



Kansas Register

Kris W. Kobach, Secretary of State

Vol. 30, No. 22

June 2, 2011

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**State of Kansas
State Employees Health Care Commission**

Notice of Meeting

The Kansas State Employees Health Care Commission will meet at 1:30 p.m. Wednesday, June 15, in the KPERS boardroom, 611 S. Kansas Ave., Topeka. For more information, contact Laurie Knowlton, State Employee Health Plan, at (785) 296-6280.

Dennis Taylor
Chair

Doc. No. 039450

**State of Kansas
Children's Cabinet and Trust Fund**

Notice of Meeting

The Kansas Children's Cabinet and Trust Fund will conduct a meeting from 9:30 a.m. to noon Thursday, June 16, at the SRS Learning Center, Room D, 2600 S.W. East Circle Drive South, Topeka. More information may be obtained from the Cabinet's Web site at www.kschildrens.cabinet.org or by contacting Dyogga Adegboire at (785) 368-7044.

Jim Redmon
Executive Director

Doc. No. 039463

**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 3	Judicial Council	9:00 a.m.	Room 269
June 10	Commission on Judicial Performance	9:30 a.m.	Suite 140-West
June 17	Probate Law	9:30 a.m.	Suite 140-West
June 24	Pattern Instructions for Kansas-Criminal	9:30 a.m.	Court of Appeals Courtroom
July 8	Family Law	9:30 a.m.	Suite 140-West
July 15	Criminal Law	9:30 a.m.	Suite 140-West
July 20	Supreme Court Rules	9:30 a.m.	Fatzer Courtroom
July 22	Lien Law Sub Committee	9:30 a.m.	Suite 140-West
July 22	Pattern Instructions for Kansas-Criminal	9:30 a.m.	Room 269
July 29	Juvenile Offender/Child in Need of Care	9:30 a.m.	Suite 140-West

Hon. Lawton R. Nuss
Chairman

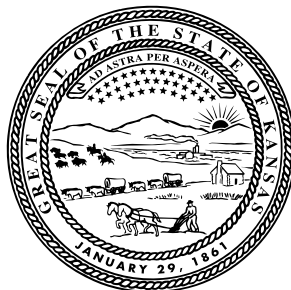
Doc. No. 039454

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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. Wednesday, June 15, in the Senate 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. 039466

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. 2010 Supp. 12-1675(b)(c)(d) and K.S.A. 2010 Supp. 12-1675a(g).

Effective 5-30-11 through 6-5-11

Term	Rate
1-89 days	0.09%
3 months	0.05%
6 months	0.10%
1 year	0.21%
18 months	0.32%
2 years	0.47%

Scott Miller
Director of Investments

Doc. No. 039447

State of Kansas

Secretary of State

Executive Appointments

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. A complete listing of Kansas state agencies, boards and commissions, and county officials are included in the Kansas Directory, which is available on the Secretary of State's Web site at www.kssos.org. The following appointments were recently filed with the Secretary of State:

Jackson County Sheriff

Tim Morse, 24190 J Road, Holton, 66436. Succeeds Charles Cornell, resigned.

Advisory Council on Aging

Carlton B. McNair, 12024 England, Overland Park, 66213. Term expires March 24, 2013. Succeeds Irv Hoffman.

State Civil Service Board

Phillis Setchell, 3813 S.E. 33rd St., Topeka, 66605. Term expires March 15, 2015.

State Corporation Commission

Mark Sievers, 1500 S.W. Arrowhead Road, Topeka, 66604. Term expires March 15, 2015. Succeeds Joseph Harkins.

Kansas Credit Union Council

John D. Beverlin, 12945 Wild Rose Lane, Olathe, 66061. Term expires March 15, 2014. Succeeds Cheryl Bonner.

Kansas Dental Board

Dr. Charles Squire, 14909 Castle Drive, Wichita, 67230. Term expires April 30, 2015. Succeeds Dr. Karen Callanan.

Kansas Development Finance Authority

Donald Linville, 1504 Grandview East, Garden City, 67846. Term expires Jan. 15, 2015.

Employment Security Board of Review

Patricia Bossert, 3620 S.W. Chelsea Drive, Topeka, 66614. Term expires March 15, 2014.

Wayne Maichel, 5322 N.W. Melba Drive Court, Topeka, 66618. Term expires March 15, 2015.

State Gaming Agency

Mark Dodd, Executive Director, 420 S.E. 6th St., Suite 3000, Topeka, 66607. Serves at the pleasure of the Governor.

**Kansas Hispanic and Latino
American Affairs Commission**

Adrienne Foster, Executive Director, Room 100, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612. Serves at the pleasure of the Governor.

Kansas State Librarian

Joanne Budler, Kansas State Library, Room 169-W, State Capitol, 300 S.W. 10th Ave., Topeka, 66612. Serves at the pleasure of the Governor. Reappointed.

Pooled Money Investment Board

Robert Chestnut, 1105 Oak Tree Drive, Lawrence, 66049. Term expires March 15, 2012. Succeeds Thomas Thull, resigned.

**Kansas Public Employees Retirement System
Board of Trustees**

Terry Matlack, 7225 Brockway, Shawnee, 66227. Term expires Jan. 15, 2015. Succeeds Tamla Edwards.

Kansas Racing and Gaming Commission

Rick Petersen-Klein, Executive Director, Suite 420, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603. Serves at the pleasure of the Governor.

**Kansas Sports Hall of Fame
Board of Trustees**

Ken Berry, 1131 S.W. Camden Lane, Topeka, 66604. Term expires April 30, 2014. Succeeds William Moore.

Kansas Volunteer Commission

Linda Caton, 3530 N. Lake Ridge Court, Wichita, 67205. Term expires March 24, 2014. Reappointed.

Travis Couture-Lovelady, 430 Yorkshire Road, Topeka, 66606. Term expires March 24, 2014. Succeeds Aaron Otto.

Jolene Niernberger, 605 Washington, Ellis, 67637. Term expires March 24, 2014. Reappointed.

Secretary of Wildlife and Parks

Robin Jennison, 1020 S. Kansas Ave., Suite 200, Topeka, 66612. Serves at the pleasure of the Governor. Succeeds J. Michael Hayden.

Kris W. Kobach
Secretary of State

Doc. No. 039441

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, 2011 through June 30, 2011, is 12 percent.

Kris W. Kobach
Secretary of State

Doc. No. 039448

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, 2011 through June 30, 2011, is 5.85 percent.

Kris W. Kobach
Secretary of State

Doc. No. 039449

State of Kansas

Board of Regents Universities

Notice to Bidders

The universities of the Kansas Board of Regents encourage interested vendors to visit the various universities' purchasing offices' Web sites for a listing of all transactions, including construction projects, for which the universities' purchasing offices, or one of the consortia commonly utilized by the universities, are seeking information, competitive bids or proposals. The referenced construction projects may include project delivery construction procurement act projects pursuant to K.S.A. 76-7,125 et seq.

Emporia State University – Bid postings: www.emporia.edu/busaff/purchasing/vendor-procedures.htm. Additional contact info: phone: 620-341-5145, fax: 620-341-5073, e-mail: thouse@emporia.edu. Mailing address: Emporia State University, Controller's Office/Purchasing, Campus Box 4021, 1200 Commercial, Emporia, KS 66801.

Fort Hays State University – Bid postings: www.fhsu.edu/bids. Additional contact info: phone: 785-628-4251, fax: 785-628-4046, e-mail: purchasing@fhsu.edu. Mailing address: Fort Hays State Purchasing Office, 601 Park St., 318 Sheridan Hall, Hays, KS 67601.

Kansas State University – Bid postings: www.k-state.edu/purchasing/rfq. Additional contact info: phone: 785-532-6214, fax: 785-532-5577, e-mail: kspurch@k-state.edu. Mailing address: Controller's Office/Purchasing, 21 Anderson Hall, Kansas State University, Manhattan, KS 66506.

Pittsburg State University – Bid postings: www.pittstate.edu/office/purchasing. Additional contact info: phone: 620-235-4169, fax: 620-235-4166, e-mail: jensch@pittstate.edu. Mailing address:

Pittsburg State University, Purchasing Office, 1701 S. Broadway, Pittsburg, KS 66762-7549.

University of Kansas – Electronic bid postings: <http://www.purchasing.ku.edu/>. Paper bid postings and mailing address: KU Purchasing Services, 1246 W. Campus Road, Room 30, Lawrence, KS 66045. Additional contact info: phone: 785-864-5800, fax: 785-864-3454, e-mail: purchasing@ku.edu.

University of Kansas Medical Center – Bid postings: <http://www2.kumc.edu/finance/purchasing/bids.html>. Additional contact info: phone: 913-588-1100, fax: 913-588-1102. Mailing address: University of Kansas Medical Center, Purchasing Department, Mail Stop 2034, 3901 Rainbow Blvd., Kansas City, KS 66160.

Wichita State University – Bid postings: www.wichita.edu/purchasing. Additional contact info: phone: 316-978-3080, fax: 316-978-3528. Mailing address: Wichita State University, Office of Purchasing, 1845 Fairmount Ave., Campus Box 12, Wichita, KS 67260-0012.

Barry Swanson
Chair of Regents Purchasing Group
Chief Procurement Officer
University of Kansas

Doc. No. 038494

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:

06/14/2011	EVT0000687	Bituminous Plant Mixture, Dodge City, Garden City
06/14/2011	EVT0000704	Vehicle Maintenance Service, Topeka
06/15/2011	EVT0000683	Dietician Services
06/15/2011	EVT0000688	Mill/Overlay Pavement, Norton
06/16/2011	EVT0000659	Germicidal Detergent
06/20/2011	EVT0000690	Rest Area Maintenance — District 4
06/22/2011	EVT0000686	Dentistry Services
06/27/2011	EVT0000698	Insurance, Automobile Liability
06/30/2011	EVT0000695	Production of Kansas Visitor Guide

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>

Chris Howe
Director of Purchases

Doc. No. 039467

State of Kansas

Attorney General

Opinion 2011-8

State Departments; Public Officers and Employees—Social and Rehabilitation Services—Purchase of Products and Services of Nonprofit Entities for Blind and Disabled Persons; Purchase of Services by Unified School Districts.

Schools—School Unification Acts—School District Expenditures over \$20,000; Requirements Relating to Bids and Bidders; Exemptions; Purchase of Services by Unified School Districts; April 16, 2011.

Synopsis: The determination of whether the exemption found in K.S.A. 2010 Supp. 75-3319(d) and 75-3321 of the State Use Law (SUL) applies when a Unified School District (USD) combines the purchase of a product with the purchase of services associated with that product is a question of fact, not law. Similarly, the determination of whether the specification provision in K.S.A. 2010 Supp. 75-3319(a) of the SUL applies when a USD requires a vendor to provide certain services associated with a purchased product is a question of fact, not law. Nevertheless, a USD cannot evade the SUL by merely combining the purchase of a product with the purchase of a service associated with the purchased product (such as delivery, installation, and maintenance) that the SUL vendor does not provide. Cited herein: K.S.A. 2010 Supp. 72-6760, 75-3317, 75-3319, 75-3320, 75-3321, 75-3322, 75-3322c, K.S.A. 75-3737a, K.S.A. 2010 Supp. 75-3738, 75-3739, 75-3740. JLA

Opinion 2011-9

Courts—District Courts—County Commissioners Responsible for Certain Expenses of District Court Operations; Court-Appointed Interpreter; Responsibility for Costs.

State Departments; Public Officers and Employees—Public Officers and Employees; Interpreters for Deaf, Hard of Hearing, Speech Impaired and Other Than English Speaking Persons—Court-Appointed Interpreter; Responsibility for Costs.

Criminal Procedure—Aid to Indigent Defendants—Court-Appointed Interpreter; Responsibility for Costs; April 26, 2011.

Synopsis: The cost for an interpreter appointed by a district court for services performed during court proceedings is the responsibility of the county as an expense for the operation of the district court, while the cost for an interpreter authorized by a district court as a necessary defense expense is the responsibility of the Board of Indigents' Defense Services. Cited herein: K.S.A. 20-348; 22-4501; 22-4508; 22-4522; 75-4351; 75-4352; K.A.R. 105-7-6. CN

Opinion 2011-10

Automobiles and Other Vehicles—Drivers' Licenses; Uniform Commercial Driver's License Act—Commercial Driver's Licenses; Diversion Agreements Not Allowed; Plea Agreements; May 20, 2011.

Synopsis: A person who drives a commercial vehicle, as well as a person who holds a commercial driver's license, may not enter into a diversion agreement that would prevent such person's conviction for any violation, in any type of motor vehicle, of any traffic control law, except a parking violation, from appearing on the person's record. Plea negotiations or charging amendments that result in convictions for lesser or fewer traffic infractions or offenses originally charged are not precluded. Cited herein: K.S.A. 2003 Supp. 8-2,128; K.S.A. 2010 Supp. 8-2,144; 8-2,150; 8-1567. CN

Derek Schmidt
Attorney General

Doc. No. 039452

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 22 and then publicly opened:

District One — Northeast

- Lyon**—99-56 KA 0012-01 — Grading (State Funds)
- Douglas**—59-23 KA 1591-01 — Bridge Repair and Silica Fume Overlay (State Funds)
- Douglas**—40-23 KA 1593-01 — Bridge Repair and Silica Fume Overlay (State Funds)
- Lyon**—99-56 KA 1606-01 — Bridge Repair and Polymer Overlay (State Funds)
- Shawnee**—75-89 KA 2361-01 — Pavement Marking, 5.63 miles (Federal Funds)
- Wabaunsee**—70-99 KA 2376-01 — Pavement Marking, 18.521 miles (Federal Funds)
- Shawnee**—70-89 KA 2377-01 — Pavement Marking, 5 miles (Federal Funds)
- Atchison**—3 U 2294-01 — Grading and Surfacing, 0.017 mile (State Funds)
- Osage-Leavenworth-Shawnee-Wabaunsee-Atchison-Jackson-Johnson-Douglas-Lyon-Wyandotte**—106 KA 2199-01 — Mudjacking (State Funds)

District Two — Northcentral

- Mitchell**—24-62 KA 1611-01 — Bridge Repair and Silica Fume Overlay (State Funds)
- Republic**—148-79 KA 1617-01 — Bridge Repair (State Funds)
- Republic**—148-79 KA 2148-01 — Bridge Repair (State Funds)

District Three — Northwest

- Decatur**—20 C 4361-01 — Grading and Bridge, 0.114 mile (Federal Funds)

District Four — Southeast

- Bourbon**—69-6 KA 2355-01 — Bridge Repair (State Funds)

(continued)

Miami-Franklin—68-106 KA 2354-01 — Crack Repair (Asphalt), 12.1 miles (State Funds)

Franklin-Douglas—33-106 KA 2358-01 — Crack Repair and Asphalt Seal, 10.43 miles (State Funds)

District Five — Southcentral

Reno—50-78 K 7409-02 — Grading, Surfacing and Bridge, 2.869 miles (Federal Funds)

Volume 1 — 50-78 K 7409-02 — Roadway Drainage

Volume 2 — 50-78 K 7409-02 — Bridges, Fencing, Erosion Control, Lighting, Signing and Pavement Marking

Volume 3 — 50-78 K 7409-02 — Sequence of Construction and Traffic Control

Volume 4 — 50-78 K 7409-02 — X-Sections

Sumner—55-96 KA 1630-01 — Bridge Repair and Silica Fume Overlay (State Funds)

Sumner—15-96 KA 1631-01 — Bridge Repair and Polymer Overlay (State Funds)

Sedgwick—54-87 KA 1856-01 — Lighting (Federal Funds)

Reno—96-78 KA 2113-01 — Bridge Repair (State Funds)

Sedgwick—235-87 KA 2272-01 — Bridge Repair and Polymer Overlay (State Funds)

Cowley—77-18 KA 2273-01 — Bridge Repair (State Funds)

Sedgwick—235-87 KA 2345-01 — Concrete Pavement Patching, 15.576 miles (State Funds)

District Six — Southwest

Ford—29 C 4330-01 — Grading and Surfacing, 0.932 mile (State Funds)

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

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

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

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

Deb Miller
Secretary of Transportation

Doc. No. 039440

State of Kansas

Office of the Governor

Executive Order 11-09

Conditional and Temporary Relief from Motor Carrier Rules and Regulations

WHEREAS, severe storms accompanied by flooding, large hail, lightning and tornadoes occurred in the State of Missouri, it is necessary to assist and expedite all effort of disaster relief; and

WHEREAS, these extreme weather conditions and the resulting destruction of property, interruption of essential human services, and potential dangers to and loss of human life, require and will continue to require a massive public and private response to provide immediate emergency assistance and continuing emergency relief to individual persons, businesses, and governmental units in need of transportation for food, supplies, tools, equipment, medicine, fuel and public and private health care, law enforcement, security services, public utility services, sanitation and waste disposal, cleanup of debris, property restoration and reconstruction and other necessities, which threatens to overload the available transportation systems to, from, and within the states of Kansas and Missouri; and

WHEREAS, other states have issued executive orders on this topic to provide support to the citizens of Missouri.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby acknowledge a state of emergency exists in the state of Missouri, and it is necessary to assist and expedite all disaster recovery efforts. In order to accommodate this need and to provide assistance to the citizens and government of Missouri in this extreme situation, I hereby order the temporary suspension of the following as they apply to motor vehicles in the support of efforts:

1. Participating motor carriers must still obtain the requisite over-dimension/overweight permits as required by the Kansas Department of Transportation prior to operating; however, the fees associated with these permits are temporarily waived. Additionally, motor carriers and persons participating in restoration and recovery efforts will receive priority service and may operate during low visibility, night, holiday and curfew hours if the carriers and/or driver use clearance lights and/or escort vehicles.
2. In accordance with Title 49 C.F.R. § 390.23, the requirements contained in the Federal Motor Carrier Safety Regulations, Title 49 C.F.R. Parts 390-399 are hereby suspended through the duration of the motor carrier's assistance in the disaster relief effort not to exceed a period of thirty (30) days from the date of the initial declaration unless the order is rescinded or expanded by executive order or concurrent resolution of the legislature; and
3. The registration and fuel tax permits as enforced by the Kansas Department of Revenue are temporarily suspended; and
4. May benefit from the waiver while under load and when returning either empty or with loads directly related to the emergency.

FURTHER, I direct that this executive order shall become effective at 6:00 p.m. May 23, 2011, and shall continue in effect until June 22, 2011.

Executed this 24rd day of May, 2011, this document shall be filed with the Secretary of State as Executive Order No. 11-09.

Sam Brownback
Governor

Doc. No. 039464

(Published in the Kansas Register June 2, 2011.)

Summary Notice of Bond Sale
City of Leavenworth, Kansas
\$4,235,000*
General Obligation Bonds
Series 2011-A
(General obligation bonds payable from
unlimited ad valorem taxes)

Bids

Subject to the Official Notice of Bond Sale and Preliminary Official Statement dated May 31, 2011, sealed, facsimile and electronic bids will be received by the city clerk of the city of Leavenworth, Kansas (the city or the issuer), on behalf of the governing body of the city, in the case of sealed bids, at City Hall, 100 N. 5th, Leavenworth, KS 66048, via facsimile at (913) 682-3874, and in the case of electronic bids, via BIDCOMP/PARITY electronic bid submission system, until 11 a.m. Tuesday, June 14, 2011, for the purchase of \$4,235,000* principal amount of General Obligation Bonds, Series 2011-A. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of principal of and interest on the bonds will be made. Individual purchases of bonds will be made in book-entry form only. Purchasers will not receive certificates representing their interest in bonds purchased. The bonds will be dated June 15, 2011, and will become due on September 1 in the years as follows:

Year	Principal Amount*
2012	\$275,000
2013	300,000
2014	305,000
2015	310,000
2016	320,000
2017	325,000
2018	335,000
2019	345,000
2020	355,000
2021	370,000
2022	185,000
2023	190,000
2024	200,000

2025	205,000
2026	215,000

The bonds will be subject to mandatory and optional redemption prior to maturity as provided in the Official Notice of Bond Sale.

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2012.

Paying Agent and Bond Registrar

The Kansas State Treasurer, Topeka, Kansas, will be the paying agent and bond registrar.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States, a wire transfer or a qualified financial surety bond in the amount of \$84,700 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered to the facilities of the Depository Trust Company, New York, New York, without cost to the successful bidder within 45 days after the date of sale.

Assessed Valuation and Indebtedness

The total assessed valuation of taxable tangible property in the city for the year 2010 is \$228,219,827. The total general obligation indebtedness of the issuer, following the concurrent issuance of the bonds and the issuer's Temporary Notes, Series A2011, in the aggregate principal amount of \$1,680,000, is \$30,865,000 (which excludes temporary notes outstanding in the principal amount of \$3,995,000, which will be retired out of the proceeds of the bonds).

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the city clerk, (913) 682-9201, or from the city's financial advisor, Piper Jaffray & Co., 11150 Overbrook Road, Suite 310, Leawood, KS 66211-2298, (913) 345-3374, Attn: Greg Vahrenberg.

Dated May 31, 2011.

City of Leavenworth, Kansas
Karen J. Logan, City Clerk
City Hall
100 N. 5th St.
Leavenworth, KS 66048

*Subject to change.

Doc. No. 039451

(Published in the Kansas Register June 2, 2011.)

Heartland Works, Inc.**Invitation for Bids**

Heartland Works, Inc. is accepting bids for the purchase of legal services. To receive an Invitation for Bid, including all specifications, contact the Heartland Works office at 5020 S.W. 28th St., Suite 100, Topeka, 66614-2348, (785) 234-0500. Bids must be received not later than 3 p.m. June 23. Heartland Works, Inc. welcomes all interested attorneys or law firms to bid.

Kristine Kitchen
Executive Director

Doc. No. 039457

(Published in the Kansas Register June 2, 2011.)

Norton County, Kansas**Notice of Intent to Seek Private Placement
Hospital Revenue Bonds, Series 2011B**

Notice is hereby given that Norton County, 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 \$1,040,000. 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 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 June 6, 2011.

Robert D. Wyatt
County Clerk

Doc. No. 039465

(Published in the Kansas Register June 2, 2011.)

**Summary Notice of Note Sale
City of Pittsburg, Kansas
\$1,230,000
Temporary Notes
Series 2011A**

**(Temporary notes payable from
unlimited ad valorem taxes)**

Bids

Subject to the Official Notice of Note Sale and Official Statement dated May 31, 2011, sealed, facsimile and electronic bids will be received on behalf of the city clerk of the city of Pittsburg, Kansas (the issuer), at the offices of Springsted Incorporated, 380 Jackson St., Suite 300, St. Paul, MN 55101, by delivery or via facsimile at (651) 223-3046, or in the case of electronic proposals, via BIDCOMP/PARITY electronic bid submission system, until 11 a.m. C.D.T. Tuesday, June 14, 2011, for the purchase of \$1,230,000 principal amount of Temporary Notes, Series 2011A. No bid of less than 99.50 percent of the aggregate principal amount of the notes and accrued interest thereon to the date of delivery will be considered, and no supplemental interest payments will be considered.

Note Details

The notes will consist of fully registered notes in the denomination of \$5,000 or any integral multiple thereof. The notes will initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of principal of and interest on the notes will be made. Individual purchases of notes will be made in book-entry form only. Purchasers will not receive certificates representing their interest in notes purchased. The notes will be dated July 1, 2011, and will become due July 1, 2012.

The notes will be subject to optional redemption prior to maturity in whole or in part at any time upon 30 days prior written notice of redemption.

The notes will bear interest from the date thereof at rates to be determined when the notes are sold as hereinafter provided, which interest will be payable at maturity on July 1, 2012.

Paying Agent and Bond Registrar

The Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or a certified check drawn on a bank located in the United States, a qualified financial surety bond or wire transfer in the amount of \$12,300 (1 percent of the principal amount of the notes).

Delivery

The issuer will pay for printing the notes and will deliver the same properly prepared, executed and registered to the facilities of the Depository Trust Company, New York, New York, without cost to the successful bidder within 45 days after the date of sale.

Assessed Valuation and Indebtedness

The total assessed valuation of taxable tangible property in the city for the year 2010 is \$121,257,084. The total general obligation indebtedness of the issuer as of the date of the notes is \$23,440,000.

Approval of Notes

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

Additional Information

Additional information regarding the notes may be obtained from the city clerk at (620) 231-4100 or from the city's financial advisor, Springsted Incorporated of St. Paul, Minnesota, at (651) 223-3000.

Dated May 31, 2011.

City of Pittsburg, Kansas
Tammy Nagel, City Clerk
City Hall
201 W. 4th St.
Pittsburg, KS 66762

Doc. No. 039455

State of Kansas

Court of Tax Appeals

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 10 a.m. Thursday, August 4, in Room 451, Hearing Room A, Docking State Office Building, 915 S.W. Harrison, Topeka, to consider adoption of proposed regulations of the Kansas Court of Tax Appeals. The changes are proposed for adoption on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to Kansas Court of Tax Appeals, Room 451, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1505, or by e-mail to maildesk@cota.ks.gov. All interested parties will be given a reasonable opportunity to present their views either orally or in writing, or both, concerning the adoption of the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Jody Allen at (785) 296-2388. Parking for individuals with disabilities is located on Harrison Street on the east side of the Docking State Office Building. The east entrance to the Docking State Office Building is accessible to individuals with disabilities.

Copies of the proposed regulations and the economic impact statement can be viewed at <http://www.kansas.gov/cota>. A brief summary of the proposed regulations and the economic impact follows:

K.A.R. 94-3-2. Filing, fees and form. This revised regulation clarifies the court's time frame for the paying of filing fees. No economic impact is anticipated.

K.A.R. 94-5-8. Filing fees. This revised regulation revises the filing fee schedule for court filings. The increased fees set forth in this regulation are necessary because of recent shifts in the court's funding balance away from state general funding and to user-fee funding. There should be little appreciable economic impact on other state or local government agencies. However, private individuals and businesses will be affected by increased filing fees.

Janis K. Lee
Chief Hearing Officer

Doc. No. 039453

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-11-087/091
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
McMahan Feedlot Mitch McMahan 971 22nd Road Clay Center, KS 67432	SE/4 of Section 16, T07S, R02E, Clay County	Lower Republican River Basin

Kansas Permit No. A-LRCY-B010

This permit is being reissued for a confined animal feeding operation for 500 head (500 animal units) of cattle weighing more than 700 pounds. This represents an animal type change and an increase in permitted animal units from the previous permit. Three cattle pens will drain to proposed vegetative buffers. The existing swine facility has been cleaned and dismantled.

Name and Address of Applicant	Legal Description	Receiving Water
Nelson Schwartz Schwartz Feeders 154 N. Gage Road Dighton, KS 67839	SE/4 of Section 18, T18S, R29W, Lane County	Upper Arkansas River Basin

Kansas Permit No. A-UALE-B006

This permit is being reissued for a confined animal feeding operation for 950 head (950 animal units) of beef cattle weighing greater than 700 pounds. The permit contains modifications reflecting the current operation and dimensions of the wastewater control system. There is no change in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Double D Hogs, Inc. Jeff Dohrman 2425 4th Road Bushton, KS 67427	NE/4 of Section 33 & NW/4 of Section 34, T17S, R10W, Ellsworth County	Lower Arkansas River Basin

Kansas Permit No. A-AREW-S001

This permit is being reissued for an existing facility with a maximum capacity of 2,040 head (816 animal units) of swine more than 55 pounds and 1,050 head (105 animal units) of swine 55 pounds or

(continued)

less, for a total of 3,090 head (921 animal units) of swine. There is no change in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Dean Stous 21085 O Road Holton, KS 66436	NE/4 of Section 19, T07S, R15E, Jackson County	Kansas River Basin

Kansas Permit No. A-KSJA-S011

This is a renewal permit for an existing facility with a maximum of 130 head (130 animal units) of beef cattle greater than 700 pounds and 120 head (60 animal units) of beef cattle 700 pounds or less, for a total of 190 animal units.

