

Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of June 4-12. 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>. Interim committee memberships can be found on the Legislative Research Department's Web site at <http://skyways.lib.ks.us/ksleg/KLRD/Committees.htm>.

Date	Room	Time	Committee	Agenda
June 4	545-N	9:00 a.m.	Legislative Coordinating Council	Legislative matters.
June 4	446-N	9:00 a.m.	State Employee Pay Plan Oversight Committee	Continue Committee discussion.
June 4	House Chambers	10:00 a.m.	House of Representatives	Sine Die
June 4	Senate Chambers	10:00 a.m.	Senate	Sine Die
June 4	446-N	Upon Adjournment of Both Houses	Joint Committee on Building Construction	Discussion of leases and change orders, and Regents deferred maintenance.
<i>Pending LCC Approval:</i>				
June 12	143-N	10:00 a.m.	Joint Committee on Health Policy Oversight	Agenda not available.

Jeffrey M. Russell
Director of Legislative
Administrative Services

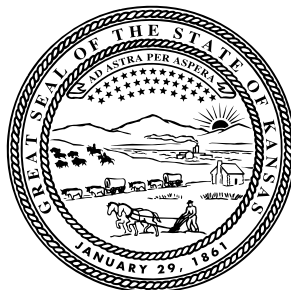
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State of Kansas
Commission on Veterans' Affairs

Notice of Meeting

The Kansas Commission on Veterans' Affairs will meet at 10 a.m. Friday, June 19, in the Florentine Room of the Jayhawk Tower, 700 S.W. Jackson, Topeka. The public is invited to attend. For more information, call (785) 296-3976.

Jack Fowler
 Executive Director

Doc. No. 037108

State of Kansas
Kansas Water Authority

Notice of Meetings

The Kansas Water Authority will meet Thursday and Friday, June 11-12, at the Train Depot, 430 N. Main St., El Dorado. The meeting begins at 9 a.m. Thursday, June 11, and at 8:30 a.m. Friday, June 12. The chairs of the state's 12 river basin advisory committees, advisors to the Kansas Water Authority, will meet at 8 a.m. Thursday, June 11, also at the Train Depot.

The agenda is available on the Kansas Water Office Web site at www.kwo.org or may be requested by calling (785) 296-3185 or toll free (888) 526-9283 (KAN-WATER). If special accommodations are needed at the meeting site, please contact the Kansas Water Office at least two days in advance of the meeting.

Steve Irsik
 Chairman

Doc. No. 037086

State of Kansas
Racing and Gaming Commission

**Notice of Hearing on Proposed
 Administrative Regulations**

A public hearing will be conducted at 10 a.m. Tuesday, August 11, in Conference Room A of the Kansas Racing and Gaming Commission office, fifth floor, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, to consider the adoption of the proposed permanent regulations of the Kansas Racing and Gaming Commission. This 60-day notice constitutes a public comment period for the purpose of receiving written public comments on these proposed regulations.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting the Kansas Racing and Gaming Commission, 700 S.W. Harrison, Suite 500, Topeka, 66603-3754, or by calling (785) 296-5800.

A copy of the full text of the regulations and the economic impact statements may be reviewed or obtained at the commission office or from the official Web site of the Kansas Racing and Gaming Commission, www.krgc.

ks.gov. The following is a summary of the proposed regulations:

**Article 104.—MINIMUM INTERNAL
 CONTROL SYSTEM**

Economic Impact of New Article 104: Under the Expanded Lottery Act, all of the costs of oversight and regulation by the Kansas Racing and Gaming Commission are required to be paid by the gaming facility managers. Therefore, there are no costs anticipated to the agency or other governmental agencies, or to the people of Kansas, as a result of this new article.

K.A.R. 112-104-34. Physical key controls; automated key controls. This regulation defines the term "sensitive keys" and establishes the storage, duplication, custody, issuance and return of sensitive keys. This regulation also establishes which sensitive keys may be further designated as "critical keys," which are subject to heightened controls.

K.A.R. 112-104-35. Key control procedures. This regulation establishes that a gaming facility manager must, as a part of the manager's internal control system, include a key box custodian for a sensitive key box or critical key box who shall be issued a sensitive key or critical key access list that notes the authorized employee positions that may access each sensitive key or critical key.

K.A.R. 112-104-36. Key access list. This regulation establishes that each gaming facility manager shall maintain a current and accurate key access list for each sensitive key or critical key. The gaming facility manager shall provide a copy of the key access list to the commission's director of security. This regulation outlines the details contained in the key access list.

K.A.R. 112-104-37. Key log. This regulation establishes that any sensitive or critical key may be issued only after completion of a sensitive key or critical key log. The regulation outlines the information to be included on the key log. The regulation also details the procedures for custody of the key.

K.A.R. 112-104-38. Broken, lost, or missing keys. This regulation establishes that the internal control system shall include procedures to follow if a critical key or sensitive key is broken, lost, missing, or taken from the premises and the investigation procedures to be followed.

K.A.R. 112-104-39. Corrections to forms. This regulation establishes the steps to be followed when monetary corrections to a figure originally recorded on a form are made.

K.A.R. 112-104-40. Manual forms dispensers. This regulation establishes that each gaming facility manager's accounting or security department shall be responsible for loading and unloading any locked manual form dispensers.

K.A.R. 112-104-41. Forms; description. This regulation establishes that each gaming facility manager shall maintain a supply of all forms listed in subsection (b) of this regulation and any additional forms that the manager deems necessary to manage the facility.

Stephen L. Martino
 Executive Director

Doc. No. 037106

State of Kansas

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the Bureau of Construction and Maintenance, KDOT, Topeka, or at the Eisenhower State Office Building, fourth floor west wing, 700 S.W. Harrison, Topeka, until 1 p.m. June 17 and then publicly opened:

District One — Northeast

Atchison—3 C-4209-01 — County road 0.5 mile west of Cummings, 0.3 mile, grading, bridge and surfacing. (Federal Funds)

Douglas—40-23 U-2041-01 — Intersection of North 2nd Street and Locust Street in Lawrence, 0.2 mile, intersection improvement. (Federal Funds)

Jackson—75-43 KA-1500-01 — U.S. 75 in the vicinity of the Prairie Band Potawatomi Tribal Nation, Intelligent Transportation System. (Federal Funds)

Johnson-Wyandotte—635-106 KA-1543-01 — I-635 from Merriam Lane to Georgia Street, 4.3 miles, pavement marking. (State Funds)

Leavenworth—52 C-4469-01 — Intersection of County Road 1 and K-32, 0.5 mile, intersection improvement. (Federal Funds)

Wyandotte—70-105 KA-1666-01 — I-70 east of the 94th Street bridge west 1 mile, paving. (State Funds)

Wyandotte—105 N-0462-01 — 29th and State in Kansas City, intersection improvement. (Federal Funds)

Shawnee—70-89 KA-1670-01 — I-70 pavement patching at various locations in Topeka, 3.3 miles. (State Funds)

Shawnee—70-89 KA-1671-01 — I-470 from 21st Street east to Gage Boulevard in Topeka, 2.1 miles, pavement patching. (State Funds)

District Two — Northcentral

Washington—36-101 K-9777-01 — U.S. 36 from west of D Street east to the junction of K-15 in Washington, 0.4 mile, grading and surfacing. (State Funds)

Washington—15-101 KA-0836-01 — K-15 from 1 mile south of U.S. 36 north 0.5 mile to the Mill Creek Bridge, grading and surfacing. (State Funds)

Saline—70-85 KA-1667-01 — I-70 from the Lincoln-Saline county line east to 0.4 mile west of I-135, 14.7 miles, pavement marking. (Federal Funds)

District Three — Northwest

Osborne—24-71 KA-1301-01 — U.S. 24 bridge 4 miles west of the south junction of U.S. 281, bridge repair. (State Funds)

District Four — Southeast

Wilson—103 C-4395-02 — Pedestrian and bicycle paths in Neodesha. (Federal Funds)

Crawford—160-19 KA-1561-01 — U.S. 160 bridge 2.5 miles west of the Kansas-Missouri state line, bridge repair. (State Funds)

District Five — Southcentral

Stafford—93 C-4404-02 — Pedestrian and bicycle paths in the city of Stafford. (Federal Funds)

Sedgwick—54-87 KA-1247-01 — U.S. 54 bridge 14 miles east of the junction of U.S. 54/K-163, bridge repair. (State Funds)

Pratt—61-76 KA-1655-01 — K-61 from the junction of U.S. 54 north 1.3 miles, seal. (State Funds)

Harvey—50-40 KA-1662-01 — U.S. 50 from the north junction of I-135 to 0.5 mile west of city limits of Walton, 4.8 miles, pavement marking. (Federal Funds)

Harvey—135-40 KA-1663-01 — I-135 from the south junction of U.S. 50 to the Harvey-McPherson county line, 14.4 miles, pavement marking. (Federal Funds)

Sedgwick—54-87 KA-1664-01 — U.S. 54 from the Kingman-Sedgwick county line east to 0.5 mile east of K-163, 7.5 miles, pavement marking. (Federal Funds)

District Six — Southwest

Ford—56-29 KA-1244-01 — U.S. 56, 0.3 mile north of the junction of U.S. 56/U.S. 400, bridge repair. (State Funds)

Meade—160-60 K-7421-01 — U.S. 160 from the Seward-Meade county line east to the west junction of U.S. 54, 3.8 miles, grading and surfacing. (Federal Funds)

Seward—83-88 KA-1660-01 — U.S. 83 from the Kansas-Oklahoma state line north 5 miles, pavement marking. (Federal Funds)

Seward—88 U-2046-01 — Eighth Street from U.S. 54 to U.S. 83 in Liberal, 0.7 mile, grading and surfacing. (Federal Funds)

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

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

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

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

Deb Miller
Secretary of Transportation

Doc. No. 037082

State of Kansas

Kansas Judicial Council

Notice of Meetings

The Kansas Judicial Council, its Advisory Committees and the Commission on Judicial Performance will meet according to the following schedule at the Kansas Judicial Center, 301 S.W. 10th Ave., Topeka, unless otherwise designated:

Date	Committee	Time	Location
June 5	Judicial Council	9:00 a.m.	Suite 140
June 5	Family Law	9:30 a.m.	Suite 140
June 12	Administrative Procedure	9:30 a.m.	Room 269
June 26	Pattern Instruction for Kansas - Criminal	9:30 a.m.	Room 269
June 26	Probate Law	9:30 a.m.	Suite 140
June 26	Juvenile Offender/Child in Need of Care	9:30 a.m.	Suite 140
July 10	Commission on Judicial Performance	9:30 a.m.	Suite 140
July 10	Family Law	9:30 a.m.	Suite 140
July 24	Pattern Instruction for Kansas - Criminal	9:30 a.m.	Room 269
July 24	Juvenile Offender/Child in Need of Care	9:30 a.m.	Suite 140

Hon. Lawton R. Nuss
Chairman

Doc. No. 037099

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 2009-2012 by adding the following projects:

Project KA-0431-10, FY-2010 Statewide Pavement Marking Program

Project KA-0432-10, FY-2010 Statewide Lighting Program

Project KA-0433-10, FY-2010 Statewide Signing Program

The amendment of the STIP requires a public comment period of 30 days. 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 29.

Deb Miller
Secretary of Transportation

Doc. No. 037115

State of Kansas

Fort Hays State University

Notice to Bidders

Fort Hays State University encourages interested vendors to visit the Fort Hays State University Purchasing Web site, <http://www.fhsu.edu/adminfin/purchasing/bids/>, for a complete list of all goods and services currently out for bid. Paper postings of all open bids may be reviewed at Purchasing, Room 318, Sheridan Hall, 601 Park St., Hays. Copies of open bids also may be requested by contacting Purchasing at (785) 628-4251, by fax at (785) 628-4046, or by e-mail at purchasing@fhsu.edu.

Kathy Herrman
Purchasing Director

Doc. No. 037098

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:

06/12/2009	12287	Clothing, KHP Personnel
06/15/2009	12298	Utility Truck Bodies
06/15/2009	12308	Tool Boxes for Pickup Trucks
06/15/2009	12312	Furnish and Install Polyurethane Foam Roof Coating
06/15/2009	12313	Fuel Tanks, Above Ground
06/15/2009	12320	Tactical Body Armor
07/02/2009	12311	Contamination Removal and Cleaning Services
07/09/2009	12286	Vehicle Rental Services

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 prequalification, projects and bid documents can be obtained by calling (785) 296-8899 or by visiting www.da.ks.gov/fp/.

06/24/2009	A-010770	Remodel Hickory Cottage, Parsons State Hospital and Training Center, Parsons
06/25/2009	A-010764	Special Services Building Transformer Upgrade, Osawatomie State Hospital, Osawatomie
06/25/2009	A-011101	Park Street Parking Lot Improvements, Fort Hays State University, Hays

Chris Howe
Director of Purchases

Doc. No. 037116

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. 2008 Supp. 12-1675(b)(c)(d) and K.S.A. 2008 Supp. 12-1675a(g).

Effective 6-1-09 through 6-7-09

Term	Rate
1-89 days	0.18%
3 months	0.16%
6 months	0.29%
1 year	0.47%
18 months	0.70%
2 years	0.91%

Elizabeth B.A. Miller
Director of Investments

Doc. No. 037093

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 site at <http://www.purchasing.ku.edu/> for a complete listing of all transactions for which KU Purchasing Services, or one of the consortia commonly utilized by KU, is seeking competitive bids. Paper postings of KU Purchasing Services bid transactions may be viewed at the Purchasing Services office located at 1246 W. Campus Road, Room 7, Lawrence, 66045, or persons may contact Purchasing Services at (785) 864-3790, by fax at (785) 864-3454, or by e-mail at purchasing@ku.edu to request a copy of a current bid.

Barry K. Swanson
Associate Comptroller/
Director of Purchasing Services

Doc. No. 037095

State of Kansas

Kansas State University**Notice to Bidders**

Kansas State University encourages interested vendors to visit the Kansas State University Controller's Office/Purchasing Web site at <http://www.ksu.edu/purchasing/rfq> for a complete listing of all transactions for which Kansas State University Purchasing, or one of the consortia commonly utilized by K-State, is seeking competitive bids. Paper postings of Kansas State University Purchasing's bid transactions may be viewed at the Purchasing Office, 21 Anderson Hall, Manhattan, or persons may contact Purchasing at (785) 532-6214, by fax at (785) 532-5577, or by e-mail at cbishop@ksu.edu to request a copy of a current bid.

Carla Bishop
Director of Purchasing

Doc. No. 037094

State of Kansas

Secretary of State**Code Mortgage Rate for June**

Pursuant to the provisions of K.S.A. 16a-1-301, Section 11, the code mortgage rate during the period of June 1, 2009 through June 30, 2009, is 12 percent.

Ron Thornburgh
Secretary of State

Doc. No. 037101

State of Kansas

Secretary of State**Usury Rate for June**

Pursuant to the provisions of K.S.A. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate (except where the note or contract for deed permits adjustment of the interest rate, the term of the loan or the amortization schedule) executed during the period of June 1, 2009 through June 30, 2009, is 6.53 percent.

Ron Thornburgh
Secretary of State

Doc. No. 037100

State of Kansas

Kansas Development Finance Authority**Notice of Hearing**

The Kansas Development Finance Authority will conduct a public hearing at 9 a.m. Thursday, June 18, at the offices of the KDFA, 555 S. Kansas Ave., Suite 202, Topeka, with respect to (i) a plan by the KDFA to issue its revenue bonds (Adventist Health System/Sunbelt Obligated Group) in an aggregate principal amount not to exceed \$400,000,000, in one or more series over the longest period permitted by law. The proceeds of the bonds will be used to (a) refund certain revenue bonds (the prior bonds) issued for the benefit of the not-for-profit corporations listed below, the proceeds of which were originally used to finance, refinance or reimburse the costs of acquiring, constructing, improving or renovating the facilities (including related land costs) listed below and the costs of acquiring and installing equipment (including, but not limited to, medical equipment, computer equipment, office equipment, and general building equipment and fixtures) to be used at the facilities listed below; (b) provide one or more debt service reserve funds for the benefit of all or a portion of the bonds, if deemed necessary or desirable; (c) pay a portion of the interest to accrue on the bonds, if deemed necessary or desirable; (d) pay certain working capital expenditures, if deemed necessary or desirable; and (e) pay certain costs of issuance of the bonds, including the costs of any credit or liquidity enhancement thereof.

The initial owner, operator or manager, a general functional description and the location of each facility being refinanced with the proceeds of the bonds, and the estimated maximum aggregate principal amount of bonds to

be issued with respect to each such facility, are listed below:

I. Kansas Facilities

Facility owned, operated or managed by Shawnee Mission Medical Center, Inc., a Kansas not-for-profit corporation: Shawnee Mission Medical Center, a 383-bed acute care hospital located at 9100 West 74th Street, Merriam, Kansas — \$50,000,000.

II. Florida Facilities

A. Facilities owned, operated or managed by Adventist Health System/Sunbelt, Inc., a Florida not-for-profit corporation (“Sunbelt”):

1. Florida Hospital Orlando, an 896-bed acute care hospital located at 601 East Rollins Street, Orlando, Florida, and the related land, parking garages, office buildings, college of health science buildings, warehouses and other buildings located on the Florida Hospital Orlando hospital campus bordered generally by Wilkinson Street and Westchester Avenue on the north, Orange Avenue on the west, Princeton Street on the south and Mills Avenue (Highway 17-92) on the east (excluding 2201, 2800 and 2905 McRae Avenue, 600, 700, 726 and 732 Wilkinson Street, 2916 Sanitarium Avenue, 2800, 2901, 2909 and 2921 N. Orange Avenue, and 710 Rollins Street, as well as the property encompassing Lockhaven Park and Art Center, the Orlando Science Center and the Orange County Historical Museum), which campus includes the following mailing addresses: 2212 and 2228 North Alden Street, 2200-2414 Bedford Road, 500, 601 and 616 East Rollins Street, 525, 529 and 800 Lake Estelle Drive, 501 and 525 East King Street, 2905 Sanitarium Drive, 2402 Camden Street, 615 East Princeton Street, 2215-2423 McRae Avenue and 2201-2415 and 2501 North Orange Avenue; and, in addition, the properties located at 2500, 2520, 2604 and 2608 North Orange Avenue, Orlando, Florida — \$140,000,000;

2. Florida Hospital East Orlando, a 224-bed acute care hospital located at 7727 Lake Underhill Drive, Orlando, Florida — \$25,000,000;

3. Florida Hospital Apopka, a 50-bed acute care hospital located at 201 North Park Avenue, Apopka, Florida — \$15,000,000;

4. Florida Hospital Altamonte, a 341-bed acute care hospital and related medical office building located at 601 and 661 East Altamonte Drive, Altamonte Springs, Florida — \$35,000,000;

5. Florida Hospital Kissimmee, an 83-bed acute care hospital located at 2450 North Orange Blossom Trail, Kissimmee, Florida — \$20,000,000

6. Celebration Health, a 112-bed acute care hospital located at 400 Celebration Place, Celebration, Florida — \$35,000,000;

7. Winter Park Memorial Hospital, a 297-bed acute care hospital located at 200 North Lakemont Avenue, Winter Park, Florida — \$7,000,000;

8. Florida Hospital Lake Placid, a 50-bed acute care hospital located at 1210 U.S. Highway 27 North, Lake Placid, Florida — \$2,000,000;

9. Florida Hospital Heartland Medical Center, a 159-bed acute care hospital located at 4200 Sun’N Lake Boulevard, Sebring, Florida — \$10,000,000;

10. The former Florida Hospital/Walker (aka Florida Hospital Heartland Division), a 101-bed acute care hospital that was located at 2501 U.S. Highway 27 North, Avon Park, Florida — \$5,000,000; and

11. Florida Hospital Wauchula, a 25-bed acute care hospital located at 533 West Carlton Street, Wauchula, Florida — \$1,500,000.

B. Facilities owned by Florida Hospital Waterman, Inc., a Florida not-for-profit corporation:

1. Florida Hospital Waterman, a 204-bed acute care hospital, located at 1000 Waterman Way, Tavares, Florida — \$8,000,000; and

2. The former Florida Hospital/Waterman, a 182-bed acute care facility that was located at 201 North Curtis Street, Eustis, Florida — \$12,000,000.

C. Facility owned by Southwest Volusia Healthcare Corporation, a Florida not-for-profit corporation: Florida Hospital Fish Memorial, a 139-bed acute care hospital and outpatient medical center located at 1055 Saxon Boulevard, Orange City, Florida — \$5,000,000.

D. Facilities owned or to be owned, operated or managed by Memorial Health Systems, Inc., a Florida not-for-profit corporation:

1. Florida Hospital-Ormond Memorial, a 205-bed acute care hospital and office buildings located at 873-875 Sterthaus Drive, Ormond Beach, Florida — \$5,000,000;

2. Florida Hospital-Oceanside, a 119-bed acute care hospital located at 264 South Atlantic Avenue, Ormond Beach, Florida — \$500,000; and

3. A new 245-bed acute care hospital and related medical clinics, offices and ancillary facilities under construction at 301 Memorial Medical Parkway, Daytona Beach, Florida — \$35,000,000.

E. Facility owned, operated or managed by Memorial Hospital—Flagler, Inc., a Florida not-for-profit corporation: Memorial Hospital/Flagler, an 83-bed acute care hospital located at 60 Memorial Medical Parkway, Palm Coast, Florida — \$2,000,000.

F. Facility owned, operated or managed by Memorial Hospital—West Volusia, Inc., a Florida not-for-profit corporation: Florida Hospital/DeLand, a 156-bed acute care hospital located at 701 West Plymouth Avenue, DeLand, Florida — \$3,500,000.

G. Facility owned, operated or managed by Florida Hospital Zephyrhills, Inc., a Florida not-for-profit corporation: Florida Hospital Zephyrhills, a 159-bed acute care hospital located at 7050 Gall Boulevard, Zephyrhills, Florida — \$13,000,000.

III. Colorado Facilities

Facilities owned, operated or managed, or to be owned, operated or managed, by PorterCare Adventist Health System, a Colorado not-for-profit corporation, as follows:

1. Avista Adventist Hospital, a 113-bed acute care hospital located at 100 Health Park Drive, Louisville, Colorado — \$6,000,000;

2. Littleton Adventist Hospital, a 231-bed acute care hospital located at 7700 South Broadway, Littleton, Colorado — \$4,000,000;

(continued)

3. Porter Adventist Hospital, a 368-bed acute care hospital located at 2525 South Downing Street, Denver, Colorado — \$8,000,000; and

4. Parker Adventist Hospital, a 94-bed acute care hospital located at 9395 Crown Crest Boulevard, Parker, Colorado — \$35,000,000.

IV. Georgia Facility

Facility owned by Adventist Health System/Georgia, Inc., a Georgia not-for-profit corporation: Gordon Hospital, a 69-bed acute care hospital located at 1035 Red Bud Road, N.E., Calhoun, Georgia — \$6,000,000.

V. Illinois Facilities

A. Facility owned, operated or managed by Sunbelt: Adventist LaGrange Memorial Hospital, a 223-bed acute care hospital located at 5101 and 5201 South Willow Springs Road, LaGrange, Illinois — \$5,000,000.

B. Facility owned, operated or managed by Adventist Hinsdale Hospital, an Illinois not-for-profit corporation: Adventist Hinsdale Hospital, a 354-bed acute care hospital located at 119, 120 and 135 North Oak Street, Hinsdale, Illinois — \$4,000,000;

C. Facility owned, operated or managed by Adventist GlenOaks Hospital, an Illinois not-for-profit corporation: Adventist GlenOaks Hospital, a 186-bed acute care hospital located at 701 Winthrop Avenue, Glendale Heights, Illinois — \$2,000,000.

D. Facility owned, operated or managed by Adventist Bolingbrook Hospital, an Illinois not-for-profit corporation: Adventist Bolingbrook Hospital, a 138-bed acute care hospital and related medical clinics, offices and ancillary facilities, located at 500 Remington Boulevard, Bolingbrook, Illinois — \$8,000,000.

VI. North Carolina Facility

Facility owned by Fletcher Hospital, Incorporated, a North Carolina not-for-profit corporation: Park Ridge Hospital, a 103-bed acute care hospital located at 100 Hospital Drive, Hendersonville, North Carolina — \$5,000,000.

VII. Texas Facilities

A. Facilities owned, operated or managed by Sunbelt:

1. Huguley Memorial Medical Center, a 213-bed acute care hospital located at 11801 South Freeway, Fort Worth, Texas — \$15,000,000;

2. Central Texas Medical Center, a 113-bed acute care hospital facility located at 1301 Wonder World Drive, San Marcos, Texas — \$12,000,000; and

3. Willow Creek Hospital, a 92-bed acute care hospital located at 7000 Highway 287 South, Arlington, Texas (which was, after the issuance of the prior bonds issued to finance it, sold to a new operator) — \$300,000.

B. Facilities owned by Metroplex Adventist Hospital, Inc., a Texas not-for-profit corporation:

1. Metroplex Hospital, a 208-bed acute care hospital located at 2201 South Clear Creek Road, Killeen, Texas — \$5,500,000; and

2. Rollins-Brook Community Hospital, a 25-bed acute care hospital located at 608 North Key Avenue, Lampasas, Texas — \$500,000.

VIII. Tennessee Facilities

A. Facilities owned, operated or managed by Sunbelt at the time the prior bonds which financed such facilities were issued (all of which have been sold to new operators):

1. Takoma Adventist Hospital, a 108-bed acute care hospital located at 401 Takoma Avenue, Greeneville, Tennessee — \$5,000,000;

2. Tennessee Christian Medical Center, a 234-bed acute care hospital located at 500 Hospital Drive, Madison, Tennessee — \$17,000,000;

3. Tennessee Christian Medical Center — Portland, a 38-bed acute care hospital located at 105 Redbud Drive, Portland, Tennessee — \$5,000,000;

4. an 8,000 square foot home health building and clinic located at 104 Redbud Drive, Portland, Tennessee — \$500,000;

5. a 97,000 square foot medical plaza located at 510 Hospital Drive, Madison Tennessee — \$500,000;

6. a 3,500 square foot medical office building and clinic located at 320 Hospital Drive, Madison Tennessee — \$500,000; and

7. an 11,000 square foot medical office building located at 600 Medical Park Drive, Madison Tennessee — \$500,000 ;

B. Facility owned by Jellico Community Hospital, Inc., a Tennessee not-for-profit corporation: Jellico Community Hospital, a 54-bed acute care hospital located at 188 Hospital Lane, Jellico, Tennessee — \$9,000,000.

IX. Kentucky Facilities

Facility owned by Memorial Hospital, Incorporated, a Kentucky not-for-profit corporation: Memorial Hospital, a 63-bed acute care hospital located at 210 Marie Langdon Drive, Manchester, Kentucky — \$2,500,000.

The public hearing is required by Section 147(f) of the Internal Revenue Code of 1986, as amended. At such public hearing there will be an opportunity for persons to express their views concerning the foregoing. Anyone may appear in person at such public hearing or submit written comments to be considered thereat.

Additional information concerning the above may be obtained from, and written comments should be addressed to, Rebecca Floyd, Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, 66603, (785) 357-4445.

Any person with a disability as defined by the ADA who needs special accommodations to participate in the public hearing should contact Rebecca Floyd at least two business days prior to the public hearing

Stephen R. Weatherford
President

Doc. No. 037110

(Published in the Kansas Register June 4, 2009.)

City of Independence, Kansas

**Notice of Intent to Seek Private Placement
General Obligation Bonds, Series 2009-A**

Notice is hereby given that the city of Independence, Kansas (the issuer), proposes to seek a private placement of the above-referenced bonds. The maximum aggregate principal amount of the bonds shall not exceed \$185,000. The proposed sale of the bonds is in all respects subject to approval of a bond purchase agreement between the issuer and the purchaser of the bonds and the passage of an ordinance and adoption of a resolution by the governing body of the issuer authorizing the issuance of the bonds and the execution of various documents necessary to deliver the bonds.

Dated May 28, 2009.

Anthony D. Royse
City Clerk

Doc. No. 037114

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-09-155

**Application(s) for New or Expansion of Existing
Swine Facilities**

Name and Address of Applicant	Owner of Property Where Facility Will Be Located	Receiving Water
Kent Condray 236 5th Road Clyde, KS 66938	Condray Farms, Inc. 451 3rd Road Clifton, KS 66937	Lower Republican River Basin
Legal Description NW/4 of Section 08, T05S, R01E, Washington County Kansas Permit No. A-LRWS-S035		

This is an application for a revised permit for a swine facility for 2,400 head (960 animal units) of swine weighing more than 55 pounds. A new or modified permit will not be issued without additional public notice.

Public Notice No. KS-AG-09-156/158

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Greene Farms, Inc. Scott Greene 1985 Hwy. 28 Jewell, KS 66949	NE/4 of Section 32, T04S, R07W, Jewell County	Lower Republican River Basin

Kansas Permit No. A-LRJW-B006

This is a reissuance of a permit for an existing facility for 999 head (999 animal units) of cattle weighing greater than 700 pounds. There are no changes in permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Ward Sumner Feedlot 907 Westridge Norton, KS 67654	NW/4 of Section 09, T01S, R25W, Norton County	Upper Republican River Basin

Kansas Permit No. A-URNT-B005

This existing facility is being reissued for a maximum capacity of 999 head (499.5 animal units) of beef cattle 700 pounds or less. There is no change in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Prairie View Farms, LLC Tom Frederick P.O. Box 515 Hugoton, KS 67951	E/2 of Section 29 & S/2 of Section 27 & S/2 of Section 28, T30S, R36W, Grant County	Cimarron River Basin

Kansas Permit No. A-CIGT-H001 Federal Permit No. KS0095427

This is a reissuance of a permit for an existing facility for a total maximum not to exceed 129,600 head (51,840 animal units) of weaned swine weighing up to 70 pounds OR a total maximum not to exceed 64,800 head (25,920 animal units) of finisher swine with an average weight of 150 pounds. After the weaned pigs have reached 70 pounds, any quantity over 64,800 head shall be transferred out of the facility. There have been no changes in head count or animal units from the previous permit.

Public Notice No. KS-Q-09-074/078

Name and Address of Applicant	Receiving Stream	Type of Discharge
Georgia Pacific Gypsum, LLC 2127 Highway 77 Blue Rapids, KS 66411	Big Blue River via Unnamed Tributary	Process Wastewater

Kansas Permit No. I-BB04-PO01 Federal Permit No. KS0002135

Legal Description: NW¼, S16, T4S, R7E, Marshall County

Facility Name: Blue Rapids Plant

Facility Description: This action consists of renewal of an existing NPDES/ Kansas water pollution control permit for an existing facility. This facility presently mines and processes gypsum to produce bagged and bulk gypsum products and gypsum board. The proposed permit contains limits for biochemical oxygen demand, total suspended solids and pH, as well as monitoring for sulfates, E. coli, whole effluent toxicity and effluent flow. Contained in the permit is a schedule of compliance requiring the permittee to develop and implement a stormwater pollution prevention plan within one year of the effective date of the 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.

(continued)

Name and Address of Applicant	Receiving Stream	Type of Discharge
Mid-Kansas Electric Company, LLC 301 W. 13th St. Hays, KS 67601-0980	Arkansas River	Process Wastewater

requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria.

Public Notice No. KS-NQ-09-013

Name and Address of Applicant	Legal Location	Type of Discharge
T & W Meat Company 1330 W. Avenue D Kingman, KS 67068	SE $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$, S31, T27S, R7W	Nonoverflowing

Kansas Permit No. I-AR52-NO01 Federal Tracking No. KSJ000517
 Facility Description: The proposed action is to reissue an existing wastewater permit for an existing nonoverflowing wastewater retention system. This facility slaughters and processes about 20 head of cattle and hogs per week into various meat products. Wastewater from the meat processing operation and domestic wastewater flows through a grease trap into a one-cell nonoverflowing earthen lagoon. The average and maximum allowed wastewater flows into the lagoon are 300 gallons per day and 20,000 gallons per month. The proposed permit contains a schedule of compliance requiring the permittee to design and construct a second lagoon cell to alleviate hydraulic overloading of the pond. Discharge of wastewater from this treatment facility to surface waters of the state of Kansas is prohibited by this permit.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Nickerson, City of P.O. Box 52 Nickerson, KS 67561	Arkansas River	Treated Domestic Wastewater

Kansas Permit No. M-AR66-OO02 Federal Permit No. KS0098132
 Legal Description: SW $\frac{1}{4}$, SW $\frac{1}{4}$, S14, T22S, R7W, Reno County

Facility Description: The proposed action consists of reissuance of an existing Kansas/NPDES Water Pollution Control permit for an existing facility. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, as well as monitoring for ammonia, E. coli, chloride, nitrates, sulfates, specific conductivity, pH, and flow. 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.

Name and Address of Applicant	Receiving Stream	Type of Discharge
ARCML06 LLC 4643 S. Ulster St, Suite 400 Denver, CO 80237	Shunganunga Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. C-KS72-OO11 Federal Permit No. KS0119903
 Legal Description: SE $\frac{1}{4}$, S34, T12S, R15E, Shawnee County

Facility Name: Shawnee Hills Mobile Home Park

Facility Location: 4420 S.W. 61st St., Topeka, Kansas

Facility Description: The proposed action consists of reissuance of an existing Kansas/NPDES Water Pollution Control permit for an existing facility. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, ammonia and E. coli, as well as monitoring for nitrate + nitrite, total Kjeldahl nitrogen, total nitrogen and total phosphorus. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator and complete the upgrade/expansion of the existing facility. 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.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Valley Center, City of P.O. Box 188 Valley Center, KS 67147	Little Arkansas River	Treated Domestic Wastewater

Kansas Permit No. M-LA16-OO02 Federal Permit No. KS0099074
 Legal Description: SW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, S36, T25S, R1W, Sedgwick County

Facility Description: The proposed action is to modify an existing Kansas/NPDES Water Pollution Control permit for an existing facility. The proposed modification consists of correcting the facility description, design flow, adding mercury as a required monitoring parameter, and changing the frequency and method of sampling for required parameters. All other terms, conditions and provisions of the original permit shall remain in full force and effect. The permit

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 July 4 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-09-155/158, KS-Q-09-074/078, KS-NQ-09-013) 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.kdheks.gov/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. 037111

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. Northern Natural Gas 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.

Northern Natural Gas, 1111 S. 103rd St., Omaha, Nebraska, owns and operates Cunningham compressor station located at Section 24, T27S, R11W, Pratt County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE Southwest District Office, 302 W. McArtor Road, Dodge City. To obtain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-1580, at the KDHE central office; and to review the proposed permit only, contact Ethyl Evans, (620) 225-0596, at the KDHE Southwest District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Michael J. Parhomek, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business July 6.

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 Sharon Burrell, Bureau of Air and Radiation, not later than the close of business July 6 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 im-

practicable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Patricia Scott, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7312, 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. 037112

State of Kansas

Kansas Lottery

Temporary Administrative
Regulations

Article 2.—LOTTERY RETAILERS

111-2-224. Johnson's General Stores #1177 retailer push play ticket incentive. (a) During the period beginning on a date designated by the Kansas lottery, which coincides with the introduction of game numbers 120, 121, and 122, and ending May 30, 2009, in addition to compensation provided for in K.A.R. 111-2-4, the Kansas lottery also offers all participating Johnson's General Stores lottery retailers located in Kansas an opportunity to participate in a push play ticket sales promotion.

(b) At the end of the promotion, the store with the highest sales in cumulative push play ticket sales of game numbers 120, 121, and 122 for the period designated in subsection (a) above, will win a \$300 credit on the retailer's lottery account.

