2	Amended	V. 25, p. 890
100-29-3	Amended	V. 25, p. 640
100-29-4	Amended	V. 25, p. 890
100-29-5	Revoked	V. 25, p. 640
100-29-6	Amended	V. 25, p. 640
100-29-8	Amended	V. 25, p. 640
100-29-9	Amended	V. 25, p. 640
100-29-10	Amended	V. 25, p. 641
100-29-11	Revoked	V. 25, p. 1601
100-29-12	Amended	V. 25, p. 642
100-29-13	Amended	V. 25, p. 643
100-29-14	Revoked	V. 25, p. 890
100-29-15	New	V. 25, p. 643
100-29-16	New	V. 25, p. 890
100-73-7	New	V. 25, p. 1601
100-73-8	New	V. 25, p. 1602

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-5a	Amended	V. 25, p. 183
102-1-12	Amended	V. 25, p. 184
102-1-12	Amended (T)	V. 26, p. 629
102-2-2a	Amended (T)	V. 25, p. 987, 1019
102-2-2a	Amended	V. 25, p. 1452
102-2-6	Amended	V. 25, p. 1453
102-3-3a	Amended	V. 25, p. 1454
102-3-4a	Amended (T)	V. 25, p. 988, 1019
102-3-4a	Amended	V. 25, p. 1456
102-4-1a	Amended	V. 25, p. 1458
102-4-3a	Amended	V. 25, p. 1460
102-4-4a	Amended (T)	V. 25, p. 990, 1019
102-4-4a	Amended	V. 25, p. 1463
102-5-3	Amended	V. 25, p. 1464
102-5-4a	Amended (T)	V. 25, p. 992, 1019
102-5-4a	Amended	V. 25, p. 1466
102-5-5	Amended	V. 25, p. 187

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-4-1	Amended	V. 25, p. 101
105-5-2	Amended (T)	V. 25, p. 982, 1019
105-5-2	Amended	V. 25, p. 1530
105-5-3	Amended (T)	V. 25, p. 982, 1019
105-5-3	Amended	V. 25, p. 1530
105-5-6	Amended (T)	V. 25, p. 982, 1019
105-5-6	Amended	V. 25, p. 1530
105-5-7	Amended (T)	V. 25, p. 983, 1019
105-5-7	Amended	V. 25, p. 1531
105-5-8	Amended (T)	V. 25, p. 983, 1019
105-5-8	Amended	V. 25, p. 1531
105-11-1	Amended (T)	V. 25, p. 983, 1019
105-11-1	Amended	V. 25, p. 1531

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-4	Amended	V. 25, p. 180

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-8-1	Amended (T)	V. 26, p. 12

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-9-1 through		
110-9-8	New	V. 25, p. 373-375
110-13-4	Amended	V. 25, p. 447

110-14-1 New V. 25, p. 1771
110-14-2 New V. 25, p. 1771

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. A list of regulations filed by the Kansas Lottery from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 Kansas Register. The following regulations were filed after January 1, 2006:

Reg. No.	Action	Register
111-2-30	Amended	V. 25, p. 414
111-2-187	New	V. 25, p. 381
111-2-188	New	V. 25, p. 1363
111-2-189	New	V. 25, p. 1411
111-2-190	New	V. 25, p. 1694
111-2-191 through		
111-2-196	New	V. 26, p. 129, 130
111-2-194	Amended	V. 26, p. 173
111-2-197	New	V. 26, p. 173
111-2-198	New	V. 26, p. 174
111-2-199 through		
111-2-204	New	V. 26, p. 202, 203
111-2-204	Amended	V. 26, p. 565
111-2-205	New	V. 26, p. 565
111-2-206	New	V. 26, p. 631
111-2-207	New	V. 26, p. 631
111-4-2342 through		
111-4-2349	New	V. 25, p. 217-221
111-4-2350 through		
111-4-2362	New	V. 25, p. 311-319
111-4-2363 through		
111-4-2382	New	V. 25, p. 339-351
111-4-2383 through		
111-4-2387	New	V. 25, p. 381-384
111-4-2389 through		
111-4-2393	New	V. 25, p. 385, 386
111-4-2394 through		
111-4-2404	New	V. 25, p. 415-422
111-4-2405 through		
111-4-2418	New	V. 25, p. 787-795
111-4-2419 through		
111-4-2427	New	V. 25, p. 868-874
111-4-2420	Amended	V. 25, p. 1019
111-4-2428 through		
111-4-2434	New	V. 25, p. 1020-1025
111-4-2435 through		
111-4-2454	New	V. 25, p. 1364-1376
111-4-2455 through		
111-4-2467	New	V. 25, p. 1412-1420
111-4-2468 through		
111-4-2482	New	V. 25, p. 1695-1702
111-4-2483 through		
111-4-2496	New	V. 26, p. 130-138
111-4-2495	Amended	V. 26, p. 203
111-4-2497 through		
111-4-2503	New	V. 26, p. 174-179
111-4-2504 through		
111-4-2520	New	V. 26, p. 204-212
111-4-2521 through		
111-4-2525	New	V. 26, p. 566-569

(continued)