Name and Address of Applicant	Legal Description	Receiving Water
Gary D. Barcher 375 Y Road Esbon, KS 66941	SW/4 of Section 28, T01S, R10W, Jewell County	Lower Republican River Basin

Kansas Permit No. A-LRJW-B004

This permit is being reissued for an existing facility with a maximum capacity of 600 head (600 animal units) of cattle more than 700 pounds. There is no change in the permitted animal units from the previous permit cycle.

Public Notice No. KS-Q-11-038/044

The requirements of the draft permits public noticed below 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
APAC - Kansas P.O. Box 23910 Overland Park, KS 66283	Mill Creek via Hayes Creek	Pit Dewatering & Stormwater Runoff
Kansas Permit No. I-KS27-PO27		Federal Permit No. KS0086932
Legal Description: W½, S1, T12S, R23E, Johnson County		

Facility Description: The proposed action consists of reissuing an existing permit for discharge of wastewater during quarry operations. This facility is engaged in a limestone quarry operation with no rock washing. Outfalls 001 and 002 consist of stormwater runoff and pit water. Domestic wastes are directed to a Johnson County wastewater treatment plant for treatment. The proposed permit contains generic water-quality language to protect waters of the state.

Name and Address of Applicant	Receiving Stream	Type of Discharge
N.R. Hamm Quarry, Inc. P.O. Box 17 Perry, KS 66073	Kansas River via Stranger Creek via Rock Creek	Pit Dewatering & Stormwater Runoff
Kansas Permit No. I-KS96-PO01		Federal Permit No. KS0117358
Legal Description: SE¼, S2, T9S, R21E, Leavenworth County		

Facility Name: #17 Leavenworth Quarry

Facility Description: The proposed action consists of reissuing an existing permit for discharge of wastewater during quarry operations. This is a limestone quarrying and crushing operation with some washing. Outfall 001A1 consists of discharges from the final settling pond. The proposed permit contains limits for total suspended solids and includes generic water-quality language to protect waters of the state.

Name and Address of Applicant	Receiving Stream	Type of Discharge
N.R. Hamm Quarry, Inc. P.O. Box 17 Perry, KS 66073	Stranger Creek via Crooked Creek via Moody Creek via Unnamed Tributary	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-KS50-PO01

Federal Permit No. KS0081604

Legal Description: E½, SW¼, S32, T7S, R20E, Jefferson County

Facility Name: Mooney/Shrick Quarry #83

Facility Description: The proposed action consists of reissuing an existing permit for discharge of wastewater during quarry operations. This is a limestone quarrying and crushing operation with no washing. Outfall 001A1 and Outfall 002A1 consist of stormwater runoff. The proposed permit includes generic water-quality language to protect waters of the state.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Martin Marietta Aggregates 11900 W. 87th St. Parkway Suite 200 Lenexa, KS 66215	Fall River via Spring Creek via Unnamed Tributary	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-VE16-PO04

Federal Permit No. KS0095311

Legal Description: NW¼, S13, T26S, R9E, Greenwood County

Facility Name: Eureka Quarry

Facility Description: The proposed action consists of reissuing an existing permit for discharge of wastewater during quarry operations. This facility is engaged in a limestone crushing operation with no washing. Outfall 001A1 consists of pit dewatering and stormwater runoff. A discharge no longer occurs from Outfall 002A1. The proposed permit includes generic water-quality language to protect waters of the state.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Midwest Minerals, Inc. P.O. Box 412 Pittsburg, KS 66762	Labette Creek via Bachelors Creek County Road Ditch	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-NE55-PO01

Federal Permit No. KS0115525

Legal Description: NW¼, S12 and SE¼, S1, T32S, R19E, Labette County

Facility Name: Parsons Quarry #3

Facility Description: The proposed action consists of reissuing an existing permit for discharge of wastewater during quarry operations. This is a limestone quarrying and crushing operation with no washing. Outfalls 001A1 and 002A1 consist of pit dewatering and stormwater runoff. The proposed permit includes generic water-quality language to protect waters of the state.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Midwest Minerals P.O. Box 412 Pittsburg, KS 66762	Elk City Reservoir via Elk River via Unnamed Tributary	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-VE14-PO01

Federal Permit No. KS0115461

Legal Description: SE¼, S18, T32S, R14E, Montgomery County

Facility Name: Quarry #23

Facility Description: The proposed action consists of reissuing an existing permit for discharge of wastewater during quarry operations. This is a limestone quarrying and crushing operation with no washing. Outfall 001A1 consists of pit dewatering and stormwater that is pumped from a settling pond before discharge. The proposed permit includes generic water-quality language to protect waters of the state.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Whitaker Company 121- 2600 Road Savonburg, KS 66772	Caney River via South Cedar Creek	Pit Dewatering and Stormwater Runoff

Kansas Permit No. I-VE05-PO01

Federal Permit No. KS0085332

Legal Description: W½, S7 and E½ & SW¼, S12, T34S, R8E, Cowley County

Facility Description: The proposed action consists of reissuing an existing permit for discharge of wastewater during quarry operations. This facility is a limestone quarrying and crushing operation, which occasionally washes rock. Outfall 001A1 consists of pit dewatering and stormwater runoff that is pumped from a sedimentation pond. Outfall 002A1 consists of stormwater runoff and treated washwater. The proposed permit contains limits for total suspended solids and includes generic water-quality language to protect waters of the state.

Public Notice No. KS-EG-11-008/009

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

Name and Address of Applicant

Lakin, City of
121 N. Main
Lakin, KS 67870

Facility Location: Lakin, Kansas

Well and

Permit Number Location

#1 / KS-05-093-002 SE¼, S16, T24S, R36W, Kearny County

Facility Description: The proposed action is to issue a new Class V Non-Hazardous Waste Injection Well permit. The injection fluids consist of nonhazardous liquid waste generated by a drinking water treatment facility consisting of residuals from nanofiltration. Disposal is by gravity flow. Injection is to be made into the Arbuckle formation, consisting of Upper Cambrian and Lower Ordovician deposits, from a depth of 6,425 feet to a top depth of approximately 5,720 feet. The estimated maximum rate of injection to this disposal well is 300,000 gallons per day. All construction, monitoring and operation of this well will meet the requirements that apply to Class V Non-Hazardous Waste Disposal Wells under the Kansas UIC regulations, K.A.R. 28-46-1 through 28-46-42 and K.A.R. 28-30-1 through K.A.R. 28-30-10.

Name and Address of Applicant

Mid-Continent Fractionation and Storage, LLC
1372 7th Ave.
McPherson, KS 67460

Facility Location: Mitchell, Kansas

Well and

Permit Number Location

#2 / KS-01-159-008 S26, T19S, R7W, Rice County

#3 / KS-01-159-009 S26, T19S, R7W, Rice County

Facility Description: The proposed action is to issue two new Class I Injection Well permits. The injection fluids are described as near saturated waste brines from the underground hydrocarbon storage operation. Disposal is by gravity flow. Injection is to be made into the Arbuckle formation from a depth of 4,280 feet to a top depth of approximately 3,690 feet. The estimated maximum rate of injection to these disposal wells is 2,000,000 gallons per day. All construction, monitoring and operation of the wells will meet the requirements that apply to Class I Injection Wells under the Kansas UIC regulations, K.A.R. 28-46-1 through 28-46-44.

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 2 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-11-087/091, KS-Q-11-038/044, KS-EG-11-008/009) 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.

Robert Moser, M.D.
Secretary of Health
and Environment

Doc. No. 039456

State of Kansas

Secretary of State

Certification of New State Laws

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

Kris W. Kobach
Secretary of State

(Published in the Kansas Register June 2, 2011.)

SENATE BILL No. 61

AN ACT concerning taxation; relating to income tax credits, individual development accounts, contribution amounts; tax information, disclosure to state treasurer in certain circumstances, unclaimed property; amending K.S.A. 2010 Supp. 74-50,208 and 79-3234 and repealing the existing sections.

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

Section 1. K.S.A. 2010 Supp. 74-50,208 is hereby amended to read as follows: 74-50,208. (a) A program contributor shall be allowed a credit against state income tax imposed under the Kansas income tax act in an amount not to exceed 50% 75% of the contribution amount. If the amount of the credit allowed by this section exceeds the taxpayer's income tax liability imposed under the Kansas income tax act, such excess amount shall be refunded to the taxpayer. No credit pursuant to this section shall be allowed for any contribution made by a program contributor which also qualified for a community services tax credit pursuant to the provisions of K.S.A. 79-32,195 et seq., and amendments thereto.

(b) The administration of the community-based organization, with the cooperation of the participating financial institutions, shall submit the names of contributors and the total amount each contributor contributes to the individual development account reserve fund for the calendar year. The secretary of revenue shall determine the date by which such information shall be submitted to the department of revenue by the local administrator.

(continued)

(c) The total tax credits authorized pursuant to this section shall not exceed \$500,000 in any fiscal year.

(d) The provisions of this section shall be applicable to all taxable years commencing after December 31, ~~2004~~ 2010.

Sec. 2. K.S.A. 2010 Supp. 79-3234 is hereby amended to read as follows: 79-3234. (a) All reports and returns required by this act shall be preserved for three years and thereafter until the director orders them to be destroyed.

(b) Except in accordance with proper judicial order, or as provided in subsection (c) or in K.S.A. 17-7511, subsection (g) of K.S.A. 46-1106, K.S.A. 46-1114, or K.S.A. 79-32,153a, and amendments thereto, it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer, employee or former employee of the department of revenue or any other state officer or employee or former state officer or employee to divulge, or to make known in any way, the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information required under this act; and it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer or employee engaged in the administration of this act to engage in the business or profession of tax accounting or to accept employment, with or without consideration, from any person, firm or corporation for the purpose, directly or indirectly, of preparing tax returns or reports required by the laws of the state of Kansas, by any other state or by the United States government, or to accept any employment for the purpose of advising, preparing material or data, or the auditing of books or records to be used in an effort to defeat or cancel any tax or part thereof that has been assessed by the state of Kansas, any other state or by the United States government.

(c) The secretary or the secretary's designee may: (1) Publish statistics, so classified as to prevent the identification of particular reports or returns and the items thereof;

(2) allow the inspection of returns by the attorney general or other legal representatives of the state;

(3) provide the post auditor access to all income tax reports or returns in accordance with and subject to the provisions of subsection (g) of K.S.A. 46-1106 or K.S.A. 46-1114, and amendments thereto;

(4) disclose taxpayer information from income tax returns to persons or entities contracting with the secretary of revenue where the secretary has determined disclosure of such information is essential for completion of the contract and has taken appropriate steps to preserve confidentiality;

(5) disclose to the secretary of commerce the following: (A) Specific taxpayer information related to financial information previously submitted by the taxpayer to the secretary of commerce concerning or relevant to any income tax credits, for purposes of verification of such information or evaluating the effectiveness of any tax credit or economic incentive program administered by the secretary of commerce; (B) the amount of payroll withholding taxes an employer is retaining pursuant to K.S.A. 2010 Supp. 74-50,212, and amendments thereto; (C) information received from businesses completing the form required by K.S.A. 2010 Supp. 74-50,217, and amendments thereto; and (D) findings related to a compliance audit conducted by the department of revenue upon the request of the secretary of commerce pursuant to K.S.A. 2010 Supp. 74-50,215, and amendments thereto;

(6) disclose income tax returns to the state gaming agency to be used solely for the purpose of determining qualifications of licensees of and applicants for licensure in tribal gaming. Any information received by the state gaming agency shall be confidential and shall not be disclosed except to the executive director, employees of the state gaming agency and members and employees of the tribal gaming commission;

(7) disclose the taxpayer's name, last known address and residency status to the department of wildlife and parks to be used solely in its license fraud investigations;

(8) disclose the name, residence address, employer or Kansas adjusted gross income of a taxpayer who may have a duty of support in a title IV-D case to the secretary of the Kansas department of social and rehabilitation services for use solely in administrative or judicial proceedings to establish, modify or enforce such support obligation in a title IV-D case. In addition to any other limits on use, such use shall be allowed only where subject to a protective

order which prohibits disclosure outside of the title IV-D proceeding. As used in this section, "title IV-D case" means a case being administered pursuant to part D of title IV of the federal social security act (42 U.S.C. § 651 et seq.), and amendments thereto. Any person receiving any information under the provisions of this subsection shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e);

(9) permit the commissioner of internal revenue of the United States, or the proper official of any state imposing an income tax, or the authorized representative of either, to inspect the income tax returns made under this act and the secretary of revenue may make available or furnish to the taxing officials of any other state or the commissioner of internal revenue of the United States or other taxing officials of the federal government, or their authorized representatives, information contained in income tax reports or returns or any audit thereof or the report of any investigation made with respect thereto, filed pursuant to the income tax laws, as the secretary may consider proper, but such information shall not be used for any other purpose than that of the administration of tax laws of such state, the state of Kansas or of the United States;

(10) communicate to the executive director of the Kansas lottery information as to whether a person, partnership or corporation is current in the filing of all applicable tax returns and in the payment of all taxes, interest and penalties to the state of Kansas, excluding items under formal appeal, for the purpose of determining whether such person, partnership or corporation is eligible to be selected as a lottery retailer;

(11) communicate to the executive director of the Kansas racing commission as to whether a person, partnership or corporation has failed to meet any tax obligation to the state of Kansas for the purpose of determining whether such person, partnership or corporation is eligible for a facility owner license or facility manager license pursuant to the Kansas parimutuel racing act;

(12) provide such information to the executive director of the Kansas public employees retirement system for the purpose of determining that certain individuals' reported compensation is in compliance with the Kansas public employees retirement act at K.S.A. 74-4901 et seq., and amendments thereto; ~~and~~

(13) provide taxpayer information of persons suspected of violating K.S.A. 2010 Supp. 44-766, and amendments thereto, to the staff attorneys of the department of labor for the purpose of determining compliance by any person with the provisions of K.S.A. 2010 Supp. 44-766, and amendments thereto, which information shall be limited to withholding tax and payroll information, the identity of any person that has been or is currently being audited or investigated in connection with the administration and enforcement of the withholding and declaration of estimated tax act, K.S.A. 79-3294 et seq., ~~as amended and amendments thereto~~, and the results or status of such audit or investigation; ~~and~~

(14) *provide such information to the state treasurer for the sole purpose of carrying out the provisions of K.S.A. 58-3934, and amendments thereto. Such information shall be limited to current and prior addresses of taxpayers or associated persons who may have knowledge as to the location of an owner of unclaimed property. For the purposes of this paragraph, "associated persons" includes spouses or dependents listed on income tax returns.*

(d) Any person receiving information under the provisions of subsection (c) shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e).

(e) Any violation of subsection (b) or (c) is a class A nonperson misdemeanor and, if the offender is an officer or employee of the state, such officer or employee shall be dismissed from office.

(f) Nothing in this section shall be construed to allow disclosure of the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information, where such disclosure is prohibited by the federal internal revenue code as in effect on September 1, 1996, and amendments thereto, related federal internal revenue rules or regulations, or other federal law.

Sec. 3. K.S.A. 2010 Supp. 74-50,208 and 79-3234 are hereby repealed.

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

(Published in the Kansas Register June 2, 2011.)

SENATE BILL No. 150

AN ACT concerning cities; relating to certain municipalities; amending K.S.A. 12-519, 12-520b, 12-521, 12-531, 12-532, 15-116, 15-117, 15-124 and 60-2301 and K.S.A. 2010 Supp. 19-214 and 25-432 and repealing the existing sections.

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

Section 1. K.S.A. 15-116 is hereby amended to read as follows: 15-116. (a) When a petition for the incorporation of a city, signed by 50 or more electors of the territory described therein, and containing the information hereafter required, is filed with the county clerk if all the territory is within one county, or the county clerk of the county in which the greater or greatest area lies if the territory lies in two or more counties, the requirements and proceedings shall be as hereinafter stated.

The petition shall: (1) Be addressed to the board of county commissioners, or where the territory lies in two or more counties, to the board of commissioners of the county having the greater or greatest area; (2) describe the territory by metes and bounds; and (3) request the incorporation of the territory as a city by the name of "the city of _____" (giving name).

Each page of signatures shall bear the following heading:

"I, whose name appears as one of the signers below, state that I reside in and am an elector of the territory petitioned to become the city of _____; that I signed my name in my own handwriting; that I read the description of the metes and bounds of said territory or saw the map of the territory attached as an exhibit to the petition.

Signatures Addresses"

If registration for voting purposes is required in all or any part of the area, signers in the registration area must sign their names the same as they are shown on the registration books. The signatures of signers in registration areas shall be checked against the voter registration books by the county election officer in charge of registration. Where all or a part of the territory is not in a registration area, an elector who signs the petition shall make an affidavit that to the best of the elector's knowledge and belief, the persons who signed the petition and who are not in a registration area are electors of the territory. The affidavit shall be attached to the petition before the petition is filed. Any person desiring to withdraw their name from the petition may do so by filing in person with the county clerk of the county where the petition will be filed, and before the petition is filed, a statement substantially as follows: "I the undersigned, hereby withdraw my name as a signer of the petition for the incorporation of the territory proposed to be called the city of _____." The county clerk shall sign and endorse on the face of the statement the month, day, year and hour of the filing and, if and when the petition is filed, shall attach such withdrawal statement thereto.

The sufficiency of the number of petitioners shall be determined as of the day of the filing of the petition by registration books, if any, and as of the date of the affidavit as to persons in nonregistration area.

(b) No territory shall be incorporated as a city except as provided in subsection (d)(2) unless it has 300 250 or more inhabitants or has 300 250 or more platted lots each of which is served by water and sewer lines owned by a nonprofit corporation. The number of inhabitants shall be determined by an enumeration by a qualified signer of the petition who shall make an affidavit that an enumeration has been made of the inhabitants of the territory after the beginning of the circulation of the petition, and stating the number of inhabitants found, and specifying the dates when it was begun and when completed. The number of platted lots served by water and sewer lines owned by a nonprofit corporation shall be determined by the county engineer, who shall state the findings by affidavit. Such The affidavits shall be attached to the petition before it is filed. The board of county commissioners may cause another enumeration to be made if it believes the number of inhabitants may be less than 300 250.

(c) The petition shall have attached thereto a statement containing the following information regarding the proposed city: (1) Quantity of land embraced, platted and unplatted; (2) a brief de-

scription of existing facilities and services currently received by the area, including water supply, sewage disposal, fire and police protection; and (3) reasons for desiring city government and services.

There shall also be attached to the petition a map of the territory showing the location of the proposed city within the county or counties and the more densely built-up area or areas and designating in general the platted and unplatted areas.

There shall also be attached a statement of the assessed valuation of the platted real property and improvements and unplatted real property and improvements and the assessed valuation or an estimate thereof of the tangible personal property for each county in which any area lies, certified by the county clerk or county assessor.

(d) No territory shall be incorporated as a city unless:

(1) The inhabitants of the territory number 300 250 or more or and 50 or more electors of the territory have signed a petition;

(2) the territory contains 300 250 or more platted lots each served by water and sewer lines owned by a nonprofit corporation, and 50 or more electors of the territory have signed a petition; or

(3) the territory has been designated a national landmark by the congress of the United States.

Sec. 2. K.S.A. 15-117 is hereby amended to read as follows: 15-117. The county clerk shall examine the petition, if such a petition is required, signatures and attached matter as prescribed by K.S.A. 15-116, as amended, and if it appears the petition is in proper form, that the inhabitants of the territory number 300 250 or more or and 50 or more electors of the territory have signed a petition, that the territory contains 300 250 or more platted lots each served by water and sewer lines owned by a nonprofit corporation; and that 50 or more electors of the territory have signed the petition, or that the territory has been designated as a national landmark, the county clerk shall so report to the board of county commissioners at its next regular meeting and it shall designate a time and place for a hearing on the petition, such time to be not less than 30 nor more than 90 days from the date the petition was filed. The place of the hearing shall be at a place convenient for most of the inhabitants of the territory.

Sec. 3. K.S.A. 15-124 is hereby amended to read as follows: 15-124. The city, regardless of the number of inhabitants (three hundred (300) or more) at the time of incorporation, shall operate as a mayor-council city of the third class and the statutes relating thereto and home rule powers under the constitution until such time as by proper proceedings the class is changed or form of government changed.

New Sec. 4. When land located outside a city is annexed by such city under K.S.A. 12-521 and 12-521a, and amendments thereto, any homestead rights attributable to such land prior to such annexation shall continue after annexation until such land is sold after annexation.

Sec. 5. K.S.A. 12-519 is hereby amended to read as follows: 12-519. As used in this act: (a) "Tract" means a single unit of real property under one ownership, outside the corporate limits of a city, which may be platted or unplatted, title to which is publicly or privately held by an owner as defined by subsection (c).

(b) "Land" means a part of a tract or one or more tracts.

(c) "Owner" means the one who has record title to a tract. In the event two or more persons have record title to a tract, "owner" shall be defined as follows: (1) If joint tenants, "owner" means a majority of the number of joint tenants; (2) if tenants in common, "owner" means both a majority of the number of tenants in common and the holders of a majority of the undivided interests in the tract; (3) if the tract is held by a life tenant and a remainderman, "owner" means the life tenant; (4) if the tract is held by a tenant under a recorded lease providing for a lease term of 10 years or longer and a remainderman, "owner" means both such tenant and remainderman; (5) if one holds title to the surface and another holds title to the minerals, "owner" means the surface title holder.

(d) "Adjoins" means to lie upon or touch (1) the city boundary line; or (2) a highway, railway or watercourse which lies upon the city boundary line and separates such city and the land sought to be annexed by only the width of such highway, railway or watercourse.

(e) "Platted" means a tract or tracts mapped or drawn to scale, showing a division or divisions thereof, which map or drawing is filed in the office of the register of deeds by the owner of such tract.

(continued)

(f) "Land devoted to agricultural use" means land which is devoted to the production of plants, animals or horticultural products, including but not limited to: Forages; grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef cattle, sheep, swine and horses; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental and greenhouse products. Land devoted to agricultural use shall not include those lands which are used for recreational purposes, suburban residential acreages, rural home sites or farm home sites and yard plots whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of those plants or animals listed in the foregoing definition.

(g) "Qualified elector" means any owner of land, as defined under this section, within the area proposed to be annexed under the provisions of K.S.A. 12-521, and amendments thereto.

(h) "Area proposed to be annexed" means the area approved for annexation by the board of county commissioners under provisions of K.S.A. 12-521, and amendments thereto.

(i) "Watercourse" means a natural or manmade course where water may flow on a regular or intermittent basis; a watercourse shall not include a natural or manmade lake, pond or other impoundment of five or more acres of surface area.

Sec. 6. K.S.A. 12-520b is hereby amended to read as follows: 12-520b. (a) The governing body of any city proposing to annex land under the provisions of K.S.A. 12-520, and amendments thereto, shall make plans for the extension of services to the area proposed to be annexed and shall, prior to the adoption of the resolution provided for in K.S.A. 12-520a, and amendments thereto, prepare a report setting forth such plans. The report shall include:

(1) A sketch clearly delineating the land proposed to be annexed and the area of the city adjacent thereto to show the following information:

(A) The present and proposed boundaries of the city affected by such proposed annexation;

(B) the present streets, water mains, sewers and other city utility lines, and the proposed extension thereof; and

(C) the general land use pattern in the areas to be annexed.

(2) A statement setting forth a plan of sufficient detail to provide a reasonable person with a full and complete understanding of the intentions of the city for extending to the area to be annexed each major municipal service provided to persons and property located within the city and the area proposed to be annexed at the time of annexation and the estimated cost of providing such services. The plan shall state the estimated cost impact of providing such services to the residents of the city and the residents of the area proposed to be annexed. The plan shall state the method by which the city plans to finance the extension of such services to such area. Such plan shall include a timetable of the plans for extending each major municipal service to the area annexed. The plan shall state the means by which the services currently provided by a township or special district in the area to be annexed shall be maintained by the city at a level which is equal to or better than the level of services provided prior to annexation. The plan shall state those services which shall be provided immediately upon annexation and those services which may be provided upon petition of the landowners to create a benefit district.

(b) A copy of the plan for extension of services shall be sent by certified mail not less than 10 days prior to the public hearing as provided in K.S.A. 12-520a, and amendments thereto, to the board of county commissioners.

(c) The preparation of a plan for the extension of services required by subsection (a) shall not be required for or as a prerequisite to the annexation of land of which all of the owners petition for or consent to such annexation in writing.

Sec. 7. K.S.A. 12-521 is hereby amended to read as follows: 12-521. (a) Whenever the governing body of any city deems it advisable to annex land which such city is not permitted to annex under K.S.A. 12-520, and amendments thereto, or if the governing body of any city is permitted to annex land under K.S.A. 12-520, and amendments thereto, but deems it advisable not to annex thereunder, the governing body may annex such land as provided by this section. The governing body, in the name of the city, may present a petition to the board of county commissioners of the county in which the land sought to be annexed is located. The petition shall set forth a legal description of the land sought to be

annexed and request a public hearing on the advisability of such annexation. The governing body of such city shall make plans for the extension of services to the tract of land proposed to be annexed and shall file a copy thereof with the board of county commissioners at the time of presentation of the petition. Such report shall include:

(1) A sketch clearly delineating the land proposed to be annexed and the area of the city adjacent thereto to show the following information:

(A) The present and proposed boundaries of the city affected by such proposed annexation;

(B) the present streets, water mains, sewers and other city utility lines, and the proposed extension thereto; and

(C) the general land use pattern in the areas to be annexed.

(2) A statement setting forth a plan of sufficient detail to provide a reasonable person with a full and complete understanding of the intentions of the city for extending to the area to be annexed each major municipal service provided to persons and property located within the city and area proposed to be annexed at the time of annexation and the estimated cost of providing such services. The plan shall state the estimated cost impact of providing such services to the residents of the city and the residents of the area proposed to be annexed. The plan shall state the method by which the city plans to finance the extension of such services to such area. The plan shall include a timetable for the extension of major municipal services to the area proposed to be annexed. The plan shall state the means by which the services currently provided by a township or special district in the area to be annexed shall be maintained by the city at a level which is equal to or better than the level of services provided prior to annexation. The plan shall state those services which shall be provided immediately upon annexation and those services which may be provided upon petition of the landowners to create a benefit district.

(b) The date fixed for the public hearing shall be not less than 60 nor more than 70 days following the date of the presentation of the petition requesting such hearing. Notice of the time and place of the hearing, together with a legal description of the land sought to be annexed and the names of the owners thereof, shall be published in a newspaper of general circulation in the city not less than one week and not more than two weeks preceding the date fixed for such hearing.

A copy of the notice providing for the public hearing shall be mailed by certified mail to each owner of the land proposed to be annexed not more than 10 days following the date of the presentation of the petition requesting such hearing.

A sketch clearly delineating the area in such detail as may be necessary to advise the reader of the particular land proposed to be annexed shall be published with such notice and a copy thereof mailed to the owner of the property with such notice.

The board for good cause shown may continue the hearing beyond the time specified in the notice without further publication.

(c) On the day set for hearing, the board of county commissioners shall hear testimony as to the advisability of such annexation, and a representative of the city shall present the city's proposal for annexation, including the plan of the city for the extension of services to the area proposed to be annexed.