The store with the second highest sales in cumulative push play ticket sales of game numbers 120, 121, and 122 for the period designated in subsection (a) above, will win a \$150 credit on the retailer's lottery account.

The store with the third highest sales in cumulative push play ticket sales of game numbers 120, 121, and 122 for the period designated in subsection (a) above, will win a \$75 credit on the retailer's lottery account.

Promotional items chosen by the lottery will also be awarded to all retail locations participating in the promotion with cumulative push play ticket sales of game numbers 120, 121, and 122. (Authorized by and implementing K.S.A. 74-8710 and K.S.A. 74-8708; effective, T-111-5-21-09, April 15, 2009.)

Article 4.—INSTANT GAMES AND DRAWINGS

111-4-2815. "The Saturday Evening Post" instant ticket lottery game number 168. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "The Saturday Evening Post" commencing on or after May 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2815.

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

Play Symbols

01

Captions

ONE

(continued)

02	TWO
03	THR
04	FOR
05	FIV
06	SIX
07	SEV
08	EGT
09	NIN
10	TEN
11	ELV
12	TWV
13	TRN
14	FRN
15	FTN
	WIN

Symbol of a flag
MAYBE NEXT TIME
GOOD LUCK

Prize Symbols

FREE	TICKET
\$2 ⁰⁰	TWO\$
\$3 ⁰⁰	THR\$
\$4 ⁰⁰	FOUR\$
\$5 ⁰⁰	FIVE\$
10 ⁰⁰	TEN\$
20 ⁰⁰	TWENTY
40 ⁰⁰	FORTY
50 ⁰⁰	FIFTY
\$100\$	ONE-HUN
\$500\$	FIVE-HUN
\$1000	ONETHOU
\$10000	10-THOU

Captions

(c) For this game, a play/prize 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 149.

(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
TWO	=	\$2.00
FOR	=	\$4.00
FIV	=	\$5.00
TEN	=	\$10.00
TWY	=	\$20.00
FRY	=	\$40.00
FTY	=	\$50.00
HUN	=	\$100.00

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

(g) "The Saturday Evening Post" ticket features two separate games. Game 1 is a key number match game. A player will remove the scratch-off material to reveal two "WINNING NUMBERS" and nine "YOUR NUMBERS" with a prize amount below each of the "YOUR NUMBERS." If a player matches either of the "WINNING NUMBERS" to any of the "YOUR NUMBERS," the player wins the prize shown below that symbol. A player can win up to nine times in this play area. If a player

reveals a "FLAG" symbol, the player wins the corresponding prize instantly.

Game 2 is an instant win game. If a player reveals any prize amount, the player wins that amount instantly. A player can win one time in this game.

(h) Each ticket in this game may win up to 10 times.

(i) Approximately 900,000 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:

Game 1	Game 2	Prize	Expected Number of Prizes in Game	Expected Value in Game
Free		Free Ticket	60,000	\$0
\$2		\$2	37,800	75,600
	\$2	\$2	37,800	75,600
\$4		\$4	16,500	66,000
\$2	\$2	\$4	16,500	66,000
\$2 + \$3		\$5	9,600	48,000
\$2	\$3	\$5	9,000	45,000
\$5		\$5	9,000	45,000
	\$5	\$5	9,000	45,000
\$10		\$10	3,600	36,000
(\$2 x 5)		\$10	3,600	36,000
\$2 + \$3	\$5	\$10	3,600	36,000
(\$5 x 2)		\$10	3,600	36,000
	\$10	\$10	3,600	36,000
\$20		\$20	1,800	36,000
(\$10 x 2)		\$20	1,800	36,000
	\$20	\$20	1,800	36,000
(\$2 x 9)	\$2	\$20	1,800	36,000
(\$5 x 4)		\$20	1,800	36,000
\$40		\$40	450	18,000
(\$4 x 9)	\$4	\$40	450	18,000
(\$20 x 2)		\$40	450	18,000
\$50		\$50	210	10,500
(\$20 x 2) + \$10		\$50	210	10,500
(\$5 x 9)	\$5	\$50	210	10,500
(\$5 x 8)	\$10	\$50	210	10,500
\$100		\$100	90	9,000
(\$50 x 2)		\$100	90	9,000
\$1,000		\$1,000	9	9,000
(\$500 x 2)		\$1,000	9	9,000
\$10,000		\$10,000	9	90,000
TOTAL			<u>234,597</u>	<u>\$1,048,200</u>

(k) The odds of winning a prize in this game are approximately one in 3.84. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-5-21-09, April 15, 2009.)

111-4-2816. "Scrabble" instant ticket lottery game number 169. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Scrabble" commencing on or after May 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2816.

(b) The "word play symbols" for this game are as follows:

A	B	C	D	E	F	G	H	I	J	K	L	M
1	3	3	2	1	4	2	4	1	8	5	1	3
N	O	P	Q	R	S	T	U	V	W	X	Y	Z
1	1	3	10	1	1	1	1	4	4	8	4	10

The "play symbols" and matching "captions" for this game are as follows:

Play Symbols	Captions
05	FIVE
06	SIX
07	SEV
08	EGT
09	NINE
10	TEN
11	ELVN
12	TWLV
13	THRT
14	FORT
15	FIFT
16	SIXT
17	SEVT

The "prize symbols" and matching "captions" for this game are as follows:

Prize Symbols	Captions
\$5. ⁰⁰	FIVE\$
10. ⁰⁰	TEN\$
15. ⁰⁰	FIFTEEN
20. ⁰⁰	TWENTY
25. ⁰⁰	TWEN-FIV
30. ⁰⁰	THIRTY
50. ⁰⁰	FIFTY
\$100\$	ONE-HUN
\$210\$	TWHNTEN
\$1000	ONETHOU
\$5000	FIVETHOU
\$25000	25-THOU

(c) For this game, a play/prize symbol shall appear in each of 96 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 059.

(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:

FIV	=	\$5.00
TEN	=	\$10.00
FTN	=	\$15.00
TRY	=	\$30.00
FTY	=	\$50.00
STF	=	\$75.00
HUN	=	\$100.00
THT	=	\$210.00

(f) The price of instant tickets sold by a retailer for this game shall be \$5.00 each.

(g) The "Scrabble" ticket features three different ways to win. A player will remove the scratch-off material covering 12 horizontal rows of "PLAY." Each "PLAY" will consist of one "THEIR SCORE" number, six "YOUR WORD" play symbols, and one "PRIZE." If the value of "YOUR WORD" is greater than "THEIR SCORE," the player wins the prize shown for that "PLAY." If "YOUR WORD" spells "DOUBLE" or "TRIPLE," the player wins double or triple the prize shown for that "PLAY." If a

player matches three identical prize amounts from any "PLAY," the player wins that amount instantly.

(h) Each ticket in this game may win up to 12 times.

(i) Approximately 300,000 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:

Game 1	Prize	Expected Number of Prizes in Game	Expected Value in Game
\$5	\$5	36,000	\$180,000
\$10	\$10	8,000	80,000
(\$5 x 2)	\$10	8,000	80,000
\$5 DOUBLE	\$10	8,000	80,000
\$5 TRIPLE	\$15	4,000	60,000
\$5 + \$10	\$15	4,000	60,000
\$5 + \$5 DOUBLE	\$15	4,000	60,000
\$30	\$30	2,000	60,000
(\$5 x 2) + (\$10 x 2)	\$30	2,000	60,000
\$10 TRIPLE	\$30	1,000	30,000
\$15 DOUBLE	\$30	1,000	30,000
\$50	\$50	200	10,000
\$25 DOUBLE	\$50	200	10,000
(\$25 X 2)	\$50	200	10,000
\$15 TRIPLE + \$5	\$50	200	10,000
\$5 + (\$10 x 2) + \$25	\$50	200	10,000
(\$5 x 2) + (\$10 x 2) + \$15 + \$30	\$75	350	26,250
\$100	\$100	50	5,000
(\$5 x 2) + (\$10 x 2) + (\$20 x 2) + \$30	\$100	50	5,000
(\$5 x 2) + \$30 TRIPLE	\$100	50	5,000
(\$50 x 2)	\$100	50	5,000
\$210	\$210	10	2,100
\$100 DOUBLE + \$10	\$210	10	2,100
(\$5x2)+(\$10x2)+(\$15x2)+(\$20x2)+(\$25x2)+(\$30x2)	\$210	10	2,100
\$1,000	\$1,000	8	8,000
\$5,000	\$5,000	2	10,000
\$25,000	\$25,000	3	75,000
TOTAL		<u>79,593</u>	<u>\$975,550</u>

DOUBLE - denotes double prize
TRIPLE - denotes triple prize

(k) The odds of winning a prize in this game are approximately one in 3.77. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-5-21-09, April 15, 2009.)

111-4-2817. "Veterans Ticket" instant ticket lottery game number 170. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Veterans Ticket" commencing on or after May 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2817.

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

Play Symbols	Captions
01	ONE
02	TWO
03	THREE
04	FOUR
05	FIVE
06	SIX

(continued)

07	SEVEN	(\$2 x 5)	\$10	6,000	60,000
08	EIGHT	\$25	\$25	400	10,000
09	NINE	(\$5 x 3) + \$10	\$25	480	12,000
10	TEN	(\$5 x 5)	\$25	1,600	40,000
11	ELEVEN	\$50	\$50	160	8,000
12	TWELVE	(\$25 x 2)	\$50	200	10,000
		(\$10 x 5)	\$50	240	12,000
		\$500	\$500	24	12,000
		\$5,000	\$5,000	<u>12</u>	<u>60,000</u>
		TOTAL		<u>249,916</u>	<u>\$630,000</u>

The "prize symbols" for this game are as follows:

Prize Symbols	Captions
FREE	TICKET
\$1 ⁰⁰	ONE\$
\$2 ⁰⁰	TWO\$
\$5 ⁰⁰	FIVE\$
10 ⁰⁰	TEN\$
25 ⁰⁰	TWEN-FIV
50 ⁰⁰	FIFTY
\$500\$	FIVE-HUN
\$5000	FIVETHOU

(c) For this game, a play symbol shall appear in each of 11 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
TWO	=	\$2.00
FIV	=	\$5.00
TEN	=	\$10.00
TWF	=	\$25.00
FTY	=	\$50.00
FHN	=	\$500.00

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

(g) The "Veterans Ticket" is a key number match game. A player will remove the scratch-off material covering the game play area to reveal one "WINNING NUMBER," five "YOUR NUMBERS," and five prize amounts. If the player matches the "WINNING NUMBER" to any of the "YOUR NUMBERS," the player wins the prize shown below that number.

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

(i) Approximately 1,200,000 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	Free Ticket	120,000
\$2	\$2	36,000
(\$1 x 2)	\$2	40,000
\$5	\$5	12,000
(\$2 x 2) + \$1	\$5	12,800
(\$1 x 5)	\$5	14,000
\$10	\$10	2,800
(\$5 x 2)	\$10	3,200
		\$0
		72,000
		80,000
		60,000
		64,000
		70,000
		28,000
		32,000

(k) The odds of winning a prize in this game are approximately one in 4.80. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-5-21-09, April 15, 2009.)

111-4-2818. "Blackjack" instant ticket lottery game number 171. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Blackjack" commencing on or after May 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2818.

(b) The "play symbols" and "captions" for the "DEALER'S HAND" for this game are as follows:

Card Symbols	Captions
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SEV
8	EGT
9	NIN
10	TEN
J	JAK
Q	QEN
K	KNG
A	ACE
BUST	BUST

The "play symbols" and "captions" for the "PLAYER'S HAND" for this game are as follows:

Card Symbols	Captions
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SEV
8	EGT
9	NIN
10	TEN
J	JAK
Q	QEN
K	KNG
A	ACE

The "prize symbols" and "captions" for this game are as follows:

Prize Symbols	Play Symbol Captions
FREE	TICKET
\$1 ⁰⁰	ONE\$
\$2 ⁰⁰	TWO\$
\$3 ⁰⁰	THR\$

\$4.00	FOUR\$
\$6.00	SIX\$
\$8.00	EGT\$
12.00	TWLV
24.00	TWNFOR
50.00	FIFTY
70.00	SEVENTY
\$210\$	TWOTEN
\$700\$	SEVHUN
\$10000	10-THOU

\$3 + \$3	\$6	640	3,840
(\$2 x 3) (Bust)	\$6	700	4,200
\$12	\$12	200	2,400
\$6 + \$6	\$12	200	2,400
(\$4 x 3) (Bust)	\$12	240	2,880
\$4 Doubled + \$4	\$12	280	3,360
\$24	\$24	200	4,800
\$12 + \$12	\$24	200	4,800
(\$8 x 3) (Bust)	\$24	260	6,240
\$50	\$50	100	5,000
\$2 + \$24 + \$24	\$50	100	5,000
\$210	\$210	4	840
\$70 + \$70 + \$70	\$210	4	840
(\$700 x 3) (Bust)	\$2,100	4	8,400
\$10,000	\$10,000	6	60,000
TOTAL		<u>143,138</u>	<u>\$316,200</u>

(c) For this game, a play symbol shall appear in each of 11 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
SIX	=	\$6.00
TWL	=	\$12.00
TFO	=	\$24.00
FTY	=	\$50.00
THT	=	\$210.00

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

(g) "Blackjack" is a beat the dealer game. The player will remove the scratch-off material over each table play area to reveal three "HANDS," "HAND 1," "HAND 2," and "HAND 3," three "PRIZE" amounts, and one "DEALER'S HAND." If the value of a "HAND" is higher than the value of the "DEALER'S HAND," the player wins the "PRIZE" directly below that "HAND." If the player gets "BLACKJACK" (21) in any "HAND," the player wins double the prize for that "HAND." If the dealer busts, the player wins all three prizes. The cards "J," "Q," and "K" will have a point value of 10. The card "A" will have a point value of 11.

(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:

Prizes	Expected Number of Prizes in Game	Expected Value in Game
Free Ticket	60,000	\$0
\$1	18,000	18,000
\$2	16,000	32,000
\$1 Doubled	17,000	34,000
\$4	6,000	24,000
\$2 + \$2	6,400	25,600
\$2 Doubled	7,000	28,000
\$1 + \$1 + \$2	9,000	36,000
\$6	600	3,600

(k) The odds of winning a prize in this game are approximately one in 4.19. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-5-21-09, April 15, 2009.)

111-4-2819. "Double Dog Dare" instant ticket lottery game number 172. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Double Dog Dare" commencing on or after May 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2819.

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

Play and Prize Symbols	Captions
FREE	TICKET
\$2.00	TWO\$
\$4.00	FOUR\$
\$5.00	FIVE\$
10.00	TEN\$
20.00	TWENTY
40.00	FORTY
\$100\$	ONE-HUN
\$500\$	FIVE-HUN
\$2000	TWOTHOU
Symbol of a bone	DOUBLER

(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
FOR	=	\$4.00
FIV	=	\$5.00
TEN	=	\$10.00
TWY	=	\$20.00
FRY	=	\$40.00
HUN	=	\$100.00
FHN	=	\$500.00

(continued)

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

(g) "Double Dog Dare" is a match three of six prize amounts game or a match two prize amounts plus a "BONE" symbol to win double the prize amount. A player will remove the latex covering the play area to reveal six prize amounts or five prize amounts and a "BONE" symbol. If the player matches three like prize amounts, the player wins that amount. If the player matches two like prize amounts plus a "BONE" symbol, the player wins double the prize amount.

(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:

Get	Prizes	Expected Number of Prizes in Game	Expected Value in Game
3 - Free's	Free Ticket	56,000	\$0
2 - \$1.00's & (D)	\$2	20,000	40,000
3 - \$2.00's	\$2	20,000	40,000
2 - \$2.00's & (D)	\$4	10,000	40,000
3 - \$4.00's	\$4	10,000	40,000
3 - \$5.00's	\$5	8,000	40,000
2 - \$5.00's & (D)	\$10	2,600	26,000
3 - \$10.00's	\$10	2,400	24,000
2 - \$10.00's & (D)	\$20	700	14,000
3 - \$20.00's	\$20	600	12,000
2 - \$20.00's & (D)	\$40	200	8,000
3 - \$40.00's	\$40	200	8,000
3 - \$100.00's	\$100	60	6,000
3 - \$500.00's	\$500	16	8,000
3 - \$2,000's	\$2,000	6	12,000
TOTAL		<u>130,782</u>	<u>\$318,000</u>

(D) - denotes doubler symbol

(k) The odds of winning a prize in this game are approximately one in 4.59. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-5-21-09, April 15, 2009.)

111-4-2820. "Straight 8's" instant ticket lottery game number 173. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Straight 8's" commencing on or after May 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2820.

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

Play Symbols	Captions
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SEV
Symbol of an 8 (outlined)	EGT
9	NIN
Prize Symbols	Captions

FREE	TICKET
\$1 ⁰⁰	ONE\$
\$2 ⁰⁰	TWO\$
\$4 ⁰⁰	FOUR\$
\$5 ⁰⁰	FIVE\$
\$8 ⁰⁰	EGT\$
10 ⁰⁰	TEN\$
20 ⁰⁰	TWENTY
25 ⁰⁰	TWENFIV
\$100\$	ONE-HUN
\$500\$	FIVE-HUN
\$1000	ONETHOU
\$4000	FOURTHOU

(c) For this game, a play/prize 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
FIV	=	\$5.00
EGT	=	\$8.00
SXN	=	\$16.00
TWF	=	\$25.00
FRY	=	\$40.00
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) "Straight 8's" is a symbol instant win game. A player will scratch the play area to reveal eight play symbols and eight prize symbols. If a player reveals an "8" symbol, the player wins the prize below that symbol.

(h) Each ticket in this game may win up to eight 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	56,000	56,000
\$2	12,000	24,000
(\$1 x 2)	16,000	32,000
\$5	2,400	12,000
(\$2 x 2) + \$1	2,000	10,000
(\$1 x 5)	2,400	12,000
(\$4 x 2)	1,800	14,400
(\$2 x 4)	1,600	12,800
(\$1 x 8)	1,600	12,800
(\$2 x 3) + \$10	600	9,600
(\$4 x 2) + \$8	600	9,600
(\$8 x 2)	600	9,600

(\$1 x 6) + (\$5 x 2)	\$16	400	6,400
(\$2 x 8)	\$16	400	6,400
\$25	\$25	200	5,000
(\$5 x 5)	\$25	200	5,000
(\$1 x 5) + (\$10 x 2)	\$25	200	5,000
\$25 + \$10 + \$5	\$40	160	6,400
(\$20 x 2)	\$40	160	6,400
(\$10 x 4)	\$40	160	6,400
(\$10 x 8)	\$80	100	8,000
\$100	\$100	20	2,000
(\$25 x 4)	\$100	20	2,000
\$500	\$500	8	4,000
(\$100 x 5)	\$500	8	4,000
\$1,000	\$1,000	6	6,000
\$4,000	\$4,000	4	16,000
(\$1,000 x 4)	\$4,000	4	16,000
TOTAL		<u>151,650</u>	<u>\$319,800</u>

(k) The odds of winning a prize in this game are approximately one in 3.96. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-5-21-09, April 15, 2009.)

111-4-2821. "Spicy Hot Cash" instant ticket lottery game number 174. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Spicy Hot Cash" commencing on or after May 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2821.

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

Play Symbols	Captions
Symbol of a chile pepper	CHILE
Symbol of a pinata	PINATA
Symbol of a poncho	PONCHO
Symbol of a sombrero	SMBRERO
Symbol of a cactus	CACTUS
Symbol of a maracas	MRACAS
Symbol of the sun	SUN
Symbol of a drink	DRINK
Symbol of a guitar	GUITAR
Symbol of a palm tree	PALM
Symbol of some hot sauce	HSAUCE

Prize Symbols	Captions
FREE	TICKET
\$1.00	ONE\$
\$2.00	TWO\$
\$4.00	FOR\$
\$6.00	SIX\$
\$8.00	EGT\$
10.00	TEN\$
12.00	TWLV
20.00	TWNTY
24.00	TWNFOR
25.00	TWNFIV
50.00	FIFTY
\$100\$	ONE-HUN
\$3000	THRTHOU

(c) For this game, a play/prize symbol shall appear in each of 11 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
EGT	=	\$8.00
TWL	=	\$12.00
TFO	=	\$24.00
FTY	=	\$50.00
HUN	=	\$100.00
FRH	=	\$400.00

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

(g) "Spicy Hot Cash" is a key symbol match game. A player will scratch the play area to reveal one "SPICY HOT SYMBOL," five "YOUR SYMBOLS," and five prize amounts. If a player matches the "SPICY HOT SYMBOL" to any of the "YOUR SYMBOLS," the player wins the prize shown below that symbol.

(h) Each ticket in this game may win up to five 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	64,000
\$2	\$2	18,000
(\$1 x 2)	\$2	18,000
\$4	\$4	8,000
(\$1 x 4)	\$4	8,000
\$8	\$8	2,000
(\$4 x 2)	\$8	1,800
(\$2 x 4)	\$8	1,800
\$12	\$12	600
(\$6 x 2)	\$12	500
(\$4 x 3)	\$12	600
\$24	\$24	400
(\$6 x 4)	\$24	400
\$50	\$50	50
(\$25 x 2)	\$50	50
(\$10 x 5)	\$50	50
\$100	\$100	24
(\$50 x 2)	\$100	24
(\$20 x 5)	\$100	20
(\$100 x 4)	\$400	10
\$3,000	\$3,000	6
TOTAL		<u>176,334</u>
		<u>\$320,700</u>

(k) The odds of winning a prize in this game are approximately one in 3.40. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-5-21-09, April 15, 2009.)

111-4-2822. "Super Red Hot Crossword" instant ticket lottery game number 175. (a) The Kansas lottery
(continued)

shall conduct an instant winner lottery game entitled "Super Red Hot Crossword" commencing on or after May 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 et seq. and 111-4-2822.

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

Prize Symbols	Captions
\$5 ^{.00}	FIVE\$
10 ^{.00}	TEN\$
15 ^{.00}	FIFTEEN
20 ^{.00}	TWENTY
25 ^{.00}	TWEN-FIV
50 ^{.00}	FIFTY
75 ^{.00}	SVTYFIV
\$100\$	ONE-HUN

Play Symbols	Captions
A	
B	
C	
D	
E	
F	
G	
H	
I	
J	
K	
L	
M	
N	
O	
P	
Q	
R	
S	
T	
U	
V	
W	
X	
Y	
Z	

GOOD LUCK
MAYBE NEXT TIME

(c) For this game, a play symbol shall appear in each of 20 play spots within the "YOUR LETTERS" play area, a variable number of times within the two crossword puzzle grids, and one time in the "BONUS" play area.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 059.

(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
FIV	=	\$5.00
TEN	=	\$10.00
TWY	=	\$20.00
TWF	=	\$25.00

FTY	=	\$50.00
STF	=	\$75.00
HUN	=	\$100.00
THN	=	\$200.00

(f) The price of instant tickets sold by a retailer for this game shall be \$5.00 each.

(g) "Super Red Hot Crossword" will feature four separate play areas, "YOUR LETTERS" area, two "CROSSWORD" puzzles, and a "BONUS" area. The top puzzle grid will be imaged in black. The bottom puzzle grid will be imaged in red.

In the "CROSSWORD" play area, a player will scratch the "YOUR LETTERS" play area to reveal 20 letters. Each of the "YOUR LETTERS" may be used in both crossword puzzles. A player will match the corresponding letters in both crossword puzzles by removing the scratch-off material covering the matching letter. If a player scratches four or more completed words across both puzzles, the player wins the corresponding prize in the prize legend. The entire word must be uncovered to win the corresponding prize. Only the highest corresponding prize can be won. Words revealed in the puzzle grid at the top of the ticket are the "black" words, and words revealed in the puzzle grid at the bottom of the ticket are the "red" words.

In the "BONUS" play area, if a player reveals any amount, the player wins that amount instantly. A player can win once in this game play area.

(h) To qualify as a complete word to win a prize in this game, the words revealed must meet the following requirements:

- (1) must contain at least three letters;
- (2) cannot be formed diagonally, run right to left or from bottom to top;
- (3) must appear in an unbroken horizontal or vertical string of letters in the "crossword" puzzle;
- (4) an unbroken string of letters cannot be interrupted by a black space and must contain every single letter square between two black spaces;
- (5) every single letter in the unbroken string must be revealed in the "YOUR LETTERS" area and be included to form a word; and
- (6) the three small letters outside the squares in the "YOUR LETTERS" area are for validation purposes and cannot be used to play "Super Red Hot Crossword."

(i) Each ticket in this game may win up to two times.

(j) Approximately 900,000 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.

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

Game 1	Bonus	Prizes	Expected Number of Prizes in Game	Expected Value in Game
Free Ticket		Free Ticket	150,000	\$0
\$5		\$5	18,000	90,000
\$10		\$10	17,100	171,000
	\$10	\$10	3,000	30,000
\$5	\$5	\$10	6,000	60,000
\$20		\$20	8,700	174,000
	\$20	\$20	1,800	36,000

\$10	\$10	\$20	3,900	78,000
\$25		\$25	4,800	120,000
	\$25	\$25	1,800	45,000
\$10	\$15	\$25	3,000	75,000
\$50		\$50	4,200	210,000
	\$50	\$50	1,500	75,000
\$25	\$25	\$50	2,700	135,000
	\$75	\$75	300	22,500
\$50	\$25	\$75	600	45,000
\$100		\$100	2,400	240,000
	\$100	\$100	600	60,000
\$50	\$50	\$100	1,350	135,000
\$200		\$200	150	30,000
\$1,000		\$1,000	99	99,000
\$5,000		\$5,000	30	150,000
\$50,000		\$50,000	6	300,000
TOTAL			<u>232,035</u>	<u>\$2,380,500</u>

(l) The odds of winning a prize in this game are approximately one in 3.88. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-5-21-09, April 15, 2009.)

111-4-2823. "Bonus Crossword" instant ticket lottery game number 176. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Bonus Crossword" commencing on or after May 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2823.

(b) The "play symbols" for this game are as follows: A - B - C - D - E - F - G - H - I - J - K - L - M - N - O - P - Q - R - S - T - U - V - W - X - Y - Z. There are no "play symbol captions" in this game.

(c) For this game, a play symbol shall appear in each of 18 play spots within the "YOUR LETTERS" play area, in each of two play spots within the "BONUS" play area, and a variable number of times within the crossword puzzle grid.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 149.

(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
FIV	=	\$5.00
TEN	=	\$10.00
TWY	=	\$20.00
HUN	=	\$100.00
FHN	=	\$500.00

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

(g) "Bonus Crossword" consists of three play areas. In the upper part of the ticket, there is a crossword puzzle grid that contains 11 spaces (height) by 11 spaces (width) covered by transparent latex. In the "YOUR LETTERS" play area, located in the lower part of the ticket, there are 18 letters located under opaque latex. To the right of the "YOUR LETTERS" play area is the "BONUS" play area in which there are two letters covered by opaque latex. Imaged around each of the 18 "YOUR LETTERS" and two "BONUS" letters there will be a four-sided box com-

posed of solid lines. A player will remove the latex from the "YOUR LETTERS" and "BONUS" play areas one letter at a time, and then for each matching letter in the crossword puzzle grid scratch off the transparent latex. Each letter revealed in the "YOUR LETTERS" and "BONUS" play areas may be used an unlimited number of times in the crossword puzzle grid. If a player reveals at least three complete words in the crossword puzzle grid, the player wins the corresponding prize in the prize legend. The prize legend on the front of the ticket indicates prizes won for number of words revealed, as is also set forth in subsection (k) hereinafter.

(h) To qualify as a complete word to win a prize in this game, the words revealed must meet the following requirements:

- (1) must contain at least three letters;
- (2) cannot be formed diagonally, run right to left or from bottom to top;
- (3) must appear in an unbroken horizontal or vertical string of letters in the "crossword" puzzle;
- (4) an unbroken string of letters cannot be interrupted by a black space and must contain every single letter square between two black spaces;
- (5) every single letter in the unbroken string must be revealed in "YOUR LETTERS," or "BONUS" areas and be included to form a word; and

(6) the three small letters outside the squares in the "YOUR LETTERS" area are for validation purposes and cannot be used to play "Bonus Crossword."

(i) Each ticket in this game may win up to one time. Only the highest prize won on each ticket will be awarded.

(j) Approximately 3,600,000 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.

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

Match	Prizes	Expected Number of Prizes in Game	Expected Value in Game
3 - words	FREE TICKET	600,000	\$0
4 - words	\$5	156,000	780,000
5 - words	\$10	82,800	828,000
6 - words	\$20	27,600	552,000
7 - words	\$100	3,600	360,000
8 - words	\$500	552	276,000
9 - words	\$2,000	132	264,000
10 - words	\$20,000	24	480,000
TOTAL		<u>870,708</u>	<u>\$3,540,000</u>

(l) The odds of winning a prize in this game are approximately one in 4.13. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-5-21-09, April 15, 2009.)

111-4-2824. "The Wizard of Oz" instant ticket lottery game number 177. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "The Wizard of Oz" commencing on or after May 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2824.

(continued)

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

Play Symbols	Captions
Symbol of Emerald City castle	ECITY
Symbol of the cowardly lion	LION
Symbol of Dorothy	DRTHY
Symbol of Toto	TOTO
Symbol of the good witch’s crown	CROWN
Symbol of the good witch’s wand	WAND
Symbol of the wicked witch’s broom	BROOM
Symbol of the wicked witch’s hat	WITCH
Symbol of a crystal ball	CBALL
Symbol of Tin Man’s oil can	OIL
Symbol of Tin Man’s axe	AXE
Symbol of a rainbow	RBOV
Symbol of a farm house	HOUSE
Symbol of a tornado	TRNDO
Symbol of a hot air balloon	BLOON
Symbol of a ruby slipper	WIN
MAYBE NEXT TIME	
GOOD LUCK	

Prize Symbols	Captions
FREE	TICKET
\$2.00	TWO\$
\$3.00	THR\$
\$4.00	FOUR\$
\$5.00	FIVE\$
10.00	TEN\$
20.00	TWENTY
40.00	FORTY
50.00	FIFTY
\$100\$	ONE-HUN
\$500\$	FIV-HUN
\$1000	ONETHOU
\$10000	10-THOU

(c) For this game, a play/prize symbol shall appear in each of 21 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 149.

(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
TWO	=	\$2.00
FOR	=	\$4.00
FIV	=	\$5.00
TEN	=	\$10.00
TWY	=	\$20.00
FRY	=	\$40.00
FTY	=	\$50.00
HUN	=	\$100.00

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

(g) “The Wizard of Oz” ticket features two separate games. Game 1 is a key symbol match game. A player will remove the scratch-off material to reveal two “WINNING SYMBOLS” and nine “YOUR SYMBOLS” with a

prize amount below each of the “YOUR SYMBOLS.” If a player matches either of the “WINNING SYMBOLS” to any of the “YOUR SYMBOLS,” the player wins the prize shown below that symbol. If a player reveals a “RUBY SLIPPER” symbol, the player wins \$50 instantly. A player can win up to nine times in this play area.

Game 2 is an instant win game. If a player reveals any prize amount, the player wins that amount instantly. A player can win one time in this game.

(h) Each ticket in this game may win up to 10 times.

(i) Approximately 300,000 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:

Game 1	Game 2	Prize	Expected Number of Prizes in Game	Expected Value in Game
Free		Free Ticket	18,000	\$0
\$2		\$2	12,600	25,200
	\$2	\$2	12,600	25,200
\$4		\$4	5,000	20,000
\$2	\$2	\$4	2,500	10,000
(\$2 x 2)		\$4	2,500	10,000
\$2 + \$3		\$5	3,200	16,000
\$2	\$3	\$5	3,000	15,000
\$5		\$5	3,000	15,000
	\$5	\$5	3,000	15,000
\$10		\$10	1,400	14,000
\$2 + \$3	\$5	\$10	1,400	14,000
(\$5 x 2)		\$10	1,400	14,000
	\$10	\$10	1,200	12,000
\$20		\$20	600	12,000
(\$10 x 2)		\$20	600	12,000
	\$20	\$20	600	12,000
(\$2 x 9)	\$2	\$20	600	12,000
(\$5 x 4)		\$20	600	12,000
\$40		\$40	150	6,000
(\$20 x 2)		\$40	150	6,000
\$50		\$50	80	4,000
\$50 Ruby Slipper Symbol		\$50	125	6,250
(\$10 x 5)		\$50	70	3,500
(\$5 x 9)	\$5	\$50	60	3,000
\$100		\$100	30	3,000
(\$50 x 2)		\$100	30	3,000
\$1,000		\$1,000	5	5,000
(\$500 x 2)		\$1,000	5	5,000
\$10,000		\$10,000	4	40,000
TOTAL			<u>74,509</u>	<u>\$350,150</u>

(k) The odds of winning a prize in this game are approximately one in 4.03. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-5-21-09, April 15, 2009.)

111-4-2825. “The Reel Deal” instant ticket lottery game number 178. (a) The Kansas lottery shall conduct an instant winner lottery game entitled “The Reel Deal” commencing on or after May 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2825.

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

Play Symbols	Captions
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SEV
8	EGT
9	NIN
10	TEN
J	JAK
Q	QEN
K	KNG
A	ACE

Prize Symbols	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
\$4000	FOURTHOU

(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
TWO	=	\$2.00
FIV	=	\$5.00
TEN	=	\$10.00
FTN	=	\$15.00
TWF	=	\$25.00
FTY	=	\$50.00
HUN	=	\$100.00
FRH	=	\$400.00

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

(g) "The Reel Deal" is a beat the dealer game. The player will remove the latex covering the play area to reveal four "HANDS." Each "HAND" will consist of one "YOUR CARD," one "DEALER'S CARD," and one prize amount. If the value of "YOUR CARD" is higher than the value of the "DEALER'S CARD" in the same "HAND," the player wins the prize shown for that "HAND." Aces are high.

(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:

Prizes	Expected Number of Prizes in Game	Expected Value in Game
Free	Free Ticket	40,000
\$1	\$1	36,000
\$2	\$2	16,000
(\$1 x 2)	\$2	16,000
\$5	\$5	5,000
\$1 + (\$2 X 2)	\$5	5,000
\$10	\$10	1,600
(\$2 x 2) + \$1 + \$5	\$10	1,600
(\$5 x 2)	\$10	1,600
\$15	\$15	700
\$10 + \$5	\$15	700
(\$5 x 3)	\$15	800
\$25	\$25	400
\$15 + \$10	\$25	400
(\$5 x 3) + \$10	\$25	400
\$50	\$50	120
(\$25 x 2)	\$50	140
\$25 + \$5 + (\$10 x 2)	\$50	160
\$100	\$100	40
(\$50 x 2)	\$100	40
(\$25 x 4)	\$100	40
(\$100 x 4)	\$400	20
\$4,000	\$4,000	6
TOTAL		<u>126,766</u>
		<u>326,000</u>

(k) The odds of winning a prize in this game are approximately one in 4.73. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-5-21-09, April 15, 2009.)

111-4-2826. "Double It" instant ticket lottery game number 179. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Double It" commencing on or after May 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2826.

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

Prize Symbols	Captions
FREE	TICKET
\$1 ^{.00}	ONE\$
\$2 ^{.00}	TWO\$
\$3 ^{.00}	THR\$
\$4 ^{.00}	FOUR\$
\$5 ^{.00}	FIVE\$
\$6 ^{.00}	SIX\$
10 ^{.00}	TEN\$
20 ^{.00}	TWENTY
25 ^{.00}	TWEN-FIV
50 ^{.00}	FIFTY
\$100\$	ONE-HUN
\$500\$	FIVE-HUN
\$5000	FIVETHOU
1X	1XPRIZE
2X	2XPRIZE

(c) For this game, a play symbol shall appear in each of seven 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.