111-4-2526		
through		
111-4-2552	New	V. 26, p. 632-641
111-4-2553		
through		
111-4-2557	New	V. 26, p. 692-695
111-5-126		
through		
111-5-138	New	V. 25, p. 386-390
111-5-131	Amended	V. 26, p. 570
111-5-139	New	V. 25, p. 423
111-5-139a	New	V. 25, p. 795
111-5-140		
through		
111-5-149	New	V. 25, p. 795-797
111-5-150		
through		
111-5-154	New	V. 25, p. 842-844
111-5-155		
through		
111-5-159	New	V. 25, p. 1703, 1704
111-5-160		
through		
111-5-164	New	V. 26, p. 696, 697
111-6-1	Amended	V. 25, p. 222
111-6-27	New	V. 26, p. 259
111-7-81	Amended	V. 25, p. 319
111-7-193	New	V. 25, p. 1026
111-7-194	New	V. 25, p. 1027
111-7-195		
through		
111-7-207	New	V. 25, p. 1420-1423
111-7-208		
through		
111-7-217	New	V. 26, p. 138-141
111-9-130		
through		
111-9-133	New	V. 25, p. 351-353
111-9-134	New	V. 25, p. 1704
111-9-135	New	V. 25, p. 1705
111-9-136	New	V. 26, p. 141
111-9-137	New	V. 26, p. 180
111-9-138	New	V. 26, p. 212
111-9-139	New	V. 26, p. 212
111-9-140	New	V. 26, p. 213

111-9-141	New	V. 26, p. 570
111-9-142	New	V. 26, p. 571
111-9-143	New	V. 26, p. 697
111-9-144	New	V. 26, p. 698
111-9-145	New	V. 26, p. 699
111-11-1	Amended	V. 25, p. 223
111-12-4	Amended	V. 26, p. 571
111-14-2	New	V. 26, p. 214

**AGENCY 115: DEPARTMENT OF
WILDLIFE AND PARKS**

Reg. No.	Action	Register
115-2-1	Amended	V. 25, p. 1602
115-2-2	Amended	V. 25, p. 1603
115-2-3a	Amended	V. 25, p. 1603
115-2-4	Amended	V. 25, p. 336
115-4-4	Amended	V. 26, p. 410
115-4-4a	Amended	V. 26, p. 411
115-4-6	Amended	V. 25, p. 336
115-7-1	Amended	V. 25, p. 1605
115-7-4	Amended	V. 25, p. 1606
115-7-8	New	V. 25, p. 1606
115-9-9	Amended	V. 26, p. 641
115-16-5	Amended	V. 25, p. 1607
115-18-10	Amended	V. 26, p. 101
115-18-12	Amended	V. 25, p. 1608
115-18-18	New	V. 25, p. 1608
115-18-19	New	V. 25, p. 1608
115-18-20	New	V. 25, p. 1609
115-20-5	New	V. 25, p. 1609
115-20-6	New	V. 25, p. 1611

**AGENCY 117: REAL ESTATE
APPRAISAL BOARD**

Reg. No.	Action	Register
117-2-2	Amended	V. 25, p. 1146
117-3-2	Amended	V. 25, p. 1146
117-3-2a	Amended	V. 26, p. 564
117-4-2	Amended	V. 25, p. 1147
117-4-2a	Amended	V. 26, p. 564
117-5-1	Amended	V. 25, p. 1148
117-6-1	Amended	V. 25, p. 1148
117-6-2	Amended	V. 25, p. 1148
117-8-1	Amended	V. 25, p. 866

AGENCY 118: STATE HISTORICAL SOCIETY

Reg. No.	Action	Register
118-4-4	Amended	V. 26, p. 46

**AGENCY 121: DEPARTMENT OF
CREDIT UNIONS**

Reg. No.	Action	Register
121-5-1	Amended (T)	V. 25, p. 1304
121-5-1	Amended	V. 25, p. 1727
121-5-2	Revoked (T)	V. 25, p. 1304
121-5-2	Revoked	V. 25, p. 1727
121-5-3	New (T)	V. 25, p. 1304
121-5-3	New	V. 25, p. 1727
121-7-1	New	V. 25, p. 1728
121-8-1	New (T)	V. 25, p. 1304
121-8-1	New	V. 25, p. 1728

**AGENCY 123: JUVENILE JUSTICE
AUTHORITY**

Reg. No.	Action	Register
123-6-101		
through		
123-6-106	New	V. 25, p. 1634, 1635

**AGENCY 129: KANSAS HEALTH
POLICY AUTHORITY**

Reg. No.	Action	Register
129-5-1	Amended	V. 26, p. 281
129-5-88	New	V. 25, p. 1830
129-5-108	New	V. 25, p. 1571
129-5-118	New	V. 25, p. 665
129-5-118b	New	V. 25, p. 665
129-6-38	New	V. 25, p. 1030
129-6-77	New	V. 25, p. 847
129-6-151	New	V. 25, p. 848
129-6-152	New	V. 25, p. 848
129-7-65	New	V. 25, p. 848
129-14-22	New	V. 25, p. 1030
129-14-27	New	V. 25, p. 849
129-14-51	New	V. 25, p. 849
129-14-52	New	V. 25, p. 849

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