The action of the board of county commissioners shall be quasi-judicial in nature. The board of county commissioners shall consider the impact of approving or disapproving the annexation on the entire community involved, including the city and the land proposed to be annexed, in order to insure the orderly growth and development of the community. The board shall make specific written findings of fact and conclusions determining whether such annexation or the annexation of a lesser amount of such area causes manifest injury to the owners of any land proposed to be annexed, or to the owners of land in areas near or adjacent to the land proposed to be annexed or to the city if the annexation is disapproved. The findings and conclusions shall be based upon the preponderance of evidence presented to the board. In determining whether manifest injury would result from the annexation, the board's considerations shall include, but not be limited to, the extent to which the following criteria may affect the city, the area to be annexed, the residents of the city and the area to be annexed, other governmental units providing services to the area to be annexed, the utilities providing services to the area to be annexed, and any other

public or private person, firm or corporation which may be affected thereby:

(1) Extent to which any of the area is land devoted to agricultural use;

(2) area of platted land relative to unplatted land;

(3) topography, natural boundaries, storm and sanitary sewers, drainage basins, transportation links or any other physical characteristics which may be an indication of the existence or absence of common interest of the city and the area proposed to be annexed;

(4) extent and age of residential development in the area to be annexed and adjacent land within the city's boundaries;

(5) present population in the area to be annexed and the projected population growth during the next five years in the area proposed to be annexed;

(6) the extent of business, commercial and industrial development in the area;

(7) the present cost, methods and adequacy of governmental services and regulatory controls in the area;

(8) the proposed cost, extent and the necessity of governmental services to be provided by the city proposing annexation and the plan and schedule to extend such services;

(9) tax impact upon property in the city and the area;

(10) extent to which the residents of the area are directly or indirectly dependent upon the city for governmental services and for social, economic, employment, cultural and recreational opportunities and resources;

(11) effect of the proposed annexation on the city and other adjacent areas, including, but not limited to, other cities, sewer and water districts, improvement districts, townships or industrial districts and, subject to the provisions of K.S.A. 12-521a, *and amendments thereto*, fire districts;

(12) existing petitions for incorporation of the area as a new city or for the creation of a special district;

(13) likelihood of significant growth in the area and in adjacent areas during the next five years; and

(14) effect of annexation upon the utilities providing services to the area and the ability of those utilities to provide those services shown in the detailed plan.

(d) The board of county commissioners shall render a judgment within seven days after the hearing has been adjourned sine die. If ~~a majority~~ *two-thirds of the members* of the board of county commissioners concludes that the annexation or any part thereof should be allowed, the board shall so find and grant the annexation by order; and thereupon the city may annex the land by ordinance. ~~Orders of the board of county commissioners denying the petition or a part thereof for annexation shall require a majority vote of the members of the board.~~ When an order denying a petition or part thereof is issued, it shall be by resolution, which shall be sent by certified mail to the city proposing the annexation. All orders of the board of county commissioners granting or denying petitions for annexation shall be spread at length upon the journal of proceedings of the board. The failure of such board to spread an order granting annexation upon the journal shall not invalidate such order.

(e) *Within 10 days following the rendering of the judgment of the board of county commissioners granting all or a part thereof of any annexation involving 40 acres or more as provided in subsection (e), the city clerk shall certify to the county election officer a legal description and a map of the area outside the corporate limits of the city proposed to be annexed and the addresses of all qualified electors as defined in K.S.A. 12-519, and amendments thereto, located therein. The county election officer shall conduct a mail ballot election under the provisions of K.S.A. 25-431 et seq., and amendments thereto, within 60 days of such certification. If a majority of the qualified electors voting thereon approve the annexation, the city may annex the land by passage of an ordinance. If a majority of the qualified electors reject the annexation, the lands shall not be annexed and the city may not propose the annexation of any such lands in the proposed area for at least four years from the date of the election, unless the proposed annexation is authorized by paragraphs (2), (3) or (7) of subsection (a) of K.S.A. 12-520, and amendments thereto. If the area proposed to be annexed is less than 40 acres, then the board may render a judgment on the petition unless the board has previously granted three annexations of adjoining tracts within a 60-month period.*

(~~e~~) (f) Any owner of land annexed pursuant to this section or the city aggrieved by the decision of the board of county commis-

sioners may appeal the decision of the board to the district court of the same county in the manner and method set forth in K.S.A. 19-223, and amendments thereto. Nothing in this subsection shall be construed as granting the owner of land in areas near or adjacent to land annexed pursuant to this section the right to appeal the decision of the board of county commissioners. Any city so appealing shall not be required to execute the bond prescribed therein.

Sec. 8. K.S.A. 12-531 is hereby amended to read as follows: 12-531. (a) ~~Five~~ *Three* years following the annexation of any land pursuant to K.S.A. 12-520 or 12-521, and amendments thereto, or, where there has been litigation relating to the annexation, ~~five~~ *three* years following the conclusion of such litigation, the board of county commissioners shall call a hearing to consider whether the city has provided the municipal services as provided in the timetable set forth in the plan in accordance with K.S.A. 12-520b or 12-521, and amendments thereto. The board of county commissioners shall schedule the matter for public hearing and shall give notice of the date, hour and place of the hearing to: (1) The city; and (2) any landowner in the area subject to the service extension plan.

(b) At the hearing, the board shall hear testimony as to the city's extension of municipal services, or lack thereof, from the city and the landowner. After the hearing, the board shall make a finding as to whether or not the city has provided services in accordance with its service extension plan. If the board finds that the city has not provided services as provided in its service extension plan, the board shall notify the city and the landowner that such property may be deannexed, as provided in K.S.A. 12-532, *and amendments thereto*, if the services are not provided within ~~2½~~ *1½* years of the date of the board's findings.

(c) *If the board of county commissioners refuses to hold the hearing as required, any owner of land living in such area annexed may bring an action under provisions of K.S.A. 60-1201 et seq., and amendments thereto, to compel the board to hold the hearing. The court, upon finding the hearing is required, shall award reasonable attorney fees and costs to the landowner.*

Sec. 9. K.S.A. 12-532 is hereby amended to read as follows: 12-532. (a) If, within ~~2½~~ *1½* years following the conclusion of the hearing required by K.S.A. 12-531, *and amendments thereto*, or, where there has been litigation relating to the hearing, ~~2½~~ *1½* years following the conclusion of such litigation, the city has not provided the municipal services as provided in the timetable set forth in the plan prepared in accordance with K.S.A. 12-520b or 12-521, and amendments thereto, the owner of such land may petition the board of county commissioners to exclude such land from the boundaries of the city. Within 10 days after receipt of the petition, the board shall schedule the matter for public hearing and shall give notice of the date, hour and place of the hearing to: (1) The owner; (2) the city; (3) the township into which the property, if deannexed, would be placed; and (4) the governing body of any fire district, sewer district, water district or other special district governments which have jurisdiction over territory adjacent to the area sought to be deannexed. The notice shall be sent by certified mail no less than 21 days before the date of the hearing.

(b) At the hearing, the board shall hear testimony as to the city's extension of municipal services, or lack thereof, from both the owner and representatives of the city. Except as provided by subsection (e), if the board finds after the hearing that the city has failed to provide the municipal services in accordance with the plan and consistent with the timetable therein, the board may enter an order excluding the land from the boundaries of the city. Any such order shall take effect in the same manner as provided in K.S.A. 12-523, and amendments thereto, for the effective date of annexation ordinances. Such land shall not be annexed again for ~~one~~ *three year* years from the effective date of the order without the written consent of the owner of the land.

(c) The county clerk shall certify a copy of the order to the register of deeds of the county. The register of deeds shall record the order in the deed records of the county, and, at the expense of the ~~owner~~ *city*, the register of deeds also shall record the order of exclusion on the margin of the recorded plat of such land, giving reference thereon to the page and book of records where the order is recorded in the register's office.

(continued)

(d) Except as provided by this subsection, after the effective date of the order to exclude the land from the city, such land shall not be liable for any general taxes imposed by the city. Such land shall remain liable, however, for any taxes or special assessments levied by the city as are necessary to pay its proportionate share of the interest on and principal of such bonds or other indebtedness incurred by the city for improvements to the land which were approved by the city before the date on which the owner or owners filed a petition for the exclusion of the land from the city.

(e) The board shall not order exclusion of any land if:

(1) The service extension plan conditions the extension of certain improvements or services on the filing of a legally sufficient petition by the owners of the land for the creation of an improvement district and to levy special assessments therein to pay a portion of the costs of such improvements, and a sufficient petition has not been filed;

(2) since the annexation, the governing body of the city initiated the creation of an improvement or benefit district affecting such land to levy special assessments thereon to pay a portion of the costs of certain municipal improvements, and the formation of the district was blocked by the filing of a sufficient protest petition by some or all of the owners of any land in the proposed district;

(3) the exclusion would result in the land being completely surrounded by other tracts of land located within the city's boundaries; or

(4) the board finds the exclusion of the land would have an adverse impact on the health, safety and welfare of the residents of the city or such land.

(f) Any owner or the city aggrieved by the decision of the board may appeal the decision to the district court in the manner provided in K.S.A. 19-223, and amendments thereto. Any city so appealing shall not be required to execute the bond prescribed therein.

(g) *If the board of county commissioners refuses to hold the hearing as required, any owner of land may bring an action under provisions of K.S.A. 60-1201 et seq., and amendments thereto, to compel the board to hold the hearing. The court, upon finding the hearing is required, shall award reasonable attorney fees and costs to the landowner.*

Sec. 10. K.S.A. 2010 Supp. 25-432 is hereby amended to read as follows: 25-432. An election shall not be conducted under this act unless:

(a) Conducted on a date, mutually agreed upon by the governing body of the political or taxing subdivision and the county election officer, not later than 120 days following the date the request is submitted by the political or taxing subdivision; ~~and~~

(b) the secretary of state approves a written plan for conduct of the election, which shall include a written timetable for the conduct of the election, submitted by the county election officer; ~~and~~

(c) the election is nonpartisan; ~~and~~

(d) the election is not one at which any candidate is elected, retained or recalled; ~~and~~

(e) the election is not held on the same date as another election in which the qualified electors of that subdivision of government are eligible to cast ballots; and

(f) the election is a question submitted election at which all of the qualified electors of one of the following subdivisions of government are the only electors eligible to vote:

(1) Counties;

(2) cities;

(3) school districts, except in an election held pursuant to K.S.A. 72-7302 et seq., and amendments thereto;

(4) townships;

(5) benefit districts organized under K.S.A. 31-301, and amendments thereto;

(6) cemetery districts organized under K.S.A. 15-1013 or 17-1330, and amendments thereto;

(7) combined sewer districts organized under K.S.A. 19-27,169, and amendments thereto;

(8) community college districts organized under K.S.A. 71-1101 et seq., and amendments thereto;

(9) fire districts organized under K.S.A. 19-3601 or 80-1512, and amendments thereto;

(10) hospital districts;

(11) improvement districts organized under K.S.A. 19-2753, and amendments thereto;

(12) Johnson county park and recreation district organized under K.S.A. 19-2859, and amendments thereto;

(13) sewage disposal districts organized under K.S.A. 19-27,140, and amendments thereto;

(14) water districts organized under K.S.A. 19-3501 et seq., and amendments thereto; ~~or~~

(15) transportation development districts created pursuant to K.S.A. 2010 Supp. 12-17,140 et seq., and amendments thereto; ~~or~~

(16) *any tract of land annexed pursuant to K.S.A. 15-521, and amendments thereto.*

Sec. 11. K.S.A. 60-2301 is hereby amended to read as follows: 60-2301. *Except as provided in section 4, and amendments thereto, a homestead to the extent of 160 acres of farming land, or of one acre within the limits of an incorporated town or city, or a manufactured home or mobile home, occupied as a residence by the owner or by the family of the owner, or by both the owner and family thereof, together with all the improvements on the same, shall be exempted from forced sale under any process of law, and shall not be alienated without the joint consent of husband and wife, when that relation exists; but no property shall be exempt from sale for taxes, or for the payment of obligations contracted for the purchase of ~~and~~ such premises, or for the erection of improvements thereon. The provisions of this section shall not apply to any process of law obtained by virtue of a lien given by the consent of both husband and wife, when that relation exists.*

New Sec. 12. (a) If any land located within a fire district is annexed by a city and such land remains a part of the fire district beyond the current tax year, the owner of such land shall be entitled to a refund of all ad valorem taxes paid for fire service, including any tax levy for bond and interest payments from either the city or the fire district, whichever entity levies taxes for fire service against the land but does not provide such service.

(b) Cities and fire districts shall establish procedures for landowners to obtain refunds of ad valorem property taxes as required by this section.

Sec. 13. K.S.A. 2010 Supp. 19-214 is hereby amended to read as follows: 19-214. (a) Except as provided in subsection (b), in K.S.A. 19-216a, and amendments thereto, all contracts for the expenditure of county moneys for the construction of any courthouse, jail or other county building, or the construction of any bridge, highway, road, dam, turnpike or related structures or stand-alone parking lots in excess of \$25,000, shall be awarded, on a public letting, to the lowest and best bid. The person, firm or corporation to whom the contract may be awarded shall give and file with the board of county commissioners a good and sufficient surety bond by a surety company authorized to do business in the state of Kansas, to be approved by the county attorney or county counselor, in the amount of the contract, and conditioned for the faithful performance of the contract.

(b) The provisions of subsection (a) shall not apply: (1) To the expenditure of county funds for professional services; (2) to the provisions of K.S.A. 68-521, and amendments thereto; ~~or~~ (3) to the purchase of contracts of insurance; ~~or~~ (4) *to the repair of any courthouse, jail or other county building or the repair or replacement of any such building's equipment when an emergency based upon public health or safety is declared by the board of county commissioners. Such emergency shall be defined as an occurrence of severe damage to a building or its equipment resulting from any natural or manmade cause, including fire, flood, earthquake, wind, storm, explosion, riot, terrorism or hostile military or paramilitary action, or events of similar nature or character. Such damage must be so severe it prevents the building or equipment from being used for its intended function. Construction of a replacement building remains subject to the provisions of subsection (a).*

Sec. 14. K.S.A. 12-519, 12-520b, 12-521, 12-531, 12-532, 15-116, 15-117, 15-124 and 60-2301 and K.S.A. 2010 Supp. 19-214 and 25-432 are hereby repealed.

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

(Published in the Kansas Register June 2, 2011.)

HOUSE BILL No. 2075

AN ACT concerning insurance; pertaining to review of healthcare decisions; pertaining to group life insurance; excluding insurance coverage for certain abortions; pertaining to the Kansas uninsurable health plan act; amending K.S.A. 40-22a13, 40-22a14, 40-22a15 and 40-22a16 and K.S.A. 2010 Supp. 40-2,103, 40-433, 40-19c09, 40-2122 and 40-2124 and repealing the existing sections.

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

Section 1. From and after July 1, 2011, K.S.A. 2010 Supp. 40-433 is hereby amended to read as follows: 40-433. No policy of group life insurance shall be delivered in this state unless it conforms to one of the following descriptions:

(1) A policy issued by an insurance company organized under the laws of the state of Kansas on its employees and agents, which agents for the purpose of this act only shall be deemed employees, the beneficiaries under such policies to be persons designated by each insured, or a policy issued to an employer, or to the trustees of a fund established by an employer, which employer or trustees shall be deemed the policyholder, to insure employees of the employer for the benefit of persons other than the employer, both subject to the following requirements:

(a) The employees eligible for insurance under the policy shall be all of the employees of the employer, or all of any class or classes thereof determined by conditions pertaining to their employment. The policy may provide that the term "employees" shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietors or partnerships if the business of the employer and of such affiliated corporations, proprietors or partnerships is under common control through stock ownership, contract or otherwise. The policy may provide that the term "employees" shall include the individual proprietor or partners if the employer is an individual proprietor or a partnership. The policy may provide that the term "employees" shall include retired employees. No director of a corporate employer shall be eligible for insurance under the policy unless such person is otherwise eligible as a bona fide employee of the corporation by performing services other than the usual duties of a director. No individual proprietor or partner shall be eligible for insurance under the policy unless the proprietor or partner is actively engaged in and devotes a substantial part of their time to the conduct of the business of the proprietor or partnership. A policy issued to insure the employees of a public body may provide that the term "employees" shall include elected or appointed officials.

(b) The premium for the policy shall ~~may~~ be paid by the policyholder, either wholly from the employer's funds or funds contributed by the employer, or partly from such funds and partly from funds contributed by the insured employees. ~~No policy shall be issued on which the entire premium is to be derived from funds contributed by the insured employees. A policy on which part of the premium is to be derived from funds contributed by the insured employees may be placed in force only if at least 75% of the then eligible employees, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contribution or entirely by the employees at their option. A policy on which no part of the premium is to be derived from funds contributed by the insured employees shall insure all eligible employees, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer or except those who reject coverage in writing.~~

(c) ~~The policy shall cover at least two employees at date of issue.~~

(d) ~~The amounts of insurance under the policy shall be based upon some plan, precluding individual selection either by the employees or by the employer or trustees.~~

(2) A policy issued to a creditor, who shall be deemed the policyholder, to insure debtors of the creditor, subject to the following requirements:

(a) The debtors eligible for insurance under the policy shall be all of the debtors of the creditor whose indebtedness is repayable in installments, or all of any class or classes thereof determined by

conditions pertaining to the indebtedness or to the purchase giving rise to the indebtedness.

(b) The premium for the policy shall be paid by the policyholder, either from the creditor's funds or from charges collected from the insured debtors, or from both. A policy on which part or all of the premium is to be derived from the collection from the insured debtors of identifiable charges not required of uninsured debtors shall not include, in the class or classes of debtors eligible for insurance, debtors under obligations outstanding at its date of issue without evidence of individual insurability unless at least 75% of the then eligible debtors elect to pay the required charges. A policy on which no part of the premium is to be derived from the collection of such identifiable charges shall insure all eligible debtors, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(c) The policy may be issued only if the group of eligible debtors is then receiving new entrants at the rate of at least 100 persons yearly, or may reasonably be expected to receive at least 100 new entrants during the first policy year, and only if the policy reserves to the insurer the right to require evidence of individual insurability if less than 75% of the new entrants become insured.

(d) The amount of insurance on the life of any debtor shall at no time exceed the amount owed by that debtor which is repayable in installments to the creditor.

(e) The insurance shall be payable to the policyholder. Such payment shall reduce or extinguish the unpaid indebtedness of the debtor to the extent of such payment.

(3) A policy issued to a labor union, which shall be deemed the policyholder, to insure members of such union for the benefit of persons other than the union or any of its officials, representatives or agents, subject to the following requirements:

(a) The members eligible for insurance under the policy shall be all of the members of the union, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the union, or both.

(b) The premium for the policy shall ~~may~~ be paid by the policyholder, either wholly from the union's funds, or partly from such funds and partly from funds contributed by the insured members specifically for their insurance or ~~entirely by the insured members at their option. No policy shall be issued on which the entire premium is to be derived from funds contributed by the insured members specifically for their insurance. A policy on which part of the premium is to be derived from funds contributed by the insured members specifically for their insurance may be placed in force only if at least 75% of the then eligible members excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance shall insure all eligible members, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer or except those who reject coverage in writing.~~

(c) ~~The policy shall cover at least 25 members at date of issue.~~

(d) ~~The amounts of insurance under the policy shall be based upon some plan precluding individual selection either by the members or by the union.~~

(4) A policy issued to the trustees of a fund established in this state by two or more employers if a majority of the employees to be insured of each employer are located within the state, or to the trustees of a fund established by one or more labor unions, or by one or more employers and one or more labor unions, which trustees shall be deemed the policyholder, to insure employees of the employers or members of the unions for the benefit of persons other than the employers or the unions, subject to the following requirements:

(a) The persons eligible for insurance shall be all of the employees of the employers or all of the members of the unions, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the unions, or to both. The policy may provide that the term "employees" shall include retired employees and the individual proprietor or partners if any employer is an individual proprietor or a partnership. No director of a corporate employer shall be eligible for insurance under the policy unless such person is otherwise eligible as a bona

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vide employee of the corporation by performing services other than the usual duties of a director. No individual proprietor or partner shall be eligible for insurance under the policy unless the proprietor or partner is actively engaged in and devotes a substantial part of their time to the conduct of the business of the proprietor or partnership. The policy may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship.

(b) The premium for the policy ~~shall may~~ be paid by the trustees either wholly from funds contributed by the employer or employers of the insured persons, or by the union or unions, or by both, or partly from such funds and partly from funds contributed by the insured employees or wholly from funds contributed by the employees or members at their option. ~~No policy shall be issued on which the entire premium is to be derived from funds contributed by the insured persons.~~ The policy shall insure all eligible persons, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer or except those who reject coverage in writing.

(c) ~~The policy shall cover at date of issue at least 100 persons and not less than an average of five persons per employer unit.~~

(d) The amounts of insurance under the policy shall be based upon some plan precluding individual selection either by the insured persons or by the policyholder, employers, or union.

~~(e) The requirements of paragraphs (b) and (d) of this subsection governing employer contributions and amounts of insurance shall not apply to a voluntary term life insurance policy issued on a group basis.~~

(5) A policy issued to an association which has been organized and is maintained for purposes other than that of obtaining insurance, insuring at least 25 members, employees, or employees of members of the association for the benefit of persons other than the association or its officers. The term "employees" as used herein shall be deemed to include retired employees. The premiums for the policies shall be paid by the policyholder, either wholly from association funds, or funds contributed by the members of such association or by employees of such members or any combination thereof. The amounts of insurance under the policy shall be based upon some plan precluding individual selection either by the insured person or by the association or by the member.

(6) Any policy issued pursuant to this section may be extended to insure the employees against loss due to the death of their spouses, their children, their grandchildren, their spouse's children, their spouse's grandchildren, their parents, their spouse's parents, or any class or classes thereof, subject to the following requirements:

(a) The premium for the insurance ~~shall may~~ be paid by the policyholder, either from the employer's funds or from funds contributed by the insured employees, or from both. ~~If any part of the premium is to be derived from funds contributed by the insured employees, the insurance with respect to spouses, their children, their grandchildren, their spouse's children, their spouse's grandchildren, their parents and their spouse's parents may be placed in force only if at least 75% of the then eligible employees, excluding any as to whose family members' evidence of insurability is not satisfactory to the insurer, elect to make the required contribution.~~ If no part of the premium is to be derived from funds contributed by the employees, all eligible employees, excluding any as to whose family members' evidence of insurability is not satisfactory to the insurer, shall be insured with respect to their spouses, their children, their grandchildren, their spouse's children, their spouse's grandchildren, their parents, their spouse's parents.

~~(b) The amounts of insurance shall be based upon some plan precluding individual selection either by the employees or by the policyholder, or employer and shall not exceed with respect to any spouse, child or parent 50% of the insurance on the life of such insured employee.~~

~~(c) (b)~~ Upon termination of the insurance with respect to the spouse of an employee by reason of the employee's termination of employment or death, the spouse insured pursuant to this section shall have the same conversion rights as to the insurance on such spouse's life as is provided for the employee under K.S.A. 40-434, and amendments thereto.

~~(d) (c)~~ Notwithstanding the provisions of K.S.A. 40-434, and amendments thereto only one certificate need be issued for deliv-

ery to an insured person if a statement concerning any dependent's coverage is included in such certificate.

~~(e) The requirements of paragraphs (a) and (b) of this subsection governing participation, contribution by an employer and amounts of insurance for dependents shall not apply to a voluntary term life insurance policy issued on a group basis.~~

(7) A policy may be issued to any other group which the commissioner of insurance finds is the proper subject of a group life insurance policy or contract. Any such group shall be subject to any appropriate conditions or provisions relating thereto which the commissioner may establish or require, consistent with the provisions of this act, and such conditions and provisions shall be included in the policy or contract.

Sec. 2. From and after July 1, 2011, K.S.A. 40-22a13 is hereby amended to read as follows: 40-22a13. On and after ~~January 1, 2000~~ July 1, 2011, for the purposes of K.S.A. 40-22a13 through 40-22a16, and amendments thereto:

(a) "Adverse decision" means a utilization review determination by a third-party administrator, a health insurance plan, an insurer or a health care provider acting on behalf of an insured that a proposed or delivered health care service which would otherwise be covered under an insured's contract is not or was not medically necessary or the health care treatment has been determined to be experimental or investigational and;

(1) If the requested service is provided in a manner that leaves the insured with a financial obligation to the provider or providers of such services; or

(2) the adverse decision is the reason for the insured not receiving the requested services.

(b) "Emergency medical condition" means:

(1) The sudden, and at the time, unexpected onset of a health condition that requires immediate medical attention, where failure to provide medical attention would result in a serious impairment to bodily functions, serious dysfunction of a bodily organ or part or would place a person's health in serious jeopardy;

(2) a medical condition where the time frame for completion of a standard external review would seriously jeopardize the life or health of the insured or would jeopardize the insured's ability to regain maximum function; or

(3) a medical condition for which coverage has been denied based on a determination that the recommended or requested health care service or treatment is experimental or investigational, if the insured's treating physician certifies, in writing, that the recommended or requested health care service or treatment for the medical condition would be significantly less effective if not promptly initiated.

(c) "External review organization" means an entity that conducts independent external reviews of adverse decisions pursuant to a contract with the commissioner. Such entity shall have experience serving as the external quality review organization in health programs administered by the state of Kansas, or be a nationally accredited external review organization which utilizes health care providers actively engaged in the practice of their profession in the state of Kansas who are qualified and credentialed with respect to the health care service review. In the event no Kansas providers are qualified and credentialed with respect to the review of any case, the external review organization shall have the discretion to employ health care providers who actively engage in such health care provider's practice outside the state of Kansas.

(d) "Health insurance plan" means any hospital or medical expense policy, health, hospital or medical service corporation contract, and a plan provided by a municipal group-funded pool, or a health maintenance organization contract offered by an employer or any certificate issued under any such policies, contracts or plans.

(e) "Insured" means the beneficiary of any health insurance company, fraternal benefit society, health maintenance organization, nonprofit hospital and medical service corporation, municipal group-funded pool, and the self-funded coverage established by the state of Kansas, or any hospital or medical expense, health, hospital or medical service corporation contract or a plan provided by a municipal group-funded pool.

(f) "Insurer" means any health insurance company, fraternal benefit society, health maintenance organization, nonprofit hospital and medical service corporation, provider sponsored organizations, municipal group-funded pool and the self-funded coverage established by the state of Kansas for its employees.

Sec. 3. From and after July 1, 2011, K.S.A. 40-22a14 is hereby amended to read as follows: 40-22a14. On and after ~~January 1, 2000~~ July 1, 2011:

(a) The provisions of K.S.A. 40-22a13 through 40-22a16, and amendments thereto, shall not apply to any policy or certificate which provides coverage for any specified disease, specified accident or accident only coverage, credit, dental, disability income, hospital indemnity, long-term care insurance as defined by K.S.A. 40-227, and amendments thereto, vision care or any other limited supplemental benefit nor to any medicare supplement policy of insurance as defined by the commissioner of insurance by rule and regulation, coverage under a plan through medicare, medicaid, or the federal employees health benefits program, any coverage issues as a supplement to liability insurance, workers compensation or similar insurance, automobile medical-payment insurance or any insurance under which benefits are payable with or without regard to fault, whether written on a group, blanket or individual basis.

(b) The right to external review under K.S.A. 40-22a13 through 40-22a16, and amendments thereto, shall not be construed to change the terms of coverage under a health insurance plan or insurance policy.

(c) The insurer or health insurance plan shall provide written notice to the insured of a final adverse decision and the opportunity for requesting an external review.