(continued)

(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
SIX	=	\$6.00
TEN	=	\$10.00
TWY	=	\$20.00
FTY	=	\$50.00
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 It" is a game with a match three of six with a bonus feature. The player will remove the latex covering the play area to reveal six prize amounts. If the player matches three like prize amounts, the player wins that amount. If the player reveals a "2X" symbol in the bonus area, the player wins double the winning prize amount.

(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:

Prizes		Expected Number of Prizes in Game	Expected Value in Game
Free Ticket	Free Ticket	40,000	\$0
\$1	\$1	50,000	50,000
\$2	\$2	16,000	32,000
\$1 DBL	\$2	16,000	32,000
\$4	\$4	7,000	28,000
\$2 DBL	\$4	7,000	28,000
\$6	\$6	4,000	24,000
\$3 DBL	\$6	4,000	24,000
\$10	\$10	1,200	12,000
\$5 DBL	\$10	1,200	12,000
\$20	\$20	500	10,000
\$10 DBL	\$20	500	10,000
\$50	\$50	200	10,000
\$25 DBL	\$50	200	10,000
\$100	\$100	36	3,600
\$50 DBL	\$100	36	3,600
\$500	\$500	16	8,000
\$5,000	\$5,000	6	30,000
TOTAL		<u>147,894</u>	<u>\$327,200</u>

(k) The odds of winning a prize in this game are approximately one in 4.06. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-5-21-09, April 15, 2009.)

111-4-2827. "Dollar Grills" instant ticket lottery game number 186. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Dollar Grills" commencing on or after May 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2827.

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

Play Symbols	Captions
Symbol of a grill	GRILL
Symbol of an apron	APRON
Prize Symbols	Captions
FREE	TICKET
\$2 ⁰⁰	TWO\$
\$5 ⁰⁰	FIVE\$
10 ⁰⁰	TEN\$
25 ⁰⁰	TWEN-FIV
50 ⁰⁰	FIFTY
\$300\$	THRHUN
\$3000	THRTHOU

(c) For this game, a play symbol shall appear in each of 10 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
TWO	=	\$2.00
FIV	=	\$5.00
TEN	=	\$10.00
TWF	=	\$25.00
FTY	=	\$50.00
THH	=	\$300.00

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

(g) "Dollar Grills" is a tic-tac-toe game. The player will remove the latex covering the play area to reveal one prize amount and a tic-tac-toe grid including nine play symbols. If a player reveals three "GRILL" play symbols in the same row, column, or diagonal, the player wins the prize amount.

(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:

Prizes		Expected Number of Prizes in Game	Expected Value in Game
Free Ticket	Free Ticket	45,000	\$0
\$2	\$2	42,000	84,000
\$5	\$5	28,000	140,000
\$10	\$10	6,000	60,000
\$25	\$25	500	12,500
\$50	\$50	150	7,500
\$300	\$300	10	3,000
\$3,000	\$3,000	6	18,000
TOTAL		<u>121,666</u>	<u>\$325,000</u>

(k) The odds of winning a prize in this game are approximately one in 4.93. (Authorized by K.S.A. 74-8710;

implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-5-21-09, April 15, 2009.)

111-4-2828. "Go For The Green" instant ticket lottery game number 187. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Go For The Green" commencing on or after May 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2828.

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

Play Symbols	Captions
Symbol of a flag	FLAG
Symbol of a hat	HAT
Symbol of a golf club	CLUB
Symbol of a golf bag	BAG
Symbol of a golf ball	BALL
Symbol of a golf glove	GLOVE
Symbol of a golf cart	CART
Symbol of golf irons in a golf bag	IRN/BG
Symbol of a golf shoe	SHOE
Symbol of a golf tee	TEE
Symbol of the sun	SUN
Symbol of an umbrella	UMBRLA
Symbol of a trophy	WIN ALL
Prize Symbols	Captions
FREE	TICKET
\$1. ⁰⁰	ONE\$
\$2. ⁰⁰	TWO\$
\$3. ⁰⁰	THR\$
\$5. ⁰⁰	FIVE\$
10. ⁰⁰	TEN\$
\$15. ⁰⁰	FIFTEEN
\$20. ⁰⁰	TWENTY
25. ⁰⁰	TWEN-FIV
50. ⁰⁰	FIFTY
\$100\$	ONE-HUN
\$200	TWOTHOU

(c) For this game, a play/prize symbol shall appear in each of 11 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
TEN	=	\$10.00
FTN	=	\$15.00
TWF	=	\$25.00
FTY	=	\$50.00
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) "Go For The Green" is a key symbol match game. A player will scratch the play area to reveal one "PAR" symbol, five "YOUR SYMBOLS," and five prize symbols. If the player matches the "PAR" symbol to any of the "YOUR SYMBOLS," the player wins the prize shown for that symbol. If the player reveals a "TROPHY" symbol, the player wins all five prizes shown instantly.

(h) Each ticket in this game may win up to five 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	40,000	\$0
\$1	56,000	56,000
\$2	16,000	32,000
(\$1 x 2)	16,000	32,000
\$5	5,000	25,000
(\$1 x 5) (WIN ALL)	5,000	25,000
\$10	1,800	18,000
(\$5 x 2)	1,800	18,000
(\$2 x 5) (WIN ALL)	2,000	20,000
\$15	600	9,000
(\$3 x 5) (WIN ALL)	300	4,500
\$15	300	4,500
(\$5 x 3)	600	9,000
\$25	400	10,000
(\$5 x 5) (WIN ALL)	200	5,000
(\$5 x 5)	200	5,000
\$50	100	5,000
(\$25 x 2)	100	5,000
(\$10 x 5) (WIN ALL)	100	5,000
\$100	40	4,000
(\$50 x 2)	40	4,000
(\$20 x 5) (WIN ALL)	40	4,000
(\$20 x 5)	40	4,000
(\$100 x 5) (WIN ALL)	20	10,000
\$2,000	6	12,000
TOTAL	<u>146,686</u>	<u>\$326,000</u>

(k) The odds of winning a prize in this game are approximately one in 4.09. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-5-21-09, April 15, 2009.)

111-4-2829. "Painted Byways" instant ticket lottery game number 188. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Painted Byways" commencing on or after May 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2829.

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

Play Symbols	Captions
01	ONE
02	TWO
03	THR
04	FOR
05	FIV

(continued)

06	SIX
07	SEV
08	EGT
09	NIN
10	TEN
11	ELV
12	TWV
13	TRN
14	FRN
15	FTN

WIN
MAYBE NEXT TIME
GOOD LUCK

Prize Symbols	Captions
FREE	TICKET
\$2 ⁰⁰	TWO\$
\$3 ⁰⁰	THR\$
\$4 ⁰⁰	FOUR\$
\$5 ⁰⁰	FIVE\$
10 ⁰⁰	TEN\$
20 ⁰⁰	TWENTY
50 ⁰⁰	FIFTY
\$100\$	ONE-HUN
\$500\$	FIV-HUN
\$1000	ONETHOU
\$10000	10-THOU

(c) For this game, a play/prize symbol shall appear in each of 19 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 149.

(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
TWO	=	\$2.00
FOR	=	\$4.00
FIV	=	\$5.00
TEN	=	\$10.00
TWY	=	\$20.00
FTY	=	\$50.00
HUN	=	\$100.00

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

(g) The "Painted Byways" ticket features two games. Game 1 is a key number match game. A player will remove the scratch-off material to reveal two "WINNING NUMBERS" and eight "YOUR NUMBERS" with a prize amount below each of the "YOUR NUMBERS." If a player matches either of the "WINNING NUMBERS" to any of the "YOUR NUMBERS," the player wins the prize shown below that number. If a player reveals a "WIN" the player wins the prize shown instantly. A player can win up to eight times in this play area.

Game 2 is an instant win game. If a player reveals any prize amount, the player wins that amount instantly. A player can win one time in this game.

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

(i) Approximately 300,000 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:

Game 1	Game 2	Prize	Expected Number of Prizes in Game	Expected Value in Game
Free		Free Ticket	18,000	\$0
\$2		\$2	12,600	25,200
\$2 WIN		\$2	6,000	12,000
	\$2	\$2	6,600	13,200
\$4		\$4	5,000	20,000
\$4 WIN		\$4	3,000	12,000
\$2	\$2	\$4	2,000	8,000
\$2 + \$3		\$5	2,500	12,500
\$2	\$3	\$5	2,500	12,500
\$5		\$5	2,500	12,500
\$5 WIN		\$5	1,400	7,000
	\$5	\$5	1,400	7,000
\$10		\$10	1,000	10,000
\$10 WIN		\$10	500	5,000
(\$2 x 5)		\$10	1,000	10,000
\$2 + \$3	\$5	\$10	1,000	10,000
(\$5 x 2)		\$10	1,000	10,000
	\$10	\$10	500	5,000
\$20		\$20	500	10,000
\$20 WIN		\$20	250	5,000
(\$10 x 2)		\$20	500	10,000
	\$20	\$20	250	5,000
(\$2 x 8)	\$4	\$20	500	10,000
(\$5 x 4)		\$20	500	10,000
\$50		\$50	80	4,000
\$50 WIN		\$50	40	2,000
(\$20 x 2) + \$10		\$50	80	4,000
(\$10 x 4)	\$10	\$50	80	4,000
(\$5 x 8)	\$10	\$50	40	2,000
\$100		\$100	30	3,000
(\$50 x 2)		\$100	30	3,000
\$1,000		\$1,000	3	3,000
(\$500 x 2)		\$1,000	3	3,000
\$10,000		\$10,000	4	40,000
SUBTOTAL			71,390	\$309,900
2nd Chance Drawing Prizes - Stan Herd Paintings			9	40,194
TOTAL			<u>71,399</u>	<u>\$350,094</u>

WIN symbol - denotes instant win

(k) The odds of winning a prize in this game are approximately one in 4.20. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-5-21-09, April 15, 2009.)

111-4-2830. "Bass Pro Shops" instant ticket lottery game number 138. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Bass Pro Shops" commencing on or after May 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2830.

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

Game Symbols	Captions
1	ONE
2	TWO
3	THREE

4	FOUR
5	FIVE
6	SIX
7	SEVEN
8	EIGHT
9	NINE
10	TEN
11	ELEVN
12	TWELV
13	THRTN
14	FORTN
15	FIFTN
16	SIXTN
17	SEVTN
18	EGHTN
19	NINTN
20	TWNTY
21	TWONE
22	TWTWO
23	TWTHR
24	TWFOR
25	TWFIV
26	TWSIX
27	TWSEV
28	TWEGT
29	TWNIN
30	THRTY

Symbol of a campfire	CAMPFIRE
Symbol of a deer	DEER
Symbol of a fish	FISH
Symbol of a tent	TENT
Symbol of a tree	TREE
Symbol of a bear	BEAR
Symbol of a pair of binoculars	BINOC
Symbol of a lodge	LODGE
Symbol of a money bag	MONEY

Prize Symbols

\$5 ⁰⁰
\$10 ⁰⁰
\$15 ⁰⁰
\$25 ⁰⁰
\$40 ⁰⁰
\$50 ⁰⁰
\$100
\$500
\$1,000
\$25,000

Captions
FIVE\$
TEN\$
FIFTN\$
TWEN-FIV
FORTY
FIFTY
HUNDRED
FIV-HUN
ONE-THO
TWNFVTHO

THANKS FOR PLAYING

(c) For this game, a play symbol shall appear in each of 42 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 059.

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

FIV	=	\$5.00
TEN	=	\$10.00
FTN	=	\$15.00

TWF	=	\$25.00
FRY	=	\$40.00
FTY	=	\$50.00
HUN	=	\$100.00
FHN	=	\$500.00

(f) The price of instant tickets sold by a retailer for this game shall be \$5.00 each.

(g) "Bass Pro Shops" features three separate play areas. Game 1 is a symbol match game. A player will remove the scratch-off material to reveal three "WINNING NUMBERS" and 15 "YOUR NUMBERS." If one or more of the "YOUR NUMBERS" matches any of the "WINNING NUMBERS," the player wins the corresponding prize associated with each matching number. If a "MONEY BAG" symbol is revealed, the player wins the corresponding prize automatically. A player can win up to 15 times in this game play area.

In the second play area, there are eight play spots, each containing a game symbol. If three "FISH" symbols are revealed, the player wins \$50 instantly. A player can win up to one time in this game play area.

In the third play area, there is one play spot. If any prize amount is revealed, the player wins that prize automatically. A player can win up to one time in this game play area.

(h) Each ticket in this game may win up to 17 times.

(i) Approximately 300,000 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 150,000 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:

Game 1	Game 2	Game 3	Prize	Expected Number of Prizes in Game	Expected Value in Game
\$5 or		\$5 or	\$5	40,000	\$200,000
\$10 or		\$10 or	\$10	6,000	60,000
(\$5 x 2)			\$10	6,000	60,000
\$5 (Money bag)		\$5	\$10	8,000	80,000
\$15 or		\$15 or	\$15	1,000	15,000
\$10		\$5	\$15	1,000	15,000
(\$5 x 2)		\$5	\$15	1,000	15,000
\$5 (Money bag)		\$10	\$15	9,000	135,000
\$25 or	\$25 or	\$25	\$25	500	12,500
(\$5 x 4)		\$5	\$25	500	12,500
(\$5 x 3)		\$10	\$25	1,000	25,000
\$10 (Money bag)		\$15	\$25	2,000	50,000
(\$10 x 2) + \$5			\$25	1,000	25,000
\$40 or	\$40 or	\$40	\$40	200	8,000
(\$5 x 6)		\$10	\$40	200	8,000
(\$5 x 8)			\$40	200	8,000
(\$10 x 4)			\$40	200	8,000
(\$15 x 2)		\$10	\$40	200	8,000
\$15 (Money bag)		\$25	\$40	500	20,000
\$50 or	\$50 or		\$50	400	20,000
(\$10 x 5)			\$50	100	5,000
\$100 or		\$100 or	\$100	50	5,000
(\$5 x 10)		\$50	\$100	100	10,000
\$25	\$50	\$25	\$100	50	5,000
\$25 (Money bag) + (\$5 x 14)		\$5	\$100	100	10,000
(\$5 x 10)		\$50	\$100	50	5,000
	\$50	\$50	\$100	50	5,000
\$500 or		\$500 or	\$500	5	2,500
\$100 (Money bag) + (\$25 x 14)	\$50		\$500	6	3,000
(\$25 x 12) + (\$5 x 2) + \$40	\$50	\$100	\$500	8	4,000
\$50 (Money bag) + (\$100 x 4)		\$50	\$500	5	2,500
\$1,000 or		\$1,000 or	\$1,000	2	2,000
\$500 (Money bag)		\$500	\$1,000	2	2,000
\$500 + (\$25 x 12) + (\$50 x 2)		\$100	\$1,000	6	6,000

(continued)

\$25,000 or	\$25,000 or \$25,000	3	75,000
Subtotal		79,437	\$927,000
2nd Chance Drawing Prizes		28	78,753
TOTAL		<u>79,465</u>	<u>\$1,005,753</u>

TWY	=	\$20.00
TRY	=	\$30.00
HUN	=	\$100.00
THH	=	\$300.00

(k) The odds of winning a prize in this game are approximately one in 3.78. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-5-21-09, April 15, 2009.)

111-4-2831. "7-11-21" instant ticket lottery game number 180. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "7-11-21" commencing on or after May 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2831.

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

Play Symbols	Captions
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
8	EGT
9	NIN
10	TEN
12	TWV
13	TTN

The "prize symbols" for this game are as follows:

Prize Symbols	Captions
FREE	TICKET
\$1 ⁰⁰	ONE\$
\$2 ⁰⁰	TWO\$
\$3 ⁰⁰	THREE\$
\$5 ⁰⁰	FIVE\$
\$7 ⁰⁰	SEVEN\$
\$10 ⁰⁰	TEN\$
\$15 ⁰⁰	FIFTN\$
\$20 ⁰⁰	TWENTY
\$30 ⁰⁰	THIRTY
\$100	ONEHUN
\$300	THRHUN
\$2100	TWONHN

(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 nine 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
SEV	=	\$7.00
TEN	=	\$10.00
FTN	=	\$15.00

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

(g) The "7-11-21" is an add-up game. A player will remove the scratch-off material covering three "GAMES," "GAME 1," "GAME 2," and "GAME 3" to reveal three "YOUR NUMBERS" and a prize amount in each "GAME." If the total of the three "YOUR NUMBERS" in each single game is "7," "11," or "21," the player wins the prize shown for that "GAME."

(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	60,000	\$0
Free Ticket	40,000	40,000
\$1	12,000	24,000
(\$1 x 2)	8,000	16,000
\$2	4,000	12,000
(\$1 x 3)	2,000	6,000
\$3	2,000	10,000
\$2 + \$3	2,000	10,000
\$5	2,000	14,000
\$1 + (\$3 x 2)	2,000	14,000
\$7	1,000	10,000
\$2 + \$3 + \$5	500	5,000
(\$5 x 2)	500	5,000
\$10	1,000	15,000
(\$5 x 3)	500	7,500
\$5 + \$10	500	7,500
\$15	1,000	20,000
(\$10 x 2)	1,000	20,000
\$20	400	12,000
(\$10 x 3)	400	12,000
(\$15 x 2)	280	8,400
\$30	200	20,000
\$100	10	3,000
(\$100 x 3)	10	3,000
\$300	10	3,000
\$2,100	10	21,000
TOTAL	<u>141,310</u>	<u>\$315,400</u>

(k) The odds of winning a prize in this game are approximately one in 4.25. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-5-21-09, April 15, 2009.)

111-4-2832. "Diamond Dash" instant ticket lottery game number 181. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Diamond Dash" commencing on or after May 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2832.

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

Play Symbols	Captions
Symbol of a penny	PENNY

Symbol of a rainbow	RNBW
Symbol of a clover leaf	CLVR
Symbol of a crown	CRN
Symbol of a bell	BELL
Symbol of a money bag	BAG
Symbol of a pot of gold	PTGD
Symbol of a gold bar	GOLD
Symbol of a star	STAR
Symbol of a chest	CHEST
Symbol of a watch	WATCH
Symbol of a ring	RING
Symbol of a necklace	NLACE
Symbol of a stack of coins	COINS
Symbol of a diamond	WIN

The "prize symbols" for this game are as follows:

Prize Symbols	Captions
FREE	TICKET
\$1 ^{.00}	ONE\$
\$2 ^{.00}	TWO\$
\$3 ^{.00}	THREE\$
\$6 ^{.00}	SIX\$
\$10 ^{.00}	TEN\$
\$20 ^{.00}	TWENTY
\$60 ^{.00}	SIXTY
\$100	ONEHUN
\$400	FORHUN
\$4,000	FORTHO

- (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 nine 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
SIX	=	\$6.00
TEN	=	\$10.00
TWY	=	\$20.00
SXY	=	\$60.00
HUN	=	\$100.00
FRH	=	\$400.00

- (f) The price of instant tickets sold by a retailer for this game shall be \$1.00 each.
- (g) "Diamond Dash" is a match symbol game. A player will remove the scratch-off material to reveal six play symbols with a prize amount shown below each play symbol. If a "DIAMOND" symbol is revealed, the player wins the prize shown below the "DIAMOND" symbol.
- (h) Each ticket in this game may win up to six 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	56,000	\$0
Free Ticket	36,000	36,000
\$1	12,000	24,000
(\$1 x 2)	8,000	16,000
\$2	4,000	12,000
(\$1 x 3)	4,000	12,000
\$3	4,000	24,000
(\$2 x 3)	4,000	24,000
\$6	4,000	24,000
(\$1 x 2) + (\$2 x 4)	2,000	20,000
(\$2 x 5)	1,000	10,000
\$10	1,000	10,000
(\$1 x 2) + (\$3 x 2) + (\$6 x 2)	1,000	20,000
(\$10 x 2)	500	10,000
\$20	500	10,000
(\$10 x 6)	300	18,000
(\$20 x 3)	200	12,000
\$60	200	12,000
(\$10 x 2) + (\$20 x 4)	80	8,000
(\$20 x 2) + \$60	60	6,000
\$100	60	6,000
(\$100 x 4)	10	4,000
\$400	10	4,000
\$4,000	5	20,000
TOTAL	<u>134,925</u>	<u>\$318,000</u>

(k) The odds of winning a prize in this game are approximately one in 4.45. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-5-21-09, April 15, 2009.)

111-4-2833. "Cash Cow" instant ticket lottery game number 182. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Cash Cow" commencing on or after May 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2833.

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

Play Symbols	Captions
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
07	SVN
08	EGT
09	NIN

Symbol of 10 (outlined) WIN \$10

The "prize symbols" for this game are as follows:

Prize Symbols	Captions
FREE	TICKET
\$2 ^{.00}	TWO\$
\$4 ^{.00}	FOUR\$
\$5 ^{.00}	FIVE\$
\$10 ^{.00}	TEN\$
\$20 ^{.00}	TWENTY
\$40 ^{.00}	FORTY

(continued)

\$100	ONEHUN
\$200	TWOHUN
\$2,000	TWOTHO

(c) For this game, a play symbol shall appear in each of seven 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 nine varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

FRE	=	Free Ticket
TWO	=	\$2.00
FOR	=	\$4.00
FIV	=	\$5.00
TEN	=	\$10.00
TWY	=	\$20.00
FRY	=	\$40.00
HUN	=	\$100.00
THN	=	\$200.00

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

(g) "Cash Cow" features a match three of six game and an instant win game. A player will remove the scratch-off material to reveal six prize amounts. If three identical prize amounts are revealed, the player wins that amount.

In the instant win game, a player will remove the scratch-off material covering the "QUICK \$10 SPOT" to reveal a number. If a "10" is revealed, the player wins \$10 instantly.

(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	
\$1 Free Ticket	Free Ticket	56,000	\$0
\$2	\$2	40,000	80,000
\$4	\$4	20,000	80,000
\$5	\$5	8,000	40,000
\$10 w/10	\$10	2,000	20,000
\$10	\$10	2,000	20,000
\$20	\$20	2,000	40,000
\$40	\$40	340	13,600
\$100	\$100	60	6,000
\$200	\$200	40	8,000
\$2,000	\$2,000	4	8,000
TOTAL		<u>130,444</u>	<u>\$315,600</u>

(k) The odds of winning a prize in this game are approximately one in 4.60. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-5-21-09, April 15, 2009.)

BASS PRO SHOPS DRAWING

111-4-2834. Name of drawing. The Kansas lottery shall conduct a drawing entitled "Bass Pro Shops," and

will accept entries on and after the day Kansas lottery "Bass Pro Shops" instant tickets are first offered for sale to the general public and ending on the date specified in K.A.R. 111-4-2837. The drawing will be held on or about November 6, 2009. Rules applicable to this drawing are contained in K.A.R. 111-4-2834 through 111-4-2838 and K.A.R. 111-3-1, *et seq.* (Authorized by and implementing K.S.A. 74-8710; effective, T-111-5-21-09, April 15, 2009.)

111-4-2835. 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) "Bass Pro Shops Drawing" means the act of drawing prizes conducted by the Kansas Lottery on the dates described in K.A.R. 111-4-2837, in which participants are selected to win prizes as described in K.A.R. 111-4-2836.

(c) "Non-winning ticket" means any valid Kansas "Bass Pro Shops" 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-111-5-21-09, April 15, 2009.)

111-4-2836. Prize. (a) The grand prize winner drawn in the "Bass Pro Shops Drawing" shall receive a \$20,000 shopping spree redeemable at any Bass Pro Shops Outdoor World®, a lifetime state of Kansas combination hunting and fishing license, and mandatory federal and state income withholding taxes.

(b) Two second prize winners will each receive a \$10,000 shopping spree redeemable at any Bass Pro Shops Outdoor World®, a lifetime state of Kansas combination hunting and fishing license, and mandatory federal and state income withholding taxes

(c) Seven third place winners will each receive 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) 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.

(f) 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.

(g) If any prize for some reason is not available, the lottery shall have the right to substitute an alternate prize of approximate equal value. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-5-21-09, April 15, 2009.)

111-4-2837. Method of entry. (a) Entry into the "Bass Pro Shops Drawing" shall be accomplished as follows:

(1) Obtain a valid "Bass Pro Shops" 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 until 5:00 p.m. on Tuesday, November 3, 2009.

(6) Entries other than those entered pursuant to subsection (a)(5) herein shall be mailed with proper postage to "Bass Pro Shops Drawing, c/o Kansas lottery, P. O. Box 750980, Topeka, Kansas 66675-0980." Mailed entries must be received by morning mail pickup on Tuesday, November 3, 2009. 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 drawing will be conducted by the lottery on or about November 6, 2009.

(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. 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 "Bass Pro Shops" tickets that are mailed with proper postage to the address set forth above, and tickets deposited into any 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-111-5-21-09, April 15, 2009.)

111-4-2838. Selection of winners. The following process shall be used for the selection of winners in the "Bass Pro Shops 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, November 3, 2009, for the drawing on or about November 6, 2009. Following the 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 along 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.

(e) After a valid grand prize winner has been selected, the designated individual shall remove two more entries from the receptacle or drum. The persons whose names appear on each of these entries shall be the winner of one of the second place prizes identified in these rules, subject to validation by the lottery as set forth in these rules.

(f) After a valid grand prize winner and two second prize winners have been selected, the designated individual shall remove seven more entries from the receptacle or drum. The persons whose names appear on each of these entries shall be the winner of one of the third place prizes identified in these rules, subject to validation by the lottery as set forth in these rules.

(g) After all valid entries have been drawn 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.

(h) 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.

(i) 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.

(continued)

(j) Only non-winning "Bass Pro Shops" instant tickets are eligible for the drawing.

(k) All tickets remaining in the drum or receptacle after the winners and alternatives have been selected in this 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-111-5-21-09, April 15, 2009.)

Ed Van Petten
Executive Director

Doc. No. 037096

State of Kansas Public Employee Relations Board

Permanent Administrative Regulations

Article 2.—PROCEDURE

84-2-1. Service of pleadings. (a) Method, proof, complaints, orders, and other processes and papers of the board. Service of pleadings and orders shall be conducted in accordance with K.S.A. 77-531, and amendments thereto. Complaints, decisions, orders, and other processes and papers of the board may be served personally, by certified mail, by telefacsimile machine, by electronic mail, or by leaving a copy in the proper office or place of business of persons to be served. The return by the individual serving any of these documents, setting forth the manner of service, shall be proof of service. The return post office receipt, when certified and mailed as specified in this subsection, shall be proof of service.

(b) Service by a party. The moving party and respondent in any action shall be required to file the original and five copies of any pleadings with the board or its designee in person, by certified mail, by telefacsimile machine, or by electronic mail. If a party files any pleading with the board by telefacsimile machine or by electronic mail, the party shall file the original and five copies of the pleading with the board either in person or by certified mail within five days of electronically filing the pleading. The moving party shall also cause a copy of the pleading to be served, by regular mail or in person, upon all other parties of record with a statement of certification of service appearing upon the pleading.

(c) Service upon attorney. If a party appears by the party's attorney, all papers other than the complaint, notice of original hearings, and decisions and orders may be served as provided in subsection (d), upon the party's attorney with the same force and effect as though served upon the party.

(d) Service by the board. Once a party has been permitted to intervene in a pending action, upon request of the intervening party the other parties shall be ordered by the board, its designee, or the presiding officer to serve upon the intervening party copies of all pleadings of the other parties filed with the board before the date of intervention. (Authorized by K.S.A. 2007 Supp. 75-4323; implementing K.S.A. 77-519; effective, E-72-29, Sept. 29, 1972; effective Jan. 1, 1973; amended May 1, 1975; amended July 30, 1990; amended June 19, 2009.)

Ken Gorman
Chair

Doc. No. 037097

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 the following bill 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 June 4, 2009.)

SENATE BILL No. 336

AN ACT reconciling amendments to certain statutes and making certain technical changes related thereto; amending K.S.A. 16a-6-117, as amended by section 23 of 2009 Senate Bill No. 240, 20-3201, 21-3826, as amended by section 1 of 2009 Senate Bill No. 237, and 72-4423, as amended by section 11 of 2009 House Bill No. 2003, and K.S.A. 2008 Supp. 8-126, as amended by section 4 of 2009 Senate Bill No. 275, 8-1567, as amended by section 5 of 2009 Senate Substitute for House Bill No. 2096, 8-2110, as amended by section 1 of 2009 Senate Bill No. 158, 12-5242, 19-101a, 20-367, 22-3716, 25-4156, 25-4169a, 28-172a, as amended by section 15 of 2009 Senate Bill No. 66, 38-2211, 38-2255, as amended by section 6 of 2009 Senate Bill No. 134, 45-221, as amended by section 27 of 2009 House Bill No. 2052, 59-104, as amended by section 19 of 2009 Senate Bill No. 66, 60-1621, as amended by section 22 of 2009 Senate Bill No. 66, 60-2001, as amended by section 23 of 2009 Senate Bill No. 66, 60-4104, as amended by section 1 of 2009 Substitute for Senate Bill No. 28, 61-2704, as amended by section 25 of 2009 Senate Bill No. 66, 61-4001, as amended by section 26 of 2009 Senate Bill No. 66, 65-1643, 65-2878, 66-2005, 72-6448, 75-7c04, as amended by section 2 of 2009 House Bill No. 2308, 75-7427, 76-3110, 79-213, 79-5a27 and 79-32,117 and section 16 of 2009 House Bill No. 2236 and repealing the existing sections; also repealing K.S.A. 20-3201, as amended by section 1 of 2009 House Bill No. 2111, 21-3826, as amended by section 27 of 2009 House Bill No. 2236, 65-4142, as amended by section 1 of 2009 House Bill No. 2059, and 76-3110, as amended by section 36 of chapter 145 of the 2004 Session Laws of Kansas, and K.S.A. 2008 Supp. 8-126, as amended by section 4 of 2009 House Bill No. 2152, 8-1567, as amended by section 19 of 2009 House Bill No. 2236, 8-2110, as amended by section 3 of 2009 Senate Bill No. 66, 12-1773a, 12-5242a, 12-5242b, 19-101m, 20-367, as amended by section 2 of 2009 House Bill No. 2111, 22-3716a, 25-4156a, 25-4169b, 28-172a, as amended by section 3 of 2009 House Bill No. 2111, 38-2211a, 38-2255, as amended by section 47 of 2009 House Bill No. 2236, 39-756d, 45-221, as amended by section 2 of 2009 Senate Bill No. 87, 45-229b, 59-104, as amended by section 4 of 2009 House Bill No. 2111, 60-1621, as amended by section 5 of 2009 House Bill No. 2111, 60-2001, as amended by section 6 of 2009 House Bill No. 2111, 60-2102a, 60-2403a, 60-4104, as amended by section 51 of 2009 House Bill No. 2236, 61-2704, as amended by section 7 of 2009 House Bill No. 2111, 61-3003a, 61-4001, as amended by section 8 of 2009 House Bill No. 2111, 65-1643b, 65-2878b, 66-2005a, 72-6433c, 72-6448, as amended by section 1 of 2009 House Bill No. 2002, 75-7c04, as amended by section 60 of 2009 House Bill No. 2236, 75-7427a, 79-213e, 79-5a27a and 79-32,117m and section 1 of 2009 Senate Substitute for House Bill No. 2126.

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

New Section 1. (a) Upon request of a law enforcement agency, a wireless telecommunications carrier shall provide call location information concerning the telecommunications device of the user to the requesting law enforcement agency in order to respond to a call for emergency services or in an emergency situation that involves the risk of death or serious physical harm.

(b) Notwithstanding any other provision of law to the contrary, nothing in this section prohibits a wireless telecommunications carrier from establishing protocols by which the carrier could voluntarily disclose call location information.

(c) No cause of action shall lie in any court against any wireless telecommunications carrier, its officers, employees, agents or other specified persons for providing call location information while acting in good faith and in accordance with the provisions of this section.

(d) (1) The Kansas bureau of investigation shall obtain contact information for all wireless telecommunications carriers authorized to do business in the state of Kansas or submitting to the jurisdiction thereof in order to facilitate a request from a law enforcement agency for call location information in accordance with this section.

(2) The Kansas bureau of investigation shall disseminate the information obtained pursuant to subsection (d)(1) on a quarterly basis or immediately as changes occur, to all public safety answer points in the state.

(e) Rules and regulations shall be promulgated by the director of the Kansas bureau of investigation to fulfill the requirements of this section no later than July 1, 2010.

(f) This section shall be known and may be cited as the Kelsey Smith act.

Sec. 2. On and after July 1, 2009, K.S.A. 2008 Supp. 8-126, as amended by section 4 of 2009 Senate Bill No. 275, is hereby amended to read as follows: 8-126. The following words and phrases when used in this act shall have the meanings respectively ascribed to them herein:

(a) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting electric personal assistive mobility devices or devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "Motor vehicle" means every vehicle, other than a motorized bicycle or a motorized wheelchair, which is self-propelled.

(c) "Truck" means a motor vehicle which is used for the transportation or delivery of freight and merchandise or more than 10 passengers.

(d) "Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "tractor" as herein defined.

(e) "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle or load so drawn.

(f) "Farm tractor" means every motor vehicle designed and used as a farm implement power unit operated with or without other attached farm implements in any manner consistent with the structural design of such power unit.

(g) "Road tractor" means every motor vehicle designed and used for drawing other vehicles, and not so constructed as to carry any load thereon independently, or any part of the weight of a vehicle or load so drawn.

(h) "Trailer" means every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

(i) "Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

(j) "Pole trailer" means any two-wheel vehicle used as a trailer with bolsters that support the load, and do not have a rack or body extending to the tractor drawing the load.

(k) "Specially constructed vehicle" means any vehicle which shall not have been originally constructed under a distinctive name, make, model or type, or which, if originally otherwise constructed shall have been materially altered by the removal of essential parts, or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.

(l) "Foreign vehicle" means every motor vehicle, trailer or semitrailer which shall be brought into this state otherwise than in ordinary course of business by or through a manufacturer or dealer and which has not been registered in this state.

(m) "Person" means every natural person, firm, partnership, association or corporation.

(n) "Owner" means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or in the event a vehicle is subject to a lease of 30 days or more with an immediate right of possession vested in the lessee; or in the event a party having a security interest in a vehicle is entitled to possession, then such conditional vendee or lessee or secured party shall be deemed the owner for the purpose of this act.

(o) "Nonresident" means every person who is not a resident of this state.

(p) "Manufacturer" means every person engaged in the business of manufacturing motor vehicles, trailers or semitrailers.

(q) "New vehicle dealer" means every person actively engaged in the business of buying, selling or exchanging new motor vehicles, travel trailers, trailers or vehicles and who holds a dealer's contract therefor from a manufacturer or distributor and who has an established place of business in this state.

(r) "Used vehicle dealer" means every person actively engaged in the business of buying, selling or exchanging used vehicles, and having an established place of business in this state and who does not hold a dealer's contract for the sale of new motor vehicles, travel trailers, trailers or vehicles.

(s) "Highway" means every way or place of whatever nature open to the use of the public as a matter of right for the purpose of vehicular travel. The term "highway" shall not be deemed to include a roadway or driveway upon grounds owned by private owners, colleges, universities or other institutions.

(t) "Department" or "motor vehicle department" or "vehicle department" means the division of vehicles of the department of revenue, acting directly or through its duly authorized officers and agents. When acting on behalf of the department of revenue pursuant to this act, a county treasurer shall be deemed to be an agent of the state of Kansas.