(d) (1) The insured has the right to request an independent external review of an adverse decision by a health insurance plan or insurer when:

(1) (A) The insured has exhausted all available internal review procedures provided by the health insurance plan or insurer, unless the insured has an emergency medical condition, in which case an expedited procedure is used; or

(2) (B) the insured has not received a final decision from the insurer within 60 days of seeking the internal review, except to the extent that the delay was requested by the insured.

(2) *Whenever an insurer or health insurance plan fails to strictly adhere to all appeal procedure requirements as prescribed by state or federal law, the claimant shall be deemed to have exhausted the internal claims and appeal process regardless of whether such insurer or health insurance plan asserts that:*

(A) *It has substantially complied with such appeal procedure; or*

(B) *any error it committed was de minimis.*

(e) Within ~~90~~ 120 days of receipt of an adverse decision by a health insurance plan or an insurer, any request for external review shall be made in writing to the commissioner from the following persons: (1) The insured; (2) the treating physician or health care provider acting on behalf ~~on~~ of the insured with written authorization from the insured; or (3) a legally authorized designee of the insured.

(f) The insured shall provide all information in the possession of the insured pertaining to the adverse decision in order for the commissioner to make a preliminary determination for an external review. The insured also shall provide the commissioner with an appeal form, and a fully executed release for the commissioner and the external review organization to obtain any necessary medical records from the insurer or health insurance plan and any other relevant provider.

(g) In responding to the commissioner, the insurer or health insurance plan shall provide a copy of the adverse decision given to the insured and all medical and other records pertaining to the insured's claim within five business days of the request of the commissioner.

(h) The confidentiality of any medical information submitted by the insured, on behalf of the insured, insurer or health insurance plan, shall be maintained pursuant to applicable state and federal laws.

Sec. 4. From and after July 1, 2011, K.S.A. 40-22a15 is hereby amended to read as follows: 40-22a15. On and after ~~January 1, 2000~~ July 1, 2011:

(a) The commissioner shall:

(1) Negotiate contracts with external review organizations which are eligible to conduct independent review of the adverse decision by a health insurance plan or insurer;

(2) allow the insurer or the health insurance plan, an insured or treating physician or health care provider acting on behalf of the insured, or legally authorized designee filing a request for ex-

ternal review to provide additional written information as may be relevant for the commissioner to make a final decision on whether the request qualified for external review;

(3) make a decision on a request for external review within 10 business days after receiving all necessary information;

(4) notify the insured and treating physician or health care provider acting on behalf of the insured, or legally authorized designee, and insurer or health insurance plan in writing that a request for external review will or will not be granted; and

(5) design and implement an expedited procedure for use in an emergency medical condition for purposes of the external review organization rendering a decision.

(b) The external review organization as defined in subsection (c) of K.S.A. 40-22a13, and amendments thereto, shall provide that all reviews completed pursuant to K.S.A. 40-22a13 through 40-22a16, and amendments thereto, are conducted by qualified and credentialed health care providers with respect to the health care service under review and who have no conflict of interest relating to the performance of the external review organization's duties in K.S.A. 40-22a13 through 40-22a16, and amendments thereto.

(c) The external review organization shall issue a written decision to the insured and concurrently send a copy of such decision to the commissioner including the basis and rationale for its decision within 30 business days. The standard of review shall be whether the health care service denied by the insurer or health insurance plan was medically necessary under the terms of the insured's contract. In reviews regarding experimental or investigational treatment, the standard of review shall be whether the health care service denied by the insurer or health insurance plan was covered or excluded from coverage under the terms of the insured's contract.

(d) The external review organization shall provide expedited resolution when an emergency medical condition exists, and shall resolve all issues ~~within seven business days not more than 72 hours after the date of receipt of the request for an expedited external review, or as expeditiously as the insured's medical condition or circumstances require.~~

(e) The external review organization shall maintain and report such data as may be required by the commissioner in order to assess the effectiveness of the external review process.

(f) No external review organization nor any individual working on behalf of such organization shall be liable in damages to any insured, health insurance plan or insurer for any opinion rendered as part of an external review conducted pursuant to K.S.A. 40-22a13 through 40-22a16, and amendments thereto.

(g) The external review organization shall maintain confidentiality of the medical records of the insured in accordance to state and federal law.

(h) *The external review organization's fee for performance of any external review may be paid by the commissioner, the insurer or the health insurance plan. In no event shall the insured be held responsible for any portion of such fee.*

Sec. 5. From and after July 1, 2011, K.S.A. 40-22a16 is hereby amended to read as follows: 40-22a16. On and after ~~January 1, 2000~~ July 1, 2011:

(a) The decision of the external review organization may be reviewed directly by the district court at the request of either the insured, insurer or health insurance plan. The review by the district court shall be *de novo*. The decision of the external review organization shall not preclude the insured, insurer or health insurance plan from exercising other available remedies applicable under state or federal law. Seeking a review by the district court or any other available remedies exercised by the insured, insurer or health insurance plan after the decision of the external review organization will not stay the external review organization's decision as to the payment or provision of services to be rendered during the pendency of the review by the insurer or health insurance plan. All material used in an external review and the decision of the external review organization as a result of the external review shall be deemed admissible in any subsequent litigation.

(b) In no event shall more than one external review be available ~~during the same year~~ for any request arising out of the same set of facts *during a period of 12 consecutive months commencing on the date of the initial request for external review.* An insured may not pursue,

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either concurrently or sequentially, an external review process under both a federal and state law. ~~In the event external review processes are available pursuant to federal law and this act, the insured shall have the option of designating which external review process will be utilized.~~

(c) The commissioner of insurance is hereby authorized to negotiate and enter into contracts necessary to perform the duties required by K.S.A. 40-22a13 through 40-22a16, and amendments thereto.

(d) The commissioner of insurance shall adopt rules and regulations necessary to carry out the purposes of K.S.A. 40-22a13 through 40-22a16, and amendments thereto. The rules and regulations shall ensure that the commissioner is able to provide for an effective and efficient external review of health care services.

(e) *Except as provided in subsection (a), the decision of the external review organization shall be binding on the insured and the insurer or health insurance plan.*

Sec. 6. K.S.A. 2010 Supp. 40-2122 is hereby amended to read as follows: 40-2122. (a) The following individuals shall be eligible for plan coverage provided they meet the criteria set forth in subsection (b):

(1) Any person who has been a resident of this state for at least six months;

(2) any person who is a legal domiciliary of this state who previously was covered under the high risk pool of another state, provided they apply for coverage under the plan within 63 days of losing such other coverage for reasons other than fraud or nonpayment of premiums;

(3) any federally defined eligible individual who is a legal domiciliary of this state; or

(4) any federally defined eligible individual for FTAA.

(b) Those individuals who are eligible for plan coverage under subsection (a) must provide evidence satisfactory to the administering carrier that such person meets one of the following criteria:

(1) Such person has had health insurance coverage involuntarily terminated for any reason other than nonpayment of premium;

(2) such person has applied for health insurance and been rejected by two carriers because of health conditions;

(3) *Such person is a child under the age of 19 years and has been unable to purchase or obtain coverage under an individual health insurance policy providing health insurance coverage, because such coverage is not available for sale in the county in which the child resides;*

~~(4)~~ (4) such person has applied for health insurance and has been quoted a premium rate which is in excess of the plan rate;

~~(5)~~ (5) such person has been accepted for health insurance subject to a permanent exclusion of a preexisting disease or medical condition;

~~(6)~~ (6) such person is a federally defined eligible individual; or

~~(7)~~ (7) such person is a federally defined eligible individual for FTAA.

(c) Each resident dependent of a person who is eligible for plan coverage shall also be eligible for plan coverage.

(d) The following persons shall not be eligible for coverage under the plan:

(1) Any person who is eligible for medicare or is eligible for medicaid benefits;

(2) any person who has had coverage under the plan terminated less than 12 months prior to the date of the current application, except that this provision shall not apply with respect to an applicant who is a federally defined eligible individual;

(3) any person who has received accumulated benefits from the plan equal to or in excess of the lifetime maximum benefits under the plan prescribed by K.S.A. 40-2124, and amendments thereto;

(4) any person having access to accident and health insurance through an employer-sponsored group or self-insured plan, including coverage under the consolidated omnibus budget reconciliation act (COBRA), except that the requirement for exhaustion of any available COBRA or state continuation is waived whenever such person:

(A) Is eligible for the credit for health care costs under section 35 of the internal revenue code of 1986; and

(B) has three months of prior creditable coverage as described in subsection (c) of K.S.A. 40-2124, and amendments thereto; or

(5) any person who is eligible for any other public or private program that provides or indemnifies for health services.

(e) Any person who ceases to meet the eligibility requirements of this section may be terminated at the end of a policy period.

(f) All plan members, insurers and insurance arrangements shall notify in writing persons denied health insurance coverage, for any reason, of the availability of coverage through the Kansas health insurance association.

Sec. 7. K.S.A. 2010 Supp. 40-2124 is hereby amended to read as follows: 40-2124. (a) Coverage under the plan shall be subject to both deductible and coinsurance provisions set by the board. The plan shall offer to current participants and new enrollees no fewer than four choices of deductible and copayment options. Coverage shall contain a coinsurance provision for each service covered by the plan, and such copayment requirement shall not be subject to a stop-loss provision. Such coverage may provide for a percentage or dollar amount of coinsurance reduction at specific thresholds of copayment expenditures by the insured.

(b) Coverage under the plan shall be subject to a maximum lifetime benefit of ~~\$2,000,000~~ \$3,000,000 per covered individual.

(c) Coverage under the plan shall exclude charges or expenses incurred during the first 90 days following the effective date of coverage as to any condition: (1) Which manifested itself during the six-month period immediately prior to the application for coverage in such manner as would cause an ordinarily prudent person to seek diagnosis, care or treatment; or (2) for which medical advice, care or treatment was recommended or received in the six-month period immediately prior to the application for coverage. In succeeding years of operation of the plan, coverage of preexisting conditions may be excluded as determined by the board, except that no such exclusion shall exceed 180 calendar days, and no exclusion shall be applied to *either a federally defined eligible individual provided that application for coverage is made not later than 63 days following the applicant's most recent prior creditable coverage or an individual under the age of 19 years who is eligible for enrollment in the plan under paragraph (3) of subsection (b) of K.S.A. 40-2122, and amendments thereto.* For any individual who is eligible for the credit for health insurance costs under section 35 of the internal revenue code of 1986, the preexisting conditions limitation will not apply whenever such individual has maintained creditable health insurance coverage for an aggregate period of three months, not counting any period prior to a 63-day break in coverage, as of the date on which such individual seeks to enroll in coverage provided by this act.

(d) (1) Benefits otherwise payable under plan coverage shall be reduced by all amounts paid or payable through any other health insurance, or insurance arrangement, and by all hospital and medical expense benefits paid or payable under any workers compensation coverage, automobile medical payment or liability insurance whether provided on the basis of fault or nonfault, and by any hospital or medical benefits paid or payable under or provided pursuant to any state or federal law or program.

(2) The association shall have a cause of action against an eligible person for the recovery of the amount of benefits paid which are not covered expenses. Benefits due from the plan may be reduced or refused as a set-off against any amount recoverable under this section.

New Sec. 8. (a) Any individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization, municipal group-funded pool and the state employee health care benefits plan which is delivered, issued for delivery, amended or renewed on or after July 1, 2011, shall exclude coverage for elective abortions, unless the procedure is necessary to preserve the life of the mother. Coverage for abortions may be obtained through an optional rider for which an additional premium is paid. The premium for the optional rider shall be calculated so that it fully covers the estimated cost of covering elective abortions per enrollee as determined on an average actuarial basis.

(b) No health insurance exchange established within this state or any health insurance exchange administered by the federal government or its agencies within this state shall offer health insurance contracts, plans, or policies that provide coverage for elective abortions, nor shall any health insurance exchange operating within this state offer coverage for elective abortions through the purchase of an optional rider.

(c) For the purposes of this section:

(1) "Abortion" means the use or prescription of any instrument, medicine, drug or any other substance or device to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child who died as the result of natural causes in utero, accidental trauma or a criminal assault on the pregnant woman or her unborn child and which causes the premature termination of the pregnancy.

(2) "Elective" means an abortion for any reason other than to prevent the death of the mother upon whom the abortion is performed; provided, that an abortion may not be deemed one to prevent the death of the mother based on a claim or diagnosis that she will engage in conduct which will result in her death.

(d) The provisions of this section shall be effective from and after July 1, 2011.

Sec. 9. From and after July 1, 2011, K.S.A. 2010 Supp. 40-2,103 is hereby amended to read as follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170, inclusive, 40-2250, K.S.A. 2010 Supp. 40-2,105a, 40-2,105b and 40-2,184 and section 8, and amendments thereto, shall apply to all insurance policies, subscriber contracts or certificates of insurance delivered, renewed or issued for delivery within or outside of this state or used within this state by or for an individual who resides or is employed in this state.

Sec. 10. From and after July 1, 2011, K.S.A. 2010 Supp. 40-19c09 is hereby amended to read as follows: 40-19c09. (a) Corporations organized under the nonprofit medical and hospital service corporation act shall be subject to the provisions of the Kansas general corporation code, articles 60 to 74, inclusive, of chapter 17 of the Kansas Statutes Annotated, and amendments thereto, applicable to nonprofit corporations, to the provisions of K.S.A. 40-214, 40-215, 40-216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-226, 40-229, 40-230, 40-231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-252, 40-254, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-2,116, 40-2,117, 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-2,163 through 40-2,170, inclusive, 40-2a01 et seq., 40-2111 to 40-2116, inclusive, 40-2215 to 40-2220, inclusive, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-2250, 40-2251, 40-2253, 40-2254, 40-2401 to 40-2421, inclusive, and 40-3301 to 40-3313, inclusive, K.S.A. 2010 Supp. 40-2,105a, 40-2,105b and 40-2,184 and section 8, and amendments thereto, except as the context otherwise requires, and shall not be subject to any other provisions of the insurance code except as expressly provided in this act.

(b) No policy, agreement, contract or certificate issued by a corporation to which this section applies shall contain a provision which excludes, limits or otherwise restricts coverage because medicaid benefits as permitted by title XIX of the social security act of 1965 are or may be available for the same accident or illness.

(c) Violation of subsection (b) shall be subject to the penalties prescribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.

New Sec. 11. From and after July 1, 2011, any provisions of section 8, and amendments thereto, or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of such section which can be given effect without the invalid provisions or application, and to this end, the provisions of section 8, and amendments thereto, are severable.

Sec. 12. From and after July 1, 2011, K.S.A. 40-22a13, 40-22a14, 40-22a15 and 40-22a16 and K.S.A. 2010 Supp. 40-433, 40-2,103 and 40-19c09 are hereby repealed.

Sec. 13. K.S.A. 40-2122 and 40-2124 are hereby repealed.

Sec. 14. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register June 2, 2011.)

House Substitute for SENATE BILL No. 154

AN ACT concerning the issuance of bonds; relating to the national bio and agro defense facility; relating to engineering expansion; providing certain powers, duties and functions for the Kansas development finance authority; state finance council and department of administration; amending K.S.A. 2010 Supp. 74-8963 and repealing the existing section.

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

Section 1. K.S.A. 2010 Supp. 74-8963 is hereby amended to read as follows: 74-8963. (a) For the purpose of financing a capital improvement project of the Kansas bioscience authority relating to a national bio and agro defense facility, the Kansas development finance authority is hereby authorized to issue one or more series of revenue bonds pursuant to the Kansas development finance authority act, K.S.A. 74-8901 et seq., and amendments thereto, in an amount necessary to provide a deposit or deposits to the bioscience development and investment fund, established by K.S.A. 74-99b34, and amendments thereto which is hereby created in the state treasury and shall be administered by the department of administration in accordance with the provisions of this section and K.S.A. 2010 Supp. 74-8964 through 74-8967, and amendments thereto, in a total amount not to exceed \$105,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project, cost of bond insurance or other credit enhancement for the bonds and any required reserves for the payment of principal and interest on the bonds, for a capital improvement project relating to a national bio and agro defense facility, including, but not limited to, land acquisition, site preparation, fencing, central utility plant facility construction and improvements, including electric, water and sewer utility infrastructure construction and equipment, lift stations, street grading, paving, graveling, macadamizing, curbing, guttering and surfacing, street light fixture connections and facilities, underground gas, water, heating and electrical services and connections, sidewalks and parking facilities, drives and driveway approaches, landscaping and plantings and related facilities and amenities to develop and finance the project.

(b) On and after the effective date of this act, prior to the issuance of any bonds pursuant to this section, the capital improvement project described in subsection (a) shall be approved for the Kansas bioscience authority department of administration for the purposes of subsection (c) (b) of K.S.A. 74-8905, and amendments thereto, and for the purposes of K.S.A. 74-99b10, and amendments thereto; and the authorization of the issuance of bonds by the Kansas development finance authority shall be approved by the Kansas development finance authority in accordance with K.S.A. 74-8901 et seq., and amendments thereto, and, for all bonds issued on or after the effective date of this act, shall be approved by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, except that such approval also may be given when the legislature is in session.

(c) The Kansas bioscience authority department of administration may only make expenditures from the moneys received from the issuance of any bonds pursuant to this section for those purposes set forth in subsection (a) for the capital improvement project.

(d) The debt service for any such bonds issued pursuant to this section shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds.

(e) The date of maturity on bonds issued pursuant to this section shall not be fixed for a period of time which exceeds 20 years from the date of issuance.

(f) The proceeds from the sale of any bonds, other than refunding bonds, issued pursuant to this section, after payment of any costs related to the issuance of such bonds, shall be paid by the Kansas development finance authority to the Kansas bioscience authority department of administration to be applied to the payment of the costs of the capital improvement project authorized by resolution of the Kansas bioscience authority pursuant to this section as requested by the secretary of administration and by resolution of the Kansas development finance authority.

(continued)

New Sec. 2. The university of Kansas is hereby authorized to initiate and complete a capital improvement project for the university of Kansas school of engineering expansion project phase II and such capital improvement project is hereby approved for the university of Kansas for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute. The university of Kansas may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project, except that expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$65,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds. All moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants. Debt service for any such bonds for such capital improvement project shall be financed by appropriations from any appropriate special revenue fund or funds of the university of Kansas.

Sec. 3. K.S.A. 2010 Supp. 74-8963 is hereby repealed.

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

(Published in the Kansas Register June 2, 2011.)

HOUSE BILL No. 2054

AN ACT concerning certain state agencies; pertaining to the Kansas technology enterprise corporation and the abolishing thereof; pertaining to the transfer of the powers and duties thereof to the department of commerce and the board of regents; pertaining to the membership of the Kansas bioscience authority; amending K.S.A. 74-5001a, 74-8102, 74-8103, 74-8106, 74-8107, 74-8108, 74-8108a, 74-8109, 74-8110, 74-8111, 74-8316, 74-8317, 74-8318, 74-8319, 74-8401, 75-2935b, 75-3208 and 76-770 and K.S.A. 2010 Supp. 74-520a, 74-5005, 74-50,133, 74-50,151, 74-50,156, 74-8104, 74-8131, 74-8132, 74-8133, 74-8134, 74-8135, 74-8136, 74-99b03, 74-99b04, 74-99b09, 74-99b63, 74-99b66, 74-99c03 and 75-2935 and repealing the existing sections; also repealing K.S.A. 74-5050, 74-8101 and 74-8105.

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

New Section 1. The Kansas technology enterprise corporation, created by K.S.A. 74-8101 et seq., and amendments thereto, is hereby abolished.

New Sec. 2. Except as otherwise provided in sections 5 through 7, and amendments thereto, on the effective date of this act:

(a) All of the powers, duties and functions of the Kansas technology enterprise corporation are hereby transferred to and conferred and imposed upon the department of commerce and the secretary of commerce.

(b) The director of accounts and reports shall transfer all balances for all funds or accounts thereof appropriated or reappropriated for the Kansas technology enterprise corporation to the department of commerce.

(c) All liabilities of the Kansas technology enterprise corporation, including accrued compensation or salaries of officers and employees who are transferred to the department of commerce under this section shall be assumed and paid by the department of commerce.

New Sec. 3. Except as otherwise provided in sections 5 through 7, and amendments thereto, on the effective date of this act:

(a) The department of commerce and the secretary of commerce shall be the successor in every way to the powers, duties and functions of the Kansas technology enterprise corporation in which the same were vested prior to the effective date of this section and that are transferred pursuant to section 2, and amendments thereto. Every act performed in the exercise of such transferred powers, duties and functions by or under the department of commerce or the secretary of commerce pursuant to section 2, and amendments thereto, shall be deemed to have the same force and

effect as if performed by the Kansas technology enterprise corporation in which such powers, duties and functions were vested prior to the effective date of this section.

(b) Whenever the Kansas technology enterprise corporation, or words of like effect, are referred to or designated by a statute, contract or other document and such reference is in regard to any of the powers, duties or functions transferred to the department of commerce pursuant to section 2, and amendments thereto, such reference or designation shall be deemed to apply to the department of commerce or the secretary of commerce as the context requires.

(c) All rules and regulations, orders and directives of the Kansas technology enterprise corporation which are in effect on the effective date of this section shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the department of commerce or the secretary of commerce until revised, amended, revoked or nullified pursuant to law.

(d) The secretary of commerce shall have the legal custody of all records, memoranda, writings, entries, prints, representations, electronic data or combinations thereof of any act, transaction, occurrence or event of the Kansas technology enterprise corporation.

(e) The secretary of commerce shall be the continuation of the Kansas technology enterprise corporation.

(f) (1) All officers and employees who, immediately prior to such date, were engaged in the performance of powers, duties or functions of the Kansas technology enterprise corporation concerning programs transferred pursuant to sections 2 and 3, and amendments thereto, or who become a part of the department of commerce, or the powers, duties and functions of which are transferred to the department of commerce, and who, in the opinion of the secretary of commerce, are necessary to perform the powers, duties and functions of the department of commerce, shall be transferred to, and shall become officers and employees of the department of commerce.

(2) Officers and employees of the Kansas technology enterprise corporation transferred by this act shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer and employee so transferred shall be deemed to have been continuous. All transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this act shall affect the classified status of any transferred person employed by the Kansas technology enterprise corporation.

New Sec. 4. (a) When any conflict arises as to the disposition of any property, power, duty or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under section 2, and amendments thereto, shall be resolved by the governor, whose decision shall be final.

(b) The department of commerce shall succeed to all property, property rights and records which were used for or pertain to the performance of powers, duties and functions transferred to the department of commerce pursuant to section 2, and amendments thereto. Any conflict as to the proper disposition of property, personnel or records arising under this section or sections 2 or 3, and amendments thereto, shall be determined by the governor, whose decision shall be final.

New Sec. 5. (a) On the effective date of this act, the following powers, duties and functions of the Kansas technology enterprise corporation are hereby transferred to and conferred and imposed upon the board of regents:

(1) All powers, duties and functions under K.S.A. 74-8102 through 74-8111, and amendments thereto, relating to the strategic technology and research (STAR) fund; and

(2) all powers, duties and functions under K.S.A. 74-8102 through 74-8111, and amendments thereto, relating to the experimental program to stimulate competitive research (EPSCoR).

(b) The director of accounts and reports shall transfer all balances for all funds or accounts thereof appropriated or reappropriated for the Kansas technology enterprise corporation relating to the powers, duties and functions transferred by this section, and amendments thereto, to the board of regents.

(c) All liabilities of the Kansas technology enterprise corporation relating to the powers, duties and functions transferred by this

section, and amendments thereto, including accrued compensation or salaries of officers and employees who are transferred to the board of regents under this section, and amendments thereto, shall be assumed and paid by the board of regents.

New Sec. 6. On and after the effective date of this act: (a) The board of regents shall be the successor in every way to the powers, duties and functions of the Kansas technology enterprise corporation in which the same were vested prior to the effective date of this section, and amendments thereto, and that are transferred pursuant to section 5, and amendments thereto. Every act performed in the exercise of such transferred powers, duties and functions by or under the board of regents pursuant to section 5, and amendments thereto, shall be deemed to have the same force and effect as if performed by the Kansas technology enterprise corporation in which such powers, duties and functions were vested prior to the effective date of this section, and amendments thereto.

(b) Whenever the Kansas technology enterprise corporation, or words of like effect, are referred to or designated by a statute, contract or other document and such reference is in regard to any of the powers, duties or functions transferred to the board of regents pursuant to section 5, and amendments thereto, such reference or designation shall be deemed to apply to the board of regents.

(c) All rules and regulations, orders and directives of the Kansas technology enterprise corporation which relate to the powers, duties and functions transferred by section 5, and amendments thereto, and which are in effect on the effective date of this section, and amendments thereto, shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the board of regents until revised, amended, revoked or nullified pursuant to law.

(d) The board of regents shall have the legal custody of all records, memoranda, writings, entries, prints, representations, electronic data or combinations thereof of any act, transaction, occurrence or event of the Kansas technology enterprise corporation relating to the powers, duties and functions transferred by section 5, and amendments thereto.

(e) The board of regents shall be the continuation of the Kansas technology enterprise corporation relating to the powers, duties and functions transferred by section 5, and amendments thereto.

(f) (1) All officers and employees who, immediately prior to such date, were engaged in the performance of powers, duties or functions of the Kansas technology enterprise corporation concerning programs transferred pursuant to section 5, and amendments thereto, or who become a part of the board of regents, or the powers, duties and functions of which are transferred to the board of regents, and who, in the opinion of the board of regents, are necessary to perform the powers, duties and functions of the board of regents, shall be transferred to, and shall become officers and employees of the board of regents.

(2) Officers and employees of the Kansas technology enterprise corporation transferred by this act shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer and employee so transferred shall be deemed to have been continuous. All transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this act shall affect the classified status of any transferred person employed by the Kansas technology enterprise corporation.

New Sec. 7. (a) When any conflict arises as to the disposition of any property, power, duty or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under section 5, and amendments thereto, shall be resolved by the governor, whose decision shall be final.

(b) The board of regents shall succeed to all property, property rights and records which were used for or pertain to the performance of powers, duties and functions transferred to the board of regents pursuant to section 5, and amendments thereto. Any conflict as to the proper disposition of property, personnel or records arising under this section or sections 5 or 6, and amendments thereto, shall be determined by the governor, whose decision shall be final.

New Sec. 8. (a) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or which could have been

commenced, by or against any state agency or program mentioned in sections 2 through 7, and amendments thereto, or by or against any officer of the state in such officer's official capacity or in relation to the discharge of such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of sections 2 through 7, and amendments thereto. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this section, and amendments thereto.

New Sec. 9. New Sections 1 through 8, inclusive, shall become effective on July 1, 2011.

Sec. 10. From and after July 1, 2011, K.S.A. 2010 Supp. 74-520a is hereby amended to read as follows: 74-520a. (a) On and after March 15, 1995, the Kansas state fair board is hereby established. The Kansas state fair board shall consist of the following members:

(1) The secretary of agriculture or the successor of the secretary of agriculture, or the secretary's designee;

(2) the secretary of commerce, or the secretary's designee;

(3) the director of extension of Kansas state university of agriculture and applied science, or the director's designee;

(4) one person appointed by the governor from three persons nominated by the Kansas chamber of commerce and industry;

(5) one person appointed by the governor from three persons nominated by the travel industry association of Kansas;

(6) one person appointed by the governor from three persons nominated by the Kansas fairs association; and

~~(7) one person appointed by the Kansas technology enterprise corporation from among the board of directors of the Kansas technology enterprise corporation; and~~

~~(8) six~~ seven people from the general public appointed by the governor. Of such people appointed, one shall be from each of the five extension areas, as established in subsection (e), and ~~one~~ two shall represent the state at large. Directors of each extension area shall submit three nominations to the governor. Such persons nominated shall be actively involved in agriculture production or agrribusiness.