(u) "Commission" or "state highway commission" means the director of vehicles of the department of revenue.

(v) "Division" means the division of vehicles of the department of revenue.

(w) "Travel trailer" means every vehicle without motive power designed to be towed by a motor vehicle constructed primarily for recreational purposes.

(x) "Passenger vehicle" means every motor vehicle, as herein defined, which is designed primarily to carry 10 or fewer passengers, and which is not used as a truck.

(y) "Self-propelled farm implement" means every farm implement designed for specific use applications with its motive power unit permanently incorporated in its structural design.

(z) "Farm trailer" means every trailer as defined in subsection (h) of this section and every semitrailer as defined in subsection (i) of this section, designed and used primarily as a farm vehicle.

(aa) "Motorized bicycle" means every device having two tandem wheels or three wheels, which may be propelled by either human power or helper motor, or by both, and which has:

(1) A motor which produces not more than 3.5 brake horsepower;

(2) a cylinder capacity of not more than 130 cubic centimeters;

(3) an automatic transmission; and

(4) the capability of a maximum design speed of no more than 30 miles per hour.

(bb) "All-terrain vehicle" means any motorized nonhighway vehicle 50 inches or less in width, having a dry weight of 1,500 pounds or less, traveling on three or more nonhighway tires, having a seat designed to be straddled by the operator. As used in this subsection, nonhighway tire means any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of 14 inches or less.

(cc) "Implement of husbandry" means every vehicle designed or adapted and used exclusively for agricultural operations, including feedlots, and only incidentally moved or operated upon the highways. Such term shall include, but not be limited to:

(1) A farm tractor;

(continued)

- (2) a self-propelled farm implement;
- (3) a fertilizer spreader, nurse tank or truck permanently mounted with a spreader used exclusively for dispensing or spreading water, dust or liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202, and amendments thereto, regardless of ownership;
- (4) a truck mounted with a fertilizer spreader used or manufactured principally to spread animal dung;
- (5) a mixer-feed truck owned and used by a feedlot, as defined in K.S.A. 47-1501, and amendments thereto, and specially designed and used exclusively for dispensing food to livestock in such feedlot.

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

(ee) "Oil well servicing, oil well clean-out or oil well drilling machinery or equipment" means a vehicle constructed as a machine used exclusively for servicing, cleaning-out or drilling an oil well and consisting in general of a mast, an engine for power, a draw works and a chassis permanently constructed or assembled for one or more of those purposes. The passenger capacity of the cab of a vehicle shall not be considered in determining whether such vehicle is an oil well servicing, oil well clean-out or oil well drilling machinery or equipment.

(ff) "Electric personal assistive mobility device" means a self-balancing two nontandem wheeled device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

(gg) "Electronic certificate of title" means any electronic record of ownership, including any lien or liens that may be recorded, retained by the division in accordance with K.S.A. 2008 Supp. 8-135d, and amendments thereto.

(hh) "Work-site utility vehicle" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 135 inches, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more low pressure tires, a steering wheel and bench or bucket-type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials. "Work-site utility vehicle" does not include a micro utility truck.

(ii) "Micro utility truck" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than ~~144~~ 160 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. "Micro utility truck" does not include a work-site utility vehicle.

(jj) "Golf cart" means a motor vehicle that has not less than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be and is operated at not more than 25 miles per hour and is designed to carry not more than four persons including the driver.

Sec. 3. On and after July 1, 2009, K.S.A. 2008 Supp. 8-1567, as amended by section 5 of 2009 Senate Substitute for House Bill No. 2096, is hereby amended to read as follows: 8-1567. (a) No person shall operate or attempt to operate any vehicle within this state while:

(1) The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence, as defined in paragraph (1) of subsection (f) of K.S.A. 8-1013, and amendments thereto, is .08 or more;

(2) the alcohol concentration in the person's blood or breath, as measured within two hours of the time of operating or attempting to operate a vehicle, is .08 or more;

(3) under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;

(4) under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; or

(5) under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle.

(b) No person shall operate or attempt to operate any vehicle within this state if the person is a habitual user of any narcotic, hypnotic, somnifacient or stimulating drug.

(c) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

(d) Upon a first conviction of a violation of this section, a person shall be guilty of a class B, nonperson misdemeanor and sentenced to not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion 100 hours of public service, and fined not less than \$500 nor more than \$1,000. The person convicted must serve at least 48 consecutive hours' imprisonment or 100 hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole.

In addition, the court shall enter an order which requires that the person enroll in and successfully complete an alcohol and drug safety action education program or treatment program as provided in K.S.A. 8-1008, and amendments thereto, or both the education and treatment programs.

(e) On a second conviction of a violation of this section, a person shall be guilty of a class A, nonperson misdemeanor and sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,000 nor more than \$1,500. The person convicted must serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-4603b, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment.

As a condition of any grant of probation, suspension of sentence or parole or of any other release, the person shall be required to enter into and complete a treatment program for alcohol and drug abuse as provided in K.S.A. 8-1008, and amendments thereto.

(f) (1) On the third conviction of a violation of this section, a person shall be guilty of a nonperson felony and sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,500 nor more than \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this paragraph may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-4603b, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment.

(2) The court may order that the term of imprisonment imposed pursuant to paragraph (1) be served in a state facility in the custody of the secretary of corrections in a facility designated by the secretary for the provision of substance abuse treatment pursuant to the provisions of K.S.A. 21-4704, and amendments thereto. The person shall remain imprisoned at the state facility only while participating in the substance abuse treatment program designated by the secretary and shall be returned to the custody of the sheriff for execution of the balance of the term of imprisonment upon completion of or the person's discharge from the substance abuse treatment program. Custody of the person shall be returned to the sheriff for execution of the sentence imposed in the event the secretary of corrections determines: (A) That substance abuse treatment resources or the capacity of the facility designated by the secretary for the incarceration and treatment of the person is not available; (B) the person fails to meaningfully participate in the treatment program of the designated facility; (C) the person is disruptive to the security or operation of the designated facility; or (D) the medical or mental health condition of the person renders the person unsuitable for confinement at the designated facility. The determination by the secretary that the person either is not to be admitted into the designated facility or is to be transferred from

the designated facility is not subject to review. The sheriff shall be responsible for all transportation expenses to and from the state correctional facility.

The court shall also require as a condition of parole that such person enter into and complete a treatment program for alcohol and drug abuse as provided by K.S.A. 8-1008, and amendments thereto.

(g) (1) On the fourth or subsequent conviction of a violation of this section, a person shall be guilty of a nonperson felony and sentenced to not less than 90 days nor more than one year's imprisonment and fined \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this paragraph may be served in a work release program only after such person has served 72 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program.

(2) The court may order that the term of imprisonment imposed pursuant to paragraph (1) be served in a state facility in the custody of the secretary of corrections in a facility designated by the secretary for the provision of substance abuse treatment pursuant to the provisions of K.S.A. 21-4704, and amendments thereto. The person shall remain imprisoned at the state facility only while participating in the substance abuse treatment program designated by the secretary and shall be returned to the custody of the sheriff for execution of the balance of the term of imprisonment upon completion of or the person's discharge from the substance abuse treatment program. Custody of the person shall be returned to the sheriff for execution of the sentence imposed in the event the secretary of corrections determines: (A) That substance abuse treatment resources or the capacity of the facility designated by the secretary for the incarceration and treatment of the person is not available; (B) the person fails to meaningfully participate in the treatment program of the designated facility; (C) the person is disruptive to the security or operation of the designated facility; or (D) the medical or mental health condition of the person renders the person unsuitable for confinement at the designated facility. The determination by the secretary that the person either is not to be admitted into the designated facility or is to be transferred from the designated facility is not subject to review. The sheriff shall be responsible for all transportation expenses to and from the state correctional facility.

At the time of the filing of the judgment form or journal entry as required by K.S.A. 21-4620 or 22-3426, and amendments thereto, the court shall cause a certified copy to be sent to the officer having the offender in charge. The law enforcement agency maintaining custody and control of a defendant for imprisonment shall cause a certified copy of the judgment form or journal entry to be sent to the secretary of corrections within three business days of receipt of the judgment form or journal entry from the court and notify the secretary of corrections when the term of imprisonment expires and upon expiration of the term of imprisonment shall deliver the defendant to a location designated by the secretary. After the term of imprisonment imposed by the court, the person shall be placed in the custody of the secretary of corrections for a mandatory one-year period of postrelease supervision, which such period of post-release supervision shall not be reduced. During such postrelease supervision, the person shall be required to participate in an inpatient or outpatient program for alcohol and drug abuse, including, but not limited to, an approved aftercare plan or mental health counseling, as determined by the secretary and satisfy conditions imposed by the Kansas parole board as provided by K.S.A. 22-3717, and amendments thereto. Any violation of the conditions of such postrelease supervision may subject such person to revocation of postrelease supervision pursuant to K.S.A. 75-5217 et seq., and amendments thereto and as otherwise provided by law.

(h) Any person convicted of violating this section or an ordinance which prohibits the acts that this section prohibits who had one or more children under the age of 14 years in the vehicle at the time of the offense shall have such person's punishment enhanced by one month of imprisonment. This imprisonment must be served consecutively to any other minimum mandatory penalty imposed for a violation of this section or an ordinance which prohibits the acts that this section prohibits. Any enhanced penalty imposed

shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.

(i) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.

(j) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

(k) (1) Except as provided in paragraph (5), in addition to any other penalty which may be imposed upon a first conviction of a violation of this section, the court may order that the convicted person's motor vehicle or vehicles be impounded or immobilized for a period not to exceed one year and that the convicted person pay all towing, impoundment and storage fees or other immobilization costs.

(2) The court shall not order the impoundment or immobilization of a motor vehicle driven by a person convicted of a violation of this section if the motor vehicle had been stolen or converted at the time it was driven in violation of this section.

(3) Prior to ordering the impoundment or immobilization of a motor vehicle or vehicles owned by a person convicted of a violation of this section, the court shall consider, but not be limited to, the following:

(A) Whether the impoundment or immobilization of the motor vehicle would result in the loss of employment by the convicted person or a member of such person's family; and

(B) whether the ability of the convicted person or a member of such person's family to attend school or obtain medical care would be impaired.

(4) Any personal property in a vehicle impounded or immobilized pursuant to this subsection may be retrieved prior to or during the period of such impoundment or immobilization.

(5) As used in this subsection, the convicted person's motor vehicle or vehicles shall include any vehicle leased by such person. If the lease on the convicted person's motor vehicle subject to impoundment or immobilization expires in less than one year from the date of the impoundment or immobilization, the time of impoundment or immobilization of such vehicle shall be the amount of time remaining on the lease.

(l) (1) Except as provided in paragraph (3), in addition to any other penalty which may be imposed upon a second or subsequent conviction of a violation of this section, the court shall order that each motor vehicle owned or leased by the convicted person shall either be equipped with an ignition interlock device or be impounded or immobilized for a period of two years. The convicted person shall pay all costs associated with the installation, maintenance and removal of the ignition interlock device and all towing, impoundment and storage fees or other immobilization costs.

(2) Any personal property in a vehicle impounded or immobilized pursuant to this subsection may be retrieved prior to or during the period of such impoundment or immobilization.

(3) As used in this subsection, the convicted person's motor vehicle or vehicles shall include any vehicle leased by such person. If the lease on the convicted person's motor vehicle subject to impoundment or immobilization expires in less than two years from the date of the impoundment or immobilization, the time of impoundment or immobilization of such vehicle shall be the amount of time remaining on the lease.

(m) (1) Prior to filing a complaint alleging a violation of this section, a prosecutor shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.

(continued)

(2) Prior to filing a complaint alleging a violation of this section, a prosecutor shall request and shall receive from the Kansas bureau of investigation central repository all criminal history record information concerning such person.

(n) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings or a complaint alleging a violation of this section to the division. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.

(o) For the purpose of determining whether a conviction is a first, second, third, fourth or subsequent conviction in sentencing under this section:

(1) "Conviction" includes being convicted of a violation of this section or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of this section;

(2) "conviction" includes being convicted of a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits the acts that this section prohibits or entering into a diversion agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance or resolution;

(3) any convictions occurring during a person's lifetime shall be taken into account when determining the sentence to be imposed for a first, second, third, fourth or subsequent offender;

(4) it is irrelevant whether an offense occurred before or after conviction for a previous offense; and

(5) a person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section, and amendments thereto, or an ordinance which prohibits the acts of this section, and amendments thereto, only once during the person's lifetime.

(p) Upon conviction of a person of a violation of this section or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section, the division, upon receiving a report of conviction, shall suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

(q) (1) (A) Nothing contained in this section shall be construed as preventing any city from enacting ordinances, or any county from adopting resolutions, declaring acts prohibited or made unlawful by this act as unlawful or prohibited in such city or county and prescribing penalties for violation thereof. Except as specifically provided by this subsection, the minimum penalty prescribed by any such ordinance or resolution shall not be less than the minimum penalty prescribed by this act for the same violation, and the maximum penalty in any such ordinance or resolution shall not exceed the maximum penalty prescribed for the same violation.

(B) On and after July 1, 2007, and retroactive for ordinance violations committed on or after July 1, 2006, an ordinance may grant to a municipal court jurisdiction over a violation of such ordinance which is concurrent with the jurisdiction of the district court over a violation of this section, notwithstanding that the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony.

(C) Any such ordinance or resolution shall authorize the court to order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted. Except as provided in paragraph (5), any such ordinance or resolution may require or authorize the court to order that the convicted person's motor vehicle or vehicles be impounded or immobilized for a period not to exceed one year and that the convicted person pay all towing, impoundment and storage fees or other immobilization costs.

(2) The court shall not order the impoundment or immobilization of a motor vehicle driven by a person convicted of a violation of this section if the motor vehicle had been stolen or converted at the time it was driven in violation of this section.

(3) Prior to ordering the impoundment or immobilization of a motor vehicle or vehicles owned by a person convicted of a vio-

lation of this section, the court shall consider, but not be limited to, the following:

(A) Whether the impoundment or immobilization of the motor vehicle would result in the loss of employment by the convicted person or a member of such person's family; and

(B) whether the ability of the convicted person or a member of such person's family to attend school or obtain medical care would be impaired.

(4) Any personal property in a vehicle impounded or immobilized pursuant to this subsection may be retrieved prior to or during the period of such impoundment or immobilization.

(5) As used in this subsection, the convicted person's motor vehicle or vehicles shall include any vehicle leased by such person. If the lease on the convicted person's motor vehicle subject to impoundment or immobilization expires in less than one year from the date of the impoundment or immobilization, the time of impoundment or immobilization of such vehicle shall be the amount of time remaining on the lease.

(r) (1) Upon the filing of a complaint, citation or notice to appear alleging a person has violated a city ordinance prohibiting the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.

(2) Upon the filing of a complaint, citation or notice to appear alleging a person has violated a city ordinance prohibiting the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the Kansas bureau of investigation central repository all criminal history record information concerning such person.

(3) If the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony, the city attorney shall refer the violation to the appropriate county or district attorney for prosecution.

(s) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section, or a violation of any ordinance of a city or resolution of any county in this state which prohibits the acts prohibited by this section, to avoid the mandatory penalties established by this section or by the ordinance. For the purpose of this subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 et seq. or 22-2906 et seq., and amendments thereto, shall not constitute plea bargaining.

(t) The alternatives set out in subsections (a)(1), (a)(2) and (a)(3) may be pleaded in the alternative, and the state, city or county, but shall not be required to, may elect one or two of the three prior to submission of the case to the fact finder.

(u) Upon a fourth or subsequent conviction, the judge of any court in which any person is convicted of violating this section, may revoke the person's license plate or temporary registration certificate of the motor vehicle driven during the violation of this section for a period of one year. Upon revoking any license plate or temporary registration certificate pursuant to this subsection, the court shall require that such license plate or temporary registration certificate be surrendered to the court.

(v) For the purpose of this section: (1) "Alcohol concentration" means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath.

(2) "Imprisonment" shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city.

(3) "Drug" includes toxic vapors as such term is defined in ~~K.S.A. 65-4165~~ section 12 of 2009 House Bill No. 2236, and amendments thereto.

(w) The amount of the increase in fines as specified in this section shall be remitted by the clerk of the district court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of remittance of the increase provided in this act, the state treasurer shall deposit the entire amount in the state treasury and the state treasurer shall credit 50% to the community alcoholism and intoxication programs fund and

50% to the department of corrections alcohol and drug abuse treatment fund, which is hereby created in the state treasury.

(x) Upon every conviction of a violation of this section, the court shall order such person to submit to a pre-sentence alcohol and drug abuse evaluation pursuant to K.S.A. 8-1008, and amendments thereto. Such pre-sentence evaluation shall be made available, and shall be considered by the sentencing court.

Sec. 4. On and after July 1, 2009, K.S.A. 2008 Supp. 8-2110, as amended by section 1 of 2009 Senate Bill No. 158, is hereby amended to read as follows: 8-2110. (a) Failure to comply with a traffic citation means failure either to (1) appear before any district or municipal court in response to a traffic citation and pay in full any fine and court costs imposed or (2) otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and amendments thereto. Failure to comply with a traffic citation is a misdemeanor, regardless of the disposition of the charge for which such citation was originally issued.

(b) (1) In addition to penalties of law applicable under subsection (a), when a person fails to comply with a traffic citation, except for illegal parking, standing or stopping, the district or municipal court in which the person should have complied with the citation shall mail notice to the person that if the person does not appear in district or municipal court or pay all fines, court costs and any penalties within 30 days from the date of mailing notice, the division of vehicles will be notified to suspend the person's driving privileges. The district or municipal court may charge an additional fee of \$5 for mailing such notice. Upon the person's failure to comply within such 30 days of mailing notice, the district or municipal court shall electronically notify the division of vehicles. Upon receipt of a report of a failure to comply with a traffic citation under this subsection, pursuant to K.S.A. 8-255, and amendments thereto, the division of vehicles shall notify the violator and suspend the license of the violator until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the informing court. When the court determines the person has complied with the terms of the traffic citation, the court shall immediately electronically notify the division of vehicles of such compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension or suspension action.

(2) (A) In lieu of suspension under paragraph (1), the driver may submit to the division of vehicles a written request for restricted driving privileges, with a non-refundable \$25 application fee, to be applied by the division of vehicles for additional administrative costs to implement restricted driving privileges. The division shall remit all restricted driving privilege application fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the division of vehicles operating fund.

(B) Upon review and approval of the driver's eligibility, the driving privileges will be restricted by the division of vehicles for a period up to one year or until the terms of the traffic citation have been complied with and the court shall immediately electronically notify the division of vehicles of such compliance. If the driver fails to comply with the traffic citation within the one year restricted period, the driving privileges will be suspended by the division of vehicles until the court determines the person has complied with the terms of the traffic citation and the court shall immediately electronically notify the division of vehicles of such compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension action. When restricted driving privileges are approved pursuant to this section, the person's driving privileges shall be restricted to driving only under the following circumstances: (i) In going to or returning from the person's place of employment or schooling; (ii) in the course of the person's employment; (iii) during a medical emergency; (iv) in going to and returning from probation or parole meetings, drug or alcohol counseling or any place the person is required to go by a court. The provisions of this paragraph shall expire on January 1, 2012.

(c) Except as provided in subsection (d), when the district or municipal court notifies the division of vehicles of a failure to comply with a traffic citation pursuant to subsection (b), the court shall assess a reinstatement fee of \$59 for each charge on which the per-

son failed to make satisfaction regardless of the disposition of the charge for which such citation was originally issued and regardless of any application for restricted driving privileges. Such reinstatement fee shall be in addition to any fine, restricted driving privilege application fee, district or municipal court costs and other penalties. The court shall remit all reinstatement fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit 42.37% of such moneys to the division of vehicles operating fund, 31.78% to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126, and amendments thereto, 10.59% to the juvenile detention facilities fund created by K.S.A. 79-4803, and amendments thereto, and 15.26% to the judicial branch nonjudicial salary adjustment fund created by K.S.A. 2008 Supp. 20-1a15, and amendments thereto.

(d) The district court or municipal court shall waive the reinstatement fee provided for in subsection (c), if the failure to comply with a traffic citation was the result of such person enlisting in or being drafted into the armed services of the United States, being called into service as a member of a reserve component of the military service of the United States, or volunteering for such active duty, or being called into service as a member of the state of Kansas national guard, or volunteering for such active duty, and being absent from Kansas because of such military service. In any case of a failure to comply with a traffic citation which occurred on or after August 1, 1990, and prior to the effective date of this act, in which a person was assessed and paid a reinstatement fee and the person failed to comply with a traffic citation because the person was absent from Kansas because of any such military service, the reinstatement fee shall be reimbursed to such person upon application therefor. The state treasurer and the director of accounts and reports shall prescribe procedures for all such reimbursement payments and shall create appropriate accounts, make appropriate accounting entries and issue such appropriate vouchers and warrants as may be required to make such reimbursement payments.

(e) *Except as provided further*, the reinstatement fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for such reinstatement. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. *On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per reinstatement fee, to fund the costs of non-judicial personnel.*

Sec. 5. On and after July 1, 2009, K.S.A. 2008 Supp. 12-5242 is hereby amended to read as follows: 12-5242. Except as otherwise provided, as used in K.S.A. 12-5241 through 12-5251 and K.S.A. 2008 Supp. 12-5252 through 12-5258, and amendments thereto, the following words and phrases shall have the following meanings unless a different meaning clearly appears from the context:

(a) "City" means any city incorporated in accordance with Kansas law with a population of less than ~~40,000~~ 60,000 in a county with a population of less than ~~60,000~~ 80,000, as certified to the secretary of state by the director of the division of the budget on the previous July 1 in accordance with K.S.A. 11-201, and amendments thereto.

(b) "City housing authority" means any agency of a city created pursuant to the municipal housing law, K.S.A. 17-2337 et seq., and amendments thereto.

(c) "Corporation" means the Kansas housing resources corporation.

(d) "County" means any county organized in accordance with K.S.A. 18-101 et seq., and amendments thereto, with a population of less than ~~40,000~~ 60,000, as certified to the secretary of state by the director of the division of the budget on the previous July 1st in accordance with K.S.A. 11-201, and amendments thereto.

(e) "Developer" means the person, firm or corporation responsible under an agreement with the governing body to develop housing or related public facilities in a district.

(f) "District" means a rural housing incentive district established in accordance with this act.

(g) "Governing body" means the board of county commissioners of any county or the mayor and council, mayor and commis-

(continued)

sioners or board of commissioners, as the laws affecting the organization and status of cities affected may provide.

(h) "Housing development activities" means the construction or rehabilitation of infrastructure necessary to support construction of new residential dwellings and the actual construction of such residential dwellings, if such construction is conducted by a city housing authority.

(i) "Secretary" means the secretary of commerce of the state of Kansas.

(j) "Real property taxes" means and includes all taxes levied on an ad valorem basis upon land and improvements thereon.

(k) "Taxing subdivision" means the county, the city, the unified school district, and any other taxing subdivision levying real property taxes, the territory or jurisdiction of which includes any currently existing or subsequently created rural housing incentive district.

Sec. 6. On and after July 1, 2009, K.S.A. 16a-6-117, as amended by section 23 of 2009 Senate Bill No. 240, is hereby amended to read as follows: 16a-6-117. The administrator shall adopt rules and regulations necessary to carry out the provisions and terms of the uniform consumer credit code which are consistent with or no less restrictive than the truth-in-lending act, which is contained in title I of the consumer credit protection act, 15 U.S.C. § 1601 et seq. and regulation Z, 12 C.F.R. § 226 et seq., as amended, the equal credit opportunity act, 15 U.S.C. § 1691-1691f and regulation B, 12 C.F.R. § 202 et seq., as amended, the real estate settlement procedures act of 1974, 12 U.S.C. § 2601 et seq., and regulation X, 24 C.F.R. §§ 3500 et seq., as amended and section 670 of the John Warner national defense authorization act for fiscal year 2007, 10 U.S.C. § 987 et seq. and ~~12~~ 32 C.F.R. § 232 et seq.

Sec. 7. On and after July 1, 2009, K.S.A. 2008 Supp. 19-101a is hereby amended to read as follows: 19-101a. (a) The board of county commissioners may transact all county business and perform all powers of local legislation and administration it deems appropriate, subject only to the following limitations, restrictions or prohibitions:

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

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

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

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

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

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

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

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

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

(10) Counties shall have no power under this section to exempt from any statute authorizing or requiring the levy of taxes and providing substitute and additional provisions on the same subject, unless the resolution authorizing the same specifically provides for a portion of the proceeds of such levy to be used to pay a portion

of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(28) Counties may not exempt from or effect changes in K.S.A. ~~2007~~ 2008 Supp. 80-121, and amendments thereto.

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

(30) Counties may not exempt from or effect changes in the wireless enhanced 911 act, in the VoIP enhanced 911 act or in the provisions of K.S.A. 12-5301 through 12-5308, and amendments thereto.

(31) Counties may not exempt from or effect changes in K.S.A. ~~2007~~ 2008 Supp. 26-601, and amendments thereto.

(32) (A) Counties may not exempt from or effect changes in the Kansas liquor control act except as provided by paragraph (B).

(B) Counties may adopt resolutions which are not in conflict with the Kansas liquor control act.

(33) (A) Counties may not exempt from or effect changes in the Kansas cereal malt beverage act except as provided by paragraph (B).

(B) Counties may adopt resolutions which are not in conflict with the Kansas cereal malt beverage act.

(34) Counties may not exempt from or effect changes in the Kansas lottery act.

(35) Counties may not exempt from or effect changes in the Kansas expanded lottery act.

(36) *Counties may neither exempt from nor effect changes to the eminent domain procedure act.*

(37) *Any county granted authority pursuant to the provisions of K.S.A. 19-5001 through 19-5005, and amendments thereto, shall be subject to the limitations and prohibitions imposed under K.S.A. 19-5001 through 19-5005, and amendments thereto.*

(38) *Except as otherwise specifically authorized by K.S.A. 19-5001 through 19-5005, and amendments thereto, counties may not exercise any authority granted pursuant to K.S.A. 19-5001 through 19-5005, and amendments thereto, including the imposition or levy of any retailers' sales tax.*

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

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

Sec. 8. On and after July 1, 2009, K.S.A. 2008 Supp. 20-367 is hereby amended to read as follows: 20-367. (a) On and after July 1, ~~2008~~ 2009 through June 30, ~~2010~~ 2013, of the remittance of the balance of docket fees received by the state treasurer from clerks of the district court pursuant to subsection (f) of K.S.A. 20-362, and amendments thereto, the state treasurer shall deposit and credit:

- (1) 3.00% to the judicial performance fund;
- (2) 4.17% to the access to justice fund;
- (3) 2.31% to the juvenile detention facilities fund;
- (4) 1.78% to the judicial branch education fund;
- (5) .47% to the crime victims assistance fund;
- (6) 2.27% to the protection from abuse fund;
- (7) 3.60% to the judiciary technology fund;
- (8) .29% to the dispute resolution fund;
- (9) 1.05% to the Kansas juvenile delinquency prevention trust fund;
- (10) .18% to the permanent families account in the family and children investment fund;
- (11) 1.25% to the trauma fund;
- (12) .94% to the judicial council fund;
- (13) .57% to the child exchange and visitation centers fund;
- (14) 15.29% to the judicial branch nonjudicial salary adjustment fund;
- (15) 15.12% to the judicial branch nonjudicial salary initiative fund; and
- (16) the balance to the state general fund.

(b) On and after July 1, ~~2010~~ 2013, of the remittance of the balance of docket fees received by the state treasurer from clerks of the district court pursuant to subsection (f) of K.S.A. 20-362, and amendments thereto, the state treasurer shall deposit and credit:

- (1) 4.30% to the access to justice fund;
- (2) 2.38% to the juvenile detention facilities fund;
- (3) 1.83% to the judicial branch education fund;
- (4) .48% to the crime victims assistance fund;
- (5) 2.34% to the protection from abuse fund;
- (6) 3.71% to the judiciary technology fund;
- (7) .30% to the dispute resolution fund;
- (8) 1.08% to the Kansas juvenile delinquency prevention trust fund;
- (9) .19% to the the permanent families account in the family and children investment fund;
- (10) 1.29% to the trauma fund;
- (11) .97% to the judicial council fund;
- (12) .59% to the child exchange and visitation centers fund;
- (13) 15.75% to the judicial branch nonjudicial salary adjustment fund;

(14) 15.57% to the judicial branch nonjudicial salary incentive fund; and

(15) the balance to the state general fund.

Sec. 9. On and after July 1, 2009, K.S.A. 20-3201 is hereby amended to read as follows: 20-3201. ~~On and after July 1, 2006:~~ (a) The commission on judicial performance is hereby established as an independent committee of the Kansas judicial council. The budget of the commission shall be a part of the budget of the judicial council. The judicial council shall provide administrative assistance to the commission. The commission on judicial qualifications and the office of judicial administration shall assist the commission, if requested by the commission.

(b) The provisions of K.S.A. 20-3201 through 20-3207, and amendments thereto shall expire on June 30, ~~2010~~ 2013.

Sec. 10. On and after July 1, 2009, K.S.A. 21-3826, as amended by section 1 of 2009 Senate Bill No. 237, is hereby amended to read as follows: 21-3826. (a) Traffic in contraband in a correctional institution or care and treatment facility is introducing or attempting to introduce into or upon the grounds of any correctional institution or care and treatment facility or taking, sending, attempting to take or attempting to send from any correctional institution or care and treatment facility or any unauthorized possession while in any correctional institution or care and treatment facility or distributing within any correctional institution or care and treatment facility, any item without the consent of the administrator of the correctional institution or care and treatment facility.

(b) For purposes of this section:

(1) "Correctional institution" means any state correctional institution or facility, conservation camp, juvenile correctional facility, community correction center or facility for detention or confinement, juvenile detention facility or jail.

(2) "Care and treatment facility" means the state security hospital provided for under K.S.A. 76-1305 et seq., and amendments thereto, and a facility operated by the department of social and rehabilitation services for the purposes provided for under K.S.A. 59-29a02 et seq., and amendments thereto.

(c) (1) Traffic in contraband in a correctional institution or care and treatment facility of firearms, ammunition, explosives or a controlled substance which is defined in ~~subsection (e) of K.S.A. 65-4101~~ section 1 of 2009 House Bill No. 2236, and amendments thereto, is a severity level 5, nonperson felony. This paragraph shall not apply to the possession of a firearm or ammunition by a person licensed under the personal and family protection act, K.S.A. 75-7c01 et seq., and amendments thereto, in a parking lot open to the public if the firearm or ammunition is carried on the person while in a vehicle or while securing the firearm or ammunition in the vehicle, or stored out of plain view in a locked but unoccupied vehicle.

(2) Traffic in any contraband, as defined by rules and regulations adopted by the secretary, in a correctional institution by an employee of a correctional institution is a severity level 5, nonperson felony.

(3) Traffic in any contraband, as defined by rules and regulations adopted by the secretary of social and rehabilitation services, in a care and treatment facility by an employee of a care and treatment facility is a severity level 5, nonperson felony.

(d) Except as provided in subsection (c), traffic in contraband in a correctional institution or care and treatment facility is a severity level 6, nonperson felony.

Sec. 11. On and after July 1, 2009, K.S.A. 2008 Supp. 22-3716 is hereby amended to read as follows: 22-3716. (a) At any time during probation, assignment to a community correctional services program, suspension of sentence or pursuant to subsection (d) for defendants who committed a crime prior to July 1, 1993, and at any time during which a defendant is serving a nonprison sanction for a crime committed on or after July 1, 1993, or pursuant to subsection (d), the court may issue a warrant for the arrest of a defendant for violation of any of the conditions of release or assignment, a notice to appear to answer to a charge of violation or a violation of the defendant's nonprison sanction. The notice shall be personally served upon the defendant. The warrant shall authorize all officers named in the warrant to return the defendant to the custody of the court or to any certified detention facility designated by the court. Any court services officer or community correctional

(continued)

services officer may arrest the defendant without a warrant or may deputize any other officer with power of arrest to do so by giving the officer a written or verbal statement setting forth that the defendant has, in the judgment of the court services officer or community correctional services officer, violated the conditions of the defendant's release or a nonprison sanction. A written statement delivered to the official in charge of a county jail or other place of detention shall be sufficient warrant for the detention of the defendant. After making an arrest, the court services officer or community correctional services officer shall present to the detaining authorities a similar statement of the circumstances of violation. Provisions regarding release on bail of persons charged with a crime shall be applicable to defendants arrested under these provisions.

(b) Upon arrest and detention pursuant to subsection (a), the court services officer or community correctional services officer shall immediately notify the court and shall submit in writing a report showing in what manner the defendant has violated the conditions of release or assignment or a nonprison sanction. Thereupon, or upon an arrest by warrant as provided in this section, the court shall cause the defendant to be brought before it without unnecessary delay for a hearing on the violation charged. The hearing shall be in open court and the state shall have the burden of establishing the violation. The defendant shall have the right to be represented by counsel and shall be informed by the judge that, if the defendant is financially unable to obtain counsel, an attorney will be appointed to represent the defendant. The defendant shall have the right to present the testimony of witnesses and other evidence on the defendant's behalf. Relevant written statements made under oath may be admitted and considered by the court along with other evidence presented at the hearing. Except as otherwise provided, if the violation is established, the court may continue or revoke the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction and may require the defendant to serve the sentence imposed, or any lesser sentence, and, if imposition of sentence was suspended, may impose any sentence which might originally have been imposed. Except as otherwise provided, no offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in this section shall be required to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections for such violation, unless such person has already at least one prior assignment to a community correctional services program related to the crime for which the original sentence was imposed, except these provisions shall not apply to offenders who violate a condition of release or assignment or a nonprison sanction by committing a new misdemeanor or felony offense. The provisions of this subsection shall not apply to adult felony offenders as described in subsection (a)(3) of K.S.A. 75-5291, and amendments thereto. The court may require an offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in this section to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections without a prior assignment to a community correctional services program if the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will be jeopardized or that the welfare of the inmate will not be served by such assignment to a community correctional services program. When a new felony is committed while the offender is on probation or assignment to a community correctional services program, the new sentence shall be imposed pursuant to the consecutive sentencing requirements of K.S.A. 21-4608 and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(c) A defendant who is on probation, assigned to a community correctional services program, under suspension of sentence or serving a nonprison sanction and for whose return a warrant has been issued by the court shall be considered a fugitive from justice if it is found that the warrant cannot be served. If it appears that the defendant has violated the provisions of the defendant's release

or assignment or a nonprison sanction, the court shall determine whether the time from the issuing of the warrant to the date of the defendant's arrest, or any part of it, shall be counted as time served on probation, assignment to a community correctional services program, suspended sentence or pursuant to a nonprison sanction.

(d) The court shall have 30 days following the date probation, assignment to a community correctional service program, suspension of sentence or a nonprison sanction was to end to issue a warrant for the arrest or notice to appear for the defendant to answer a charge of a violation of the conditions of probation, assignment to a community correctional service program, suspension of sentence or a nonprison sanction.

(e) Notwithstanding the provisions of any other law to the contrary, an offender whose nonprison sanction is revoked and a term of imprisonment imposed pursuant to either the sentencing guidelines grid for nondrug or drug crimes shall not serve a period of postrelease supervision upon the completion of the prison portion of that sentence. The provisions of this subsection shall not apply to offenders sentenced to a nonprison sanction pursuant to a dispositional departure, whose offense falls within a border box of either the sentencing guidelines grid for nondrug or drug crimes, offenders sentenced for a "sexually violent crime" or a "sexually motivated crime" as defined by K.S.A. 22-3717, and amendments thereto, or offenders sentenced pursuant to K.S.A. 21-4704, and amendments thereto, wherein the sentence is presumptive imprisonment but a nonprison sanction may be imposed without a departure or offenders whose nonprison sanction was revoked as a result of a conviction for a new misdemeanor or felony offense. The provisions of this subsection shall not apply to offenders who are serving or are to begin serving a sentence for any other felony offense that is not excluded from postrelease supervision by this subsection on the effective date of this subsection. The provisions of this subsection shall be applied retroactively. The department of corrections shall conduct a review of all persons who are in the custody of the department as a result of only a revocation of a nonprison sanction. On or before September 1, 2000, the department shall have discharged from postrelease supervision those offenders as required by this subsection.

(f) Offenders who have been sentenced pursuant to K.S.A. 21-4729, and amendments thereto, and who subsequently violate a condition of the drug and alcohol abuse treatment program shall be subject to an additional nonprison sanction for any such subsequent violation. Such nonprison sanctions shall include, but not be limited to, up to 60 days in a county jail, fines, community service, intensified treatment, house arrest and electronic monitoring.

Sec. 12. On and after July 1, 2009, K.S.A. 2008 Supp. 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) telephoning or causing to be contacted by any telephonic means including, but not limited to, any device using a voice over internet protocol or wireless telephone, 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 preceded 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

(E) (D) 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 (E) (D) 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.

Sec. 13. On and after July 1, 2009, K.S.A. 2008 Supp. 25-4169a is hereby amended to read as follows: 25-4169a. (a) (1) No officer or employee of the state of Kansas, or any county, any unified school district having 35,000 or more pupils regularly enrolled, any city of the first class or the board of public utilities of the city of Kansas City, Kansas municipality, shall use or authorize the use of public funds or public vehicles, machinery, equipment or supplies of any such governmental agency or the time of any officer or employee of any such governmental agency, for which the officer or employee is compensated by such governmental agency, to expressly advocate the nomination, election or defeat of a clearly identified candidate to state office or local office. The provisions of this section prohibiting the use of time of any officer or employee for such purposes shall not apply to an incumbent officer campaigning for nomination or reelection to a succeeding term to such office or to members of the personal staff of any elected officer. The provisions of this section shall not apply to the statutory duties of the commission on judicial performance pursuant to article 32 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto.

(2) Except as otherwise provided in this section, no municipality shall permit or allow any person to distribute, or cause to be distributed, within any building or other structure owned, leased or rented by such municipality any brochure, flier, political fact sheet or other document which expressly advocates the nomination, election or defeat of a clearly identified candidate for state or local office unless each candidate for such state or local office is permitted or allowed to do so in the same manner.

(3) For the purposes of this subsection, the term municipality shall have the meaning ascribed to it in K.S.A. 12-105a, and amendments thereto.

(b) Any person violating the provisions of this section shall be guilty of a class C misdemeanor.

Sec. 14. On and after July 1, 2009, K.S.A. 2008 Supp. 28-172a, as amended by section 15 of 2009 Senate Bill No. 66, is hereby amended to read as follows: 28-172a. (a) Except as otherwise provided in this section, whenever the prosecuting witness or defendant is adjudged to pay the costs in a criminal proceeding in any county, a docket fee shall be taxed as follows:

(1) On and after July 1, 2008 2009 through June 30, 2010 2013:

Murder or manslaughter	\$182.50
Other felony.....	173.00
Misdemeanor	138.00
Forfeited recognizance.....	74.50
Appeals from other courts	74.50

(2) On and after July 1, 2010 2013:

Murder or manslaughter	\$180.50
Other felony.....	171.00
Misdemeanor	136.00
Forfeited recognizance.....	72.50
Appeals from other courts	72.50

(b) (1) Except as provided in paragraph (2), in actions involving the violation of any of the laws of this state regulating traffic on highways (including those listed in subsection (c) of K.S.A. 8-2118, and amendments thereto), a cigarette or tobacco infraction, any act declared a crime pursuant to the statutes contained in chapter 32 of Kansas Statutes Annotated and amendments thereto or any act declared a crime pursuant to the statutes contained in article 8 of chapter 82a of the Kansas Statutes Annotated, and amendments thereto, whenever the prosecuting witness or defendant is adjudged to pay the costs in the action, on and after July 1, 2008 2009 through June 30, 2010 2013, a docket fee of \$76 shall be charged, and on and after July 1, 2010 2013, a docket fee of \$74 shall be charged. When an action is disposed of under subsections (a) and (b) of K.S.A. 8-2118 or subsection (f) of K.S.A. 79-3393, and amendments thereto, whether by mail or in person, on and after July 1, 2008 2009 through June 30, 2010 2013, the docket fee to be paid as court costs shall be \$76, and on and after July 1, 2010 2013, the docket fee to be paid as court costs shall be \$74.

(2) In actions involving the violation of a moving traffic violation under K.S.A. 8-2118, and amendments thereto, as defined by rules and regulations adopted under K.S.A. 8-249, and amendments thereto, whenever the prosecuting witness or defendant is adjudged to pay the costs in the action, on and after July 1, 2008 2009 through June 30, 2010 2013, a docket fee of \$76 shall be charged, and on and after July 1, 2010 2013, a docket fee of \$74 shall be charged. When an action is disposed of under subsection (a) and (b) of K.S.A. 8-2118, and amendments thereto, whether by mail or in person, on and after July 1, 2008 2009 through June 30, 2010 2013, the docket fee to be paid as court costs shall be \$76, and on and after July 1, 2010 2013, the docket fee to be paid as court costs shall be \$74.

(c) If a conviction is on more than one count, the docket fee shall be the highest one applicable to any one of the counts. The prosecuting witness or defendant, if assessed the costs, shall pay only one fee. Multiple defendants shall each pay one fee.

(d) Statutory charges for law library funds, the law enforcement training center fund, the prosecuting attorneys' training fund, the juvenile detention facilities fund, the judicial branch education fund, the emergency medical services operating fund and the judiciary technology fund shall be paid from the docket fee; the family violence and child abuse and neglect assistance and prevention fund fee shall be paid from criminal proceedings docket fees. All other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Additional fees shall include, but are not limited to, fees for Kansas bureau of investigation forensic or laboratory analyses, fees for detention facility processing pursuant to K.S.A. 12-16,119, and amendments thereto, fees for the sexual assault evidence collection kit, fees for conducting an examination of a sexual assault victim, fees for service of process outside the state, witness fees, fees for transcripts and depositions, costs from other courts, doctors' fees and examination and evaluation fees. No sheriff in this state shall charge any district court of this state a fee or mileage for serving any paper or process.

(e) In each case charging a violation of the laws relating to parking of motor vehicles on the statehouse grounds or other state-owned or operated property in Shawnee county, Kansas, as specified in K.S.A. 75-4510a, and amendments thereto, or as specified in K.S.A. 75-4508, and amendments thereto, the clerk shall tax a fee of \$2 which shall constitute the entire costs in the case, except that witness fees, mileage and expenses incurred in serving a warrant shall be in addition to the fee. Appearance bond for a parking violation of K.S.A. 75-4508 or 75-4510a, and amendments thereto, shall be \$3, unless a warrant is issued. The judge may order the bond forfeited upon the defendant's failure to appear, and \$2 of any bond so forfeited shall be regarded as court costs.

(f) Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial personnel.

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Sec. 15. On and after July 1, 2009, K.S.A. 2008 Supp. 38-2211 is hereby amended to read as follows: 38-2211. (a) *Access to the official file.* The following persons or entities shall have access to the official file of a child in need of care proceeding pursuant to this code:

(1) The court having jurisdiction over the proceedings, including the presiding judge and any court personnel designated by the judge.

(2) The parties to the proceedings and their attorneys.

(3) The guardian *ad litem* for a child who is the subject of the proceeding.

(4) A court appointed special advocate for a child who is the subject of the proceeding or a paid staff member of a court appointed special advocate program.

(5) Any individual, or any public or private agency or institution, having custody of the child under court order or providing educational, medical or mental health services to the child or any placement provider or potential placement provider as determined by the secretary or court services officer.

(6) A citizen review board.

(7) The commissioner of juvenile justice or any agents designated by the commissioner.

(8) Any other person when authorized by a court order, subject to any conditions imposed by the order.

(9) The commission on judicial performance in the discharge of the commission's duties pursuant to article 32 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto.

(b) *Access to the social file.* The following persons or entities shall have access to the social file of a child in need of care proceeding pursuant to this code:

(1) The court having jurisdiction over the proceeding, including the presiding judge and any court personnel designated by the judge.

(2) The attorney for a party to the proceeding or the person or persons designated by an Indian tribe that is a party.

(3) The guardian *ad litem* for a child who is the subject of the proceeding.

(4) A court appointed special advocate for a child who is the subject of the proceeding or a paid staff member of a court appointed special advocate program.

(5) A citizen review board.

(6) The secretary.

(7) The commissioner of juvenile justice or any agents designated by the commissioner.

(8) Any other person when authorized by a court order, subject to any conditions imposed by the order.

(c) *Preservation of records.* The Kansas state historical society shall be allowed to take possession for preservation in the state archives of any court records related to proceedings under the Kansas code for care of children whenever such records otherwise would be destroyed. No such records in the custody of the Kansas state historical society shall be disclosed directly or indirectly to anyone for 70 years after creation of the records, except as provided in subsections (a) and (b). Pursuant to subsections (a)(8) and (b)(8), a judge of the district court may allow inspection for research purposes of any court records in the custody of the Kansas state historical society related to proceedings under the Kansas code for care of children.

Sec. 16. On and after July 1, 2009, K.S.A. 2008 Supp. 38-2255, as amended by section 6 of 2009 Senate Bill No. 134, is hereby amended to read as follows: 38-2255. (a) *Considerations.* Prior to entering an order of disposition, the court shall give consideration to:

(1) The child's physical, mental and emotional condition;

(2) the child's need for assistance;

(3) the manner in which the parent participated in the abuse, neglect or abandonment of the child;

(4) any relevant information from the intake and assessment process; and

(5) the evidence received at the dispositional hearing.

(b) *Placement with a parent.* The court may place the child in the custody of either of the child's parents subject to terms and conditions which the court prescribes to assure the proper care and protection of the child, including, but not limited to:

(1) Supervision of the child and the parent by a court services officer;

(2) participation by the child and the parent in available programs operated by an appropriate individual or agency; and

(3) any special treatment or care which the child needs for the child's physical, mental or emotional health and safety.

(c) *Removal of a child from custody of a parent.* The court shall not enter an order removing a child from the custody of a parent pursuant to this section unless the court first finds probable cause that: (1)(A) The child is likely to sustain harm if not immediately removed from the home;

(B) allowing the child to remain in home is contrary to the welfare of the child; or

(C) immediate placement of the child is in the best interest of the child; and

(2) reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the child from the child's home or that an emergency exists which threatens the safety to the child.

(d) *Custody of a child removed from the custody of a parent.* If the court has made the findings required by subsection (c), the court shall enter an order awarding custody to a relative of the child or to a person with whom the child has close emotional ties, to any other suitable person, to a shelter facility, to a youth residential facility or, if the child is 15 years of age or younger, or 16 or 17 years of age if the child has no identifiable parental or family resources or shows signs of physical, mental, emotional or sexual abuse, to the secretary. Custody awarded under this subsection shall continue until further order of the court.

(1) When custody is awarded to the secretary, the secretary shall consider any placement recommendation by the court and notify the court of the placement or proposed placement of the child within 10 days of the order awarding custody.

(A) After providing the parties or interested parties notice and opportunity to be heard, the court may determine whether the secretary's placement or proposed placement is contrary to the welfare or in the best interests of the child. In making that determination the court shall consider the health and safety needs of the child and the resources available to meet the needs of children in the custody of the secretary. If the court determines that the placement or proposed placement is contrary to the welfare or not in the best interests of the child, the court shall notify the secretary, who shall then make an alternative placement.

(B) The secretary may propose and the court may order the child to be placed in the custody of a parent or parents if the secretary has provided and the court has approved an appropriate safety action plan which includes services to be provided. The court may order the parent or parents and the child to perform tasks as set out in the safety action plan.

(2) The custodian designated under this subsection shall notify the court in writing at least 10 days prior to any planned placement with a parent. The written notice shall state the basis for the custodian's belief that placement with a parent is no longer contrary to the welfare or best interest of the child. Upon reviewing the notice, the court may allow the custodian to proceed with the planned placement or may set the date for a hearing to determine if the child shall be allowed to return home. If the court sets a hearing on the matter, the custodian shall not return the child home without written consent of the court.

(3) The court may grant any person reasonable rights to visit the child upon motion of the person and a finding that the visitation rights would be in the best interests of the child.

(4) The court may enter an order restraining any alleged perpetrator of physical, mental or emotional abuse or sexual abuse of the child from residing in the child's home; visiting, contacting, harassing or intimidating the child, other family member or witness; or attempting to visit, contact, harass or intimidate the child, other family member or witness. Such restraining order shall be served by personal service pursuant to subsection (a) of K.S.A. 2008 Supp. 38-2237, and amendments thereto, on any alleged perpetrator to whom the order is directed.

(5) The court shall provide a copy of any orders entered within 10 days of entering the order to the custodian designated under this subsection.

(e) *Further determinations regarding a child removed from the home.* If custody has been awarded under subsection (d) to a person other than a parent, a permanency plan shall be provided or prepared

pursuant to K.S.A. 2008 Supp. 38-2264, and amendments thereto. If a permanency plan is provided at the dispositional hearing, the court may determine whether reintegration is a viable alternative or, if reintegration is not a viable alternative, whether the child should be placed for adoption or a permanent custodian appointed. In determining whether reintegration is a viable alternative, the court shall consider:

(1) Whether a parent has been found by a court to have committed one of the following crimes or to have violated the law of another state prohibiting such crimes or to have aided and abetted, attempted, conspired or solicited the commission of one of these crimes: Murder in the first degree, K.S.A. 21-3401, and amendments thereto, murder in the second degree, K.S.A. 21-3402, and amendments thereto, capital murder, K.S.A. 21-3439, and amendments thereto, voluntary manslaughter, K.S.A. 21-3403, and amendments thereto, or a felony battery that resulted in bodily injury;

(2) whether a parent has subjected the child or another child to aggravated circumstances;

(3) whether a parent has previously been found to be an unfit parent in proceedings under this code or in comparable proceedings under the laws of another state or the federal government;

(4) whether the child has been in extended out of home placement;

(5) whether the parents have failed to work diligently toward reintegration;

(6) whether the secretary has provided the family with services necessary for the safe return of the child to the home; and

(7) whether it is reasonable to expect reintegration to occur within a time frame consistent with the child's developmental needs.

(f) *Proceedings if reintegration is not a viable alternative.* If the court determines that reintegration is not a viable alternative, proceedings to terminate parental rights and permit placement of the child for adoption or appointment of a permanent custodian shall be initiated unless the court finds that compelling reasons have been documented in the case plan why adoption or appointment of a permanent custodian would not be in the best interests of the child. If compelling reasons have not been documented, the county or district attorney shall file a motion within 30 days to terminate parental rights or a motion to appoint a permanent custodian within 30 days and the court shall hold a hearing on the motion within 90 days of its filing. No hearing is required when the parents voluntarily relinquish parental rights or consent to the appointment of a permanent custodian.

(g) *Additional Orders.* In addition to or in lieu of any other order authorized by this section:

(1) The court may order the child and the parents of any child who has been adjudicated a child in need of care to attend counseling sessions as the court directs. The expense of the counseling may be assessed as an expense in the case. No mental health provider shall charge a greater fee for court-ordered counseling than the provider would have charged to the person receiving counseling if the person had requested counseling on the person's own initiative.

(2) If the court has reason to believe that a child is before the court due, in whole or in part, to the use or misuse of alcohol or a violation of ~~the uniform controlled substances act sections 1 through 17 of 2009 House Bill No. 2236, and amendments thereto,~~ by the child, a parent of the child, or another person responsible for the care of the child, the court may order the child, parent of the child or other person responsible for the care of the child to submit to and complete an alcohol and drug evaluation by a qualified person or agency and comply with any recommendations. If the evaluation is performed by a community-based alcohol and drug safety program certified pursuant to K.S.A. 8-1008, and amendments thereto, the child, parent of the child or other person responsible for the care of the child shall pay a fee not to exceed the fee established by that statute. If the court finds that the child and those legally liable for the child's support are indigent, the fee may be waived. In no event shall the fee be assessed against the secretary.

(3) If child support has been requested and the parent or parents have a duty to support the child, the court may order one or both parents to pay child support and, when custody is awarded to the secretary, the court shall order one or both parents to pay

child support. The court shall determine, for each parent separately, whether the parent is already subject to an order to pay support for the child. If the parent is not presently ordered to pay support for any child who is subject to the jurisdiction of the court and the court has personal jurisdiction over the parent, the court shall order the parent to pay child support in an amount determined under K.S.A. 2008 Supp. 38-2277, and amendments thereto. Except for good cause shown, the court shall issue an immediate income withholding order pursuant to K.S.A. 23-4,105 et seq., and amendments thereto, for each parent ordered to pay support under this subsection, regardless of whether a payor has been identified for the parent. A parent ordered to pay child support under this subsection shall be notified, at the hearing or otherwise, that the child support order may be registered pursuant to K.S.A. 2008 Supp. 38-2279, and amendments thereto. The parent shall also be informed that, after registration, the income withholding order may be served on the parent's employer without further notice to the parent and the child support order may be enforced by any method allowed by law. Failure to provide this notice shall not affect the validity of the child support order.

Sec. 17. On and after July 1, 2009, K.S.A. 2008 Supp. 45-221, as amended by section 27 of 2009 House Bill No. 2052, is hereby amended to read as follows: 45-221. (a) Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose:

(1) Records the disclosure of which is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 2008 Supp. 75-4315d, and amendments thereto, or the disclosure of which is prohibited or restricted pursuant to specific authorization of federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 2008 Supp. 75-4315d, and amendments thereto, to restrict or prohibit disclosure.

(2) Records which are privileged under the rules of evidence, unless the holder of the privilege consents to the disclosure.

(3) Medical, psychiatric, psychological or alcoholism or drug dependency treatment records which pertain to identifiable patients.

(4) Personnel records, performance ratings or individually identifiable records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries or actual compensation employment contracts or employment-related contracts or agreements and lengths of service of officers and employees of public agencies once they are employed as such.

(5) Information which would reveal the identity of any undercover agent or any informant reporting a specific violation of law.

(6) Letters of reference or recommendation pertaining to the character or qualifications of an identifiable individual, except documents relating to the appointment of persons to fill a vacancy in an elected office.

(7) Library, archive and museum materials contributed by private persons, to the extent of any limitations imposed as conditions of the contribution.

(8) Information which would reveal the identity of an individual who lawfully makes a donation to a public agency, if anonymity of the donor is a condition of the donation, except if the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public officer or employee.

(9) Testing and examination materials, before the test or examination is given or if it is to be given again, or records of individual test or examination scores, other than records which show only passage or failure and not specific scores.

(10) Criminal investigation records, except as provided herein. The district court, in an action brought pursuant to K.S.A. 45-222, and amendments thereto, may order disclosure of such records, subject to such conditions as the court may impose, if the court finds that disclosure:

(A) Is in the public interest;

(B) would not interfere with any prospective law enforcement action, criminal investigation or prosecution;

(continued)

(C) would not reveal the identity of any confidential source or undercover agent;

(D) would not reveal confidential investigative techniques or procedures not known to the general public;

(E) would not endanger the life or physical safety of any person; and

(F) would not reveal the name, address, phone number or any other information which specifically and individually identifies the victim of any sexual offense in article 35 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.

If a public record is discretionarily closed by a public agency pursuant to this subsection, the record custodian, upon request, shall provide a written citation to the specific provisions of paragraphs (A) through (F) that necessitate closure of that public record.

(11) Records of agencies involved in administrative adjudication or civil litigation, compiled in the process of detecting or investigating violations of civil law or administrative rules and regulations, if disclosure would interfere with a prospective administrative adjudication or civil litigation or reveal the identity of a confidential source or undercover agent.

(12) Records of emergency or security information or procedures of a public agency, or plans, drawings, specifications or related information for any building or facility which is used for purposes requiring security measures in or around the building or facility or which is used for the generation or transmission of power, water, fuels or communications, if disclosure would jeopardize security of the public agency, building or facility.

(13) The contents of appraisals or engineering or feasibility estimates or evaluations made by or for a public agency relative to the acquisition of property, prior to the award of formal contracts therefor.

(14) Correspondence between a public agency and a private individual, other than correspondence which is intended to give notice of an action, policy or determination relating to any regulatory, supervisory or enforcement responsibility of the public agency or which is widely distributed to the public by a public agency and is not specifically in response to communications from such a private individual.

(15) Records pertaining to employer-employee negotiations, if disclosure would reveal information discussed in a lawful executive session under K.S.A. 75-4319, and amendments thereto.

(16) Software programs for electronic data processing and documentation thereof, but each public agency shall maintain a register, open to the public, that describes:

(A) The information which the agency maintains on computer facilities; and

(B) the form in which the information can be made available using existing computer programs.

(17) Applications, financial statements and other information submitted in connection with applications for student financial assistance where financial need is a consideration for the award.

(18) Plans, designs, drawings or specifications which are prepared by a person other than an employee of a public agency or records which are the property of a private person.

(19) Well samples, logs or surveys which the state corporation commission requires to be filed by persons who have drilled or caused to be drilled, or are drilling or causing to be drilled, holes for the purpose of discovery or production of oil or gas, to the extent that disclosure is limited by rules and regulations of the state corporation commission.

(20) Notes, preliminary drafts, research data in the process of analysis, unfunded grant proposals, memoranda, recommendations or other records in which opinions are expressed or policies or actions are proposed, except that this exemption shall not apply when such records are publicly cited or identified in an open meeting or in an agenda of an open meeting.

(21) Records of a public agency having legislative powers, which records pertain to proposed legislation or amendments to proposed legislation, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(22) Records of a public agency having legislative powers, which records pertain to research prepared for one or more members of such agency, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(23) Library patron and circulation records which pertain to identifiable individuals.

(24) Records which are compiled for census or research purposes and which pertain to identifiable individuals.

(25) Records which represent and constitute the work product of an attorney.

(26) Records of a utility or other public service pertaining to individually identifiable residential customers of the utility or service, except that information concerning billings for specific individual customers named by the requester shall be subject to disclosure as provided by this act.

(27) Specifications for competitive bidding, until the specifications are officially approved by the public agency.

(28) Sealed bids and related documents, until a bid is accepted or all bids rejected.

(29) Correctional records pertaining to an identifiable inmate or release, except that:

(A) The name; photograph and other identifying information; sentence data; parole eligibility date; custody or supervision level; disciplinary record; supervision violations; conditions of supervision, excluding requirements pertaining to mental health or substance abuse counseling; location of facility where incarcerated or location of parole office maintaining supervision and address of a releasee whose crime was committed after the effective date of this act shall be subject to disclosure to any person other than another inmate or releasee, except that the disclosure of the location of an inmate transferred to another state pursuant to the interstate corrections compact shall be at the discretion of the secretary of corrections;

(B) the ombudsman of corrections, the attorney general, law enforcement agencies, counsel for the inmate to whom the record pertains and any county or district attorney shall have access to correctional records to the extent otherwise permitted by law;

(C) the information provided to the law enforcement agency pursuant to the sex offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall be subject to disclosure to any person, except that the name, address, telephone number or any other information which specifically and individually identifies the victim of any offender required to register as provided by the Kansas offender registration act, K.S.A. 22-4901 et seq. and amendments thereto, shall not be disclosed; and

(D) records of the department of corrections regarding the financial assets of an offender in the custody of the secretary of corrections shall be subject to disclosure to the victim, or such victim's family, of the crime for which the inmate is in custody as set forth in an order of restitution by the sentencing court.

(30) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

(31) Public records pertaining to prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the state. This exception shall not include those records pertaining to application of agencies for permits or licenses necessary to do business or to expand business operations within this state, except as otherwise provided by law.

(32) Engineering and architectural estimates made by or for any public agency relative to public improvements.

(33) Financial information submitted by contractors in qualification statements to any public agency.

(34) Records involved in the obtaining and processing of intellectual property rights that are expected to be, wholly or partially vested in or owned by a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, or an assignee of the institution organized and existing for the benefit of the institution.

(35) Any report or record which is made pursuant to K.S.A. 65-4922, 65-4923 or 65-4924, and amendments thereto, and which is privileged pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.

(36) Information which would reveal the precise location of an archeological site.

(37) Any financial data or traffic information from a railroad company, to a public agency, concerning the sale, lease or rehabilitation of the railroad's property in Kansas.

(38) Risk-based capital reports, risk-based capital plans and corrective orders including the working papers and the results of any analysis filed with the commissioner of insurance in accordance with K.S.A. 40-2c20 and 40-2d20, and amendments thereto.

(39) Memoranda and related materials required to be used to support the annual actuarial opinions submitted pursuant to subsection (b) of K.S.A. 40-409, and amendments thereto.

(40) Disclosure reports filed with the commissioner of insurance under subsection (a) of K.S.A. 40-2,156, and amendments thereto.

(41) All financial analysis ratios and examination synopses concerning insurance companies that are submitted to the commissioner by the national association of insurance commissioners' insurance regulatory information system.

(42) Any records the disclosure of which is restricted or prohibited by a tribal-state gaming compact.

(43) Market research, market plans, business plans and the terms and conditions of managed care or other third party contracts, developed or entered into by the university of Kansas medical center in the operation and management of the university hospital which the chancellor of the university of Kansas or the chancellor's designee determines would give an unfair advantage to competitors of the university of Kansas medical center.

(44) The amount of franchise tax paid to the secretary of revenue or the secretary of state by domestic corporations, foreign corporations, domestic limited liability companies, foreign limited liability companies, domestic limited partnership, foreign limited partnership, domestic limited liability partnerships and foreign limited liability partnerships.

(45) Records, other than criminal investigation records, the disclosure of which would pose a substantial likelihood of revealing security measures that protect: (A) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services; (B) transportation and sewer or wastewater treatment systems, facilities or equipment; or (C) private property or persons, if the records are submitted to the agency. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments.

(46) Any information or material received by the register of deeds of a county from military discharge papers (DD Form 214). Such papers shall be disclosed: To the military dischargee; to such dischargee's immediate family members and lineal descendants; to such dischargee's heirs, agents or assigns; to the licensed funeral director who has custody of the body of the deceased dischargee; when required by a department or agency of the federal or state government or a political subdivision thereof; when the form is required to perfect the claim of military service or honorable discharge or a claim of a dependent of the dischargee; and upon the written approval of the commissioner of veterans affairs, to a person conducting research.

(47) Information that would reveal the location of a shelter or a safehouse or similar place where persons are provided protection from abuse or the name, address, location or other contact information of alleged victims of crime, domestic violence or sexual assault.

(48) Policy information provided by an insurance carrier in accordance with subsection (h)(1) of K.S.A. 44-532, and amendments thereto. This exemption shall not be construed to preclude access to an individual employer's record for the purpose of verification of insurance coverage or to the department of labor for their business purposes.

(b) Except to the extent disclosure is otherwise required by law or as appropriate during the course of an administrative proceeding or on appeal from agency action, a public agency or officer shall not disclose financial information of a taxpayer which may be required or requested by a county appraiser or the director of property valuation to assist in the determination of the value of the taxpayer's property for ad valorem taxation purposes; or any financial information of a personal nature required or requested by a public agency or officer, including a name, job description or title revealing the salary or other compensation of officers, employees or applicants for employment with a firm, corporation or agency, except a public agency. Nothing contained herein shall be construed to prohibit the publication of statistics, so classified as to prevent identification of particular reports or returns and the items thereof.

(c) As used in this section, the term "cited or identified" shall not include a request to an employee of a public agency that a document be prepared.

(d) If a public record contains material which is not subject to disclosure pursuant to this act, the public agency shall separate or delete such material and make available to the requester that material in the public record which is subject to disclosure pursuant to this act. If a public record is not subject to disclosure because it pertains to an identifiable individual, the public agency shall delete the identifying portions of the record and make available to the requester any remaining portions which are subject to disclosure pursuant to this act, unless the request is for a record pertaining to a specific individual or to such a limited group of individuals that the individuals' identities are reasonably ascertainable, the public agency shall not be required to disclose those portions of the record which pertain to such individual or individuals.

(e) The provisions of this section shall not be construed to exempt from public disclosure statistical information not descriptive of any identifiable person.

(f) Notwithstanding the provisions of subsection (a), any public record which has been in existence more than 70 years shall be open for inspection by any person unless disclosure of the record is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and amendments thereto.

(g) Any confidential records or information relating to security measures provided or received under the provisions of subsection (a)(45) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.

Sec. 18. On and after July 1, 2009, K.S.A. 2008 Supp. 59-104, as amended by section 19 of 2009 Senate Bill No. 66, is hereby amended to read as follows: 59-104. (a) *Docket fee.* (1) Except as otherwise provided by law, no case shall be filed or docketed in the district court under the provisions of chapter 59 of the Kansas Statutes Annotated or of articles 40 and 52 of chapter 65 of the Kansas Statutes Annotated without payment of an appropriate docket fee as follows:

(A) On and after July 1, 2008 2009 through June 30, 2010 2013:	
Treatment of mentally ill	\$59.00
Treatment of alcoholism or drug abuse	36.50
Determination of descent of property	51.50
Termination of life estate	50.50
Termination of joint tenancy	50.50
Refusal to grant letters of administration	50.50
Adoption.....	50.50
Filing a will and affidavit under K.S.A. 59-618a....	50.50
Guardianship	71.50
Conservatorship.....	71.50
Trusteeship.....	71.50
Combined guardianship and conservatorship	71.50
Certified probate proceedings under K.S.A. 59-213, and amendments thereto.....	25.50
Decrees in probate from another state.....	110.50
Probate of an estate or of a will.....	111.50
Civil commitment under K.S.A. 59-29a01 et seq....	35.50
(B) On and after July 1, 2010 2013:	
Treatment of mentally ill	34.50
Treatment of alcoholism or drug abuse	34.50
Determination of descent of property	49.50

(continued)

Termination of life estate..... 48.50
 Termination of joint tenancy 48.50
 Refusal to grant letters of administration..... 48.50
 Adoption..... 48.50
 Filing a will and affidavit under K.S.A. 59-618a.... 48.50
 Guardianship 69.50
 Conservatorship..... 69.50
 Trusteeship..... 69.50
 Combined guardianship and conservatorship..... 69.50
 Certified probate proceedings under K.S.A. 59-213, and amendments thereto..... 23.50
 Decrees in probate from another state..... 108.50
 Probate of an estate or of a will..... 109.50
 Civil commitment under K.S.A. 59-29a01 et seq.... 33.50

(2) Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial personnel.

(b) *Poverty affidavit in lieu of docket fee and exemptions.* The provisions of subsection (b) of K.S.A. 60-2001 and K.S.A. 60-2005, and amendments thereto, shall apply to probate docket fees prescribed by this section.

(c) *Disposition of docket fee.* Statutory charges for the law library and for the prosecuting attorneys' training fund shall be paid from the docket fee. The remainder of the docket fee shall be paid to the state treasurer in accordance with K.S.A. 20-362, and amendments thereto.

(d) *Additional court costs.* Other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Other fees shall include, but not be limited to, witness fees, appraiser fees, fees for service of process outside the state, fees for depositions, transcripts and publication of legal notice, executor or administrator fees, attorney fees, court costs from other courts and any other fees and expenses required by statute. All additional court costs shall be taxed and billed against the parties or estate as directed by the court. No sheriff in this state shall charge any district court in this state a fee or mileage for serving any paper or process.

Sec. 19. On and after July 1, 2009, K.S.A. 2008 Supp. 60-1621, as amended by section 22 of 2009 Senate Bill No. 66, is hereby amended to read as follows: 60-1621. (a) No post-decree motion petitioning for a modification or termination of separate maintenance, for a change in legal custody, residency, visitation rights or parenting time or for a modification of child support shall be filed or docketed in the district court without payment of a docket fee in the amount of \$42 on and after July 1, 2008 2009 through June 30, 2010 2013, and \$40 on and after July 1, 2010 2013, to the clerk of the district court.

(b) A poverty affidavit may be filed in lieu of a docket fee as established in K.S.A. 60-2001, and amendments thereto.

(c) The docket fee shall be the only costs assessed in each case for services of the clerk of the district court and the sheriff. The docket fee shall be disbursed in accordance with subsection (f) of K.S.A. 20-362, and amendments thereto.

(d) Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial personnel.

Sec. 20. On and after July 1, 2009, K.S.A. 2008 Supp. 60-2001, as amended by section 23 of 2009 Senate Bill No. 66, is hereby amended to read as follows: 60-2001. (a) *Docket fee.* Except as otherwise provided by law, no case shall be filed or docketed in the district court, whether original or appealed, without payment of a docket fee in the amount of \$156 on and after July 1, 2008 2009 through June 30, 2010 2013, and \$154 on and after July 1, 2010 2013, to the clerk of the district court. Except as provided further, the docket fee established in this subsection shall be the only fee col-

lected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial personnel.

(b) *Poverty affidavit in lieu of docket fee.* (1) *Effect.* In any case where a plaintiff by reason of poverty is unable to pay a docket fee, and an affidavit so stating is filed, no fee will be required. An inmate in the custody of the secretary of corrections may file a poverty affidavit only if the inmate attaches a statement disclosing the average account balance, or the total deposits, whichever is less, in the inmate's trust fund for each month in (A) the six-month period preceding the filing of the action; or (B) the current period of incarceration, whichever is shorter. Such statement shall be certified by the secretary. On receipt of the affidavit and attached statement, the court shall determine the initial fee to be assessed for filing the action and in no event shall the court require an inmate to pay less than \$3. The secretary of corrections is hereby authorized to disburse money from the inmate's account to pay the costs as determined by the court. If the inmate has a zero balance in such inmate's account, the secretary shall debit such account in the amount of \$3 per filing fee as established by the court until money is credited to the account to pay such docket fee. Any initial filing fees assessed pursuant to this subsection shall not prevent the court, pursuant to subsection (d), from taxing that individual for the remainder of the amount required under subsection (a) or this subsection.

(2) *Form of affidavit.* The affidavit provided for in this subsection shall be in the following form and attached to the petition: State of Kansas, _____ County.

In the district court of the county: I do solemnly swear that the claim set forth in the petition herein is just, and I do further swear that, by reason of my poverty, I am unable to pay a docket fee.

(c) *Disposition of fees.* The docket fees and the fees for service of process shall be the only costs assessed in each case for services of the clerk of the district court and the sheriff. For every person to be served by the sheriff, the persons requesting service of process shall provide proper payment to the clerk and the clerk of the district court shall forward the service of process fee to the sheriff in accordance with K.S.A. 28-110, and amendments thereto. The service of process fee, if paid by check or money order, shall be made payable to the sheriff. Such service of process fee shall be submitted by the sheriff at least monthly to the county treasurer for deposit in the county treasury and credited to the county general fund. The docket fee shall be disbursed in accordance with K.S.A. 20-362 and amendments thereto.

(d) *Additional court costs.* Other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Other fees shall include, but not be limited to, witness fees, appraiser fees, fees for service of process, fees for depositions, alternative dispute resolution fees, transcripts and publication, attorney fees, court costs from other courts and any other fees and expenses required by statute. All additional court costs shall be taxed and billed against the parties as directed by the court. No sheriff in this state shall charge any mileage for serving any papers or process.