(b) Of the persons initially appointed by the governor under subsection (a), three shall have a term of one year, three shall have a term of two years and three shall have a term of three years and until a successor is appointed and qualified. Thereafter, all members shall have terms of three years and until a successor is appointed and qualified.

(c) Any vacancy occurring on the Kansas state fair board shall be filled as the original appointment was made.

(d) If any of the members able to appoint a designee does so, the designee shall be appointed for a term of not less than one year.

(e) For the purpose of this section the state shall be divided into five extension areas. The northwest extension area shall include the following counties: Cheyenne, Rawlins, Decatur, Norton, Phillips, Smith, Osborne, Rooks, Graham, Sheridan, Thomas, Sherman, Wallace, Logan, Gove, Trego, Ellis, Russell, Barton, Rush and Ness. The southwest extension area shall include the following counties: Greeley, Wichita, Scott, Lane, Pawnee, Hodgeman, Finney, Kearny, Hamilton, Edwards, Ford, Gray, Haskell, Grant, Stanton, Morton, Stevens, Seward, Meade, Clark, Comanche and Kiowa. The south central extension area shall include the following counties: Lincoln, Ottawa, Dickinson, Ellsworth, Saline, Rice, McPherson, Marion, Reno, Harvey, Butler, Kingman, Sedgwick, Cowley, Sumner, Harper, Barber, Pratt and Stafford. The southeast extension area shall include the following counties: Morris, Chase, Lyon, Osage, Franklin, Miami, Coffey, Anderson, Linn, Bourbon, Allen, Woodson, Greenwood, Elk, Wilson, Neosho, Crawford, Chautauqua, Montgomery, Labette and Cherokee. The northeast extension area shall include the following counties: Jewell, Republic, Washington, Marshall, Nemaha, Brown, Doniphan, Mitchell, Cloud, Clay, Riley, Pottawatomie, Jackson, Atchison, Jefferson, Leavenworth, Wyandotte, Johnson, Douglas, Shawnee, Wabaunsee and Geary.

Sec. 11. From and after July 1, 2011, K.S.A. 74-5001a is hereby amended to read as follows: 74-5001a. The purpose of the department of commerce shall be to develop and implement strategies to:

(continued)

(a) Facilitate the growth, diversification and expansion of existing enterprises and the creation by Kansans of new wealth-generating enterprises;

(b) promote economic diversification and innovation within the basic industries and sectors of the state;

(c) promote increased productivity and value added products, processes and services among wealth-generating enterprises; and the export of those goods and services created by small and large Kansas enterprises to the nation and world;

(d) maintain and revitalize economically depressed rural areas and urban neighborhoods by annually targeting scarce resources by size, sector and location to communities and enterprises of particular need and opportunity; and by working in close collaboration with local communities;

(e) protect and enhance the environmental quality of the state in ways consistent with dynamic economic growth; and

(f) forge a supportive partnership with the standing committee on commerce of the senate, the standing committee on economic development of the house of representatives and the joint committee on economic development, Kansas, Inc., ~~the Kansas technology enterprise corporation~~, Kansas venture capital, Inc., Kansas certified development companies, Kansas small business development centers, Kansas public and private educational institutions, and other appropriate private and public sector organizations in achieving the economic goals of the state.

Sec. 12. From and after July 1, 2011, K.S.A. 2010 Supp. 74-5005 is hereby amended to read as follows: 74-5005. The department shall be the lead agency of the state for economic development of commerce through the promotion of business, industry, trade and tourism within the state. In general, but not by way of limitation, the department shall have, exercise and perform the following powers and duties:

(a) To assume central responsibility for implementing all facets of a comprehensive, long-term, economic development strategy and for coordinating the efforts of both state agencies and local economic development groups as they relate to that objective;

(b) to coordinate the implementation of the strategy with all other state and local agencies and offices and state educational institutions which do research work, develop materials and programs, gather statistics, or which perform functions related to economic development; and such state and local agencies and offices and state educational institutions shall advise and cooperate with the department in the planning and accomplishment of the purposes of this act;

(c) to advise and cooperate with all federal departments, research institutions, educational institutions and agencies, quasi-public professional societies, private business and agricultural organizations and associations, and any other party, public or private, and to call upon such parties for consultation; and assistance in their respective fields of interest, to the end that all ~~up to date~~ *up-to-date* available technical advice, information and assistance be gathered for the use of the department, the governor, the legislature; and the people of this state;

(d) to enter into agreements necessary to carry out the purposes of this act;

(e) to conduct an effective business information service, keeping ~~up to date~~ *up-to-date* information on such things as manufacturing industries, labor supply and economic trends in employment, income, savings and purchasing power within the state, utilizing the services and information available from the division of the budget of the department of administration;

(f) to support a coordinated program of scientific and industrial research with the objective of developing additional uses of the state's natural resources, agriculture, agricultural products, new and better industrial products and processes, and the best possible utilization of the raw materials in the state; and to coordinate this responsibility with the state educational institutions, with all state and federal agencies, and all public and private institutions within or outside the state, all in an effort to assist and encourage new industries or expansion of existing industries through basic research, applied research and new development;

(g) to maintain and keep current all available information regarding the industrial opportunities and possibilities of the state, including raw materials and by-products; power and water resources; transportation facilities; available markets and the mar-

keting limitations of the state; labor supply; banking and financing facilities; availability of industrial sites; and the advantages the state and its particular sections have as industrial locations; and such information shall be used for the encouragement of new industries in the state and the expansion of existing industries within the state;

(h) to publicize information and the economic advantages of the state which make it a desirable place for commercial and industrial operations and ~~as~~ a good place in which to live;

(i) to establish a clearinghouse for the collection and dissemination of information concerning the number and location of public and private postsecondary vocational and technical education programs in areas critical to economic development;

(j) to acquaint the people of this state with the industries within the state and encourage closer cooperation between the farming, commercial and industrial enterprises and the people of the state;

(k) to encourage and promote the traveling public to visit this state by publicizing information as to the recreational, historic and natural advantages of the state and its facilities for transient travel and to contract with organizations for the purpose of promoting tourism within the state; and the department may request other state agencies such as, but not limited to, the Kansas water office, the Kansas department of wildlife and parks and the department of transportation, for assistance and all such agencies shall coordinate information and their respective efforts with the department to most efficiently and economically carry out the purpose and intent of this subsection;

(l) to participate in economic development and planning assistance programs of the federal government to political subdivisions;

(m) to assist counties and cities in industrial development through the establishment of industrial development corporations, including site surveys, small business administration situations, and render such other similar assistance as may be required; and in those instances where it is deemed appropriate, to contract with and make a service charge to the county or city involved for such services rendered;

(n) to render assistance to private enterprise on planning problems and site surveys upon request and shall make a reasonable service charge for such services rendered; and any moneys received for services rendered, as provided in this subsection, shall be deposited in the fund and expended therefrom, as provided in subsection (o);

(o) to make agreements with other states and with the United States government, or its agencies, and to accept funds from the federal government, or its agencies, or any other source for research studies, investigation, planning and other purposes related to the duties of the department; and any funds so received shall be remitted 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 a special revenue fund which is hereby created and shall be known as the "economic development fund" or used in accordance with or direction of the contributing federal agencies; and expenditures from such fund may be made for any purpose in keeping with the responsibilities, functions and authority of the department; and warrants on such fund shall be drawn in the same manner as required of other state agencies upon vouchers signed by the secretary;

(p) to do other and further acts as shall be necessary and proper in fostering and promoting the industrial development and economic welfare of the state;

(q) to organize, or cause to be organized, an advisory board or boards representing interested groups, including industry, labor, agriculture, scientific research, the press, the professions, industrial associations, civic groups, etc., and such board or boards shall advise with the department as to its work and the department shall, as far as practicable, cooperate with such board or boards, and secure the active aid thereof in the accomplishment of the aims and objectives of the department;

(r) to perform the duties imposed under the Kansas venture capital company act;

(s) to serve as the central agency and clearinghouse to collect and disseminate ideas and information bearing on local planning problems; and, in so doing, the department, upon request of the board of county commissioners of any county or the governing

body of any city in the state, may make a study and report upon any planning problem of such county or city submitted to it;

(t) to disseminate to the public information concerning economic development programs available in the state, regardless of whether such programs are administered by the department or some other agency and the department shall make available audio-visual and written materials describing the economic development programs to local chambers of commerce, economic development organizations, banks and public libraries and shall take other measures as may be necessary to effectuate the purpose of this subsection; and

(u) to perform the duties imposed under the individual development account program act, K.S.A. 2010 Supp. 74-50,201 through 74-50,208, and amendments thereto; and

(v) *except as otherwise provided by law, perform the duties and carry out the purposes of K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto.*

Sec. 13. From and after July 1, 2011, K.S.A. 2010 Supp. 74-50,133 is hereby amended to read as follows: 74-50,133. There is hereby created within the department of commerce the "high performance incentive fund" to provide matching funds for business assistance and consulting services to qualified firms under the provisions of K.S.A. 74-50,131, and amendments thereto, that are entitled to a workforce training tax credit under the provisions of K.S.A. 74-50,132, and amendments thereto, or have received written approval for and are participating, at the time the funds are sought, in the Kansas industrial training, Kansas industrial retraining or state of Kansas investments in lifelong learning program, subject to appropriation of funds and program criteria, as hereinafter provided. The department of commerce may provide funds to qualified firms, on a matching basis, to pay up to 50% of such firm's costs of acquiring consulting services provided by the mid-America manufacturing technology center, or approved private consultants to assist in improving the firm's management, production processes or product or service quality. Qualified firms also shall receive priority consideration for any other business assistance programs administered by the department of commerce, ~~the Kansas technology enterprise corporation and the mid-America manufacturing technology center.~~

Sec. 14. From and after July 1, 2011, K.S.A. 2010 Supp. 74-50,151 is hereby amended to read as follows: 74-50,151. (a) There is hereby created in the state treasury the Kansas economic opportunity initiatives fund. Subject to acts of the legislature applicable thereto, the moneys in the Kansas economic opportunity initiatives fund shall be used only for the purposes prescribed by this section.

(b) All expenditures made pursuant to this act shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the governor or the governor's designee. The governor may approve a warrant upon certification, by the secretary of commerce, that an economic emergency or unique opportunity exists which warrant funding for a strategic economic intervention by such state agency or agencies to address expenses involved in securing economic benefits or avoiding or remedying economic losses related to:

- (1) A major expansion of an existing Kansas commercial enterprise;
- (2) the potential location in Kansas of the operations of a major employer;
- (3) the award of a significant federal or private sector grant which has a financial matching requirement;
- (4) the departure from Kansas or the substantial reduction of the operations of a major employer; and
- (5) the closure or the substantial reduction of a major federal or state institution or facility.

(c) An intervention strategy may include financial assistance in the form of grants, loans or both. The department of commerce shall adopt written guidelines concerning the terms and conditions of any such loans. However, all repaid funds shall be credited to the Kansas economic opportunity initiatives fund. No intervention strategy approved pursuant to this act shall facilitate the moving of an existing Kansas firm to another location within the state unless such restriction is waived by the secretary of commerce. Every intervention strategy approved pursuant to this act shall identify

the intended outcomes to be realized by the strategy for which funding is sought.

(d) The department of commerce and Kansas, Inc. shall make joint findings concerning the costs and benefits, on both a local and statewide basis, of projects proposed pursuant to this act. Prior to allocation of any funds pursuant to this act, the governor shall review the cost-benefit findings performed on each project.

(e) The director of the budget and the director of the legislative research department shall consult periodically and review the balance credited to and the estimated receipts to be credited to the state economic development initiatives fund during the fiscal year. During any period when the legislature is not in session, upon a finding by the director of the budget in consultation with the director of the legislative research department that the total of the unencumbered balance and estimated receipts to be credited to the state economic development initiatives fund during a fiscal year are insufficient to fund the budgeted expenditures and transfers from the state economic development initiatives fund for the fiscal year in accordance with the provisions of appropriation acts, the director of the budget shall make a certification of such finding to the governor. Upon approval by the governor, the director of accounts and reports shall transfer the amount of moneys from the Kansas economic opportunity initiatives fund to the state economic development initiatives fund that is required, in accordance with a certification by the director of the budget under this subsection, to fund the budgeted expenditures and transfers from the state economic development initiatives fund for the fiscal year in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

(f) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the state economic development initiatives fund interest earnings based on:

- (1) The average daily balance of moneys in the Kansas economic opportunity initiatives fund for the preceding month; and
- (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(g) A ~~five~~ ^{three} member panel consisting of the secretary of commerce, the president of Kansas, Inc., ~~the president of the Kansas technology enterprise corporation, the private sector chairperson of the board of Kansas, Inc., and the private sector chairperson of the Kansas technology enterprise corporation and the private sector chairperson of the board of Kansas, Inc.~~ shall review annually the propriety of projects funded under this section. The panel shall report its findings in writing to the governor, the new economy committee of the house of representatives, the senate commerce committee and the joint committee on economic development. The report to the new economy committee of the house of representatives, the commerce committee of the senate and the joint committee on economic development under this subsection shall be made either (1) by the panel by publishing such report on the internet and by notifying each member of the committees that the report is available and providing, as part of such notice, the uniform resource locator (URL) at which such report is available, or (2) by submitting copies of such report on CD-ROM or other electronically readable media to such committees.

Sec. 15. From and after July 1, 2011, K.S.A. 2010 Supp. 74-50,156 is hereby amended to read as follows: 74-50,156. (a) There is hereby established within and as a part of the department of commerce the agriculture products development division. The secretary of commerce shall appoint a director of such division and such director shall be in the unclassified service of the Kansas civil service act. Subject to and in accordance with appropriations acts, the agriculture products development division shall include: (1) All powers, duties and functions related to the agricultural value added center pursuant to subsections (b) and (c); (2) all powers and duties created regarding the division of markets pursuant to K.S.A. 74-530, and amendments thereto, which are hereby transferred; (3) all powers and duties created regarding registered trademarks pursuant to K.S.A. 74-540a, and amendments thereto, which are hereby transferred; (4) all powers and duties regarding the trademark fund pursuant to K.S.A. 74-540b, and amendments thereto, which are hereby transferred; and (5) all powers and duties created regarding expenditures and moneys credited to the market devel-

(continued)

opment fund pursuant to K.S.A. 74-540c, and amendments thereto, which are hereby transferred.

(b) The objectives of the agricultural value added center within the agriculture products development division shall include, but not be limited to, providing technical assistance to existing and potential value added facilities, including incubator facilities; developing a network for collecting and distributing information to individuals involved in value added processing in Kansas; initiating pilot plant facilities to act as research and development laboratories for existing and potential small scale value added processing endeavors in Kansas; providing technical assistance to new agricultural value added businesses; developing and promoting communication and cooperation among private businesses; state government agencies and public and private colleges and universities in Kansas; establishing research and development programs in technologies that have value added commercial potential for food and nonfood agricultural products achieving substantial and sustainable continuing growth for the Kansas economy through value added products from agriculture; serving as a catalyst for industrial agriculture through technological innovation in order to expand economic opportunity for all Kansas communities; establishing an industrial agriculture industry for the state of Kansas; commercializing the developed industrial agriculture technology in smaller communities and the rural areas of Kansas; and developing investment grade agriculture value added technologies and products.

(c) Subject to the provisions of appropriations acts, the functions of the agricultural value added center within the agriculture products development division shall include, but not be limited to, developing a market referral program, matching distribution to buyers in coordination with other state agencies concerned with marketing Kansas products; assisting private entrepreneurs in the establishment of facilities and markets for new agricultural value added endeavors; and introducing coordinated programs to develop marketing skills of existing agricultural value adding processors in Kansas.

(d) (1) It shall be the duty of the agriculture products development division to perform acts and to do, or cause to be done, those things which are designed to lead to the more advantageous marketing of agricultural products of Kansas. For these purposes the division may:

- (A) Investigate the subject of marketing farm products;
- (B) promote their sales distribution and merchandising;
- (C) furnish information and assistance to the public;
- (D) study and recommend efficient and economical methods of marketing;
- (E) provide for such studies and research as may be deemed necessary and proper;

(F) gather and diffuse timely and useful information concerning the supply, demand, prevailing prices and commercial movement of farm products including quantity in common storage and cold storage, in cooperation with other public or private agencies;

(G) conduct market development activities and assist and coordinate participation by companies, commodity organizations, trade organizations, producer organizations and other interested organizations to develop new markets and sales for Kansas agricultural commodities and food products;

(H) render assistance to any of the entities listed in subsection (G) and development activities and make a reasonable service charge for such services rendered by the division; and

(I) make agreements with other states and with the United States government, or its agencies, and accept funds from the federal government, or its agencies, or any other source for research studies, investigation, market development and other purposes related to the duties of the division.

(2) The department of commerce shall remit all moneys received under this subsection 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 market development fund. All expenditures from such fund shall be made for any purpose consistent with this subsection and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers

approved by the secretary of commerce or a person designated by the secretary.

(e) (1) In conjunction with any trademark registered by the department of commerce, the agriculture products development division is hereby authorized to:

(A) Promulgate policy regarding the use of any such trademark;

(B) print, reproduce or use the trademark in or on educational, promotional or other material;

(C) fix, charge and collect fees for the use of the trademark provided that the fees shall be fixed in an amount necessary to recover all direct costs associated with the production of educational, promotional and other materials associated with a trademark program; and

(D) enter into any contracts necessary to carry out the purposes of this subsection, which contracts shall not be subject to the bidding requirements of K.S.A. 75-3739, and amendments thereto.

(2) The secretary of commerce shall remit all moneys received under this subsection 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 trademark fund. All expenditures from such fund shall be made for any purpose consistent with this subsection and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of commerce or a person designated by the secretary.

(f) On or before February 1 of each year, the agriculture products development division shall present an oral and written report to the house and senate agriculture committees concerning the performance indicators, performance outcomes, activities and functions of the division for the previous year. Such report shall include a budget of how moneys appropriated or otherwise authorized to be expended from the state general fund or any special revenue fund for the agriculture products development division of the department of commerce for the previous fiscal year were spent and a projected budget of moneys appropriated or otherwise authorized to be expended from the state general fund or any special revenue fund for the agriculture products development division of the department of commerce for the current fiscal year. Such report shall further include the full-time equivalent number of positions financed from appropriations and allocated for the agriculture products development division of the department of commerce for each fiscal year. In the report to the 1997 legislature, the division's report shall include a mission statement for the reorganized division.

~~(g) Subject to appropriation acts, the secretary of commerce shall fulfill all contracts in existence on the effective date of this act between the Kansas technology enterprise corporation and the alternative agriculture research and development center.~~

Sec. 16. From and after July 1, 2011, K.S.A. 74-8102 is hereby amended to read as follows: 74-8102. (a) The purpose of ~~the Kansas technology enterprise corporation~~ K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto, is to foster innovation in existing and developing businesses, especially the creation, growth and expansion of Kansas enterprises in a diversified range of primary sectors, which develop value-added products, processes and services including, but not limited to:

(1) Existing resource-based industries of agriculture, oil, gas, coal and helium;

(2) existing advanced technology industries of aviation, pharmaceuticals, computers and electronics; and

(3) emerging industries of telecommunications, computer software, information services and research services.

(b) The ~~corporation~~ department of commerce shall achieve the purpose stated in subsection (a) of this section by:

(1) Financing basic research, applied research and development, and technology transfer at Kansas educational institutions which meet competitive standards of excellence as measured by national and international peers, and which create innovative collaboration between Kansas educational institutions and Kansas enterprises;

(2) awarding applied research matching grants to Kansas educational institutions and Kansas private enterprises in order to

move innovation and applied research toward commercial application;

(3) engaging in seed-capital financing for the development and implementation of innovations or new technologies for existing resource, technology-based and emerging Kansas businesses; and

(4) providing technical referral services to such small, new, emerging or mature businesses and encouraging Kansas educational institutions to establish technical information data bases and industrial liaison offices which are easily accessible by both private and public sector Kansas organizations.

(c) ~~The department of commerce, Kansas, Inc. and~~ All other interested state agencies shall cooperate with the ~~Kansas technology enterprise corporation~~ *department of commerce* in providing information and other assistance as may be requested for the performance of its duties with respect to the state's economic development strategy.

Sec. 17. From and after July 1, 2011, K.S.A. 74-8103 is hereby amended to read as follows: 74-8103. As used in this act, unless the context clearly requires otherwise:

(a) "Applied research" means those research activities occurring at educational institutions and in private enterprises, which have potential commercial application;

(b) "basic research" means research that has long range generic value to an industry classification or group of companies. Basic research is distinguished from applied research which has more short range present value to a single company or project;

(c) ~~"corporation" means the Kansas technology enterprise corporation;~~ "board" means the *Kansas technology enterprise advisory board*;

(d) ~~"department" means the department of commerce;~~

~~(e)~~ (e) "educational institutions" means public and private community colleges, colleges and universities in the state;

~~(f)~~ (f) "enterprise" means a firm with its principal place of business in Kansas which is engaged or proposes to be engaged in this state in agricultural, natural resource-based or other manufacturing, research and development, or the provision of technology-based services;

~~(g)~~ (g) "new technology" means the development through science or research of methods, processes and procedures, including but not limited to those involving the utilization of agricultural products and by-products and oil and gas and other mineral resources for practical application in industrial and service situations;

~~(h)~~ (h) "person" means any individual, partnership, corporation or joint venture carrying on business or proposing to carry on business within the state;

~~(i)~~ (i) "product" means any product, device, technique or process, which is or may be developed or marketed commercially; however, "product" does not refer to basic research but shall apply to such products, devices, techniques or processes which have advanced beyond the theoretical stage and are in a prototype or practice stage;

~~(j)~~ (j) "qualified security" means any public or private financial arrangement, involving any note, security, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, preorganization certificate or subscription, transferable security, investment contract, certificate of deposit for a security, certificate of interest or participation in a patent or application therefor, or in royalty or other payments under such a patent or application, or, in general, any interest or instrument commonly known as a "security" or any certificate for, receipt for, guarantee of, or option, warrant or right to subscribe to or purchase any of the foregoing to the extent allowed by law;

(k) ~~"secretary" means the secretary of commerce; and~~

~~(l)~~ (l) "seed capital" means financing that is provided for the development, refinement and commercialization of a product, process or innovation, whether for the startup of a new firm, the expansion or the restructuring of a small firm.

Sec. 18. From and after July 1, 2011, K.S.A. 2010 Supp. 74-8104 is hereby amended to read as follows: 74-8104. (a) The ~~corporation~~ *secretary* shall have all the powers necessary to achieve the purposes, specified in K.S.A. 74-8102, and amendments thereto, including the power to:

(1) ~~Make, amend and repeal bylaws, rules and regulations for the management of its affairs~~ *Adopt rules and regulations as deemed*

necessary for the implementation of K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto;

~~(2) sue and be sued;~~

~~(3)~~ make contracts and execute all instruments necessary or convenient for carrying out ~~its business~~ *the powers and duties under K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto;*

~~(4)~~ (3) acquire, own, hold, dispose of and encumber real or personal property of any nature, both tangible and intangible, or any interest therein;

~~(5)~~ (4) enter into agreements or other transactions with any federal, state, county or municipal agency and with any individual, corporation, enterprise, association or any other entity involving applied research and technology;

~~(6)~~ (5) acquire real property or an interest therein, by purchase or foreclosure, where such acquisition is necessary or appropriate to protect or secure any investment or loan in which the ~~corporation~~ *department* has an interest;

~~(7)~~ (6) sell, transfer and convey any such property to a buyer, and in the event such sale, transfer or conveyance cannot be effected with reasonable promptness or at a reasonable price, to lease such property to a tenant;

~~(8)~~ (7) invest any funds appropriated by the state and held in reserve in funds not required for immediate disbursement, in such investments that may be lawful for fiduciaries in this state, and invest funds received from gifts, grants, donations and other operations of the ~~corporation~~ *department* in such investments as would be lawful for a private corporation having purposes similar to the ~~corporation~~ *department*;

~~(9)~~ (8) borrow money and give ~~guaranties~~ *guarantees*, provided that the indebtedness and other obligations of the ~~corporation~~ *department* shall be payable solely out of its own ~~resources~~ *funds*, and shall not constitute a pledge of the full faith and credit of the state or any of its revenues;

~~(10)~~ (9) appoint officers, consultants, agents and advisors, and prescribe their duties and compensation;

~~(11)~~ (10) appear in its own behalf before boards, commissions, departments or other agencies of municipal, county or state government or federal government;

~~(12)~~ (11) procure insurance against any losses in connection with its properties in such amounts from such insurers as may be necessary or desirable;

~~(13)~~ (12) consent, subject to the provisions of any contract with note-holders, whenever it considers it necessary or desirable in the fulfillment of the purposes of ~~this act~~ *K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto*, to the modifications, with respect to the rate of interest, time payment or of any installment, of principal and interest or any terms of any contract or agreement of any kind to which the corporation is a party;

~~(14)~~ (13) accept any and all donations, grants, bequests and devises, conditional and otherwise, of money, property, services or other things of value which may be received from the United States or any agency thereof, any governmental agency, or any institution, person, firm or corporation, public or private, to be held, used or applied for any or all of the purposes specified in ~~this act~~ *K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto*, in accordance with the terms and conditions of any such grant;

~~(15)~~ (14) trade, buy or sell qualified securities, including without limitation, the powers to guarantee, purchase, take, receive, subscribe for or otherwise acquire, to own, hold, use or otherwise employ; to sell, lease, exchange, transfer or otherwise dispose of; to mortgage, lend, pledge or otherwise deal in and with, qualified securities issued by any other domestic or foreign corporation, partnership, association, limited liability company, or business trust, whether or not such issuer was organized or caused to be organized by the ~~corporation~~ *secretary*. The ~~corporation~~ *secretary*, while owner of any such qualified securities, may exercise all of the rights, powers and privileges of ownership, including without limitation the right to vote;

~~(16)~~ (15) finance, conduct or cooperate in the financing or conducting of scientific, technological, business, financial or other investigations which are related to or likely to lead to business and

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economic development, involving natural resources, innovation, applied research and new technology, by making and entering into contracts or other appropriate arrangements, including the provisions of grants, loans and other forms of assistance;

~~(17)~~ (16) solicit, study and assist in the preparation of business plans and proposals of new or established resource and technologically oriented enterprises of special importance to the Kansas economy;

~~(18)~~ (17) prepare, publish and distribute such technological studies, reports, bulletins and other materials as it considers appropriate, subject only to the maintenance and responsibility for confidentiality of the client proprietary information, and encourage educational institutions to develop and disseminate similar materials;

~~(19)~~ (18) organize, conduct, sponsor or cooperate with, and assist both the private sector and educational institutions in the conduct of, special institutes, conferences, demonstrations and studies relating to the stimulation and formulation of innovation, applied science and technologically oriented enterprises and studies relating to the formulation of resource and technologically oriented enterprises and industry endeavors;

~~(20)~~ (19) provide and pay for such advisory services and technical assistance that may be necessary or desirable to carry out the purposes of ~~this act~~ K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto;

~~(21)~~ (20) own, possess and take license in, patents, copyrights and proprietary processes and negotiate and enter into contracts and establish charges for the use of such patents, copyrights and proprietary processes when such patents and licenses for innovation or inventions result from research sponsored by the ~~corporation~~ department in a private enterprise or when the ~~corporation~~ department finances a product developed by a private enterprise;

~~(22)~~ (21) negotiate royalty payments to the ~~corporation~~ department on patents and licenses for innovations or inventions arising in the course of research sponsored by the ~~corporation~~ department at educational institutions under the jurisdiction of the Kansas board of regents; such negotiated royalty arrangements should reflect an appropriate sharing of legal risk as well as financial return between the ~~corporation~~ department and educational institution; such patents and licenses shall be in keeping with the patent policies of the Kansas board of regents;

~~(23)~~ (22) exercise any other powers necessary for the operation and functioning of the ~~corporation~~ within the purposes authorized in ~~this act~~ department within the purposes of K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto;

~~(24)~~ (23) participate with any state agency or educational institution in developing specific programs and goals to assist in the development of industrial innovation, applied research and new technology of special importance to the Kansas economy, and monitor performance;

~~(25)~~ cooperate with the department of commerce regarding financial assistance programs targeted to small enterprises of special importance to the Kansas economy; and

~~(26)~~ (24) provide resource-based, scientific and technological data and information required by the governor, the legislature, or its committees, and to state agencies, educational institutions and cities, counties and school districts and to private citizens and groups, within the limitations of the resources available to the ~~corporation~~ department. This service shall be in addition to any services currently provided by any educational institution, committee or other organization in the state; and

(25) dispose of any direct or indirect stock or other equity or investment asset transferred to the department pursuant to this act except that such disposition shall be made in the best interests of the state of Kansas and solely at the discretion of the secretary and shall not be required otherwise.