Sec. 21. On and after July 1, 2009, K.S.A. 2008 Supp. 60-4104, as amended by section 1 of 2009 Substitute for Senate Bill No. 28, is hereby amended to read as follows: 60-4104. Conduct and offenses giving rise to forfeiture under this act, whether or not there is a prosecution or conviction related to the offense, are:

(a) All offenses which statutorily and specifically authorize forfeiture;

(b) violations of the uniform controlled substances act, K.S.A. 65-4101 et seq. sections 1 through 17 of 2009 House Bill No. 2236, and amendments thereto;

(c) theft which is classified as a felony violation pursuant to K.S.A. 21-3701, and amendments thereto, in which the property taken was livestock;

(d) unlawful discharge of a firearm, K.S.A. 21-4219, and amendments thereto;

(e) money laundering, K.S.A. 65-4142 violations of section 16 of 2009 House Bill No. 2236, and amendments thereto;

- (f) gambling, K.S.A. 21-4303, and amendments thereto, and commercial gambling, K.S.A. 21-4304, and amendments thereto;
- (g) counterfeiting, K.S.A. 21-3763, and amendments thereto;
- (h) violations of K.S.A. 21-4019, and amendments thereto;
- (i) medicaid fraud, K.S.A. 21-3844 et seq., and amendments thereto;
- (j) an act or omission occurring outside this state, which would be a violation in the place of occurrence and would be described in this section if the act occurred in this state, whether or not it is prosecuted in any state;
- (k) an act or omission committed in furtherance of any act or omission described in this section including any inchoate or preparatory offense, whether or not there is a prosecution or conviction related to the act or omission;
- (l) any solicitation or conspiracy to commit any act or omission described in this section, whether or not there is a prosecution or conviction related to the act or omission;
- (m) furtherance of terrorism or illegal use of weapons of mass destruction, K.S.A. 21-3451, and amendments thereto;
- (n) unlawful conduct of dog fighting and unlawful possession of dog fighting paraphernalia, K.S.A. 21-4315, and amendments thereto;
- (o) unlawful conduct of cockfighting and unlawful possession of cockfighting paraphernalia, K.S.A. 21-4319, and amendments thereto; and
- (p) prostitution, K.S.A. 21-3512, and amendments thereto, promoting prostitution, K.S.A. 21-3513, and amendments thereto, and patronizing a prostitute, K.S.A. 21-3515, and amendments thereto.

Sec. 22. On and after July 1, 2009, K.S.A. 2008 Supp. 61-2704, as amended by section 25 of 2009 Senate Bill No. 66, is hereby amended to read as follows: 61-2704. (a) An action seeking the recovery of a small claim shall be considered to have been commenced at the time a person files a written statement of the person's small claim with the clerk of the court if, within 90 days after the small claim is filed, service of process is obtained or the first publication is made for service by publication. Otherwise, the action is deemed commenced at the time of service of process or first publication. An entry of appearance shall have the same effect as service.

(b) Upon the filing of a plaintiff's small claim, the clerk of the court shall require from the plaintiff a docket fee of \$39 on and after July 1, ~~2008~~ 2009 through June 30, ~~2010~~ 2013, and \$37 on and after July 1, ~~2010~~ 2013, if the claim does not exceed \$500; or \$59 on and after July 1, ~~2008~~ 2009 through June 30, ~~2010~~ 2013, and \$57 on and after July 1, ~~2010~~ 2013, if the claim exceeds \$500; unless for good cause shown the judge waives the fee. The docket fee shall be the only costs required in an action seeking recovery of a small claim. No person may file more than 20 small claims under this act in the same court during any calendar year.

(c) Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial personnel.

Sec. 23. On and after July 1, 2009, K.S.A. 2008 Supp. 61-4001, as amended by section 26 of 2009 Senate Bill No. 66, is hereby amended to read as follows: 61-4001. (a) Docket fee. No case shall be filed or docketed pursuant to the code of civil procedure for limited actions without the payment of a docket fee in the amount of \$37 on and after July 1, ~~2008~~ 2009 through June 30, ~~2010~~ 2013, and \$35 on and after July 1, ~~2010~~ 2013, if the amount in controversy or claimed does not exceed \$500; \$57 on and after July 1, ~~2008~~ 2009 through June 30, ~~2010~~ 2013, and \$55 on and after July 1, ~~2010~~ 2013, if the amount in controversy or claimed exceeds \$500 but does not exceed \$5,000; or \$103 on and after July 1, ~~2008~~ 2009 through June 30, ~~2010~~ 2013, and \$101 on and after July 1, ~~2010~~ 2013, if the amount in controversy or claimed exceeds \$5,000. If judgment is rendered for the plaintiff, the court also may enter judgment for the plaintiff for the amount of the docket fee paid by the plaintiff.

(b) Poverty affidavit; additional court costs; exemptions for the state and municipalities. The provisions of subsections (b), (c) and (d) of K.S.A. 60-2001 and 60-2005 and amendments thereto, shall

be applicable to lawsuits brought under the code of civil procedure for limited actions.

(c) Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2009 through June 30, 2010, the supreme court may impose an additional charge, not to exceed \$10 per docket fee, to fund the costs of non-judicial personnel.

Sec. 24. On and after July 1, 2009, K.S.A. 2008 Supp. 65-1643 is hereby amended to read as follows: 65-1643. It shall be unlawful:

(a) For any person to operate, maintain, open or establish any pharmacy within this state without first having obtained a registration from the board. Each application for registration of a pharmacy shall indicate the person or persons desiring the registration, including the pharmacist in charge, as well as the location, including the street name and number, and such other information as may be required by the board to establish the identity and exact location of the pharmacy. The issuance of a registration for any pharmacy shall also have the effect of permitting such pharmacy to operate as a retail dealer without requiring such pharmacy to obtain a retail dealer's permit. On evidence satisfactory to the board: (1) That the pharmacy for which the registration is sought will be conducted in full compliance with the law and the rules and regulations of the board; (2) that the location and appointments of the pharmacy are such that it can be operated and maintained without endangering the public health or safety; (3) that the pharmacy will be under the supervision of a pharmacist, a registration shall be issued to such persons as the board shall deem qualified to conduct such a pharmacy.

(b) For any person to manufacture within this state any drugs except under the personal and immediate supervision of a pharmacist or such other person or persons as may be approved by the board after an investigation and a determination by the board that such person or persons is qualified by scientific or technical training or experience to perform such duties of supervision as may be necessary to protect the public health and safety; and no person shall manufacture any such drugs without first obtaining a registration so to do from the board. Such registration shall be subject to such rules and regulations with respect to requirements, sanitation and equipment, as the board may from time to time adopt for the protection of public health and safety.

(c) For any person to distribute at wholesale any drugs without first obtaining a registration so to do from the board.

(d) For any person to sell or offer for sale at public auction or private sale in a place where public auctions are conducted, any drugs without first having obtained a registration from the board so to do, and it shall be necessary to obtain the permission of the board in every instance where any of the products covered by this section are to be sold or offered for sale.

(e) For any person to in any manner distribute or dispense samples of any drugs without first having obtained a permit from the board so to do, and it shall be necessary to obtain permission from the board in every instance where the samples are to be distributed or dispensed. Nothing in this subsection shall be held to regulate or in any manner interfere with the furnishing of samples of drugs to duly licensed practitioners, to mid-level practitioners, to pharmacists or to medical care facilities.

(f) Except as otherwise provided in this subsection (f), for any person operating a store or place of business to sell, offer for sale or distribute any drugs to the public without first having obtained a registration or permit from the board authorizing such person so to do. No retail dealer who sells 12 or fewer different nonprescription drug products shall be required to obtain a retail dealer's permit under the pharmacy act of the state of Kansas or to pay a retail dealer new permit or permit renewal fee under such act. It shall be lawful for a retail dealer who is the holder of a valid retail dealer's permit issued by the board or for a retail dealer who sells 12 or fewer different nonprescription drug products to sell and distribute nonprescription drugs which are prepackaged, fully prepared by the manufacturer or distributor for use by the consumer and labeled in accordance with the requirements of the state and federal food, drug and cosmetic acts. Such nonprescription drugs shall

(continued)

not include: (1) A controlled substance; (2) a prescription-only drug; or (3) a drug product intended for human use by hypodermic injection; but such a retail dealer shall not be authorized to display any of the words listed in subsection ~~(tt)~~ (dd) of K.S.A. 65-1626 and amendments thereto, for the designation of a pharmacy or drug-store.

(g) For any person to sell any drugs manufactured and sold only in the state of Kansas, unless the label and directions on such drugs shall first have been approved by the board.

(h) For any person to operate an institutional drug room without first having obtained a registration to do so from the board. Such registration shall be subject to the provisions of K.S.A. 65-1637a and amendments thereto and any rules and regulations adopted pursuant thereto.

(i) For any person to be a pharmacy student without first obtaining a registration to do so from the board, in accordance with rules and regulations adopted by the board, and paying a pharmacy student registration fee of \$25 to the board.

(j) For any person to operate a veterinary medical teaching hospital pharmacy without first having obtained a registration to do so from the board. Such registration shall be subject to the provisions of K.S.A. 65-1662 and amendments thereto and any rules and regulations adopted pursuant thereto.

(k) For any person to sell or distribute in a pharmacy a controlled substance designated in subsection (e) or (f) of K.S.A. 65-4113, and amendments thereto, unless:

(1) (A) Such controlled substance is sold or distributed by a licensed pharmacist, a registered pharmacy technician or a pharmacy intern or clerk supervised by a licensed pharmacist;

(B) any person purchasing, receiving or otherwise acquiring any such controlled substance produces a photo identification showing the date of birth of the person and signs a log and enters in the log, or allows the seller to enter in the log, such person's address and the date and time of sale. The log or database required by the board shall be available for inspection during regular business hours to the board of pharmacy and any law enforcement officer;

(C) the seller determines that the name entered in the log corresponds to the name provided on such identification and that the date and time entered are correct; and

(D) the seller enters in the log the name of the controlled substance and the quantity sold; or

(2) there is a lawful prescription.

(l) For any pharmacy to allow customers to have direct access to any controlled substance designated in subsection (e) or (f) of K.S.A. 65-4113, and amendments thereto. Such controlled substance shall be placed behind the counter or stored in a locked cabinet that is located in an area of the pharmacy to which customers do not have direct access.

(m) For any person to sell or lease or offer for sale or lease durable medical equipment without first obtaining a registration from the board, in accordance with rules and regulations adopted by the board, except that this subsection shall not apply to:

(1) Sales not made in the regular course of the person's business; or

(2) sales by charitable organizations exempt from federal income taxation pursuant to the internal revenue code of 1986, as amended.

~~(mm)~~ (n) A seller who in good faith releases information in a log pursuant to subsection (k) to any law enforcement officer is immune from civil liability for such release unless the release constitutes gross negligence or intentional, wanton or willful misconduct.

Sec. 25. On and after July 1, 2009, K.S.A. 2008 Supp. 65-2878 is hereby amended to read as follows: 65-2878. (a) The board shall appoint an executive director, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as executive director shall exercise any power, duty or function as executive director until confirmed by the senate. The executive director shall be in the unclassified service under the Kansas civil service act and shall receive a salary fixed by the board and approved by the governor. The executive director shall not be a member of the board. Under the supervision of the board, the executive director shall be the chief administrative officer of the board and shall perform such duties as may be specified by the board and as may be required by law. The executive director shall

be the custodian of the common seal of the board, the books and records of the board and shall keep minutes of all board proceedings.

(b) The board may employ an administrative assistant. The administrative assistant shall be in the unclassified service under the Kansas civil service act and shall receive a salary fixed by the board and approved by the governor. Under the supervision of the executive director, the administrative assistant shall assist the executive director in the performance of the duties of the executive director.

(c) The board may employ such clerical and other employees, who shall be in the classified service under the Kansas civil service act, as it considers necessary in order to administer and execute, under the supervision of the executive director, the provisions of this act or other statutes delegating duties and responsibilities to the board, except that any attorney employed by the board shall be in the unclassified service under the Kansas civil service act and shall receive a salary fixed by the board and approved by the governor.

(d) As necessary, the board shall be represented by an attorney appointed by the attorney general as provided by law, whose compensation shall be determined and paid by the board with the approval of the governor.

(e) *The board may contract with one or more persons who are licensed to practice the healing arts in this state and who are not members of the board to provide such advice and assistance as necessary on: Licensure matters including review, investigation and disposition of complaints; clinical and patient care matters; and the ethical conduct and professional practice of licensees; or to perform other duties as assigned by the executive director or the board.*

Sec. 26. On and after July 1, 2009, K.S.A. 2008 Supp. 66-2005 is hereby amended to read as follows: 66-2005. (a) Each local exchange carrier shall file a network infrastructure plan with the commission on or after January 1, 1997, and prior to January 1, 1998. Each plan, as a part of universal service protection, shall include schedules, which shall be approved by the commission, for deployment of universal service capabilities by July 1, 1998, and the deployment of enhanced universal service capabilities by July 1, 2003, as defined pursuant to subsections (p) and (q) of K.S.A. 66-1,187, and amendments thereto, respectively. With respect to enhanced universal service, such schedules shall provide for deployment of ISDN, or its technological equivalent, or broadband facilities, only upon a firm customer order for such service, or for deployment of other enhanced universal services by a local exchange carrier. After receipt of such an order and upon completion of a deployment plan designed to meet the firm order or otherwise provide for the deployment of enhanced universal service, a local exchange carrier shall notify the commission. The commission shall approve the plan unless the commission determines that the proposed deployment plan is unnecessary, inappropriate, or not cost effective, or would create an unreasonable or excessive demand on the KUSF. The commission shall take action within 90 days. If the commission fails to take action within 90 days, the deployment plan shall be deemed approved. This approval process shall continue until July 1, 2000. Each plan shall demonstrate the capability of the local exchange carrier to comply on an ongoing basis with quality of service standards to be adopted by the commission no later than January 1, 1997.

(b) In order to protect universal service, facilitate the transition to competitive markets and stimulate the construction of an advanced telecommunications infrastructure, each local exchange carrier shall file a regulatory reform plan at the same time as it files the network infrastructure plan required in subsection (a). As part of its regulatory reform plan, a local exchange carrier may elect traditional rate of return regulation or price cap regulation. Carriers that elect price cap regulation shall be exempt from rate base, rate of return and earnings regulation and shall not be subject to the provisions of K.S.A. 66-136 and 66-127, and amendments thereto except as otherwise provided in such sections. However, the commission may resume such regulation upon finding, after a hearing, that a carrier that is subject to price cap regulation has violated minimum quality of service standards pursuant to subsection (l) of K.S.A. 66-2002, and amendments thereto; been given reasonable notice and an opportunity to correct the violation; and failed to do so. Regulatory reform plans also shall include:

(1) A commitment to provide existing and newly ordered point-to-point broadband services to: Any hospital as defined in K.S.A. 65-425, and amendments thereto; any school accredited pursuant to K.S.A. 72-1101 et seq., and amendments thereto; any public library; or other state and local government facilities at discounted prices close to, but not below, long-run incremental cost; and

(2) a commitment to provide basic rate ISDN service, or the technological equivalent, at prices which are uniform throughout the carrier's service area. Local exchange carriers shall not be required to allow retail customers purchasing the foregoing discounted services to resell those services to other categories of customers. Telecommunications carriers may purchase basic rate ISDN services, or the technological equivalent, for resale in accordance with K.S.A. 66-2003, and amendments thereto. The commission may reduce prices charged for services outlined in provisions (1) and (2) of this subsection, if the commitments of the local exchange carrier set forth in those provisions are not being kept.

(c) Subject to the commission's approval, all local exchange carriers shall reduce intrastate access charges to interstate levels as provided herein. Rates for intrastate switched access, and the imputed access portion of toll, shall be reduced over a three-year period with the objective of equalizing interstate and intrastate rates in a revenue neutral, specific and predictable manner. The commission is authorized to rebalance local residential and business service rates to offset the intrastate access and toll charge reductions. Any remaining portion of the reduction in access and toll charges not recovered through local residential and business service rates shall be paid out from the KUSF pursuant to K.S.A. 66-2008, and amendments thereto. Each rural telephone company shall adjust its intrastate switched access rates on March 1 of each odd-numbered year to match its interstate switched access rates, subject to the following:

(1) Any reduction of a rural telephone company's cost recovery due to reduction of its interstate access revenue shall be recovered from the KUSF;

(2) any portion of rural telephone company reductions in intrastate switched access rates which would result in an increase in KUSF recovery in a single year which exceeds .75% of intrastate retail revenues used in determining sums which may be recovered from Kansas telecommunications customers pursuant to subsection (a) of K.S.A. 66-2008, and amendments thereto, shall be deferred until March 1 of the next following odd-numbered year; and

(3) no rural company shall be required at any time to reduce its intrastate switched access rates below the level of its interstate switched access rates.

(d) Beginning March 1, 1997, each rural telephone company shall have the authority to increase annually its monthly basic local residential and business service rates by an amount not to exceed \$1 in each 12-month period until such monthly rates reach an amount equal to the statewide rural telephone company average rates for such services. The statewide rural telephone company average rates shall be the arithmetic mean of the lowest flat rate as of March 1, 1996, for local residential service and for local business service offered by each rural telephone company within the state. In the case of a rural telephone company which increases its local residential service rate or its local business service rate, or both, to reach the statewide rural telephone company average rate for such services, the amount paid to the company from the KUSF shall be reduced by an amount equal to the additional revenue received by such company through such rate increase. In the case of a rural telephone company which elects to maintain a local residential service rate or a local business service rate, or both, below the statewide rural telephone company average, the amount paid to the company from the KUSF shall be reduced by an amount equal to the difference between the revenue the company could receive if it elected to increase such rate to the average rate and the revenue received by the company.

(e) For purposes of determining sufficient KUSF support, an affordable rate for local exchange service provided by a rural telephone company subject to traditional rate of return regulation shall be determined as follows:

(1) For residential service, an affordable rate shall be the arithmetic mean of residential local service rates charged in this state in all exchanges served by rural telephone companies and in all

exchanges in rate groups 1 through 3 as of February 20, 2002, of all other local exchange carriers, weighted by the number of residential access lines to which each such rate applies, and thereafter rounded to the nearest quarter-dollar, subject to the following provisions:

(A) If a rural telephone company's present residential rate, including any separate charge for tone dialing, is at or above such weighted mean, such rate shall be deemed affordable prior to March 1, 2007.

(B) If a rural telephone company's present residential rate, including any separate charge for tone dialing, is below such average: (i) Such rate shall be deemed affordable prior to March 1, 2003; (ii) as of March 1, 2003, and prior to March 1, 2004, a rate \$2 higher than the company's present residential monthly rate, but not exceeding such weighted mean, shall be deemed affordable; (iii) as of March 1, 2004, and prior to March 1, 2005, a rate \$4 higher than the company's present residential monthly rate, but not exceeding such weighted mean, shall be deemed affordable; and (iv) as of March 1, 2005, and prior to March 1, 2006, a rate \$6 higher than the company's present residential monthly rate, but not exceeding such weighted mean, shall be deemed affordable.

(C) As of March 1, 2007, and each two years thereafter, an affordable residential service rate shall be the weighted arithmetic mean of local service rates determined as of October 1 of the preceding year in the manner hereinbefore specified, except that any increase in such mean exceeding \$2 may be satisfied by increases in a rural telephone company's residential monthly service rate not exceeding \$2 per year, effective March 1 of the year when such mean is determined, with the remainder applied at the rate of \$2 per year, but not to exceed the affordable rate.

(2) For single line business service at any time, an affordable rate shall be the existing rate or an amount \$3 greater than the affordable rate for residential service as determined under provision (1) of this subsection, whichever is higher, except that any increase in the business service affordable rate exceeding \$2 may be satisfied by increases in a rural telephone company's business monthly service rate not exceeding \$2 per year, effective March 1 of the year when such rate is determined, with the remainder applied at the rate of \$2 per year, but not to exceed the affordable rate.

(3) Any flat fee or charge imposed per line on all residential service or single line business service, or both, other than a fee or charge for contribution to the KUSF or imposed by other governmental authority, shall be added to the basic service rate for purposes of determining an affordable rate pursuant to this subsection.

(4) Not later than March 1, 2003, tone dialing shall be made available to all local service customers of each rural telephone company at no charge additional to any increase in the local service rate to become effective on that date. The amount of revenue received as of March 1, 2002, by a rural telephone company from the provision of tone dialing service shall be excluded from reductions in this company's KUSF support otherwise resulting pursuant to this subsection.

(5) A rural telephone company which raises one or more local service rates on application made after February 20, 2002, and pursuant to subsection (b) of K.S.A. 66-2007, and amendments thereto, shall have the level of its affordable rate increased by an amount equal to the amount of the increase in such rate.

(6) Upon motion by a rural telephone company, the commission may determine a higher affordable local residential or business rate for such company if such higher rate allows the company to provide additional or improved service to customers, but any increase in a rural telephone company's local rate attributable to the provision of increased calling scope shall not be included in any subsequent recalculation of affordable rates as otherwise provided in this subsection.

(7) A uniform rate for residential and single line business local service adopted by a rural telephone company shall be deemed an affordable rate for purposes of this subsection if application of such uniform rate generates revenue equal to that which would be generated by application of residential and business rates which are otherwise deemed affordable rates for such company under this subsection.

(continued)

(8) The provisions of this subsection relating to the implementation of an affordable rate shall not apply to rural telephone companies which do not receive KUSF support. When recalculating affordable rates as provided in this subsection, the rates used shall include the actual rates charged by rural companies that do not receive KUSF support.

(f) For regulatory reform plans in which price cap regulation has been elected, price cap plans shall have three baskets: Residential and single-line business, including touch-tone; switched access services; and miscellaneous services. The commission shall establish price caps at the prices existing when the regulatory plan is filed subject to rate rebalancing as provided in subsection (c) for residential services, including touch-tone services, and for single-line business services, including touch-tone services, within the residential and single-line business service basket. The commission shall establish a formula for adjustments to the price caps. The commission also shall establish price caps at the prices existing when the regulatory plan is filed for the miscellaneous services basket. The commission shall approve any adjustments to the price caps for the miscellaneous service basket, as provided in subsection (g).

(g) On or before January 1, 1997, the commission shall issue a final order in a proceeding to determine the price cap adjustment formula that shall apply to the price caps for the local residential and single-line business and the miscellaneous services baskets and for sub-categories, if any, within those baskets. In determining this formula, the commission shall balance the public policy goals of encouraging efficiency and promoting investment in a quality, advanced telecommunications network in the state. The commission also shall establish any informational filing requirements necessary for the review of any price cap tariff filings, including price increases or decreases within the caps, to verify such caps would not be exceeded by any proposed price change. The adjustment formula shall apply to the price caps for the local residential and single-line business basket after December 31, 1999, and to the miscellaneous services basket after December 31, 1997. The price cap formula, but not actual prices, shall be reviewed every five years.

(h) The price caps for the residential and single-line business service basket shall be capped at their initial level until January 1, 2000, except for any increases authorized as a part of the revenue neutral rate rebalancing under subsection (c). The price caps for this basket and for the categories in this basket, if any, shall be adjusted annually after December 31, 1999, based on the formula determined by the commission under subsection (g).

(i) The price cap for the switched access service basket shall be set based upon the local exchange carrier's intrastate access tariffs as of January 1, 1997, except for any revenue neutral rate rebalancing authorized in accordance with subsection (c). Thereafter, the cap for this basket shall not change except in connection with any subsequent revenue neutral rebalancing authorized by the commission under subsection (c).

(j) The price caps for the miscellaneous services basket shall be adjusted annually after December 31, 1997, based on the adjustment formula determined by the commission under subsection (g).

(k) A price cap is a maximum price for all services taken as a whole in a given basket. Prices for individual services may be changed within the service categories, if any, established by the commission within a basket. An entire service category, if any, within the residential and single-line business basket or miscellaneous services basket may be priced below the cap for such category. Unless otherwise approved by the commission, no service shall be priced below the price floor which will be long-run incremental cost and imputed access charges. Access charges equal to those paid by telecommunications carriers to local exchange carriers shall be imputed as part of the price floor for toll services offered by local exchange carriers on a toll service basis.

(l) A local exchange carrier may offer promotions within an exchange or group of exchanges. All promotions shall be approved by the commission and may not be unjust, unreasonably discriminatory or unduly preferential.

(m) Unless the commission authorizes price deregulation at an earlier date, intrastate toll services within the miscellaneous services basket shall continue to be regulated until the affected local exchange carrier begins to offer 1+ intraLATA dialing parity throughout its service territory, at which time intrastate toll will be

price deregulated, except that prices cannot be set below the price floor.

(n) On or before July 1, 1997, the commission shall establish guidelines for reducing regulation prior to price deregulation of price cap regulated services in the miscellaneous services basket, the switched access services basket, and the residential and single-line business basket.

(o) Subsequent to the adoption of guidelines pursuant to subsection (n), the commission shall initiate a petitioning procedure under which the local exchange carrier may request rate range pricing. The commission shall act upon a petition within 21 days, subject to a 30-day extension. The prices within a rate range shall be tariffed and shall apply to all customers in a nondiscriminatory manner in an exchange or group of exchanges.

(p) A local exchange carrier may petition the commission to designate an individual service or service category, if any, within the miscellaneous services basket, the switched access services basket or the residential and single-line business basket for reduced regulation. The commission shall act upon a petition for reduced regulation within 21 days, subject to an extension period of an additional 30 days, and upon a good cause showing of the commission in the extension order, or within such shorter time as the commission shall approve. The commission shall issue a final order within the 21-day period or within a 51-day period if an extension has been issued. Following an order granting reduced regulation of an individual service or service category, the commission shall act on any request for price reductions within seven days subject to a 30-day extension. The commission shall act on other requests for price cap adjustments, adjustments within price cap plans and on new service offerings within 21 days subject to a 30-day extension. Such a change will be presumed lawful unless it is determined the prices are below the price floor or that the price cap for a category, if any, within the entire basket has been exceeded.

(q) (1) Beginning July 1, 2006, price regulation of telecommunications services in the residential and single-line business service basket and the miscellaneous services basket for local exchange carriers subject to price cap regulation shall be as follows:

(A) Packages or bundles of services shall be price deregulated statewide, however the individual telecommunication service components of such packages or bundles shall remain available for purchase on an individual basis at prices subject to price cap regulation in any exchange in which the standards in subsection (q)(1)(B), (C) or (D) have not been met. If standards in subsection (q)(1)(B), (C) or (D) have been met, the individual telecommunication service components of such packages or bundles shall remain available for purchase on an individual basis and prices for packages or bundles shall not exceed the sum of the highest prices of the ala carte components of the package or bundle;

(B) in any exchange in which there are 75,000 or more local exchange access lines served by all providers, rates for all telecommunications services shall be price deregulated;

(C) in any exchange in which there are fewer than 75,000 local exchange access lines served by all providers, the commission shall price deregulate all business telecommunication services upon a demonstration by the requesting local telecommunications carrier that there are two or more nonaffiliated telecommunications carriers or other entities, that are nonaffiliated with the local exchange carrier, providing local telecommunications service to business customers, regardless of whether the entity provides local service in conjunction with other services in that exchange area. One of such nonaffiliated carriers or entities shall be required to be a facilities-based carrier or entity and not more than one of such nonaffiliated carriers or entities shall be a provider of commercial mobile radio services in that exchange;

(D) in any exchange in which there are fewer than 75,000 local exchange access lines served by all providers, the commission shall price deregulate all residential telecommunication services upon a demonstration by the requesting local telecommunications carrier that there are two or more nonaffiliated telecommunications carriers or other entities, that are nonaffiliated with the local exchange carrier, providing local telecommunications service to residential customers, regardless of whether the entity provides local service in conjunction with other services in that exchange area. One of such nonaffiliated carriers or entities shall be required to be a facilities-based carrier or entity and not more than one of such non-

affiliated carriers or entities shall be a provider of commercial mobile radio services in that exchange;

(E) rates for lifeline services shall remain subject to price cap regulation;

(F) *up to and continuing until July 1, 2008*, rates for the initial residential local exchange access line and up to four business local exchange access lines at one location shall remain subject to price cap regulation. *On and after July 1, 2008*, the local exchange carrier shall be authorized to adjust such rates without commission approval by not more than the percentage increase in the consumer price index for all urban consumers, as officially reported by the bureau of labor statistics of the United States department of labor, or its successor index, in any one year period and such rates shall not be adjusted below the price floor established in subsection (k). Such rates shall not be affected by purchase of one or more of the following: Call management services, intraLATA long distance service or interLATA long distance service; and

(G) local exchange carriers shall offer a uniform price throughout each such exchange for services subject to price deregulation, under this subsection, including packages or bundles of services, except as provided in subsection (1) or as otherwise approved by the commission.

(2) For the purposes of this subsection:

(A) Any entity providing voice service shall be considered as a local telecommunications service provider regardless of whether such entity is subject to regulation by the commission;

(B) a provider of local telecommunications service that requires the use of a third party, unaffiliated broadband network or dial-up internet network for the origination of local voice service shall not be considered a local telecommunications service provider;

(C) telecommunications carriers offering only prepaid telecommunications service shall not be considered entities providing local telecommunications service.

(3) If the services of a local exchange carrier are classified as price deregulated under this subsection, the carrier may thereafter adjust its rates for such price deregulated services upward or downward as it determines appropriate in its competitive environment, with tariffs for such services deemed effective upon filing with the commission. Price deregulated services shall be subject to the price floor in subsection (k), and shall not be unreasonably discriminatory or unduly preferential within an exchange.

(4) The commission shall act upon a petition filed pursuant to subsection (q)(1)(C) or (D) within 21 days, subject to an extension period of an additional 30 days, and upon a good cause showing of the commission in the extension order, or within such shorter time as the commission shall approve. The commission shall issue a final order within the 21-day period or within a 51-day period if an extension order has been issued.

(5) The commission may resume price cap regulation of a local exchange carrier, deregulated under this subsection upon finding, after a hearing, that such carrier has: Violated minimum quality of service standards pursuant to subsection (1) of K.S.A. 66-2002, and amendments thereto; been given reasonable notice and an opportunity to correct the violation; and failed to do so.

(6) The commission on July 1, 2006, and on each date that any service is deregulated, shall record the rates of each service which has been price deregulated in each exchange.

(7) Prior to January 1, 2007, the commission shall determine the weighted, statewide average rate of nonwireless basic local telecommunications service as of July 1, 2006. Prior to January 1, 2007, and annually thereafter, the commission shall determine the weighted, average rate of nonwireless basic local telecommunications services in exchanges that have been price deregulated pursuant to subsection (q)(1)(B), (C) or (D). The commission shall report its findings on or before February 1, 2007, and annually thereafter to the governor, the legislature and each member of the standing committees of the house of representatives and the senate which are assigned telecommunications issues. The commission shall also provide in such annual report any additional information it deems useful in determining the impact of price deregulation on consumers and the competitive environment, including, but not limited to, the rates recorded under paragraph (6) of this subsection, the current rates for services in price deregulated exchanges, changes in service offerings available in price deregulated exchanges and the change in the number of competitors in price de-

regulated exchanges. If the commission finds that the weighted, average rate of nonwireless basic local telecommunications service, in exchanges that have been price deregulated pursuant to subsection (q)(1)(B), (C) or (D) in any one year period is greater than the weighted, statewide average rate of nonwireless basic local telecommunications service as of July 1, 2006 2008, multiplied by one plus the percentage increase in the consumer price index for goods and services for the study periods, or the commission believes that changes in state law are warranted due to the status of competition, the commission shall recommend to the governor, the legislature and each member of the standing committees of the house of representatives and the senate which are assigned telecommunications issues such changes in state law as the commission deems appropriate and the commission shall also send a report of such findings to each member of the legislature.

(8) For the purposes of this subsection:

(A) "Packages or bundles of services" means the offering of a local telecommunications service with one or more of the following, subscribed together, as one service option offered at one price, one or more call management services, intraLATA long distance service, interLATA long distance service, internet access, video services or wireless services. Packages or bundles of services shall not include only a single residential local exchange access line or up to four business local exchange access lines at one location and intraLATA long distance service or interLATA long distance service, or both;

(B) "local telecommunications service" means two-way voice service capable of being originated and terminated within the exchange of the local exchange telecommunications company seeking price deregulation of its services, regardless of the technology used to provision the voice service;

(C) "broadband network" means a connection that delivers services at speeds exceeding two hundred kilobits per second in both directions;

(D) "prepaid telecommunications service" means a local service for which payment is made in advance that excludes access to operator assistance and long distance service;

(E) "facilities based carrier" means a telecommunications carrier or entity providing local telecommunications service either wholly or partially over its own network. Facilities based carrier shall not include any radio communication services provider licensed by the federal communications commission to provide commercial mobile radio services; and

(F) "call management services" means optional telecommunications services that allow a customer to manage call flow generated over the customer's local exchange access line.

(r) (1) Upon complaint or request, the commission may investigate a price deregulated service.

(2) The commission shall resume price cap regulation of a service provided in any exchange area by placing it in the appropriate service basket, as approved by the commission, upon a determination by the commission that the conditions in subsection (q)(1)(C) or (D) are no longer satisfied in that exchange area.

(3) The commission shall resume price cap regulation of business services in any exchange meeting the conditions of subsection (q)(1)(B) by placing it in the appropriate service basket, as approved by the commission, upon a determination by the commission that the following condition is not met: There are at least two nonaffiliated telecommunications carriers or other entities, that are nonaffiliated with the local exchange carrier, providing local telecommunications service to business customers, regardless of whether the entity provides local service in conjunction with other services in that exchange area. One of such nonaffiliated carriers or entities shall be required to be a facilities-based carrier or entity and not more than one such nonaffiliated carriers or entities shall be a provider of commercial mobile radio services in that exchange.

(4) The commission shall resume price cap regulation of residential services in any exchange meeting the conditions of subsection (q)(1)(B) by placing it in the appropriate service basket, as approved by the commission, upon a determination by the commission that the following condition is not met: There are at least two or more nonaffiliated telecommunications carriers or other entities, that are nonaffiliated with the local exchange carrier, providing local telecommunications service to residential customers, re-

(continued)

ardless of whether the entity provides local service in conjunction with other services in that exchange area. One of such nonaffiliated carriers or entities shall be required to be a facilities-based carrier or entity and not more than one such nonaffiliated carriers or entities shall be a provider of commercial mobile radio services in that exchange.

(s) The commission shall require that for all local exchange carriers all such price deregulated basic intraLATA toll services be geographically averaged statewide and not be priced below the price floor established in subsection (k).

(t) Cost studies to determine price floors shall be performed as required by the commission in response to complaints. In addition, notwithstanding the exemption in subsection (b), the commission may request information necessary to execute any of its obligations under the act. In response to a complaint that a price deregulated service is priced below the price floor set forth in subsection (k), the commission shall issue an order within 60 days after the filing of the complaint unless the complainant agrees to an extension.

(u) A local exchange carrier may petition for individual customer pricing. The commission shall respond expeditiously to the petition within a period of not more than 30 days subject to a 30-day extension.

(v) No audit, earnings review or rate case shall be performed with reference to the initial prices filed as required herein.

(w) Telecommunications carriers shall not be subject to price regulation, except that: Access charge reductions shall be passed through to consumers by reductions in basic intrastate toll prices; and basic toll prices shall remain geographically averaged statewide. As required under K.S.A. 66-131, and amendments thereto, and except as provided for in subsection (c) of K.S.A. 66-2004, and amendments thereto, telecommunications carriers that were not authorized to provide switched local exchange telecommunications services in this state as of July 1, 1996, including cable television operators who have not previously offered telecommunications services, must receive a certificate of convenience based upon a demonstration of technical, managerial and financial viability and the ability to meet quality of service standards established by the commission. Any telecommunications carrier or other entity seeking such certificate shall file a statement, which shall be subject to the commission's approval, specifying with particularity the areas in which it will offer service, the manner in which it will provide the service in such areas and whether it will serve both business customers and residential customers in such areas. Any structurally separate affiliate of a local exchange carrier that provides telecommunications services shall be subject to the same regulatory obligations and oversight as a telecommunications carrier, as long as the local exchange carrier's affiliate obtains access to any services or facilities from its affiliated local exchange carrier on the same terms and conditions as the local exchange carrier makes those services and facilities available to other telecommunications carriers. The commission shall oversee telecommunications carriers to prevent fraud and other practices harmful to consumers and to ensure compliance with quality of service standards adopted for all local exchange carriers and telecommunications carriers in the state.

Sec. 27. On and after July 1, 2009, K.S.A. 72-4423, as amended by section 11 of 2009 House Bill No. 2003, is hereby amended to read as follows: 72-4423. Any board may receive any donation, gift, grant or bequest made for any purpose related to the conduct of career technical education courses or programs approved by the state board. In accordance with any conditions imposed by the donor, such board may expend any nonfederal or nonstate donation, gift, grant or bequest without complying with the provisions of the budget law, and the same shall not reduce the authority granted to any school district or community college to levy and expend taxes and tax money for any purpose. The state board may receive any donation, gift, grant or bequest made in behalf of any specific area vocational school or area vocational-technical school, or for the state program of area career technical vocational schools and area vocational-technical schools or for any vocational career technical education course or program.

Sec. 28. On and after July 1, 2009, K.S.A. 2008 Supp. 72-6448 is hereby amended to read as follows: 72-6448. (a) As used in this section;

(1) "Pupil" means a person who is a dependent of a full-time active duty member of the military service or a dependent of a member of any of the United States military reserve forces who has been ordered to active duty under section 12301, 12302 or 12304 of Title 10 of the United States Code, or ordered to full-time active duty for a period of more than 30 consecutive days under section 502(f) or 512 of Title 32 of the United States Code for the purposes of mobilizing for war, international peacekeeping missions, national emergency or homeland defense activities.

~~(b) If the number of pupils enrolled in a district on February 20, 2007, has increased from the number of pupils enrolled in the district on September 20, 2006, by at least 25 pupils or by a number equal to 1% or more of the district's enrollment, the enrollment of the district for school year 2006-2007 shall be determined on February 20, 2007.~~

~~(c) If the number of pupils enrolled in a district on February 20, 2008, has increased from the number of pupils enrolled in the district on September 20, 2007, by at least 25 pupils or by a number equal to 1% or more of the district's enrollment, the enrollment of the district for school year 2007-2008 shall be determined on February 20, 2008.~~

~~(d) If the number of pupils enrolled in a district on February 20, 2009, has increased from the number of pupils enrolled in the district on September 20, 2008, by at least 25 pupils or by a number equal to 1% or more of the district's enrollment, the enrollment of the district for school year 2008-2009 shall be determined on February 20, 2009.~~

(2) "School year" means school year 2009-2010, 2010-2011, 2011-2012 or 2012-2013.

(b) Each school year, the state board shall:

(1) Determine the number of pupils enrolled in each district on September 20;

(2) determine the number of military pupils enrolled in each district on February 20, who were not enrolled on the preceding September 20;

(c) (1) If the number obtained under (b)(2) is 25 or more, an amount equal to the number obtained under (b)(2) shall be added to the number determined under (b)(1). The sum is the enrollment of the district.

(2) If the number obtained under (b)(2) is at least 1% of the number determined under (b)(1), an amount equal to the number obtained under (b)(2) shall be added to the number determined under (b)(1). The sum is the enrollment of the district.

(d) The state board shall recompute the adjusted enrollment of the district and the general fund budget of the school district based on the enrollment as determined under this section.

(e) Districts desiring to determine enrollment under this section shall submit any documentation or information required by the state board.

Sec. 29. On and after July 1, 2009, K.S.A. 2008 Supp. 75-7c04, as amended by section 2 of 2009 House Bill No. 2308, is hereby amended to read as follows: 75-7c04. (a) The attorney general shall issue a license pursuant to this act if the applicant:

(1) Is a resident of the county where application for licensure is made and has been a resident of the state for six months or more immediately preceding the filing of the application, residency to be determined in accordance with K.S.A. 77-201, and amendments thereto;

(2) is 21 years or more of age;

(3) does not suffer from a physical infirmity which prevents the safe handling of a weapon;

(4) (A) has been convicted or placed on diversion for an act that constitutes a felony under the laws of this state or any other jurisdiction and: (i) Such felony is expungeable pursuant to K.S.A. 21-4619, and amendments thereto, or similar provision from another jurisdiction; (ii) such felony has been expunged; and (iii) the requirements of subsection (d) are otherwise met;

(B) has not been convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a felony under the laws of this state and such felony is not subject to expungement pursuant to K.S.A. 21-4619, and amendments thereto, or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a felony under the laws of this state if committed by an adult;

(5) has never been convicted, in this or any other jurisdiction, for an act that constitutes a misdemeanor crime of domestic violence, as defined by 18 U.S.C. 921(a)(33)(A) or adjudicated, in this

or any other jurisdiction, of committing as a juvenile an act that would be a misdemeanor crime of domestic violence under 18 U.S.C. 921(a)(33)(A) if committed by an adult;

(6) has not been, during the five years immediately preceding the date the application is submitted: (A) Convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a misdemeanor under the provisions of ~~the uniform controlled substances act sections 1 through 17 of 2009 House Bill No. 2236, and amendments thereto~~, or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a misdemeanor under such act if committed by an adult; (B) convicted or placed on diversion, in this or any other jurisdiction, two or more times for an act that constitutes a violation of K.S.A. 8-1567, and amendments thereto; (C) convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a domestic violence misdemeanor under any municipal ordinance or article 34 or 35 of chapter 21 of the Kansas Statutes Annotated or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a domestic violence misdemeanor under article 34 or 35 of chapter 21 of the Kansas Statutes Annotated if committed by an adult; or (D) convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a violation of K.S.A. 2008 Supp. 75-7c12, and amendments thereto, or a violation of subsection (a)(4) of K.S.A. 21-4201, and amendments thereto, or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a violation of K.S.A. 2008 Supp. 75-7c12, and amendments thereto, or a violation of subsection (a)(4) of K.S.A. 21-4201, and amendments thereto, if committed by an adult;

(7) has not been charged with a crime which would render the applicant, if convicted, ineligible for a license or, if so charged, final disposition of the charge has occurred and no other charges are pending which would cause the applicant to be ineligible for a license;

(8) has not been ordered by a court to receive treatment for mental illness pursuant to K.S.A. 59-2966, and amendments thereto, or for an alcohol or substance abuse problem pursuant to K.S.A. 59-29b66, and amendments thereto, or, if a court has ordered such treatment, has not been issued a certificate of restoration pursuant to K.S.A. 2008 Supp. 75-7c26, and amendments thereto, not less than five years before the date of the application;

(9) desires a legal means to carry a concealed weapon for lawful self-defense;

(10) except as provided by subsection (g) of K.S.A. 2008 Supp. 75-7c05, and amendments thereto, presents evidence satisfactory to the attorney general that the applicant has satisfactorily completed a weapons safety and training course approved by the attorney general pursuant to subsection (b);

(11) has not been adjudged a disabled person under the act for obtaining a guardian or conservator, or both, or under a similar law of another state or the District of Columbia, unless the applicant was ordered restored to capacity three or more years before the date on which the application is submitted;

(12) has not been dishonorably discharged from military service;

(13) is a citizen of the United States;

(14) is not subject to a restraining order issued under the protection from abuse act, under the protection from stalking act or pursuant to K.S.A. 60-1607, K.S.A. 2008 Supp. 38-2242, 38-2243 or 38-2255, and amendments thereto, or any equivalent order entered in another state or jurisdiction which is entitled to full faith and credit in Kansas;

(15) is not in contempt of court in a child support proceeding;

(16) has not attempted to commit suicide in the five years immediately preceding application; and

(17) has not been adjudicated as a mental defective or committed to a mental institution.

(b) (1) The attorney general shall adopt rules and regulations establishing procedures and standards as authorized by this act for an eight-hour weapons safety and training course required by this section. Such standards shall include: (A) A requirement that trainees receive training in the safe storage of weapons, actual firing of weapons and instruction in the laws of this state governing the carrying of a concealed weapon and the use of deadly force; (B) general guidelines for courses which are compatible with the industry standard for basic firearms training for civilians; (C) quali-

fications of instructors; and (D) a requirement that the course be: (i) A weapons course certified or sponsored by the attorney general; or (ii) a weapons course certified or sponsored by the national rifle association or by a law enforcement agency, college, private or public institution or organization or weapons training school, if the attorney general determines that such course meets or exceeds the standards required by rules and regulations adopted by the attorney general and is taught by instructors certified by the attorney general or by the national rifle association, if the attorney general determines that the requirements for certification of instructors by such association meet or exceed the standards required by rules and regulations adopted by the attorney general. Any person wanting to be certified by the attorney general as an instructor shall submit to the attorney general an application in the form required by the attorney general and a fee not to exceed \$150.

(2) The cost of the weapons safety and training course required by this section shall be paid by the applicant. The following shall constitute satisfactory evidence of satisfactory completion of an approved weapons safety and training course: (A) Evidence of completion of the course, in the form provided by rules and regulations adopted by the attorney general; or (B) an affidavit from the instructor, school, club, organization or group that conducted or taught such course attesting to the completion of the course by the applicant.

(c) In addition to the requirements of subsection (a), a person holding a license pursuant to this act, prior to renewal of the license provided herein, shall submit evidence satisfactory to the attorney general that the licensee has requalified by completion of an approved course given by an instructor of an approved weapons safety and training course under subsection (b).

(d) If an applicant has had a conviction or diversion described in subsection (a)(4)(A) or (a)(6) expunged pursuant to K.S.A. 12-4516 or 21-4619, and amendments thereto, or similar provision from another jurisdiction, and the applicant has been eligible for expungement for five years or more immediately preceding the date the application for licensure is submitted, the applicant shall not be disqualified from being issued a license if the applicant is otherwise qualified for licensure pursuant to this section and eligible to possess a firearm under state and federal law.

(e) For purposes of this section: (1) "Adjudicated as a mental defective" means a determination by a court, board, commission or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition or disease: (A) Is a danger to the person's self or to others; or (B) lacks the mental capacity to contract or manage the person's own affairs. "Adjudicated as a mental defective" shall include a finding of insanity by a court in a criminal case, and those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility pursuant to articles 50a and 72b of the United States uniform code of military justice.

(2) (A) "Committed to a mental institution" means a formal commitment of a person to a mental institution by a court, board, commission or other lawful authority. "Committed to a mental institution" includes a commitment to a mental institution involuntarily, commitment for mental defectiveness or mental illness and commitments for other reasons, such as for drug use.

(B) "Committed to a mental institution" shall not include a person in a mental institution for observation or a voluntary admission to a mental institution.

Sec. 30. On and after July 1, 2009, K.S.A. 2008 Supp. 75-7427 is hereby amended to read as follows: 75-7427. (a) As used in this section:

(1) "Attorney general" means the attorney general, employees of the attorney general or authorized representatives of the attorney general.

(2) "Benefit" means the receipt of money, goods, items, facilities, accommodations or anything of pecuniary value.

(3) "Claim" means an electronic, electronic impulse, facsimile, magnetic, oral, telephonic or written communication that is utilized to identify any goods, service, item, facility or accommodation as reimbursable to the state Medicaid program, or its fiscal agents, the state Medicaid program or the state children's health insurance program or which states income or expense.

(continued)

(4) "Client" means past or present beneficiaries or recipients of the state medicaid program, the state mediKan program or the state children's health insurance program.

(5) "Contractor" means any contractor, supplier, vendor or other person who, through a contract or other arrangement, has received, is to receive or is receiving public funds or in-kind contributions from the contracting agency as part of the state medicaid program, the state mediKan program or the state children's health insurance program, and shall include any sub-contractor.

(6) "Contractor files" means those records of contractors which relate to the state medicaid program, the state mediKan program or the state children's health insurance program.

(7) "Fiscal agent" means any corporation, firm, individual, organization, partnership, professional association or other legal entity which, through a contractual relationship with the state of Kansas receives, processes and pays claims under the state medicaid program, the state mediKan program or the state children's health insurance program.

(8) "Health care provider" means a health care provider as defined under K.S.A. 65-4921, and amendments thereto, who has applied to participate in, who currently participates in, or who has previously participated in the state medicaid program, the state mediKan program or the state children's health insurance program.

(9) "Kansas health policy authority" or "authority" means the Kansas health policy authority established under K.S.A. 2008 Supp. 75-7401, and amendments thereto, or its successor agency.

(10) "Managed care program" means a program which provides coordination, direction and provision of health services to an identified group of individuals by providers, agencies or organizations.

(11) "Medicaid program" means the Kansas program of medical assistance for which federal or state moneys, or any combination thereof, are expended, or any successor federal or state, or both, health insurance program or waiver granted thereunder.

(12) "Person" means any agency, association, corporation, firm, limited liability company, limited liability partnership, natural person, organization, partnership or other legal entity, the agents, employees, independent contractors, and subcontractors, thereof, and the legal successors thereto.

(13) "Provider" means a person who has applied to participate in, who currently participates in, who has previously participated in, who attempts or has attempted to participate in the state medicaid program, the state mediKan program or the state children's health insurance program, by providing or claiming to have provided goods, services, items, facilities or accommodations.

(14) "Recipient" means an individual, either real or fictitious, in whose behalf any person claimed or received any payment or payments from the state medicaid program, or its fiscal agent, the state mediKan program or the state children's health insurance program, whether or not any such individual was eligible for benefits under the state medicaid program, the state mediKan program or the state children's health insurance program.

(15) "Records" means all written documents and electronic or magnetic data, including, but not limited to, medical records, X-rays, professional, financial or business records relating to the treatment or care of any recipient; goods, services, items, facilities or accommodations provided to any such recipient; rates paid for such goods, services, items, facilities or accommodations; and goods, services, items, facilities or accommodations provided to nonmedicaid recipients to verify rates or amounts of goods, services, items, facilities or accommodations provided to medicaid recipients, as well as any records that the state medicaid program, or its fiscal agents, the state mediKan program or the state children's health insurance program require providers to maintain. "Records" shall not include any report or record in any format which is made pursuant to K.S.A. 65-4922, 65-4923 or 65-4924, and amendments thereto, and which is privileged pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.

(16) "State children's health insurance program" means the state children's health insurance program as provided in K.S.A. 38-2001 et seq., and amendments thereto.

(b) (1) There is hereby established within the Kansas health policy authority the office of inspector general. All budgeting, purchasing and related management functions of the office of inspec-

tor general shall be administered under the direction and supervision of the executive director of the Kansas health policy authority. The purpose of the office of inspector general is to establish a full-time program of audit, investigation and performance review to provide increased accountability, integrity and oversight of the state medicaid program, the state mediKan program and the state children's health insurance program within the jurisdiction of the Kansas health policy authority and to assist in improving agency and program operations and in deterring and identifying fraud, waste, abuse and illegal acts. The office of inspector general shall be independent and free from political influence and in performing the duties of the office under this section shall conduct investigations, audits, evaluations, inspections and other reviews in accordance with professional standards that relate to the fields of investigation and auditing in government.

(2) (A) The inspector general shall be appointed by the Kansas health policy authority with the advice and consent of the senate and subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Except as provided in K.S.A. 46-2601, and amendments thereto, no person appointed to the position of inspector general shall exercise any power, duty or function of the inspector general until confirmed by the senate. The inspector general shall be selected without regard to political affiliation and on the basis of integrity and capacity for effectively carrying out the duties of the office of inspector general. The inspector general shall possess demonstrated knowledge, skills, abilities and experience in conducting audits or investigations and shall be familiar with the programs subject to oversight by the office of inspector general.

(B) No former or current executive or manager of any program or agency subject to oversight by the office of inspector general may be appointed inspector general within two years of that individual's period of service with such program or agency. The inspector general shall hold at time of appointment, or shall obtain within one year after appointment, certification as a certified inspector general from a national organization that provides training to inspectors general.

(C) The term of the person first appointed to the position of inspector general shall expire on January 15, 2009. Thereafter, a person appointed to the position of inspector general shall serve for a term which shall expire on January 15 of each year in which the whole senate is sworn in for a new term.

(D) The inspector general shall be in the classified service and shall receive such compensation as is determined by law, except that such compensation may be increased but not diminished during the term of office of the inspector general. The inspector general may be removed from office prior to the expiration of the inspector general's term of office in accordance with the Kansas civil service act. The inspector general shall exercise independent judgment in carrying out the duties of the office of inspector general under subsection (b). Appropriations for the office of inspector general shall be made to the Kansas health policy authority by separate line item appropriations for the office of inspector general. The inspector general shall report to the Kansas health policy authority.

(E) The inspector general shall have general managerial control over the office of the inspector general and shall establish the organization structure of the office as the inspector general deems appropriate to carry out the responsibilities and functions of the office.

(3) Within the limits of appropriations therefor, the inspector general may hire such employees in the unclassified service as are necessary to administer the office of the inspector general. Such employees shall serve at the pleasure of the inspector general. Subject to appropriations, the inspector general may obtain the services of certified public accountants, qualified management consultants, professional auditors, or other professionals necessary to independently perform the functions of the office.

(c) (1) In accordance with the provisions of this section, the duties of the office of inspector general shall be to oversee, audit, investigate and make performance reviews of the state medicaid program, the state mediKan program and the state children's health insurance program, which programs are within the jurisdiction of the Kansas health policy authority.

(2) In order to carry out the duties of the office, the inspector general shall conduct independent and ongoing evaluation of the

Kansas health policy authority and of such programs administered by the Kansas health policy authority, which oversight includes, but is not limited to, the following:

(A) Investigation of fraud, waste, abuse and illegal acts by the Kansas health policy authority and its agents, employees, vendors, contractors, consumers, clients and health care providers or other providers.

(B) Audits of the Kansas health policy authority, its employees, contractors, vendors and health care providers related to ensuring that appropriate payments are made for services rendered and to the recovery of overpayments.

(C) Investigations of fraud, waste, abuse or illegal acts committed by clients of the Kansas health policy authority or by consumers of services administered by the Kansas health policy authority.

(D) Monitoring adherence to the terms of the contract between the Kansas health policy authority and an organization with which the authority has entered into a contract to make claims payments.

(3) Upon finding credible evidence of fraud, waste, abuse or illegal acts, the inspector general shall report its findings to the Kansas health policy authority and refer the findings to the attorney general.

(d) The inspector general shall have access to all pertinent information, confidential or otherwise, and to all personnel and facilities of the Kansas health policy authority, their employees, vendors, contractors and health care providers and any federal, state or local governmental agency that are necessary to perform the duties of the office as directly related to such programs administered by the authority. Access to contractor or health care provider files shall be limited to those files necessary to verify the accuracy of the contractor's or health care provider's invoices or their compliance with the contract provisions or program requirements. No health care provider shall be compelled under the provisions of this section to provide individual medical records of patients who are not clients of the state medicaid program, the state mediKan program or the state children's health insurance program. State and local governmental agencies are authorized and directed to provide to the inspector general requested information, assistance or cooperation.

(e) Except as otherwise provided in this section, the inspector general and all employees and former employees of the office of inspector general shall be subject to the same duty of confidentiality imposed by law on any such person or agency with regard to any such information, and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality. The duty of confidentiality imposed on the inspector general and all employees and former employees of the office of inspector general shall be subject to the provisions of subsection (f), and the inspector general may furnish all such information to the attorney general, Kansas bureau of investigation or office of the United States attorney in Kansas pursuant to subsection (f). Upon receipt thereof, the attorney general, Kansas bureau of investigation or office of the United States attorney in Kansas and all assistants and all other employees and former employees of such offices shall be subject to the same duty of confidentiality with the exceptions that any such information may be disclosed in criminal or other proceedings which may be instituted and prosecuted by the attorney general or the United States attorney in Kansas, and any such information furnished to the attorney general, the Kansas bureau of investigation or the United States attorney in Kansas under subsection (f) may be entered into evidence in any such proceedings.

(f) All investigations conducted by the inspector general shall be conducted in a manner that ensures the preservation of evidence for use in criminal prosecutions or agency administrative actions. If the inspector general determines that a possible criminal act relating to fraud in the provision or administration of such programs administered by the Kansas health policy authority has been committed, the inspector general shall immediately notify the office of the Kansas attorney general. If the inspector general determines that a possible criminal act has been committed within the jurisdiction of the office, the inspector general may request the special expertise of the Kansas bureau of investigation. The inspector general may present for prosecution the findings of any criminal in-

vestigation to the office of the attorney general or the office of the United States attorney in Kansas.

(g) To carry out the duties as described in this section, the inspector general and the inspector general's designees shall have the power to compel by subpoena the attendance and testimony of witnesses and the production of books, electronic records and papers as directly related to such programs administered by the Kansas health policy authority. Access to contractor files shall be limited to those files necessary to verify the accuracy of the contractor's invoices or its compliance with the contract provisions. No health care provider shall be compelled to provide individual medical records of patients who are not clients of the authority.

(h) The inspector general shall report all convictions, terminations and suspensions taken against vendors, contractors and health care providers to the Kansas health policy authority and to any agency responsible for licensing or regulating those persons or entities. If the inspector general determines reasonable suspicion exists that an act relating to the violation of an agency licensure or regulatory standard has been committed by a vendor, contractor or health care provider who is licensed or regulated by an agency, the inspector general shall immediately notify such agency of the possible violation.

(i) The inspector general shall make annual reports, findings and recommendations regarding the office's investigations into reports of fraud, waste, abuse and illegal acts relating to any such programs administered by the Kansas health policy authority to the executive director of the Kansas health policy authority, the legislative post auditor, the committee on ways and means of the senate, the committee on appropriations of the house of representatives, the joint committee on health policy oversight and the governor. These reports shall include, but not be limited to, the following information:

- (1) Aggregate provider billing and payment information;
- (2) the number of audits of such programs administered by the Kansas health policy authority and the dollar savings, if any, resulting from those audits;
- (3) health care provider sanctions, in the aggregate, including terminations and suspensions; and
- (4) a detailed summary of the investigations undertaken in the previous fiscal year, which summaries shall comply with all laws and rules and regulations regarding maintaining confidentiality in such programs administered by the Kansas health policy authority.

(j) Based upon the inspector general's findings under subsection (c), the inspector general may make such recommendations to the Kansas health policy authority or the legislature for changes in law, rules and regulations, policy or procedures as the inspector general deems appropriate to carry out the provisions of law or to improve the efficiency of such programs administered by the Kansas health policy authority. The inspector general shall not be required to obtain permission or approval from any other official or authority prior to making any such recommendation.

(k) (1) The inspector general shall make provision to solicit and receive reports of fraud, waste, abuse and illegal acts in such programs administered by the Kansas health policy authority from any person or persons who shall possess such information. The inspector general shall not disclose or make public the identity of any person or persons who provide such reports pursuant to this subsection unless such person or persons consent in writing to the disclosure of such person's identity. Disclosure of the identity of any person who makes a report pursuant to this subsection shall not be ordered as part of any administrative or judicial proceeding. Any information received by the inspector general from any person concerning fraud, waste, abuse or illegal acts in such programs administered by the Kansas health policy authority shall be confidential and shall not be disclosed or made public, upon subpoena or otherwise, except such information may be disclosed if (A) release of the information would not result in the identification of the person who provided the information, (B) the person or persons who provided the information to be disclosed consent in writing prior to its disclosure, (C) the disclosure is necessary to protect the public health, or (D) the information to be disclosed is required in an administrative proceeding or court proceeding and appropriate provision has been made to allow disclosure of the information

(continued)

without disclosing to the public the identity of the person or persons who reported such information to the inspector general.

(2) No person shall:

(A) Prohibit any agent, employee, contractor or subcontractor from reporting any information under subsection (k)(1); or

(B) require any such agent, employee, contractor or subcontractor to give notice to the person prior to making any such report.

(3) Subsection (k)(2) shall not be construed as:

(A) Prohibiting an employer from requiring that an employee inform the employer as to legislative or auditing agency requests for information or the substance of testimony made, or to be made, by the employee to legislators or the auditing agency, as the case may be, on behalf of the employer;

(B) permitting an employee to leave the employee's assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to leaves, unless the employee is requested by a legislator or legislative committee to appear before a legislative committee or by an auditing agency to appear at a meeting with officials of the auditing agency;

(C) authorizing an employee to represent the employee's personal opinions as the opinions of the employer; or

(D) prohibiting disciplinary action of an employee who discloses information which (A) the employee knows to be false or which the employee discloses with reckless disregard for its truth or falsity, (B) the employee knows to be exempt from required disclosure under the open records act, or (C) is confidential or privileged under statute or court rule.

(4) Any agent, employee, contractor or subcontractor who alleges that disciplinary action has been taken against such agent, employee, contractor or subcontractor in violation of this section may bring an action for any damages caused by such violation in district court within 90 days after the occurrence of the alleged violation.

(5) Any disciplinary action taken against an employee of a state agency or firm as such terms are defined under subsection (b) of K.S.A. 75-2973, and amendments thereto, for making a report under subsection (k)(1) shall be governed by the provisions of K.S.A. 75-2973, and amendments thereto.

(l) The scope, timing and completion of any audit or investigation conducted by the inspector general shall be within the discretion of the inspector general. Any audit conducted by the inspector general's office shall adhere and comply with all provisions of generally accepted governmental auditing standards promulgated by the United States government accountability office.

(m) Nothing in this section shall limit investigations by any state department or agency that may otherwise be required by law or that may be necessary in carrying out the duties and functions of such agency.

(n) *No contractor who has been convicted of fraud, waste, abuse or illegal acts or whose actions have caused the state of Kansas to pay fines to or reimburse the federal government more than \$1,000,000 in the medicaid program shall be eligible for any state medicaid contracts subsequent to such conviction unless the Kansas health policy authority finds that the contractor is the sole source for such contracts, is the least expensive source for the contract, has reimbursed the state of Kansas for all losses caused by the contractor, or the removal of the contractor would create a substantial loss of access for medicaid beneficiaries, in which case the authority after a specific finding to this effect may waive the prohibition of this subsection. Nothing in this section shall be construed to conflict with federal law, or to require or permit the use of federal funds where prohibited.*

(o) The Kansas health policy authority, in accordance with K.S.A. 75-4319, and amendments thereto, may recess for a closed, executive meeting under the open meetings act, K.S.A. 75-4317 through 75-4320a, and amendments thereto, to discuss with the inspector general any information, records or other matters that are involved in any investigation or audit under this section. All information and records of the inspector general that are obtained or received under any investigation or audit under this section shall be confidential, except as required or authorized pursuant to this section.

Sec. 31. On and after July 1, 2009, K.S.A. 2008 Supp. 76-3110 is hereby amended to read as follows: 76-3110. (a) The KPR board may initiate a proceeding to effect termination of a postsecondary institution's participation in federal student aid programs by serv-

ing written notice upon the institution that the board has determined that the institution should not be eligible for participation in such programs. The notice shall include a statement of the reasons for the determination and a statement that the institution may contest the finding before a hearing presiding officer upon written request filed with the KPR board. The request to be heard must be filed within 15 days from the date of the notice of the board's determination. Upon receipt of a request by an institution to be heard, the KPR board shall notify the secretary of labor that the appointment of a hearing presiding officer is required. Within 10 days after receipt of notification from the KPR board, the secretary of labor shall appoint a hearing request a presiding officer from a list, which shall be compiled and maintained by the secretary of labor, of impartial persons who are representative of the public and who are qualified to serve as hearing officers.

(b) Any hearing requested by a postsecondary institution as provided in subsection (a) shall be commenced within 15 calendar days after the hearing presiding officer is appointed requested and shall be conducted in accordance with the provisions of the Kansas administrative procedure act. Within 30 days after close of the hearing, the hearing presiding officer shall render a written opinion setting forth the hearing presiding officer's findings of fact and recommendation as to the determination of the matter. The opinion shall be submitted to the KPR board and to the postsecondary institution. If, after receipt of the hearing presiding officer's opinion, the KPR board concludes that the board's determination that the institution should not be eligible for participation in federal student aid programs was warranted, the board shall notify the institution and the secretary of education of the determination and the reasons therefor.

Sec. 32. On and after July 1, 2009, K.S.A. 2008 Supp. 79-213 is hereby amended to read as follows: 79-213. (a) Any property owner requesting an exemption from the payment of ad valorem property taxes assessed, or to be assessed, against their property shall be required to file an initial request for exemption, on forms approved by the board state court of tax appeals and provided by the county appraiser.

(b) The initial exemption request shall identify the property for which the exemption is requested and state, in detail, the legal and factual basis for the exemption claimed.

(c) The request for exemption shall be filed with the county appraiser of the county where such property is principally located.

(d) After a review of the exemption request, and after a preliminary examination of the facts as alleged, the county appraiser shall recommend that the exemption request either be granted or denied, and, if necessary, that a hearing be held. If a denial is recommended, a statement of the controlling facts and law relied upon shall be included on the form.

(e) The county appraiser, after making such written recommendation, shall file the request for exemption and the recommendations of the county appraiser with the board state court of tax appeals.

(f) Upon receipt of the request for exemption, the board court shall docket the same and notify the applicant and the county appraiser of such fact.

(g) After examination of the request for exemption, and the county appraiser's recommendation related thereto, the board court may fix a time and place for hearing, and shall notify the applicant and the county appraiser of the time and place so fixed. A request for exemption pursuant to: (1) Section 13 of article 11 of the Kansas constitution; or (2) K.S.A. 79-201a Second, and amendments thereto, for property constructed or purchased, in whole or in part, with the proceeds of revenue bonds under the authority of K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, prepared in accordance with instructions and assistance which shall be provided by the department of commerce, shall be deemed approved unless scheduled for hearing within 30 days after the date of receipt of all required information and data relating to the request for exemption, and such hearing shall be conducted within 90 days after such date. Such time periods shall be determined without regard to any extension or continuance allowed to either party to such request. In any case where a party to such request for exemption requests a hearing thereon, the same shall be granted. Hearings shall be conducted in accordance with the provisions of the Kansas administrative procedure act. In all instances

where the **board court** sets a request for exemption for hearing, the county shall be represented by its county attorney or county counselor.

(h) Except as otherwise provided by subsection (g), in the event of a hearing, the same shall be originally set not later than 90 days after the filing of the request for exemption with the **board court**.

(i) During the pendency of a request for exemption, no person, firm, unincorporated association, company or corporation charged with real estate or personal property taxes pursuant to K.S.A. 79-2004 and 79-2004a, and amendments thereto, on the tax books in the hands of the county treasurer shall be required to pay the tax from the date the request is filed with the county appraiser until the expiration of 30 days after the **board court** issued its order thereon and the same becomes a final order. In the event that taxes have been assessed against the subject property, no interest shall accrue on any unpaid tax for the year or years in question nor shall the unpaid tax be considered delinquent from the date the request is filed with the county appraiser until the expiration of 30 days after the **board court** issued its order thereon. In the event the **board court** determines an application for exemption is without merit and filed in bad faith to delay the due date of the tax, the tax shall be considered delinquent as of the date the tax would have been due pursuant to K.S.A. 79-2004 and 79-2004a, and amendments thereto, and interest shall accrue as prescribed therein.

(j) In the event the **board court** grants the initial request for exemption, the same shall be effective beginning with the date of first exempt use except that, with respect to property the construction of which commenced not to exceed 24 months prior to the date of first exempt use, the same shall be effective beginning with the date of commencement of construction.

(k) In conjunction with its authority to grant exemptions, the **board court** shall have the authority to abate all unpaid taxes that have accrued from and since the effective date of the exemption. In the event that taxes have been paid during the period where the subject property has been determined to be exempt, the **board court** shall have the authority to order a refund of taxes for the year immediately preceding the year in which the exemption application is filed in accordance with subsection (a).

(l) The provisions of this section shall not apply to: (1) Farm machinery and equipment exempted from ad valorem taxation by K.S.A. 79-201j, and amendments thereto; (2) personal property exempted from ad valorem taxation by K.S.A. 79-215, and amendments thereto; (3) wearing apparel, household goods and personal effects exempted from ad valorem taxation by K.S.A. 79-201c, and amendments thereto; (4) livestock; (5) all property exempted from ad valorem taxation by K.S.A. 79-201d, and amendments thereto; (6) merchants' and manufacturers' inventories exempted from ad valorem taxation by K.S.A. 79-201m and amendments thereto; (7) grain exempted from ad valorem taxation by K.S.A. 79-201n, and amendments thereto; (8) property exempted from ad valorem taxation by K.S.A. 79-201a *Seventeenth* and amendments thereto, including all property previously acquired by the secretary of transportation or a predecessor in interest, which is used in the administration, construction, maintenance or operation of the state system of highways. The secretary of transportation shall at the time of acquisition of property notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal description of the property acquired; (9) property exempted from ad valorem taxation by K.S.A. 79-201a *Ninth*, and amendments thereto, including all property previously acquired by the Kansas turnpike authority which is used in the administration, construction, maintenance or operation of the Kansas turnpike. The Kansas turnpike authority shall at the time of acquisition of property notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal description of the property acquired; (10) aquaculture machinery and equipment exempted from ad valorem taxation by K.S.A. 79-201j, and amendments thereto. As used in this section, "aquaculture" has the same meaning ascribed thereto by K.S.A. 47-1901, and amendments thereto; (11) Christmas tree machinery and equipment exempted from ad valorem taxation by K.S.A. 79-201j, and amendments thereto; (12) property used exclusively by the state or any municipality or political subdivision of the state for right-of-way purposes. The state agency or the governing body of the municipality or political subdivision shall at the

time of acquisition of property for right-of-way purposes notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal description of the property acquired; (13) machinery, equipment, materials and supplies exempted from ad valorem taxation by K.S.A. 79-201w, and amendments thereto; (14) vehicles owned by the state or by any political or taxing subdivision thereof and used exclusively for governmental purposes; (15) property used for residential purposes which is exempted pursuant to K.S.A. 79-201x from the property tax levied pursuant to K.S.A. 72-6431, and amendments thereto; (16) from and after July 1, 1998, vehicles which are owned by an organization having as one of its purposes the assistance by the provision of transit services to the elderly and to disabled persons and which are exempted pursuant to K.S.A. 79-201 *Ninth*; (17) from and after July 1, 1998, motor vehicles exempted from taxation by subsection (e) of K.S.A. 79-5107, and amendments thereto; (18) commercial and industrial machinery and equipment exempted from property or ad valorem taxation by K.S.A. 2008 Supp. 79-223, and amendments thereto; (19) telecommunications machinery and equipment and railroad machinery and equipment exempted from property or ad valorem taxation by K.S.A. 2008 Supp. 79-224, and amendments thereto; and (20) property exempted from property or ad valorem taxation by K.S.A. 2008 Supp. 79-234, and amendments thereto.

(m) The provisions of this section shall apply to property exempt pursuant to the provisions of section 13 of article 11 of the Kansas constitution.

(n) The provisions of subsection (k) as amended by this act shall be applicable to all exemption applications filed in accordance with subsection (a) after December 31, 2001.