(b) ~~The corporation shall be exempt from all franchise, corporate business and income taxes levied by the state. However, this act is not intended to exempt from any such taxes, or from any taxes levied in connection with the manufacture or sale of any products or processes which are the subject of any agreement made by the corporation, or any person entering into any agreement with the corporation.~~

(c) Documents and other materials submitted to the ~~corporation~~ department by Kansas businesses shall not be public records if

such records are trade secrets under the uniform trade secrets act (K.S.A. 60-3320 et seq. and amendments thereto) or are determined by the ~~corporation~~ department to be business secrets, and shall be maintained in a secured environment by the ~~president~~ secretary.

~~(d) The corporation department shall not be subject to state purchasing laws.~~

Sec. 19. From and after July 1, 2011, K.S.A. 74-8106 is hereby amended to read as follows: 74-8106. (a) The purpose of this section is to authorize the establishment of three types of centers of excellence at educational institutions: Centers of excellence for basic research, centers of excellence for applied research and development, and centers of excellence for technology transfer.

(b) Centers of excellence for basic research will primarily undertake ongoing basic research with a particular focus that will have long-run potential for commercial development. The centers should build on institutional strengths and be in areas of research where the educational institution has achieved or has true promise of attaining a standard of excellence as recognized by national and international peers.

(1) The Kansas technology enterprise basic research fund is hereby created to which shall be credited any state funds specifically so designated. The fund is not to be used for applied research, technology transfer, technical assistance or training except as it is incidental to the basic research intended to be benefited by this section.

(2) The ~~corporation~~ department of commerce may use the Kansas technology enterprise basic research fund to carry out the purposes of ~~this act~~ K.S.A. 74-8102, and amendments thereto, by awarding funds to establish new centers of excellence for basic research or to increase funding to such already established centers of excellence so long as those centers are determined to be primarily carrying out basic research and to meet the standards of excellence required by ~~this act~~ this section and K.S.A. 74-8102 and amendments thereto. Awards of funds shall be made on a competitive basis, and all proposals for new centers of excellence shall be subject to external peer review on the basis of scientific merit which meet national standards of excellence and subsequent potential for commercial application.

(c) Centers of excellence for applied research and development will primarily undertake applied research and development with a particular focus that will have long-run potential for commercial development. The centers should build on institutional strengths and be in areas of research where the educational institution has achieved or has true promise of attaining a standard of excellence in applied research and development.

(1) The Kansas technology enterprise applied research and development fund is hereby created to which shall be credited any state funds specifically so designated. The fund is not to be used for basic research, technology transfer, technical assistance or training except as it is incidental to the applied research and development intended to be benefited by this section.

(2) The ~~corporation~~ department of commerce may use the Kansas technology enterprise applied research and development fund to carry out the purposes of this act by awarding funds to establish new centers of excellence for applied research and development or to increase funding to such already established centers of excellence so long as those centers are determined to be carrying out primarily applied research and development, and to be meeting the standards of excellence required by this act. Awards of funds shall be made on a competitive basis, and all proposals for new centers of excellence shall be subject to external peer review on the basis of scientific merit which meets national standards of excellence and subsequent potential for commercial application.

(d) Centers of excellence for technology transfer will primarily undertake ongoing transfer of technology from educational institutions to Kansas business.

(1) The Kansas technology enterprise technology transfer fund is hereby created to which shall be credited any state funds specifically so designated. The fund is not to be used for basic research, applied research and development, technical assistance or training except as it is incidental to the technology transfer intended to be benefited by this section.

(2) The ~~corporation~~ department of commerce may use the Kansas technology enterprise technology transfer fund to carry out the purposes of ~~this act~~ K.S.A. 74-8102, and amendments thereto, by

awarding funds to establish new centers of technology transfer or to increase funding to such already established centers of excellence so long as those centers are determined to be carrying out primarily technology transfer.

(3) Awards of funds shall be made on a competitive basis and all proposals for new centers of excellence shall be subject to external peer review on the basis of merit which meets national standards of excellence and potential for increasing the competitiveness of Kansas business.

(e) The ~~corporation~~ department of commerce shall award funding to centers of excellence ~~transfer~~ in accordance with subsections (g) and (h).

(f) In carrying out its functions under this section, the ~~corporation~~ board of regents is directed to create a centers of excellence committee to assist in evaluating the establishment of new centers of excellence and in evaluating increases in funding for already established centers of excellence. The membership of the centers of excellence committee may include ~~both directors and staff members of the corporation~~ employees of the department of commerce, and other persons drawn from sources other than the ~~corporation~~ who meet standards similar to those applying to the board of directors and department of commerce who are recognized by their peers for outstanding knowledge and leadership in their fields.

(g) The ~~corporation~~ department of commerce shall award funding for new centers and increased funding for established centers only after:

(1) Developing, adopting and publishing the criteria it shall use when evaluating centers of excellence;

(2) developing a level of core funding for each center of excellence; and

(3) receiving the recommendation of the centers of excellence committee which will review proposals for new or established centers of excellence containing:

(A) Documentation that not less than 50% of the center's funding above the established level of core funding will be matched by sources other than the ~~corporation~~ department of commerce; machinery or equipment may be considered as part of the matching funds, but must be accompanied by a statement that the center of excellence has received the machinery or equipment, it is state of the art; and either

(i) verifying that the machinery or equipment is donated and has only been used in testing to insure quality control, or used by a wholesaler or retailer for demonstration purposes only; or

(ii) detailing the price paid by the center of excellence, with an invoice showing the amount paid for the equipment;

(B) a description of a potential for future benefit to industry;

(C) an itemized operations budget; and

(D) other information that may be required by the ~~board~~ department of commerce.

(h) The ~~board~~ department of commerce shall approve proposals to establish new centers of excellence after the department of commerce finds, based upon the proposal submitted, external peer reviews, and such additional investigation as the staff of the ~~corporation~~ shall make and incorporate in its minutes department of commerce shall make that:

(1) The proposed center of excellence has the potential to stimulate economic growth by bringing together educational institutions and businesses in partnerships to focus on basic research, applied research and development, and technology transfer;

(2) the center has the long-run potential for benefit to existing and new businesses through innovation and development of new technology; and

(3) approval of the proposal will not create or foster unnecessary duplication of programs, particularly at the graduate level of instruction.

(i) Each existing Kansas center of excellence is eligible for annual support from the ~~corporation~~ department of commerce according to the same terms and conditions as provided in this ~~act~~ section for new centers except that an external peer review to determine under what provision of this ~~statute~~ section and by what terms continuing funding is appropriate shall be conducted annually during the first three years after the center of excellence is established and shall be conducted biennially thereafter. In the years between external peer reviews conducted on a biennial basis, the ~~corporation~~ department of commerce shall conduct internal reviews to determine under what

provision of this statute and under what terms continuing funding is appropriate.

(j) ~~Any commercialized research that results from the funding of a center of excellence shall be subject to negotiations under provisions of (21) and (22) of subsection (a) of K.S.A. 74-8104 and amendments thereto. The department of commerce may require any educational institution where a center of excellence is located to oversee the operation of such center of excellence.~~

(k) ~~Kansas, Inc. shall annually transmit to the governor and the legislature a report, based on information received from the board of regents, describing the funding and expenditures of each center of excellence for the preceding year, including the purposes for which such expenditures were made.~~

Sec. 20. From and after July 1, 2011, K.S.A. 74-8107 is hereby amended to read as follows: 74-8107. (a) The Kansas technology enterprise applied research matching grant fund is hereby created, to which shall be credited any state funds specifically so designated.

(b) The ~~corporation~~ secretary may use the Kansas technology enterprise applied research fund to carry out the purposes of this act by awarding competitive applied research grants to educational institutions and private enterprises of special importance to the Kansas economy. The fund is not to be used for pure research technology transfer technical assistance or training but only for actual applied research.

(c) The ~~board~~ secretary shall award grants only after:

(1) Developing, adopting and publishing the criteria it shall use when evaluating research proposals; and

(2) reviewing applied research proposals which present:

(A) Documentation, if the proposal is from an educational institution, that not less than 60% of the total direct cost of the proposed project will be provided by sources other than the corporation; machinery or equipment may be considered as part of the matching funds for the research, but must be accompanied by a statement:

(i) That the educational institution has received the machinery or equipment and it is state of the art; and either

(ii) verifying that the equipment or machinery is donated and has only been used in testing to insure quality control, or used by a wholesaler or retailer for demonstration purposes only; or

(iii) detailing the price paid by the educational institution, with an invoice showing the amount paid for the machinery or equipment;

(B) documentation, if the proposal is from a private enterprise, that not less than 60% of the total direct cost of the proposed project will be provided by sources other than the ~~corporation~~ department or through in-kind services provided through the private enterprise as evaluated by the ~~board or review committee~~ secretary;

(C) a description of the future commercial application and the industrial sectors that will likely benefit by the applied research project and the potential for job creation;

(D) an itemized research budget, time line and research methodology;

(E) a recommendation from the sponsoring educational institution or business enterprise; and

(F) other information that may be required by the board.

(d) The ~~board~~ secretary shall approve such applied research proposals after the ~~board~~ secretary finds, based upon the proposal submitted and such additional investigation as the staff of the ~~corporation~~ department shall make and incorporate in its minutes, that:

(1) The proposed project is research that leads to innovation, new knowledge or technology and is not training or technical assistance for business firms;

(2) the proposed applied research project will expand that field's technological base within the state;

(3) the project will enhance employment opportunities within Kansas; and

(4) the project is technically sound and will produce a measurable result.

(e) The ~~board of directors~~ secretary shall create an applied research committee to assist in evaluating potential applied research projects. The membership of this applied research committee may include ~~both directors and staff members of the corporation~~ employees of the department, and other persons drawn from sources

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other than the corporation who meet standards similar to those applying to the board of directors and department who are recognized by their peers for outstanding knowledge and leadership in their fields.

(f) Any commercialized research that results from a corporation an applied research grant shall be subject to provisions paragraphs (21) and (22) (20) and (21) of subsection (a) of K.S.A. 74-8104, and amendments thereto.

Sec. 21. From and after July 1, 2011, K.S.A. 74-8108 is hereby amended to read as follows: 74-8108. (a) The corporation secretary is directed to develop a small business innovation research (SBIR) matching grant program which meets the highest current standards for state matching grants to federal phase I SBIR program. Prior to establishing the SBIR matching grant program, the corporation secretary shall conduct a survey and analysis of the most effective SBIR matching grant programs existing in other states.

(b) The corporation secretary is hereby directed to establish a small business innovation research bridge financing fund. Such fund shall provide grants, loans, royalty or equity investment to firms that have previously received federal phase I SBIR moneys and that have applied for a phase II SBIR grant.

Sec. 22. From and after July 1, 2011, K.S.A. 74-8108a is hereby amended to read as follows: 74-8108a. Five years from the effective date of this act, the corporation secretary shall conduct a review of the small business innovation research bridge financing program and report the results of the review to the legislature. Such review shall determine the extent to which the program has achieved the following outcomes:

- (a) Increased the number of phase II SBIR grant proposals;
- (b) increased the percentage of phase II SBIR grants awarded to researchers in the state;
- (c) stimulated subsequent investments by industry venture capital and other federal sources;
- (d) encouraged development of industry partners with researchers; and
- (e) encouraged development of business or commercialization plans for new technology.

Sec. 23. From and after July 1, 2011, K.S.A. 74-8109 is hereby amended to read as follows: 74-8109. (a) There is hereby created the technology enterprise seed-capital fund to which shall be credited any state funds specifically so designated. The corporation secretary may credit the fund with unrestricted appropriations, gifts, donations or grants received from any source and with payments on loans made from the fund.

(b) The corporation secretary may use the Kansas technology enterprise seed-capital fund as follows:

(1) To carry out the purposes of this act K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto, through investments in qualified securities and through the forms of financial assistance authorized by this act K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto, including:

- (A) Loans, loans convertible to equity, and equity;
- (B) leaseholds;
- (C) management or consultant service agreements;
- (D) loans with warrants attached that are beneficially owned by the corporation department;
- (E) loans with warrants attached that are beneficially owned by a party other than the corporation department; and
- (F) any other contractual arrangement in which the corporation department is providing scientific and technological services to any federal, state, county or municipal agency, or to any individual, corporation, enterprise, association or any other entity involving science and technology. The corporation secretary, in connection with the provision of any form of financial assistance, may enter into royalty agreements with an enterprise.

(2) To pay all or a portion of the corporation's department's operating expenses from revenues generated by seed-capital fund investments, which shall be an amount sufficient to allow the corporation department to undertake and efficiently manage its responsibilities.

(3) To invest in such other investments as are lawful for Kansas fiduciaries.

(c) The corporation secretary may use the Kansas technology enterprise seed-capital fund to purchase qualified securities issued

by enterprises as a part of a resource and technology project for the purpose of raising the initial capital for such projects subject to the conditions set forth in this section.

(d) The corporation secretary may use the fund to make low-interest or zero-interest loans to business incubator facilities in exchange for royalties from future gross sales generated by enterprises created in the incubator.

(e) The corporation secretary shall purchase qualified securities issued by an enterprise as a part of a resource and technology project only after:

(1) Receipt of an application from the enterprise which contains:

(A) A business plan including a description of the enterprise and its management, product and market;

(B) a statement of the amount, timing and projected use of the capital required;

(C) a statement of the potential economic impact of the enterprise, including the number, location and types of jobs expected to be created; and

(D) such other information as the corporation board of directors secretary shall request.

(2) Approval of the investment by the corporation department may be made after the board of directors secretary finds, based upon the application submitted by the enterprise and such additional investigation as the staff of the corporation shall make and incorporate in its minutes, department shall make that:

(A) The proceeds of the investment will be used only to cover the seed-capital needs of the enterprise except as authorized by this section;

(B) the enterprise has a reasonable chance of success;

(C) the corporation's department's participation is instrumental to the success of the enterprise and its retention within the state because funding otherwise available for the enterprise is not available on commercially reasonable terms;

(D) the enterprise has the reasonable potential to create a substantial amount of employment within the state;

(E) the entrepreneur and other founders of the enterprise have already made or are contractually committed to make a substantial financial and time commitment to the enterprise;

(F) the securities to be purchased are qualified securities;

(G) there is a reasonable possibility that the corporation department will recoup at least its initial investment; and

(H) binding commitments have been made to the corporation department by the enterprise for adequate reporting of financial data to the corporation department, which shall include a requirement for an annual report, or if required by the board, an annual audit of the financial and operational records of the enterprise, and for such control on the part of the corporation as the board of directors department shall consider prudent over the management of the enterprise, so as to protect the investment of the corporation department, including in the discretion of the board secretary and without limitation, right of access to financial and other records of the enterprise.

(f) The board of directors secretary shall create an investment committee to assist in evaluating potential investments in qualified securities. The membership of this investment committee may include both directors and staff members of the corporation department, and other persons drawn from sources other than the corporation who meet standards similar to those applying to the board of directors and department who are recognized by their peers for outstanding knowledge and leadership in their fields, all of whom shall serve at the pleasure of the board secretary.

(g) The corporation secretary shall not make investments in qualified securities issued by enterprises in excess of the amount necessary to own more than 49% of qualified securities in any one enterprise at the time of the purchase by the corporation department, after giving effect to the conversion of all outstanding convertible qualified securities of the enterprise except that in the event of severe financial difficulty of the enterprise, threatening, in the judgment of the board of directors secretary, the investment of the corporation department therein, a greater percentage of such securities may be owned by the corporation department.

Sec. 24. From and after July 1, 2011, K.S.A. 74-8110 is hereby amended to read as follows: 74-8110. (a) The Kansas technology enterprise corporation secretary shall establish a clearinghouse to

provide technology transfer and technical referral services and shall fund educational institutions to establish technical information data bases and industrial liaison offices which are easily accessible by both private and public sector organizations.

(b) The ~~corporation~~ secretary shall provide to private enterprises and individuals, services which include, but are not limited to:

(1) Disseminating such research and technical information as is available to the ~~corporation~~ department;

(2) referring clients to researchers or laboratories for the purpose of testing and evaluating new products, processes or innovations;

(3) assisting persons developing innovations or new technology in locating enterprises or entrepreneurs that may be interested in applying such innovations or new technologies; and

(4) providing managerial assistance to enterprises requesting such assistance, but particularly to those small enterprises of special importance to the Kansas economy.

(c) The ~~corporation~~ secretary shall encourage business enterprises to use such technology transfer and technical support services as provided by educational institutions and especially the state's small business development centers.

Sec. 25. From and after July 1, 2011, K.S.A. 74-8111 is hereby amended to read as follows: 74-8111. (a) The ~~corporation~~ secretary shall publish an annual report which shall include an audit in accordance with generally accepted accounting principles as of June 30 of each year, and present the report to the governor, the legislature and Kansas, Inc., setting forth in detail the operations and transactions conducted by it pursuant to ~~this act~~ K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto, or to other legislation. The annual report shall specifically account for the ways in which the ~~purpose of the corporation purposes~~ and the programs described in ~~this act~~ K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto, have been carried out, and the recommendations shall specifically note what changes in the activities of the ~~corporation~~ department and the programs it administers, and of state government are necessary to better address the purposes described in ~~this act~~ K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto. The ~~corporation~~ secretary shall distribute its annual report by such means that will make it widely available to those innovative enterprises of special importance to the Kansas economy.

(b) The ~~corporation~~ secretary shall annually review and prepare a report showing how ~~and~~ and at what level other states fund the programs provided for under ~~this act~~ K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto. The ~~corporation~~ secretary shall recommend an appropriate funding level for Kansas which will make these programs nationally competitive with those of other states. The ~~corporation's~~ secretary's findings and recommendations shall be submitted to the governor and the legislature.

(c) The ~~corporation~~ secretary shall adopt a threshold funding level for each of the programs provided for under ~~this act~~ K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto. The threshold amount shall provide for funding that is great enough to have a significant impact and carry out the intent of ~~this act~~ K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto. If the appropriation to fund these programs falls below the threshold, then no funding shall be provided by the ~~corporation~~ department to the program funded below threshold level.

(d) The corporation shall be subject to an audit by the legislative division of post audit.

Sec. 26. From and after July 1, 2011, K.S.A. 2010 Supp. 74-8131 is hereby amended to read as follows: 74-8131. (a) The purpose of the Kansas angel investor tax credit act is to facilitate the availability of equity investment in businesses in the early stages of commercial development and to assist in the creation and expansion of Kansas businesses, which are job and wealth creating enterprises, by granting tax credits against the Kansas income tax liability of investors investing in these businesses. The Kansas angel investor tax credit act shall be administered by the ~~Kansas technology enterprise corporation (KTEC)~~ secretary with the primary goal of encouraging individuals to provide seed-capital financing for emerging, Kansas businesses engaged in the development, im-

plementation and commercialization of innovative technologies, products and services.

(b) ~~This act~~ K.S.A. 2010 Supp. 74-8131 through 74-8137, and amendments thereto, shall be known and may be cited as the Kansas angel investor tax credit act.

Sec. 27. From and after July 1, 2011, K.S.A. 2010 Supp. 74-8132 is hereby amended to read as follows: 74-8132. As used in this act:

(a) "Angel investor" and "investor" mean an accredited investor who is a natural person or an owner of a permitted entity investor, who is of high net worth, as defined in 17 C.F.R. 230.501(a) as in effect on the effective date of this act, and who seeks high returns through private investments in start-up companies and may seek active involvement in business, such as consulting and mentoring the entrepreneur. For the purposes of this act, a person who serves as an executive, officer, employee, vendor or independent contractor of the business in which an otherwise qualified cash investment is made is not an angel investor and such person shall not qualify for the issuance of tax credits for such investment;

(b) "Bioscience business" means what is reflected in K.S.A. 2010 Supp. 74-99b83, and amendments thereto;

(c) "cash investment" means money or money equivalent in consideration for qualified securities;

(d) "~~KTEC~~" means the ~~Kansas technology enterprise corporation, a public instrumentality created pursuant to K.S.A. 74-8101, and amendments thereto~~ "department" means the department of commerce;

(e) "Kansas business" means any business owned by an individual, any partnership, association or corporation domiciled in Kansas, or any corporation, even if a wholly owned subsidiary of a foreign corporation, that does business primarily in Kansas or does substantially all of such businesses' production in Kansas;

(f) "owner" means any natural person who is, directly or indirectly, a partner, stockholder or member in a permitted entity investor;

(g) "permitted entity investor" means (A) any general partnership, limited partnership, corporation that has in effect a valid election to be taxed as an S corporation under the United States internal revenue code, or a limited liability company that has elected to be taxed as a partnership under the United States internal revenue code and (B) that was established and is operated for the sole purpose of making investments in other entities;

(h) "qualified Kansas business" means the Kansas businesses that are approved and certified as qualified Kansas businesses as provided in K.S.A. 2010 Supp. 74-8134, and amendments thereto; ~~and~~

(i) "qualified securities" means a cash investment through any one or more forms of financial assistance as provided in this subsection that have been approved in form and substance by ~~KTEC~~ the secretary. Such forms of financial assistance are: (1) Any form of equity, such as: (A) A general or limited, partnership interest; (B) common stock; (C) preferred stock, with or without voting rights, without regard to seniority position, and whether or not convertible into common stock; or (D) any form of subordinate or convertible debt, or both, with warrants or other means of equity conversion attached; or

(2) a debt instrument, such as a note or debenture that is secured or unsecured, subordinated to the general creditors of the debtor and requires no payments of principal, other than principal payments required to be made out of any future profits of the debtor, for at least a seven-year period after commencement of such debt instrument's term; ~~and~~

(j) "secretary" means the secretary of commerce.

Sec. 28. From and after July 1, 2011, K.S.A. 2010 Supp. 74-8133 is hereby amended to read as follows: 74-8133. (a) A credit against the tax imposed by article 32 of chapter 79 of the Kansas Statutes Annotated on the Kansas taxable income of an angel investor and against the tax imposed by K.S.A. 40-252, and amendments thereto, shall be allowed for a cash investment in the qualified securities of a qualified Kansas business. The credit shall be in a total amount equal to 50% of such investors' cash investment in any qualified Kansas business, subject to the limitations set forth in subsection (b). This tax credit may be used in its entirety in the taxable year in which the cash investment is made except that no tax credit shall be allowed in a year prior to January 1, 2005. If the amount by

(continued)

which that portion of the credit allowed by this section exceeds the investors' liability in any one taxable year, beginning in the year 2005, the remaining portion of the credit may be carried forward until the total amount of the credit is used. If the investor is a permitted entity investor, the credit provided by this section shall be claimed by the owners of the permitted entity investor in proportion to their ownership share of the permitted entity investor.

(b) The secretary of revenue shall not allow tax credits of more than \$50,000 for a single Kansas business or a total of \$250,000 in tax credits for a single year per investor who is a natural person or owner of a permitted entity investor. No tax credits authorized by this act shall be allowed for any cash investments in qualified securities for any year after the year 2016. The total amount of tax credits which may be allowed under this section shall not exceed \$4,000,000 during the tax year 2007 and \$6,000,000 for tax year 2008 and each tax year thereafter, except that for tax year 2011, the total amount of tax credits which may be allowed under this section shall not exceed \$5,000,000. The balance of unissued tax credits may be carried over for issuance in future years until 2016.

(c) A cash investment in a qualified security shall be deemed to have been made on the date of acquisition of the qualified security, as such date is determined in accordance with the provisions of the internal revenue code.

(d) No investor shall claim a credit under this section for cash investments in Kansas venture capital, inc. No Kansas venture capital company shall qualify for the tax credit for an investment in a fund created by articles 81, 82, 83 or 84 of chapter 74 of the Kansas Statutes Annotated.

(e) Any investor who has not owed any Kansas income tax under the provisions of article 32, chapter 79 of the Kansas Statutes Annotated for the immediate past three taxable years, who does not reasonably believe that it will owe any such tax for the current taxable year and who makes a cash investment in a qualified security of a qualified Kansas business shall be deemed to acquire an interest in the nature of a transferable credit limited to an amount equal to 50% of this cash investment. This interest may be transferred to any natural person of net worth, as defined in 17 C.F.R. 230.501(a) as in effect on the effective date of this act whether or not such person is then an investor and be claimed by the transferee as a credit against the transferee's Kansas income tax liability beginning in the year provided in subsection (a). No person shall be entitled to a refund for the interest created under this section. Only the full credit for any one investment may be transferred and this interest may only be transferred one time. A credit acquired by transfer shall be subject to the limitations prescribed in this section. Documentation of any credit acquired by transfer shall be provided by the investor in the manner required by the director of taxation.

(f) The reasonable costs of the administration of this act, the review of applications for certification as qualified Kansas businesses and the issuance of tax credits authorized by this act shall be reimbursed through fees paid by the qualified Kansas businesses and the investors or the transferees of investors, according to a reasonable fee schedule adopted by the ~~corporation~~ *secretary by rules and regulations in accordance with the rules and regulations filing act.*

Sec. 29. From and after July 1, 2011, K.S.A. 2010 Supp. 74-8134 is hereby amended to read as follows: 74-8134. (a) Before an angel investor may be entitled to receive tax credits, as authorized by this act, such investor must have made a cash investment in a qualified security of a qualified Kansas business. This business must have been approved by ~~KTEC~~ *the secretary* as a qualified Kansas business prior to the date on which the cash investment was made. To be designated as a qualified Kansas business, a business must make application to ~~KTEC~~ *the secretary* in accordance with the provisions of this section.

(b) Such application to ~~KTEC~~ shall be in form and substance as required by ~~KTEC~~ *the secretary*, but shall include at least the following:

- (1) The name of the business and certified copies of the organizational documents of the business;
- (2) a business plan, including a description of the business and the management, product, market and financial plan of business;
- (3) a statement of the business innovative and proprietary technology, product or service;

(4) a statement of the potential economic impact of the enterprise, including the number, location and types of jobs expected to be created;

(5) a description of the qualified securities to be issued, the consideration to be paid for the qualified securities, the amount of any tax credits requested and the earliest year in which the tax credits may be redeemed;

(6) a statement of the amount, timing and projected use of the proceeds to be raised from the proposed sale of qualified securities; and

(7) such other information as ~~KTEC~~ *the secretary* may request, such as the names, addresses and taxpayer identification numbers of all investors who may qualify for the tax credit. Such list of investors who may qualify for the tax credits shall be amended as new qualified securities are sold or as any information on the list shall change.