Sec. 33. On and after July 1, 2009, K.S.A. 2008 Supp. 79-5a27 is hereby amended to read as follows: 79-5a27. On or before June 15, 1989, and on or before June 15 each year thereafter, the director of property valuation shall certify to the county clerk of each county the amount of assessed valuation apportioned to each taxing unit therein for properties valued and assessed under K.S.A. 79-5a01 et seq., and amendments thereto. The county clerk shall include such assessed valuations in the applicable taxing districts with all other assessed valuations in those taxing districts and on or before July 1 notify the appropriate officials of each taxing district within the county of the assessed valuation estimates to be utilized in the preparation of budgets for ad valorem tax purposes. If in any year the county clerk has not received the applicable valuations from the director of property valuation, the county clerk shall use the applicable assessed valuations of the preceding year as an estimate for such notification. If the public utility has filed an application for exemption of all or a portion of its property, the director shall notify the county clerk that the exemption application has been filed and the county clerk shall not be required to include such assessed valuation in the applicable taxing districts until such time as the application is denied by the state **board court** of tax appeals or, if judicial review of the **board court's** order is sought, until such time as judicial review is finalized.

Sec. 34. On and after July 1, 2009, K.S.A. 2008 Supp. 79-32,117 is hereby amended to read as follows: 79-32,117. (a) The Kansas adjusted gross income of an individual means such individual's federal adjusted gross income for the taxable year, with the modifications specified in this section.

(b) There shall be added to federal adjusted gross income:

(i) Interest income less any related expenses directly incurred in the purchase of state or political subdivision obligations, to the extent that the same is not included in federal adjusted gross income, on obligations of any state or political subdivision thereof, but to the extent that interest income on obligations of this state or a political subdivision thereof issued prior to January 1, 1988, is specifically exempt from income tax under the laws of this state authorizing the issuance of such obligations, it shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income. Interest income on obligations of this state or a political subdivision thereof issued after December 31, 1987, shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income.

(continued)

(ii) Taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state or any other taxing jurisdiction to the extent deductible in determining federal adjusted gross income and not credited against federal income tax. This paragraph shall not apply to taxes imposed under the provisions of K.S.A. 79-1107 or 79-1108, and amendments thereto, for privilege tax year 1995, and all such years thereafter.

(iii) The federal net operating loss deduction.

(iv) Federal income tax refunds received by the taxpayer if the deduction of the taxes being refunded resulted in a tax benefit for Kansas income tax purposes during a prior taxable year. Such refunds shall be included in income in the year actually received regardless of the method of accounting used by the taxpayer. For purposes hereof, a tax benefit shall be deemed to have resulted if the amount of the tax had been deducted in determining income subject to a Kansas income tax for a prior year regardless of the rate of taxation applied in such prior year to the Kansas taxable income, but only that portion of the refund shall be included as bears the same proportion to the total refund received as the federal taxes deducted in the year to which such refund is attributable bears to the total federal income taxes paid for such year. For purposes of the foregoing sentence, federal taxes shall be considered to have been deducted only to the extent such deduction does not reduce Kansas taxable income below zero.

(v) The amount of any depreciation deduction or business expense deduction claimed on the taxpayer's federal income tax return for any capital expenditure in making any building or facility accessible to the handicapped, for which expenditure the taxpayer claimed the credit allowed by K.S.A. 79-32,177, and amendments thereto.

(vi) Any amount of designated employee contributions picked up by an employer pursuant to K.S.A. 12-5005, 20-2603, 74-4919 and 74-4965, and amendments to such sections.

(vii) The amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 79-32,196, and amendments thereto.

(viii) The amount of any costs incurred for improvements to a swine facility, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2008 Supp. 79-32,204 and amendments thereto.

(ix) The amount of any ad valorem taxes and assessments paid and the amount of any costs incurred for habitat management or construction and maintenance of improvements on real property, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,203 and amendments thereto.

(x) Amounts received as nonqualified withdrawals, as defined by K.S.A. 2008 Supp. 75-643, and amendments thereto, if, at the time of contribution to a family postsecondary education savings account, such amounts were subtracted from the federal adjusted gross income pursuant to paragraph (xv) of subsection (c) of K.S.A. 79-32,117, and amendments thereto, or if such amounts are not already included in the federal adjusted gross income.

(xi) The amount of any contribution made to the same extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 2008 Supp. 74-50,154, and amendments thereto.

(xii) For taxable years commencing after December 31, 2004, amounts received as withdrawals not in accordance with the provisions of K.S.A. 2008 Supp. 74-50,204, and amendments thereto, if, at the time of contribution to an individual development account, such amounts were subtracted from the federal adjusted gross income pursuant to paragraph (xiii) of subsection (c), or if such amounts are not already included in the federal adjusted gross income.

(xiii) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2008 Supp. 79-32,217 through 79-32,220 or 79-32,222, and amendments thereto.

(xiv) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2008 Supp. 79-32,221, and amendments thereto.

(xv) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2008 Supp. 79-32,223 through 79-32,226, 79-32,228 through 79-32,231, 79-32,233 through 79-32,236, 79-32,238 through 79-32,241, 79-32,245 through 79-32,248 or 79-32,251 through 79-32,254, and amendments thereto.

(xvi) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2008 Supp. 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250 or 79-32,255, and amendments thereto.

(xvii) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2008 Supp. 79-32,256, and amendments thereto.

(xviii) For taxable years commencing after December 31, 2006, the amount of any ad valorem or property taxes and assessments paid to a state other than Kansas or local government located in a state other than Kansas by a taxpayer who resides in a state other than Kansas, when the law of such state does not allow a resident of Kansas who earns income in such other state to claim a deduction for ad valorem or property taxes or assessments paid to a political subdivision of the state of Kansas in determining taxable income for income tax purposes in such other state, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. 228b (a) and 228c (a)(1) et seq.

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or

pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. 280 C.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas Venture Capital, Inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249 and amendments thereto.

(xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual development account under K.S.A. 2008 Supp. 74-50,201, et seq., and amendments thereto.

(xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, which accrues to the taxpayer who is a stockholder of such corporation and which is not distributed to the stockholders as dividends of the corporation.

(xv) For all taxable years beginning after December 31, 2006, amounts not exceeding \$3,000, or \$6,000 for a married couple filing a joint return, for each designated beneficiary which are contributed to a family postsecondary education savings account established under the Kansas postsecondary education savings program or a qualified tuition program established and maintained by another state or agency or instrumentality thereof pursuant to section 529 of the internal revenue code of 1986, as amended, for the purpose of paying the qualified higher education expenses of a designated beneficiary at an institution of postsecondary education. The terms and phrases used in this paragraph shall have the meaning respectively ascribed thereto by the provisions of K.S.A. 2008 Supp. 75-643, and amendments thereto, and the provisions of such section are hereby incorporated by reference for all purposes thereof.

(xvi) For the tax year beginning after December 31, 2004, an amount not exceeding \$500; for the tax year beginning after December 31, 2005, an amount not exceeding \$600; for the tax year beginning after December 31, 2006, an amount not exceeding \$700; for the tax year beginning after December 31, 2007, an amount not exceeding \$800; for the tax year beginning December 31, 2008, an amount not exceeding \$900; and for all taxable years commencing after December 31, 2009, an amount not exceeding \$1,000 of the premium costs for qualified long-term care insurance contracts, as defined by subsection (b) of section 7702B of public law 104-191.

(xvii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are or were members of the armed forces of the United States, including service in the Kansas army and air national guard, as a recruitment, sign up or retention bonus received by such taxpayer as an incentive to join, enlist or remain in the armed services of the United States, including service in the Kansas army and air national guard, and amounts received for repayment of educational or student loans incurred by or obligated to such taxpayer and received by such taxpayer as a result of such taxpayer's service in the armed forces of the United States, including service in the Kansas army and air national guard.

(xviii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are eligible members of the Kansas army and air national guard as a reimbursement pursuant to K.S.A. 48-281, and amendments thereto, and amounts received for death benefits pursuant to K.S.A. 48-282, and amendments thereto, or pursuant to section 1 or section 2 of chapter 207 of the 2005 session laws of Kansas, and amendments thereto, to the extent that such death benefits are included in federal adjusted gross income of the taxpayer.

(xix) For the taxable year beginning after December 31, 2006, amounts received as benefits under the federal social security act

which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$50,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly; and for all taxable years beginning after December 31, 2007, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$75,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly.

(xx) *Amounts received by retired employees of Washburn university as retirement and pension benefits under the university's retirement plan.*

(d) There shall be added to or subtracted from federal adjusted gross income the taxpayer's share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.

(e) The amount of modifications required to be made under this section by a partner which relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131, and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.

Sec. 35. On and after July 1, 2009, Section 16 of 2009 House Bill No. 2236 is hereby amended to read as follows: New Sec. 16. (a) It shall be unlawful for any person to receive or acquire proceeds or engage in transactions involving proceeds, known to be derived from a violation of sections 1 through 17 of 2009 House Bill No. 2236, and amendments thereto, *or any substantially similar offense from another jurisdiction.* The provisions of this subsection do not apply to any transaction between an individual and that individual's counsel necessary to preserve that individual's right to representation, as guaranteed by section 10 of the bill of rights of the constitution of the state of Kansas and by the sixth amendment to the United States constitution. This exception does not create any presumption against or prohibition of the right of the state to seek and obtain forfeiture of any proceeds derived from a violation of sections 1 through 17 of 2009 House Bill No. 2236, and amendments thereto.

(b) It shall be unlawful for any person to distribute, invest, conceal, transport or maintain an interest in or otherwise make available anything of value which that person knows is intended to be used for the purpose of committing or furthering the commission of any crime in sections 1 through 17 of 2009 House Bill No. 2236, and amendments thereto, *or any substantially similar offense from another jurisdiction.*

(c) It shall be unlawful for any person to direct, plan, organize, initiate, finance, manage, supervise or facilitate the transportation or transfer of proceeds known to be derived from commission of any crime in sections 1 through 17 of 2009 House Bill No. 2236, and amendments thereto, *or any substantially similar offense from another jurisdiction.*

(d) It shall be unlawful for any person to conduct a financial transaction involving proceeds derived from commission of any crime in sections 1 through 17 of 2009 House Bill No. 2236, and amendments thereto, *or any substantially similar offense from another jurisdiction,* when the transaction is designed in whole or in part to conceal or disguise the nature, location, source, ownership or control of the proceeds known to be derived from commission of any crime in sections 1 through 17 of 2009 House Bill No. 2236, and amendments thereto, *or any substantially similar offense from another jurisdiction,* or to avoid a transaction reporting requirement under state or federal law.

(e) (1) Violation of this section is a drug severity level 4 felony if the value of the proceeds is less than \$5,000;

(2) violation of this section is a drug severity level 3 felony if the value of the proceeds is at least \$5,000 but less than \$100,000;

(3) violation of this section shall be a drug severity level 2 felony if the value of the proceeds is at least \$100,000 but less than \$500,000;

(4) violation of this section shall be a drug severity level 1 felony if the value of the proceeds is \$500,000 or more.

Sec. 36. Section 1 of 2009 Senate Substitute for House Bill No. 2126 is hereby repealed.

Sec. 37. On and after July 1, 2009, K.S.A. 16a-6-117, as amended by section 23 of 2009 Senate Bill No. 240, 20-3201, 20-3201, as amended by section 1 of 2009 House Bill No. 2111, 21-3826,

(continued)

as amended by section 1 of 2009 Senate Bill No. 237, 21-3826, as amended by section 27 of 2009 House Bill No. 2236, 65-4142, as amended by section 1 of 2009 House Bill No. 2059, 72-4423, as amended by section 11 of 2009 House Bill No. 2003, and 76-3110, as amended by section 36 of chapter 145 of the 2004 Session Laws of Kansas, and K.S.A. 2008 Supp. 8-126, as amended by section 4 of 2009 Senate Bill No. 275, 8-126, as amended by section 4 of 2009 House Bill No. 2152, 8-1567, as amended by section 5 of 2009 Senate Substitute for House Bill No. 2096, 8-1567, as amended by section 19 of 2009 House Bill No. 2236, 8-2110, as amended by section 1 of 2009 Senate Bill No. 158, 8-2110, as amended by section 3 of 2009 Senate Bill No. 66, 12-1773a, 12-5242, 12-5242a, 12-5242b, 19-101a, 19-101m, 20-367, 20-367, as amended by section 2 of 2009 House Bill No. 2111, 22-3716, 22-3716a, 25-4156, 25-4156a, 25-4169a, 25-4169b, 28-172a, as amended by section 15 of 2009 Senate Bill No. 66, 28-172a, as amended by section 3 of 2009 House Bill No. 2111, 38-2211, 38-2211a, 38-2255, as amended by section 6 of 2009 Senate Bill No. 134, 38-2255, as amended by section 47 of 2009 House Bill No. 2236, 39-756d, 45-221, as amended by section 27 of 2009 House Bill No. 2052, 45-221, as amended by section 2 of 2009 Senate Bill No. 87, 45-229b, 59-104, as amended by section 19 of 2009 Senate

Bill No. 66, 59-104, as amended by section 4 of 2009 House Bill No. 2111, 60-1621, as amended by section 22 of 2009 Senate Bill No. 66, 60-1621, as amended by section 5 of 2009 House Bill No. 2111, 60-2001, as amended by section 23 of 2009 Senate Bill No. 66, 60-2001, as amended by section 6 of 2009 House Bill No. 2111, 60-2102a, 60-2403a, 60-4104, as amended by section 1 of 2009 Substitute for Senate Bill No. 28, 60-4104, as amended by section 51 of 2009 House Bill No. 2236, 61-2704, as amended by section 25 of 2009 Senate Bill No. 66, 61-2704, as amended by section 7 of 2009 House Bill No. 2111, 61-3003a, 61-4001, as amended by section 26 of 2009 Senate Bill No. 66, 61-4001, as amended by section 8 of 2009 House Bill No. 2111, 65-1643, 65-1643b, 65-2878, 65-2878b, 66-2005, 66-2005a, 72-6433c, 72-6448, 72-6448, as amended by section 1 of 2009 House Bill No. 2002, 75-7c04, as amended by section 2 of 2009 House Bill No. 2308, 75-7c04, as amended by section 60 of 2009 House Bill No. 2236, 75-7427, 75-7427a, 76-3110, 79-213, 79-213e, 79-5a27, 79-5a27a, 79-32,117 and 79-32,117m and section 16 of 2009 House Bill No. 2236 are hereby repealed.

Sec. 38. 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 and the 2008 Supplement of the Kansas Administrative Regulations.

AGENCY 3: KANSAS STATE TREASURER

Table with 3 columns: Reg. No., Action, Register. Rows include 3-3-1 Amended (T) V. 27, p. 1091; 3-3-1 Amended V. 27, p. 1517; 3-3-2 New (T) V. 27, p. 1091; 3-3-2 New V. 27, p. 1517

AGENCY 4: DEPARTMENT OF AGRICULTURE

Table with 3 columns: Reg. No., Action, Register. Rows include 4-6-1 New V. 27, p. 1741; 4-6-2 New V. 27, p. 1741; 4-6-3 New V. 27, p. 1741; 4-7-900 Amended V. 27, p. 1022; 4-7-901 Revoked V. 27, p. 1022; 4-7-902 Amended V. 27, p. 1022; 4-7-903 Amended V. 27, p. 1023; 4-7-904 Amended V. 27, p. 1023; 4-13-1 Amended V. 27, p. 186; 4-13-3 Amended V. 27, p. 187; 4-13-9 Amended V. 27, p. 188; 4-13-11 Revoked V. 27, p. 188; 4-13-13 Amended V. 27, p. 188; 4-13-20 Amended V. 27, p. 190; 4-13-21 Amended V. 27, p. 191; 4-13-22 Amended V. 27, p. 191; 4-13-23 Amended V. 27, p. 191; 4-13-24 Amended V. 27, p. 191; 4-13-33 Amended V. 27, p. 191; 4-13-40 Amended V. 27, p. 1023; 4-13-41 Revoked V. 27, p. 1023; 4-13-42 Revoked V. 27, p. 1023; 4-13-60 Amended V. 27, p. 1023; 4-13-61 Revoked V. 27, p. 1023; 4-13-64 Amended V. 27, p. 1023; 4-13-65 Amended V. 27, p. 1024; 4-15-5 Amended V. 28, p. 690; 4-15-11 Amended V. 27, p. 1024; 4-15-12 Revoked V. 27, p. 1024; 4-15-13 Amended V. 27, p. 1024; 4-15-14 Amended V. 27, p. 1024; 4-16-1a Amended V. 27, p. 1741; 4-16-1c Amended V. 27, p. 1742

Table with 3 columns: Reg. No., Action, Register. Rows include 4-16-7a Amended V. 27, p. 1024; 4-16-300 Amended V. 27, p. 1025; 4-16-301 Revoked V. 27, p. 1025; 4-16-302 Amended V. 27, p. 1025; 4-16-303 Amended V. 27, p. 1025; 4-16-304 Amended V. 27, p. 1025; 4-16-305 Amended V. 27, p. 1025; 4-17-300 Amended V. 27, p. 1026; 4-17-301 Revoked V. 27, p. 1026; 4-17-302 Amended V. 27, p. 1026; 4-17-303 Amended V. 27, p. 1026; 4-17-304 Amended V. 27, p. 1026; 4-17-305 Amended V. 27, p. 1027; 4-20-11 Amended V. 27, p. 1027; 4-28-5 Amended V. 27, p. 1742; 4-28-8 through 4-28-16 New V. 27, p. 191-195

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Table with 3 columns: Reg. No., Action, Register. Rows include 5-1-1 Amended V. 27, p. 1549; 5-1-2 Amended V. 27, p. 1553; 5-1-7 Amended V. 27, p. 1553; 5-2-4 New V. 27, p. 1554; 5-3-3 Amended V. 27, p. 1554; 5-3-4 Amended V. 27, p. 1555; 5-3-4a Amended V. 28, p. 241; 5-3-5d Amended V. 27, p. 1555; 5-3-16 Amended V. 27, p. 1555; 5-4-2 New V. 27, p. 1556; 5-5-6c New V. 27, p. 1556; 5-5-13 Amended V. 27, p. 1556; 5-5-14 Amended V. 27, p. 1557; 5-6-2 Amended V. 27, p. 1557; 5-6-5 Amended V. 27, p. 1557; 5-9-1a through 5-9-1d New V. 27, p. 1557, 1558; 5-14-3 Amended V. 28, p. 241; 5-14-3a New V. 28, p. 242; 5-14-10 Amended V. 27, p. 1558; 5-40-24 Amended V. 27, p. 1438; 5-45-1 Amended V. 27, p. 1439; 5-45-4 Amended V. 27, p. 1440; 5-45-19 through 5-45-23 New V. 27, p. 1441, 1442

AGENCY 7: SECRETARY OF STATE

Table with 3 columns: Reg. No., Action, Register. Rows include 7-16-1 Amended V. 27, p. 1548; 7-16-2 Amended V. 27, p. 1548; 7-17-1 Amended V. 27, p. 965; 7-17-4 Amended V. 27, p. 966; 7-17-11 Amended V. 27, p. 966; 7-17-19 Amended V. 27, p. 966; 7-17-21 Amended V. 27, p. 966

Table with 3 columns: Reg. No., Action, Register. Rows include 7-17-22 Amended V. 27, p. 966; 7-17-24 Amended V. 27, p. 967; 7-21-1 Amended V. 27, p. 967; 7-21-2 Amended V. 27, p. 967; 7-21-3 Revoked V. 27, p. 967; 7-21-4 New V. 27, p. 967; 7-23-13 Revoked V. 27, p. 968; 7-37-2 Revoked V. 27, p. 968; 7-38-2 Revoked V. 27, p. 968; 7-41-1 through 7-41-7 Amended V. 28, p. 193-195; 7-41-8 Revoked V. 28, p. 195; 7-41-9 Revoked V. 28, p. 195; 7-41-10 through 7-41-17 Amended V. 28, p. 195, 196; 7-41-18 through 7-41-29 Revoked V. 28, p. 196; 7-41-30 Amended V. 28, p. 196; 7-41-31 Revoked V. 28, p. 196; 7-41-32 Amended V. 28, p. 196; 7-41-33 Amended V. 28, p. 197; 7-41-34 New V. 28, p. 197; 7-41-35 New V. 28, p. 197; 7-45-1 New V. 27, p. 968; 7-45-2 New V. 27, p. 968

AGENCY 11: STATE CONSERVATION COMMISSION

Table with 3 columns: Reg. No., Action, Register. Rows include 11-6-1 through 11-6-6 New V. 27, p. 1633, 1634; 11-12-1 Amended V. 27, p. 1374; 11-12-2 Amended V. 27, p. 1375; 11-12-3 Amended V. 27, p. 1376; 11-12-4 Amended V. 27, p. 1377; 11-12-6 Amended V. 27, p. 1377

AGENCY 14: DEPARTMENT OF REVENUE—DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Table with 3 columns: Reg. No., Action, Register. Rows include 14-8-6 Revoked V. 27, p. 1214; 14-8-7 Amended V. 27, p. 1214; 14-8-8 Revoked V. 27, p. 1214; 14-8-12 Revoked V. 27, p. 1214; 14-17-7 New V. 27, p. 1214

AGENCY 17: OFFICE OF THE STATE BANK COMMISSIONER

Table with 3 columns: Reg. No., Action, Register. Rows include 17-25-1 New V. 27, p. 356

AGENCY 19: GOVERNMENTAL ETHICS COMMISSION

Table with 3 columns: Reg. No., Action, Register. Rows include 19-20-4 Amended V. 27, p. 1020; 19-20-5 New V. 27, p. 1021

19-27-2 Amended V. 27, p. 1021

AGENCY 22: STATE FIRE MARSHAL

Table with columns: Reg. No., Action, Register. Rows include 22-6-1 Amended, 22-6-2 Revoked, 22-6-3 Revoked, 22-6-4 Revoked, 22-6-5 Amended, 22-6-6 Revoked, 22-6-7 Revoked, 22-6-8 Revoked, 22-6-9 Amended, 22-6-12 Amended, 22-6-13 Revoked, 22-6-14 Revoked, 22-6-18 through, 22-6-27 New.

AGENCY 26: DEPARTMENT ON AGING

Table with columns: Reg. No., Action, Register. Rows include 26-39-100 through, 26-39-105 New, 26-39-144 Revoked, 26-39-243 Revoked, 26-39-278 Revoked, 28-39-427 Revoked, 26-41-101 through, 26-41-106 New, 26-41-200 through, 26-41-207 New, 26-42-101 New, 26-42-102 New, 26-42-104 New, 26-42-105 New, 26-42-200 through, 26-42-207 New, 26-44-101 through, 26-44-106 New, 26-43-200 through, 26-43-207 New.

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Table with columns: Reg. No., Action, Register. Rows include 28-1-20 Amended, 28-4-117 Amended, 28-4-120 Amended, 28-4-121 New, 28-4-122 Amended, 28-4-311 Amended, 28-4-312 through, 28-4-317 Revoked, 28-4-430 Amended, 28-4-800 through, 28-4-825 New, 28-16-28g Amended, 28-23-16 Revoked, 28-32-1 Revoked, 28-32-2 Revoked, 28-32-4 Revoked, 28-32-5 Revoked, 28-32-6 Revoked, 28-32-7 Revoked, 28-32-8 through, 28-32-14 New, 28-36-33 through, 28-36-49 Revoked, 28-36-70 through, 28-36-89 New, 28-38-18 Amended, 28-38-19 Amended, 28-38-21 Amended.

Table with columns: Reg. No., Action, Register. Rows include 28-38-22 Amended, 28-38-23 Amended, 28-38-29 Amended, 28-39-145a Revoked, 28-39-146 Revoked, 28-39-147 Revoked, 28-39-148 Revoked, 28-39-164 through, 28-39-168 Amended, 28-39-240 through, 28-39-253 Revoked, 28-39-275 through, 28-39-288 Revoked, 28-39-425 through, 28-39-436 Revoked, 28-53-1 through, 28-53-5 Amended, 28-59-5 Amended, 28-61-11 Amended, 28-70-4 New, 28-73-1 Amended.

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Table with columns: Reg. No., Action, Register. Rows include 30-5-78 Revoked, 30-10-15a Revoked, 30-10-15b Revoked, 30-10-17 Revoked, 30-10-18 Revoked, 30-10-23a Revoked, 30-10-23b Revoked, 30-10-25 Revoked, 30-10-26 Revoked, 30-10-27 Revoked, 30-10-200 Revoked, 30-10-210 Revoked, 30-63-32 New, 30-64-24 Revoked.

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Table with columns: Reg. No., Action, Register. Rows include 40-1-48 Amended, 40-2-28 New, 40-3-30 Amended, 40-3-52 New, 40-4-37v New, 40-4-41 Amended, 40-4-41a through, 40-4-41j Revoked, 40-7-20a Amended.

AGENCY 44: DEPARTMENT OF CORRECTIONS

Table with columns: Reg. No., Action, Register. Rows include 44-6-101 Amended, 44-6-114e Amended, 44-6-115a Amended, 44-6-125 Amended, 44-6-127 through, 44-6-132 New.

AGENCY 49: DEPARTMENT OF LABOR

Table with columns: Reg. No., Action, Register. Rows include 49-45-1 Amended, 49-45-2 Amended, 49-45-3 Amended, 49-45-4 Amended, 49-45-4a Amended, 49-45-5 Amended, 49-45-6 Amended, 49-45-7 Amended, 49-45-8 Amended, 49-45-9 Amended, 49-45-20 Amended, 49-45-28 Amended, 49-45-29 Amended.

Table with columns: Reg. No., Action, Register. Rows include 49-45-29b New, 49-45-31 Amended, 49-45-34 Amended, 49-45-35 Amended, 49-45-37 Amended.

AGENCY 60: BOARD OF NURSING

Table with columns: Reg. No., Action, Register. Rows include 60-1-103 Amended, 60-1-104 Amended, 60-2-101 Amended, 60-2-102 Amended, 60-2-104 Amended, 60-2-105 Amended, 60-2-106 Amended, 60-2-107 Amended, 60-2-108 Amended, 60-3-106 Amended, 60-3-106a Amended, 60-3-113 New, 60-3-114 New, 60-7-111 New, 60-9-105 Amended, 60-9-107 Amended, 60-13-103 Amended, 60-13-104 Amended, 60-15-101 Amended, 60-15-102 Amended, 60-15-104 Amended.

AGENCY 63: BOARD OF MORTUARY ARTS

Table with columns: Reg. No., Action, Register. Rows include 63-2-26 New, 63-4-1 Amended.

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Table with columns: Reg. No., Action, Register. Rows include 66-6-1 Amended, 66-6-4 Amended, 66-10-1 Amended, 66-11-5 Amended, 66-12-1 Amended, 66-14-1 Amended, 66-14-2 Amended, 66-14-3 Amended, 66-14-4 Revoked, 66-14-5 Amended, 66-14-7 Amended.

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Table with columns: Reg. No., Action, Register. Rows include 68-7-12b Amended, 68-7-20 Amended, 68-11-2 Amended, 68-16-3 Amended, 68-18-1 New, 68-18-2 New, 68-18-3 New, 68-19-1 New, 68-20-23 New (T), 68-20-23 New.

AGENCY 69: BOARD OF COSMETOLOGY

Table with columns: Reg. No., Action, Register. Rows include 69-11-1 Amended.

AGENCY 71: KANSAS DENTAL BOARD

Table with columns: Reg. No., Action, Register. Rows include 71-9-1 through, 71-9-4 New, 71-10-1 through, 71-10-4 New.

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Table with columns: Reg. No., Action, Register. Rows include 74-4-7 Amended, 74-4-8 Amended, 74-4-9 Amended, 74-4-10 Amended, 74-5-2 Amended.

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110-20-1 through 110-20-4 New V. 27, p. 1065, 1066

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. A list of regulations filed by the Kansas Lottery from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 Kansas Register. The following regulations were filed after January 1, 2008:

Reg. No.	Action	Register
111-2-211	New	V. 27, p. 992
111-2-212	New	V. 27, p. 1559
111-2-213	New	V. 27, p. 1560
111-2-214 through 111-2-218	New	V. 28, p. 10, 11
111-2-216	Amended	V. 28, p. 383
111-2-217	Amended	V. 28, p. 383
111-2-219 through 111-2-223	New	V. 28, p. 46, 47
111-4-2614	Amended	V. 27, p. 964
111-4-2645 through 111-4-2656	New	V. 27, p. 436-442
111-4-2657 through 111-4-2662	New	V. 27, p. 992-996
111-4-2663	New	V. 27, p. 1489
111-4-2664 through 111-4-2683	New	V. 27, p. 1560-1570
111-4-2680	Amended	V. 28, p. 11
111-4-2684 through 111-4-2702	New	V. 27, p. 1634-1644
111-4-2695	Amended	V. 27, p. 1709
111-4-2703 through 111-4-2710	New	V. 27, p. 1672-1677
111-4-2711 through 111-4-2715	New	V. 27, p. 1677-1680
111-4-2716 through 111-4-2726	New	V. 27, p. 1709-1718
111-4-2727 through 111-4-2744	New	V. 27, p. 1746-1761
111-4-2745 through 111-4-2754	New	V. 28, p. 11-20
111-4-2755 through 111-4-2766	New	V. 28, p. 47-55
111-4-2767 through 111-4-2779	New	V. 28, p. 274-278
111-4-2781	New	V. 28, p. 278
111-4-2782	New	V. 28, p. 279
111-4-2783	New	V. 28, p. 281
111-4-2784	New	V. 28, p. 298
111-4-2785 through 111-4-2790	New	V. 28, p. 342-346
111-4-2791 through 111-4-2799	New	V. 28, p. 383-389
111-4-2800 through 111-4-2814	New	V. 28, p. 516-522
111-5-23 through 111-5-28	Amended	V. 28, p. 299-302
111-5-33	Amended	V. 28, p. 303
111-5-81	Amended	V. 27, p. 1490

111-5-83	Amended	V. 27, p. 1490
111-5-84	Amended	V. 27, p. 1491
111-5-90	Amended	V. 27, p. 1491
111-5-127	Amended	V. 27, p. 442
111-5-128	Amended	V. 27, p. 443
111-5-132	Amended	V. 27, p. 443
111-5-165 through 111-5-169	New	V. 27, p. 1491-1493
111-5-170 through 111-5-174	New	V. 28, p. 347, 348
111-7-80a	Amended	V. 28, p. 282
111-7-223 through 111-7-232	New	V. 27, p. 1493-1495
111-7-223a	New	V. 27, p. 1762
111-7-233 through 111-7-237	New	V. 28, p. 57, 58
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111-9-152	New	V. 27, p. 1762
111-9-153	New	V. 28, p. 20
111-9-154	New	V. 28, p. 21
111-9-155	New	V. 28, p. 22
111-9-156	New	V. 28, p. 390
111-14-4	New	V. 28, p. 22
111-14-5	New	V. 28, p. 23
111-14-6	New	V. 28, p. 24

AGENCY 112: RACING AND GAMING COMMISSION

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112-100-1 through 112-100-7	New	V. 27, p. 1378
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112-103-1 through 112-103-12	New	V. 28, p. 376-382
112-103-15	New	V. 28, p. 382
112-103-16	New	V. 28, p. 382
112-104-1 through 112-104-33	New	V. 27, p. 1378-1406
112-105-1 through 112-105-7	New	V. 27, p. 1406-1408
112-106-1 through 112-106-7	New	V. 27, p. 1408-1411
112-107-1	New	V. 28, p. 424
112-107-2	New	V. 28, p. 424
112-107-3	New	V. 28, p. 424
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112-107-6	New	V. 28, p. 428
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112-107-11	New	V. 28, p. 430
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112-113-1	New	V. 28, p. 382
112-114-1 through 112-114-6	New	V. 28, p. 472
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115-2-3	Amended	V. 27, p. 1264
115-2-3a	Amended	V. 27, p. 1705
115-2-5	Amended	V. 27, p. 1265
115-4-1	Amended	V. 28, p. 569
115-4-4	Amended	V. 27, p. 403
115-4-4a	Amended	V. 27, p. 403
115-4-6	Amended	V. 27, p. 109
115-4-6a	Revoked	V. 27, p. 112
115-4-13	Amended	V. 27, p. 404
115-4-14	Revoked	V. 27, p. 112
115-7-1	Amended	V. 27, p. 1707
115-7-2	Amended	V. 27, p. 1708
115-7-8	Amended	V. 27, p. 405
115-7-9	Amended	V. 27, p. 406
115-8-1	Amended	V. 28, p. 571
115-8-9	Amended	V. 27, p. 1265
115-8-10	Amended	V. 27, p. 1265
115-8-13	Amended	V. 27, p. 112
115-18-7	Amended	V. 27, p. 406
115-18-21	New	V. 27, p. 1708

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117-3-2a	Amended	V. 28, p. 373
117-4-2a	Amended	V. 28, p. 374
117-5-2	Amended	V. 28, p. 374
117-5-2a	Amended	V. 28, p. 375
117-6-1	Amended	V. 27, p. 357
117-7-1	Amended	V. 28, p. 375
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127-2-2	New	V. 28, p. 192
127-2-3	New	V. 28, p. 193

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128-3-1	New	V. 27, p. 362
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129-5-78	New	V. 27, p. 1022
129-5-108	Amended	V. 27, p. 1346

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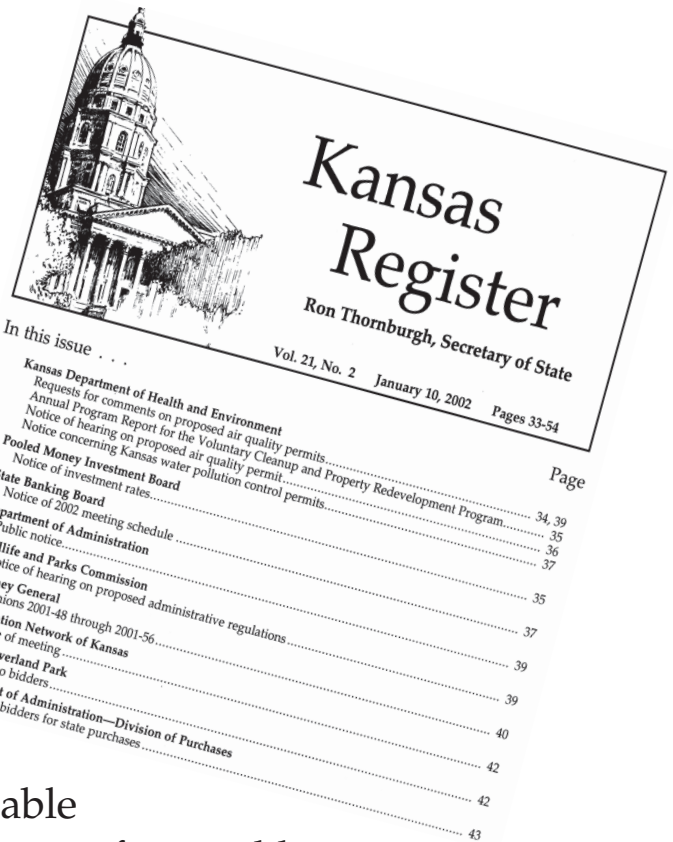
129-10-15a	New	V. 27, p. 1346	129-10-23a	New	V. 27, p. 1353	129-10-27	New	V. 27, p. 1356
129-10-15b	New	V. 27, p. 1348	129-10-23b	New	V. 27, p. 1353	129-10-200	New	V. 27, p. 1356
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