(c) No business shall be designated as a qualified Kansas business unless such business meets all of the following criteria:

(1) The business must not have had annual gross revenues of more than \$5,000,000 in the most recent tax year of the business;

(2) businesses that are not bioscience businesses must have been in operation for less than five years; bioscience businesses must have been in operation for less than 10 years;

(3) all else equal, first consideration will be given to animal health companies;

(4) the business must not have ownership interests including, but not limited to, common or preferred shares of stock that can be traded by the public via a stock exchange, electronic exchange, bulletin board or other public market place on or before the date that a qualifying investment is made;

(5) the business must not be engaged primarily in any one or more of the following enterprises: (A) Any service provider set forth in K.S.A. 17-2707, and amendments thereto; (B) the business of banking, savings and loan or lending institutions, credit or finance, or financial brokerage or investments; (C) the provision of professional services, such as legal, accounting or engineering services; (D) governmental, charitable, religious or trade organizations; (E) the ownership, development, brokerage, sales or leasing of real estate; (F) insurance; (G) construction or construction management or contracting; (H) business consulting or brokerage; (I) any business engaged primarily as a passive business, having irregular or noncontinuous operations, or deriving substantially all of the income of the business from passive investments that generate interest, dividends, royalties, or capital gains, or any business arrangements the effect of which is to immunize an investor from risk of loss; (J) any Kansas certified capital formation company; (K) any activity that is in violation of the law; and (L) any business raising money primarily to purchase real estate, land or fixtures; and

(6) the business must satisfy all other requirements of this act.

(d) Notwithstanding the requirements of subsection (c), a business may be considered as a qualified Kansas business under the provisions of this act if such business falls within a standard industrial classification code.

(e) The portions of documents and other materials submitted to ~~KTEC~~ *the secretary* that contain trade secrets shall be kept confidential and shall be maintained in a secured environment by the ~~president of KTEC~~ *secretary*. For the purposes of this act, such portions of documents and other materials means any customer lists, any formula, compound, production data or compilation of information certain individuals within a commercial concern using such portions of documents and other material means to fabricate, produce or compound an article of trade, or, any service having commercial value, which gives the user an opportunity to obtain a business advantage over competitors who do not know or use such service.

(f) A qualified Kansas business shall have the burden of proof to demonstrate to ~~KTEC~~ *the secretary* the qualifications of the business under this section and shall have the obligation to notify ~~KTEC~~ *the secretary* in a timely manner of any changes in the qualifications of the business or in the eligibility of investors to claim a tax credit for cash investment in a qualified security.

Sec. 30. From and after July 1, 2011, K.S.A. 2010 Supp. 74-8135 is hereby amended to read as follows: 74-8135. (a) The designation of a business as a qualified Kansas business shall be made by ~~KTEC~~ *the secretary*, and such designation must be renewed annually. A

business shall be so designated if ~~KTEC~~ *the secretary* determines, based upon the application submitted by the business and any additional investigation the staff of ~~KTEC~~ *the department* shall make, that the following criteria have been or shall be satisfied:

- (1) The business has a reasonable chance of success;
- (2) the business has the reasonable potential to create measurable employment within the state;
- (3) the business has an innovative and proprietary technology, product and service;
- (4) the existing owners of the business and other founders have made or are committed to make a substantial financial and time commitment to the business;
- (5) the securities to be issued and purchased are qualified securities; and
- (6) binding commitments have been made by the business to ~~KTEC~~ *the department* for adequate reporting of financial data, including a requirement for an annual report, or, if required by the ~~board of directors of KTEC~~ *secretary*, an annual audit of the financial and operational records of the business, the right of access to the financial records of the business and the right of ~~KTEC~~ *the department* to record and publish normal and customary data and information related to the issuance of tax credits that are not otherwise determined to be trade or business secrets.

(b) In addition to reports by the businesses to ~~KTEC~~ *and its board of directors, KTEC* *the department, the secretary* will also provide an annual report, on or before February 1, to the governor, to the senate committee on commerce, the house committee on economic development and tourism and the joint committee on economic development and any successor committees thereto, on the marketing and use of the angel investor tax credits. This report will include the following: The amount of tax credits used in the previous fiscal year including what percentage was claimed by individuals and what percentage was claimed by investment firms; the types of businesses that benefited from the tax credits; and any aggregate job creation or capital investment in Kansas that resulted from the use of the tax credits for a period of five years beginning from the date on which the tax credits were awarded. In addition, the annual report will provide information regarding what businesses which derived benefit from the tax credits remained in Kansas and what businesses ceased business, what businesses were purchased and what businesses may have moved out-of-state and why.

Sec. 31. From and after July 1, 2011, K.S.A. 2010 Supp. 74-8136 is hereby amended to read as follows: 74-8136. (a) Tax credits for qualified Kansas businesses are a limited resource of the state for which ~~KTEC~~ *the secretary* is designated as the administrator. The purpose of such tax credits is to facilitate the availability of equity investment in businesses in the early stages of commercial development and to assist in the creation and expansion of Kansas businesses which are job and wealth creating enterprises. To achieve this purpose and to optimize the use of the limited resources of the state, ~~KTEC~~ *the secretary* is authorized to issue tax credits to qualified investors in qualified Kansas businesses. Such tax credits shall be awarded to those qualified Kansas businesses which, as determined by ~~KTEC~~ *the secretary*, are most likely to provide the greatest economic benefit to the state. ~~KTEC~~ *The secretary* may issue whole or partial tax credits based on an assessment of the qualified businesses. ~~KTEC~~ *The secretary* may consider numerous factors in such assessment, including, but not limited to, the quality and experience of the management team, the size of the estimated market opportunity, the risk from current or future competition, the ability to defend intellectual property, the quality and utility of the business model and the quality and reasonableness of financial projections for the business.

(b) Each qualified Kansas business for which tax credits have been issued pursuant to this act shall report to ~~KTEC~~ *the department* on an annual basis, the following: (1) The name, address and taxpayer identification number of each angel investor who has made cash investment in the qualified securities of a qualified Kansas business and has received tax credits for this investment during the preceding year and all other preceding years; (2) the amounts of these cash investments by each angel investor and a description of the qualified securities issued in consideration of such cash investments; (3) the name, address and taxpayer identification number of each investor to which tax credits issued pursuant to this act

have been transferred by the original angel investor; and (4) any additional information as ~~KTEC~~ *the secretary* may require pursuant to this act.

(c) ~~KTEC~~ *The secretary* shall transmit annually to the governor, ~~the secretary of commerce~~, the standing committee on commerce of the senate, the standing committee on economic development of the house of representatives, the joint committee on economic development, and Kansas, Inc. a report, based upon information received from each qualified Kansas business for which tax credits have been issued during the preceding year, describing the following: (1) The manner in which the purpose, as described in this act, has been carried out; (2) the total cash investments made for the purchase of qualified securities of qualified Kansas businesses during the preceding year and cumulatively since the inception of this act; (3) an estimate of jobs created and jobs preserved by cash investments made in qualified securities of qualified Kansas businesses; and (4) an estimate of the multiplier effect on the Kansas economy of the cash investments made pursuant to this act.

(d) The secretary ~~of commerce~~ shall provide the information specified in subsection (c) to the department of revenue on an annual basis. The secretary ~~of commerce~~ shall conduct an annual review of the activities undertaken pursuant to this act to ensure that tax credits issued pursuant to this act are issued in compliance with the provisions of this act or rules and regulations promulgated by the department ~~of commerce~~ or ~~KTEC~~ with respect to this act. ~~The reasonable costs of the annual review shall be paid by KTEC according to a reasonable fee schedule adopted by the secretary of commerce.~~

(e) Any violation of the reporting requirements set forth in this section shall be grounds for undesignation of a qualified Kansas business under this section.

(f) If the secretary ~~of commerce~~ determines that a business is not in substantial compliance with the requirements of this act to maintain its designation, the secretary, by written notice, shall inform the officers of the qualified Kansas business and the business that such business will lose designation as a qualified Kansas business in 120 days from the date of mailing of the notice unless such business corrects the deficiencies and is once again in compliance with the requirements for designation.

(g) At the end of the 120-day period, if the qualified Kansas business is still not in substantial compliance, the secretary ~~of commerce~~ shall send a notice of loss of designation to the business, ~~KTEC~~, the secretary of the department of revenue and to all known investors in the business. Loss of designation of a qualified Kansas business shall preclude the issuance of any additional tax credits with respect to this business and ~~KTEC~~ *the secretary* shall not approve the application of such business as a qualified Kansas business. Upon loss of the designation as a qualified Kansas business or if a business loses its designation as a qualified Kansas business under this act by moving its operations outside Kansas within 10 years after receiving financial assistance under this act, such business shall repay such financial assistance to ~~KTEC~~ *the department*, in an amount determined by ~~KTEC~~ *the secretary*. Each qualified Kansas business that loses such designation shall enter into a repayment agreement with ~~KTEC~~ *the secretary* specifying the terms of such repayment obligation.

(h) Angel investors in a qualified Kansas business shall be entitled to keep all of the tax credits claimed under this act.

(i) ~~The department of commerce and KTEC may prepare and adopt procedures concerning the performance of the duties placed upon each respective entity by this act. The secretary shall adopt rules and regulations in accordance with the rules and regulations filing act necessary to implement the provisions of K.S.A. 2010 Supp. 74-8131 through 74-8136, and amendments thereto.~~

Sec. 32. From and after July 1, 2011, K.S.A. 74-8316 is hereby amended to read as follows: 74-8316. (a) ~~The Kansas technology enterprise corporation~~ *secretary* is hereby authorized to facilitate the establishment of a technology-based venture-capital fund in which the ~~corporation~~ *department* may invest only moneys from the economic development initiatives fund specifically so allocated. ~~The corporation may credit also~~ *department may also credit* the fund with gifts, donations or grants received from any source other than state government and with proceeds from the fund.

(continued)

Investments in the fund shall qualify for the income tax credit allowed pursuant to K.S.A. 74-8304, and amendments thereto.

(b) The technology-based venture-capital fund may invest the assets as follows:

(1) To carry out the purposes of this act through investments in qualified securities and through the forms of financial assistance authorized by this act, including:

- (A) Loans, loans convertible to equity, and equity;
- (B) leaseholds;
- (C) management or consultant service agreements;
- (D) loans with warrants attached that are beneficially owned by the fund;
- (E) loans with warrants attached that are beneficially owned by a party other than the fund; and
- (F) the fund, in connection with the provision of any form of financial assistance, may enter into royalty agreements with an enterprise.

(2) To invest in such other investments as are lawful for Kansas fiduciaries pursuant to K.S.A. 2002-Supp. 58-24a02 and amendments thereto.

(c) Distributions received by the corporation may be reinvested in any fund consistent with the purposes of this act.

(d) The ~~corporation~~ secretary may invest only in a fund whose investment guidelines permit the fund's purchase of qualified securities issued by an enterprise as a part of a resource and technology project subject to the following:

(1) Receipt of an application from the enterprise which contains:

(A) A business plan including a description of the enterprise and its management, product and market;

(B) a statement of the amount, timing and projected use of the capital required;

(C) a statement of the potential economic impact of the enterprise, including the number, location and types of jobs expected to be created; and

(D) such other information as the fund manager or the fund's board of directors shall request.

(2) Approval of the investment by the fund may be made after the fund manager or the fund's board of directors finds, based upon the application submitted by the enterprise and such additional investigation as the fund manager or the fund's board of directors shall make and incorporate in its minutes, that:

(A) The proceeds of the investment will be used only to cover the venture-capital needs of the enterprise except as authorized by this section;

(B) the enterprise has a reasonable possibility of success;

(C) the fund's participation is instrumental to the success of the enterprise because funding otherwise available for the enterprise is not available on commercially feasible terms;

(D) the enterprise has the reasonable potential to create a substantial amount of employment within the state;

(E) the entrepreneur and other founders of the enterprise have already made or are contractually committed to make a substantial financial and time commitment to the enterprise;

(F) the securities to be purchased are qualified securities;

(G) there is a reasonable possibility that the fund will recoup at least its initial investment; and

(H) binding commitments have been made to the fund by the enterprise for adequate reporting of financial data to the fund, which shall include a requirement for an annual report, or if required by the fund manager, an annual audit of the financial and operational records of the enterprise, and for such control on the part of the fund as the fund manager shall consider prudent over the management of the enterprise, so as to protect the investment of the fund, including in the discretion of the fund manager and without limitation, the right of access to financial and other records of the enterprise.

(e) All investments made pursuant to this section shall be evaluated by the fund's investment committee and the fund shall be audited annually by an independent auditing firm.

(f) The fund shall not make investments in qualified securities issued by enterprises in excess of the amount necessary to own more than 49% of the qualified securities in any one enterprise at the time of the purchase by the fund, after giving effect to the conversion of all outstanding convertible qualified securities of the

enterprise, except that in the event of severe financial difficulty of the enterprise, threatening, in the judgment of the fund manager, the investment of the fund therein, a greater percentage of such securities may be owned by the fund.

(g) At least 75% of the total investment of the fund must be in Kansas businesses.

Sec. 33. From and after July 1, 2011, K.S.A. 74-8317 is hereby amended to read as follows: 74-8317. The ~~corporation~~ secretary shall transmit annually to the governor, the standing committee on commerce of the senate, the standing committee on economic development of the house of representatives, the joint committee on economic development and Kansas, Inc.:

(a) The annual statement of the fund; and

(b) a report, based upon information received by the fund manager, which specifies the following:

(1) The manner in which the purpose as described in this act has been carried out by the fund.

(2) The total investments made annually by the fund in Kansas businesses.

(3) An estimate of jobs created and jobs preserved by investments by the fund in Kansas businesses.

(4) An estimate of the multiplier effect on the Kansas economy of investments by the fund in Kansas businesses.

(5) An analysis of the targeting of scarce resources by the fund by size, sector and location to enterprises of particular need and opportunity.

Sec. 34. From and after July 1, 2011, K.S.A. 74-8318 is hereby amended to read as follows: 74-8318. ~~No enterprise shall be eligible to receive investment pursuant to this act if an officer, employee or member of the board of directors of the corporation, the fund or any other entity in which the corporation has a majority interest has a substantial interest in the corporation. No enterprise shall be eligible to receive investment pursuant to this act if the secretary or any employee of the department, or any officer, employee or member of the board of directors of either the fund or any other entity which has a substantial interest in the enterprise. For the purposes of this section, the term "substantial interest" shall have the meaning ascribed to it in K.S.A. 46-229, and amendments thereto.~~

Sec. 35. From and after July 1, 2011, K.S.A. 74-8319 is hereby amended to read as follows: 74-8319. For purposes of this act:

(a) ~~"Corporation" means the Kansas technology enterprise corporation~~ "Department" means the department of commerce;

(b) "fund" means any venture-capital fund whether organized as a corporation, partnership, limited partnership, limited liability company or other business entity, as well as any separately organized entity, which manages any such fund;

(c) "fund manager" means any person or persons, approved by the ~~corporation~~ secretary, legally responsible for the investment and management of a fund's assets pursuant to statute or contract; and

(d) "secretary" means the secretary of commerce.

Sec. 36. From and after July 1, 2011, K.S.A. 74-8401 is hereby amended to read as follows: 74-8401. (a) There shall be allowed as a credit against the tax imposed by the Kansas income tax act on the Kansas taxable income of a taxpayer and against the tax imposed by K.S.A. 40-252, and amendments thereto, on insurance companies for cash investment in a certified local seed capital pool an amount equal to 25% of such taxpayer's cash investment in any such pool in the taxable year in which such investment is made and the taxable years following such taxable year until the total amount of the credit is used. The amount by which that portion of the credit allowed by this section exceeds the taxpayer's liability in any one taxable year may be carried forward until the total amount of the credit is used. If the taxpayer is a corporation having an election in effect under subchapter S of the federal internal revenue code or a partnership, the credit provided by this section shall be claimed by the shareholders of such corporation or the partners of such partnership in the same manner as such shareholders or partners account for their proportionate shares of the income or loss of the corporation or partnership.

(b) The total amount of credits allowable pursuant to this section and credits allowable pursuant to K.S.A. 74-8205, 74-8206 and 74-8304, and amendments thereto, shall be attributable to not more than \$50,000,000 of cash investments in Kansas venture capital

companies, Kansas Venture Capital, Inc. and local seed capital pools. With respect to the additional amount of cash investments made eligible for tax credits by this act, \$10,000,000 of such amount shall be dedicated and reserved until December 31, 1990, for cash investments in a seed capital fund or funds in which the ~~Kansas technology enterprise corporation, or its subsidiaries,~~ *department of commerce* is an investor. The \$50,000,000 amount of cash investments now eligible for the tax credits allowed pursuant to this section and K.S.A. 74-8205, 74-8206 and 74-8304, and amendments thereto, shall be reduced to the extent that the total amount of cash investments received by such seed capital fund or funds before January 1, 1991, is less than \$10,000,000. However, any such credits which were not claimed for investments made prior to January 1, 1991, may be allowed to a taxpayer for cash investment made in Kansas Venture Capital, Inc. pursuant to K.S.A. 74-8205 and 74-8206, and amendments thereto, not to exceed \$2,595,236 of the \$10,000,000 reserved under this subsection for investment in seed capital funds in which the ~~Kansas technology enterprise corporation or its subsidiaries,~~ *department of commerce* was an investor. A taxpayer may also be allowed a credit for cash investment made pursuant to K.S.A. 74-8304, and amendments thereto not to exceed \$6,012,345 of the \$10,000,000 reserved under this subsection if such taxpayer first purchases the entire interest of the ~~Kansas technology enterprise corporation or its subsidiaries,~~ *department of commerce* in Kansas venture capital companies established prior to January 1, 1991. However, no credit shall be allowed for cash investment which results in the purchase of the interest of the Kansas technology enterprise corporation or its subsidiaries in Kansas venture capital companies established prior to January 1, 1991.

(c) As used in this section, (1) "local seed capital pool" means money invested in a fund established to provide funding for use by small businesses for any one or more of the following purposes: (A) Development of a prototype product or process; (B) a marketing study to determine the feasibility of a new product or process; or (C) a business plan for the development and production of a new product or process; *and*

(2) "Kansas business" means any small business owned by an individual, any partnership, association or corporation domiciled in Kansas, or any corporation, even if a wholly owned subsidiary of a foreign corporation, that does business primarily in Kansas or does substantially all of its production in Kansas.

(d) No credit from income tax liability shall be allowed for cash investment in a local seed capital pool unless: (1) The amount of private cash investment therein is \$200,000 or more; (2) the moneys necessary to administer and operate the pool are funded from sources other than the private and public cash investments; and (3) funds invested by the local seed capital pool shall be invested at 100% in Kansas businesses.

(e) Public funds may be invested in a local seed capital pool except that each dollar of public funds, other than that which may be used to administer and operate a pool, shall be matched by not less than \$2 of private cash investment. Public funds shall have a senior position to any private cash investment and may receive a lower rate of return than that allowable for a private cash investment.

(f) The provisions of this section, and amendments thereto, shall be applicable to all taxable years commencing after December 31, 1986.

Sec. 37. From and after July 1, 2011, K.S.A. 2010 Supp. 74-99b03 is hereby amended to read as follows: 74-99b03. As used in the bioscience authority act, and amendments thereto, the following words and phrases shall have the following meanings unless a different meaning clearly appears from the content:

(a) "Authority" means the Kansas bioscience authority created by this act.

(b) "Authority employee" means an employee of the authority who performs services for the authority and whose salary is paid in whole or in part by the authority. An authority employee will not be considered to be a state employee, as such term is defined in this act or in any other statute or regulation.

(c) "Bioscience" means the use of compositions, methods and organisms in cellular and molecular research, development and manufacturing processes for such diverse areas as pharmaceuticals, medical therapeutics, medical diagnostics, medical devices, medical instruments, biochemistry, microbiology, veterinary med-

icine, plant biology, agriculture and industrial, environmental, and homeland security applications of bioscience, and future developments in the biosciences. Bioscience includes biotechnology and life sciences.

(d) "Bioscience company" means a corporation, limited liability company, S corporation, partnership, registered limited liability partnership, foundation, association, nonprofit entity, sole proprietorship, business trust, person, group, or other entity that is engaged in the business of bioscience in the state and has business operations in the state, including, without limitation, research, development, or production directed towards developing or providing bioscience products or processes for specific commercial or public purposes and are identified by the following NAICS codes: 325411, 325412, 325413, 325414, 325193, 325199, 325311, 32532, 334516, 339111, 339112, 339113, 334510, 334517, 339115, 621511, 621512, 54171, 54138, 54194.

(e) "Bioscience development project" means an approved project to implement a project plan in a bioscience development district.

(f) "Bioscience research" means any investigation for the advancement of scientific or technological knowledge of bioscience and any activity that seeks to utilize, synthesize, or apply existing knowledge, information or resources to the resolution of a specific problem, question or issue of bioscience.

(g) "Bioscience research institutions" means all universities and colleges located in the state of Kansas conducting bioscience research.

(h) "Biotechnology" means those fields focusing on technological developments in such areas as molecular biology, genetic engineering, genomics, proteomics, physiomics, nanotechnology, biodefense, biocomputing and bioinformatics.

(i) "Board" means the board of directors of the authority created by this act.

(j) "Bonds" has the same meaning as in K.S.A. 74-8902, and amendments thereto.

(k) "Bioscience development and investment fund" means the fund created by K.S.A. 2010 Supp. 74-99b34, and amendments thereto.

(l) "Eminent scholar" means world-class, distinguished and established investigators recognized nationally for their research, achievements and ability to garner significant federal funding on an annual basis. Eminent scholars are recognized for their scientific knowledge and entrepreneurial spirit to enhance the innovative research that leads to economic gains. Eminent scholars are either members of or likely candidates for the national academy of sciences or other prominent national academic science organizations.

~~(m) "Kansas technology enterprise corporation" or "KTEC" means the Kansas technology enterprise corporation created under K.S.A. 74-8101, and amendments thereto.~~

~~(n) (m) "Life sciences" means the areas of medical sciences, pharmaceutical sciences, biological sciences, zoology, botany, horticulture, ecology, toxicology, organic chemistry, physical chemistry, physiology and any future advances associated with life sciences.~~

~~(o) (n) "NAICS" means the north American industry classification system.~~

~~(p) (o) "NISTAC" means the national institute for strategic technology acquisition and commercialization.~~

~~(q) (p) "President" means the chief executive officer of the authority.~~

~~(r) (q) "Principal operation" means the operation of the authority requiring at least 75% of the total number of employees at all times.~~

~~(s) (r) "Qualified company" means a Kansas company conducting bioscience research and development that may be granted a funding voucher.~~

~~(t) (s) "Rising star scholar" means up-and-coming distinguished investigators growing in their national reputations in their fields, who are active and demonstrate leadership in their associated professional societies, and who attract significant federal research grant support. Rising star scholars would be likely candidates for the national academy of sciences or other prominent national academic science organizations in the future.~~

~~(u) (t) "State" means the state of Kansas.~~

(continued)

(v) (u) "State employee" means a person employed by the state of Kansas whether or not a classified or unclassified employee in the state personnel system. Authority employees shall not be considered state employees, as such term is defined in this act or in any other statute or rule and regulation.

(w) (v) "State universities" includes state educational institutions as defined in K.S.A. 76-711, and amendments thereto, and the municipal university as defined in K.S.A. 74-3201b, and amendments thereto.

(x) (w) "Taxpayer" means a person, corporation, limited liability company, S corporation, partnership, registered limited liability partnership, foundation, association, nonprofit entity, sole proprietorship, business trust, group or other entity that is subject to the Kansas income tax act K.S.A. 79-3201 et seq., and amendments thereto.

(y) (x) "Technology transfer" means, without limitation, assisting with filing patent applications, executing licenses, paying maintenance fees and managing the finance, production, sales and marketing of bioscience intellectual property.

(z) (y) "This act" means the bioscience authority act.

(aa) (z) Notwithstanding any other provision of this act, the terms "bioscience," "biotechnology" and "life sciences" shall not be construed to include:

(1) Induced abortion in humans, performed after the date of enactment of this act, or the use of cells or tissues derived therefrom; or

(2) any research the federal funding of which would be contrary to federal laws that are in effect on the date of enactment of this act.

Sec. 38. K.S.A. 2010 Supp. 74-99b04 is hereby amended to read as follows: 74-99b04. (a) There is hereby established a body politic and corporate, with corporate succession, to be known as the Kansas bioscience authority. The authority shall be an independent instrumentality of the state. Its exercise of the rights, powers and privileges conferred by this act shall be deemed and held to be the performance of an essential governmental function.

(b) In order to accelerate any and all synergy and opportunities for the growth of the authority, the authority shall be headquartered and establish its principal operation in the county in the state with the highest number of bioscience employees associated with bioscience companies as of the effective date of this act. The exact location of the authority's headquarters and principal operations in such county shall be at the discretion of the authority's board.

(c) The authority shall be governed by an eleven-member board. One member of the board shall be an agricultural expert who is recognized for outstanding knowledge and leadership in the field of bioscience. Eight of the members of the board shall be representatives of the general public who are recognized for outstanding knowledge and leadership in the fields of finance, business, bioscience research, plant biotechnology, basic research, health care, legal affairs, bioscience manufacturing or product commercialization, education or government. Of the nine voting members, five must be residents of the state. The other two members of the board shall be nonvoting members with research expertise representing state universities and shall be appointed by the Kansas board of regents. Nonvoting members shall serve at the pleasure of the board of regents.

(d) Of the nine voting members who will be appointed to the authority's first board, two shall be appointed by the governor for a term of office of four years, two shall be appointed by the speaker of the house of representatives, one of which shall be the agricultural expert as authorized in subsection (c), for a term of office of three years, two shall be appointed by the president of the senate for a term of office of three years, one shall be appointed by the minority leader of the house of representatives for a term of office of two years, one shall be appointed by the minority leader of the senate for a term of office of two years, and one shall be appointed by the Kansas technology enterprise corporation for a term of office of one year member shall be the secretary of commerce. Members of the first board shall be appointed by August 1, 2004. No more than three voting members shall be appointed from any one congressional district. All voting members of the board shall be subject to senate confirmation as provided in K.S.A. 75-4315b, and amendments thereto. Any member of the board whose nomination is subject to confirmation during a regular session of the legislature shall

be deemed terminated when the senate rejects the nomination. No such termination shall affect the validity of any action taken by such member of the board before such termination.

(e) Terms of voting members appointed pursuant to this section shall expire on March 15.

(f) After the expiration of the terms of the authority's first board, or whenever a vacancy occurs or is announced regarding a voting member or members of the board, such voting member or members shall be appointed as described in subsections (c) and (d), except that such members shall be appointed for terms of four years each. In the event of a vacancy the appointment shall be for the remainder of the unexpired portion of the term. Each member of the board shall hold office for the term of appointment and until a successor has been confirmed. Any member of the board is eligible for reappointment, but members of the board shall not be eligible to serve more than three consecutive four-year terms.

(g) Except for appointments of nonvoting members, each appointment shall be forwarded to the senate for confirmation as provided in K.S.A. 75-4315b, and amendments thereto. Except as provided by K.S.A. 2010 Supp. 46-2601, and amendments thereto, no person appointed to the board shall exercise any power, duty or function as a member of the board until confirmed by the senate. In case of a vacancy when the senate is not in session, the appointing entity may make a temporary appointment to the board until the next meeting of the senate. Any person who is temporarily appointed by the appointing entity to the board shall have all of the powers, duties and functions as a member of the board during such temporary appointment.

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

(i) Members of the board are entitled to compensation and expenses as provided in K.S.A. 75-3223, and amendments thereto. Members of the board attending board meetings or subcommittee meetings authorized by the board, shall be paid mileage and all other applicable expenses, provided such expenses are consistent with policies established from time-to-time by the board and as required by subsection (k) (j).

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

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

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

(m) The board shall appoint a president who shall serve at the pleasure of the board. The president shall serve as the chief exec-

utive officer of the authority. The president's salary shall be set by the board. The board may negotiate and enter into an employment agreement with the individual selected as president of the authority, which may provide for compensation allowances, benefits and expenses as may be included in such agreement. The president shall direct and supervise administrative affairs and the general management of the authority.

(n) The board may provide supplemental benefits to the president and other authority employees designated by the board in addition to the benefits provided under this act.

(o) The authority shall continue until terminated by law, except that no such law shall take effect so long as the authority has debts or obligations outstanding, unless adequate provision has been made for the payment or retirement of such debts or obligations. Upon any such dissolution of the authority, all property, funds and assets thereof shall be vested in the state, bioscience research institutions or both as designated by the board, or any other public institute or private enterprise engaged in the business of bioscience, or any combination thereof, as designated by the board and approved by act of the legislature.

Sec. 39. From and after July 1, 2011, K.S.A. 2010 Supp. 74-99b09 is hereby amended to read as follows: 74-99b09. (a) The authority shall have all of the powers necessary to carry out the purposes and provisions of this act, including, without limitation, the following powers to:

(1) Make, amend and repeal bylaws, rules and regulations for the management of its affairs;

(2) have the duties, privileges, immunities, rights, liabilities and disabilities of a body politic and corporate and independent instrumentality of the state;

(3) have perpetual existence and succession;

(4) adopt, have and use a seal and to alter the same at its pleasure;

(5) sue and be sued in its own name;

(6) work with bioscience research institutions to identify and recruit eminent scholars and rising star scholars who shall become employed by bioscience research institutions or the authority, or both, to perform bioscience research, development and commercialization at bioscience research institutions or at authority facilities, or both;

(7) transfer funds to bioscience research institutions in amounts to be determined by the board for the purpose of attracting and then supplementing the compensation of eminent scholars and rising star scholars;

(8) work with and collaborate with bioscience research institutions to determine the types of bioscience research that will be conducted by eminent scholars and rising star scholars;

(9) work with bioscience research institutions to determine the types of facilities that may be constructed at bioscience research institutions or at authority premises, or elsewhere, for eminent scholars and rising star scholars to perform bioscience research and development;

(10) employ personnel to assist or complement the research of eminent scholars and rising star scholars;

(11) establish policies and procedures to facilitate integrated bioscience research activities by the authority and bioscience research institutions;

(12) make and execute contracts, guarantees or any other instruments and agreements necessary or convenient for the exercise of its powers and functions including, without limitation, to make and execute contracts with bioscience enterprises, including start-up companies, other public and private persons and entities, health care businesses, state universities and colleges, and to incur liabilities and secure the obligations of any entity or individual;

(13) partner with the bioscience research institutions to provide matching funds for federal grants;

(14) borrow money and to pledge all or any part of the authority's assets therefore;

(15) purchase, lease, trade, exchange or otherwise acquire, maintain, hold, improve, mortgage, sell and dispose of personal property, whether tangible or intangible, and any interest therein; and to purchase, lease, trade, exchange or otherwise acquire real property or any interest therein, and to maintain, hold, improve, mortgage, sell, lease and otherwise transfer such real property to the universities, colleges, public institutions and private enter-

prises in the state, so long as such transactions do not conflict with the mission of the authority as specified in this act;

(16) own, acquire, construct, renovate, equip, improve, operate, maintain, sell or lease any land, buildings or facilities in the state that can be used in researching, developing, sponsoring or commercializing bioscience in the state including, without limitation, a state-of-the-art facility, laboratory or commercial wet lab space incubator to be used by the authority, and also to be made available for use by bioscience research institutions or Kansas companies conducting bioscience research and development for bioscience research, commercialization and technology transfer of bioscience products, processes and other intellectual property in accordance with the provisions of this act;

(17) incur or assume indebtedness to, and enter into contracts with the Kansas development finance authority, which is authorized to borrow money, issue bonds and provide financing for the authority;

(18) develop policies and procedures generally applicable to the procurement of goods, services and construction, based upon sound business practices;

(19) solicit, study and assist in the preparation of business plans and proposals of new or established businesses to advance the biosciences in the state;

(20) own and possess patents, copyrights, trademarks and proprietary technology and to enter into contracts for the purposes of commercializing and establishing charges for the use of such patents, copyrights, trademarks and proprietary technology involving bioscience;

(21) contract for and to accept any gifts, grants and loans of funds, property or any other aid in any form from the federal government, the state, any state agency or any other source, or any combination thereof, and to comply with the provisions of the terms and conditions thereof;

(22) acquire space, equipment, services, supplies and insurance necessary to carry out the purposes of this act;

(23) deposit any moneys of the authority in any banking institution within or without the state or in any depository authorized to receive such deposits, one or more persons to act as custodians of the moneys of the authority;

(24) procure such insurance, participate in such insurance plans or provide such self-insurance or both as it deems necessary or convenient to carry out the purposes and provisions of this act; the purchase of insurance, participation in an insurance plan or creation of a self-insurance fund by the authority shall not be deemed as a waiver or relinquishment of any sovereign immunity to which the authority or its officers, directors, employees or agents are otherwise entitled;

(25) appoint, supervise and set the salary and compensation of the president, who shall be appointed by and serve at the pleasure of the board;

(26) fix, revise, charge and collect rates, rentals, fees and other charges for the services or facilities furnished by or on behalf of the authority, and to establish policies and procedures regarding any such service rendered for the use, occupancy or operation of any such facility; such charges and policies and procedures not to be subject to supervision or regulation by any commission, board, bureau or agency of the state; and

(27) do any and all things necessary or convenient to carry out the authority's purposes and exercise the powers given in this act.

(b) The authority may create, own in whole or in part, or otherwise acquire or dispose of any entity organized for a purpose related to or in support of the mission of the authority.

(c) The authority may participate in joint ventures and collaborate with any taxpayer, governmental body or agency, insurer, university and college of the state, or any other entity to facilitate any activities or programs consistent with the purpose and intent of this act.

(d) (1) The authority may create a nonprofit entity or entities for the purpose of soliciting, accepting and administering grants, outright gifts and bequests, endowment gifts and bequests, and gifts and bequests in trust, which entity or entities shall not engage in trust business. The nonprofit entity created in this subsection may expend such funds through grants or loans to further the purpose of bioscience authority activities including, but not limited to, is-

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suings grants to high schools for the purpose of creating bioscience academies and to Kansas universities and colleges for the purpose of increasing the number of students majoring in bioscience, science education and math education. The authority may set requirements for curricula, teaching credentials and any other items and procedures incidental to establishing the grant programs.

(2) Grants made pursuant to this subsection shall be based on requirements established by the nonprofit entity and may include, but not be limited to, requirements for eligibility, grant applications, organizational characteristics and standards for eligibility and accountability as are deemed advisable by the nonprofit entity.

(3) The authority may not create any political action committee or contribute to any political action committee.

(e) In carrying out any activities authorized by this act, the authority may provide appropriate assistance, including the making of loans and providing time of employees, to any taxpayer, governmental body or agency, insurer, university and college of the state, or any other entity, whether or not any such taxpayer, governmental body or agency, insurer, university and college of the state, or any other entity is owned or controlled in whole or in part, directly or indirectly, by the authority.

(f) Notwithstanding any provision of law to the contrary, the authority may, ~~on an independent basis for itself or from time to time through a contractual relationship with KTEC,~~ invest the funds received from gifts, grants, donations and other operations of the authority in such investments as would be lawful for a private corporation having purposes similar to the authority including preseed, seed capital and venture capital funds whose purpose is to commercialize bioscience intellectual property, and in any obligations or securities as authorized by the board. Prior to making any investments, the board shall adopt written investment guidelines.

(g) Except as provided in this act, all moneys earned or received by the authority, including all funds derived from the commercialization of bioscience products by the authority, or any affiliate or subsidiary thereof, or from the Kansas bioscience development and investment fund, shall belong exclusively to the authority.

(h) In accordance with subsection (i) below, the authority shall direct and manage the commercialization of bioscience intellectual property created by eminent scholars and rising star scholars who are employed by bioscience research institutions or the authority or both. Prior to the authority providing any financial support or funding to the bioscience research institutions, the authority and the bioscience research institutions must enter into an agreement that will govern each party's respective duties and responsibilities with respect to technology transfer and commercialization of any such bioscience intellectual property. Such agreements between the authority and the bioscience research institutions shall address the sharing of revenue from any such bioscience intellectual property, the technology transfer of such bioscience intellectual property, patent application filing and maintenance fees, assumption of risks and the terms of ownership of such bioscience intellectual property. The authority and the bioscience research institutions shall have authority to freely negotiate. If conflicts arise, all terms and provisions of such agreement shall prevail and govern over any policy of a bioscience research institution or the Kansas board of regents.

(i) ~~During the first five years after the effective date of this act, the authority may contract with KTEC, which will be able to subcontract with appropriate third parties as it deems necessary and appropriate, including, without limitation, NISTAC, for the initial commercialization efforts for bioscience intellectual property, including, without limitation, corporate patent donations. The contract between the authority and KTEC must be negotiated between the authority and KTEC and will set forth the rights and responsibilities of each party, including the financial terms, payment of funds for personnel, assumptions of risks, technology transfer and terms of ownership and licensure of such bioscience intellectual property. The contract between the authority and KTEC must also set forth the authority's right, if any, to sell, license, contribute or provide its contractual share of bioscience intellectual property to any third party, or provide services, facilities or assistance to any third party, for a fee, for an ownership interest in the third party, or other consideration, so as to commercialize bioscience technol-~~

~~ogy. After the five year period from the effective date of this act, the authority may independently commercialize or enter into contracts with third parties for the commercialization of bioscience intellectual property and for technology transfer. The authority will take steps to reasonably ensure that it does not duplicate existing commercialization efforts already located in the state and recognizes the important role KTEC plays in the state. After the five-year period from the effective date of this act, the authority may sell, license, contribute or provide bioscience intellectual property to any third party, or provide services, facilities or assistance to any third party, for a fee, for an ownership interest in the third party, or other consideration, so as to commercialize bioscience technology. The authority may take all such actions necessary to commercialize any technology in which the authority has an interest.~~

~~(j) For the five-year period following the effective date of this act, the authority may transfer funds to KTEC for the operation and management of authority-owned facilities, including, without limitation, funds for KTEC to employ the personnel necessary to assist the authority, the exact amount of such transfer to be negotiated between the authority and KTEC. After consulting with and in accordance with recommendations by the board, KTEC may use such funds to identify, recruit and employ personnel who will perform management and other services at such authority-owned facilities.~~

~~(k) During the five-year period after the effective date of this act, the authority shall contract with KTEC at least once a year for KTEC to submit a report to the board identifying all patents secured, licenses granted, the number of eminent scholars and rising star scholars in the state, a complete accounting of interests in technology sold, transferred, licensed or otherwise disposed of, including, without limitation, the names of buyers, the buyers' location, the date the technology was transferred, revenue generated by the transfer of such technology, and any other information that the board deems appropriate. After the five-year period from the effective date of this act, on at least an annual basis, the authority shall conduct, either independently or through a contract with a third party, including KTEC if chosen by the authority, a report of the foregoing information to be submitted to the board.~~

~~(l) The authority shall prepare an annual report to the legislature and the governor on all distributions from the bioscience development and investment fund, and income, investment and income tax credits and exemptions attributed to bioscience authority activity. The authority with assistance from the department of revenue shall prepare an annual report summarizing the growth of bioscience research and industry in Kansas.~~

~~(m) (k) The authority shall be subject to review by Kansas, Inc. In the review, Kansas, Inc. shall evaluate and report on the effectiveness of the activities of the bioscience authority in the manner provided in K.S.A. 74-8010, and amendments thereto.~~

Sec. 40. From and after July 1, 2011, K.S.A. 2010 Supp. 74-99b63 is hereby amended to read as follows: 74-99b63. As used in the bioscience research and development voucher program act, and amendments thereto, the following words and phrases have the following meanings unless a different meaning clearly appears from the content:

(a) "Authority" means the Kansas bioscience authority as created by K.S.A. 2010 Supp. 74-99b04, and amendments thereto.

(b) "Bioscience" means, without limitation, the use of compositions, methods and organisms in cellular and molecular research, development and manufacturing processes for such diverse areas as pharmaceuticals, medical therapeutics, medical diagnostics, medical devices, medical instruments, biochemistry, microbiology, veterinary medicine, plant biology, agriculture, industrial, environmental and homeland security applications of bioscience and future developments in the biosciences. Bioscience includes biotechnology and life sciences.

(c) "Bioscience research" means any investigation for the advancement of scientific or technological knowledge of bioscience and any activity that seeks to utilize, synthesize, or apply existing knowledge, information or resources to the resolution of a specific problem, question or issue of bioscience.

(d) "Bioscience research institutions" means all universities and colleges located in the state of Kansas conducting bioscience research.

(e) "Biotechnology" means, without limitation, those fields focusing on technological developments in such areas as molecular biology, genetic engineering, genomics, proteomics, physiomics, nanotechnology, biodefense, biocomputing, bioinformatics and future developments associated with biotechnology.

(f) ~~"KTEC" means the Kansas technology enterprise corporation created by K.S.A. 74-8101 et seq., and amendments thereto.~~

~~(g) "Life sciences" means the areas of medical sciences, pharmaceutical sciences, biological sciences, zoology, botany, horticulture, ecology, toxicology, organic chemistry, physical chemistry, physiology and any future advances associated with life sciences.~~

~~(h) (g) "Qualified company" means a Kansas company conducting bioscience research and development that may be granted a funding voucher.~~

~~(i) (h) "State" means the state of Kansas.~~

~~(j) (i) "This act" means the bioscience research and development voucher program act.~~

Sec. 41. From and after July 1, 2011, K.S.A. 2010 Supp. 74-99b66 is hereby amended to read as follows: 74-99b66. (a) ~~On terms mutually acceptable to the authority and KTEC the authority may contract with KTEC, to~~ The authority shall review applications and to certify whether an applicant is a qualified company.

(b) ~~On terms mutually acceptable to the authority and KTEC, the authority may contract with KTEC to~~ The authority shall develop application criteria and an application process subject to the following limitations. The proposed bioscience research and development project must be likely to:

- (1) Produce a measurable result and be technically sound;
- (2) lead to innovative technology or new knowledge;
- (3) lead to commercially successful products, processes or services;
- (4) stimulate economic growth; or
- (5) enhance employment opportunities within the state.

(c) As part of the application process, the applicant shall provide the following information to the authority:

- (1) Verification that the applicant is a Kansas company conducting bioscience research and development;
- (2) a technical research plan that is sufficient for outside expert review;
- (3) a detailed financial analysis that includes the commitment of resources by the applicant and others;
- (4) sufficient detail concerning proposed project partners, type and amount of work to be performed by each partner and expected product or service with estimated costs to be reflected in the negotiated contract or agreement; and
- (5) a statement of the economic development potential of the project.

(d) Before providing the qualified company with a certificate authorizing voucher funding from the authority ~~through KTEC,~~ the authority may negotiate with the qualified company the ownership of patents, copyrights, trademarks, proprietary technology and any other intellectual property rights, royalties and equity relating to the bioscience research and development project on behalf of the research and development voucher fund for the purpose of reinvesting and sustaining a continuous fund to carry out the provisions of this act.

Sec. 42. From and after July 1, 2011, K.S.A. 2010 Supp. 74-99c03 is hereby amended to read as follows: 74-99c03. (a) There is hereby created a body politic and corporate to be known as the Kansas center for entrepreneurship. The secretary of commerce, after consulting with the board of directors, shall enter into a contractual agreement for the operation of the center. The center's exercise of all the rights, powers and privileges conferred by this act and shall be deemed and held to be the performance of an essential government function.

(b) The center shall be governed by a board of ~~10~~ 10 directors. The board of directors shall be appointed by the secretary of commerce and shall be comprised of individuals who have demonstrated entrepreneurial success, including one member from each of the following organizations:

- (1) Three at-large entrepreneurs,
- (2) an agricultural entrepreneur knowledgeable in biosciences,
- (3) banking industry,
- (4) travel/tourism industry,
- (5) enterprise facilitation,

- (6) Kansas chamber of commerce and industry,
- (7) Kansas small business development centers, and
- (8) ~~Kansas technology enterprise corporation and~~
- ~~(9) national federation of independent businesses.~~

(c) (1) Members shall serve for a term of four years and until such members' successors are appointed, except that, of the members first appointed, three shall serve for a term of two years, three shall serve for a term of three years and two shall serve for a term of four years.

(2) In case of a vacancy by a member, a successor shall be appointed in like manner and subject to the same qualifications and conditions as the original appointment of the member creating the vacancy and shall serve the remainder of the unexpired portion of the term.

(d) The secretary of commerce shall organize and schedule the first meeting of the board, at which time the board shall choose a chairperson and may appoint committees from its members as necessary.

(e) The board of directors shall meet at least four times a year and at such other times as it deems appropriate or upon call of the chairperson or upon the written request of a majority of the members of the board.

(f) Members of the board of directors attending board meetings or committee meetings thereof authorized by the center, shall be paid amounts provided in subsection (e) of K.S.A. 75-3223, and amendments thereto.

(g) Members of the board of directors, in their dealings with enterprises that may receive financing through the corporation, shall declare any potential conflict of interest and abstain from voting prior to taking any actions relating to that transaction.

(h) The board of directors shall hold all board meetings within the state of Kansas.

(i) Members of the board of directors may serve multiple terms.

(j) A member appointed to the board of directors may be removed by the secretary for cause, stated in writing, after a hearing thereon.

(k) A majority of the total voting membership of the board shall constitute a quorum for meetings. The board may act by a majority of those at any meeting where a quorum of the board is present.

(l) Before assuming office, each person appointed as a member of the board of directors shall complete and file with the office of the secretary of state a statement containing the information required in a statement of substantial interest pursuant to K.S.A. 46-247, and amendments thereto.

(m) The board of directors shall:

(1) Consult with and make a recommendation to the secretary concerning the awarding of the contract for the Kansas center for entrepreneurship;

(2) make recommendations to the Kansas center for entrepreneurship regarding its policies and procedures;

(3) review and evaluate the Kansas center for entrepreneurs' annual report in light of this act's purpose, policy and procedures and current economic conditions, and, report its conclusions and recommendations to the secretary and the center;

(4) advise the secretary regarding any matter of impropriety involving the Kansas center for entrepreneurship of which it becomes aware; and

(5) carry out any other advisory or oversight function the secretary deems necessary to fulfill and further the purpose and intent of this act.

Sec. 43. From and after July 1, 2011, K.S.A. 2010 Supp. 75-2935 is hereby amended to read as follows: 75-2935. The civil service of the state of Kansas is hereby divided into the unclassified and the classified services.

(1) The unclassified service comprises positions held by state officers or employees who are:

- (a) Chosen by election or appointment to fill an elective office;
- (b) members of boards and commissions, heads of departments required by law to be appointed by the governor or by other elective officers, and the executive or administrative heads of offices, departments, divisions and institutions specifically established by law;
- (c) except as otherwise provided under this section, one personal secretary to each elective officer of this state, and in addition

(continued)

thereto, 10 deputies, clerks or employees designated by such elective officer;

- (d) all employees in the office of the governor;
- (e) officers and employees of the senate and house of representatives of the legislature and of the legislative coordinating council and all officers and employees of the office of revisor of statutes, of the legislative research department, of the division of legislative administrative services, of the division of post audit and the legislative counsel;
- (f) chancellor, president, deans, administrative officers, student health service physicians, pharmacists, teaching and research personnel, health care employees and student employees in the institutions under the state board of regents, the executive officer of the board of regents and the executive officer's employees other than clerical employees, and, at the discretion of the state board of regents, directors or administrative officers of departments and divisions of the institution and county extension agents, except that this subsection (1)(f) shall not be construed to include the custodial, clerical or maintenance employees, or any employees performing duties in connection with the business operations of any such institution, except administrative officers and directors; as used in this subsection (1)(f), "health care employees" means employees of the university of Kansas medical center who provide health care services at the university of Kansas medical center and who are medical technicians or technologists or respiratory therapists, who are licensed professional nurses or licensed practical nurses, or who are in job classes which are designated for this purpose by the chancellor of the university of Kansas upon a finding by the chancellor that such designation is required for the university of Kansas medical center to recruit or retain personnel for positions in the designated job classes; and employees of any institution under the state board of regents who are medical technologists;
- (g) operations, maintenance and security personnel employed to implement agreements entered into by the adjutant general and the federal national guard bureau, and officers and enlisted persons in the national guard and the naval militia;
- (h) persons engaged in public work for the state but employed by contractors when the performance of such contract is authorized by the legislature or other competent authority;
- (i) persons temporarily employed or designated by the legislature or by a legislative committee or commission or other competent authority to make or conduct a special inquiry, investigation, examination or installation;
- (j) officers and employees in the office of the attorney general and special counsel to state departments appointed by the attorney general, except that officers and employees of the division of the Kansas bureau of investigation shall be in the classified or unclassified service as provided in K.S.A. 75-711, and amendments thereto;
- (k) all employees of courts;
- (l) client, patient and inmate help in any state facility or institution;
- (m) all attorneys for boards, commissions and departments;
- (n) the secretary and assistant secretary of the Kansas state historical society;
- (o) physician specialists, dentists, dental hygienists, pharmacists, medical technologists and long term care workers employed by the department of social and rehabilitation services;
- (p) physician specialists, dentists and medical technologists employed by any board, commission or department or by any institution under the jurisdiction thereof;
- (q) student employees enrolled in public institutions of higher learning;
- (r) administrative officers, directors and teaching personnel of the state board of education and the state department of education and of any institution under the supervision and control of the state board of education, except that this subsection (1)(r) shall not be construed to include the custodial, clerical or maintenance employees, or any employees performing duties in connection with the business operations of any such institution, except administrative officers and directors;
- (s) all officers and employees in the office of the secretary of state;
- (t) one personal secretary and one special assistant to the following: The secretary of administration, the secretary of aging, the

secretary of agriculture, the secretary of commerce, the secretary of corrections, the secretary of health and environment, the superintendent of the Kansas highway patrol, the secretary of labor, the secretary of revenue, the secretary of social and rehabilitation services, the secretary of transportation, the secretary of wildlife and parks and the commissioner of juvenile justice;

- (u) one personal secretary and one special assistant to the chancellor and presidents of institutions under the state board of regents;
 - (v) one personal secretary and one special assistant to the executive vice chancellor of the university of Kansas medical center;
 - (w) one public information officer and one chief attorney for the following: The department of administration, the department on aging, the department of agriculture, the department of commerce, the department of corrections, the department of health and environment, the department of labor, the department of revenue, the department of social and rehabilitation services, the department of transportation, the Kansas department of wildlife and parks and the commissioner of juvenile justice;
 - (x) civil service examination monitors;
 - (y) one executive director, one general counsel and one director of public affairs and consumer protection in the office of the state corporation commission;
 - (z) specifically designated by law as being in the unclassified service;
 - (aa) all officers and employees of Kansas, Inc. ~~and the Kansas technology enterprise corporation;~~
 - (bb) any position that is classified as a position in the information resource manager job class series, that is the chief position responsible for all information resources management for a state agency, and that becomes vacant on or after the effective date of this act. Nothing in this section shall affect the classified status of any employee in the classified service who is employed on the date immediately preceding the effective date of this act in any position that is a classified position in the information resource manager job class series and the unclassified status as prescribed by this subsection shall apply only to a person appointed to any such position on or after the effective date of this act that is the chief position responsible for all information resources management for a state agency; and
 - (cc) positions at state institutions of higher education that have been converted to unclassified positions pursuant to K.S.A. 2010 Supp. 76-715a, and amendments thereto.
- (2) The classified service comprises all positions now existing or hereafter created which are not included in the unclassified service. Appointments in the classified service shall be made according to merit and fitness from eligible pools which so far as practicable shall be competitive. No person shall be appointed, promoted, reduced or discharged as an officer, clerk, employee or laborer in the classified service in any manner or by any means other than those prescribed in the Kansas civil service act and the rules adopted in accordance therewith.
- (3) For positions involving unskilled, or semiskilled duties, the secretary of administration, as provided by law, shall establish rules and regulations concerning certifications, appointments, lay-offs and reemployment which may be different from the rules and regulations established concerning these processes for other positions in the classified service.
- (4) Officers authorized by law to make appointments to positions in the unclassified service, and appointing officers of departments or institutions whose employees are exempt from the provisions of the Kansas civil service act because of the constitutional status of such departments or institutions shall be permitted to make appointments from appropriate pools of eligibles maintained by the division of personnel services.
- Sec. 44. From and after July 1, 2011, K.S.A. 75-2935b is hereby amended to read as follows: 75-2935b. Salaries and other compensation of all persons who are within the unclassified service of the Kansas civil service act, and which salaries and other compensation are not fixed by statute, shall be subject to the approval of the governor and such salaries or other compensation shall not be paid until approved by the governor. The provisions of this section shall not apply to the salaries and other compensation of any officer or employee when such salary or other compensation is specifically prescribed by law, nor to officers and employees of elected state

officials, officers and employees under the jurisdiction of the state board of regents, the executive secretary and other employees of the Kansas public employees retirement system that are in the unclassified service as specified under K.S.A. 74-4908, and amendments thereto, officers and employees of Kansas, Inc. and the ~~Kansas technology enterprise corporation~~, officers and employees under the jurisdiction of the supreme court, legislative officers and employees or officers and employees of any agency performing functions and duties primarily for the legislative branch.

Sec. 45. From and after July 1, 2011, K.S.A. 75-3208 is hereby amended to read as follows: 75-3208. (a) Except as provided in subsection (e) or (f) or as otherwise authorized or provided by statute, no claim for expenses for any trip made beyond the borders of the state by any appointive state officer or employee shall be paid by the state unless the trip has been approved as provided by this section.

(b) Except as otherwise prescribed by a majority of the justices of the supreme court, authority to grant written approval for any such trip by an officer or employee of the judicial branch, or any agency thereof, is vested in the judicial administrator or the judicial administrator's designee.

(c) Except as otherwise authorized or provided by statute, authority to grant approval for any such trip by a legislator or an officer or employee of an agency of the legislative branch is vested with the legislative coordinating council or an individual authorized by the legislative coordinating council to grant written approval in the case of any such trip by an officer or employee of an agency of the legislative branch.

(d) Except as otherwise prescribed by the officer, board or commission that appointed an agency head, authority to grant written approval for any such trip by an officer or employee of the executive branch is vested in such officer's or employee's agency head or the agency head's designee.

(e) In cases involving such a trip by an agency head or by appointive members of a board, commission or similar body that appoints an agency head, no approval shall be required unless the appointing authority of the agency head or the members of the board, commission or similar body, as the case may be, requires such approval by the appointing authority.

(f) Such approval shall not be required for the payment of any claim for expenses 50% or more of which are paid from moneys

received from ~~the Kansas technology enterprise corporation~~, federal agencies or other external sources.

(g) As used in this section, "agency head" means the chief administrative officer of a state agency or state institution.

Sec. 46. From and after July 1, 2011, K.S.A. 76-770 is hereby amended to read as follows: 76-770. (a) Each contract entered into by a state educational institution for the acquisition of goods or services for a research and development activity shall be exempt from the provisions of K.S.A. 75-3739 through 75-3744, and amendments thereto if the contract is financed 50% or more by moneys received from ~~the Kansas technology enterprise corporation~~, federal agencies or other external sources.

(b) Nothing contained in article 32 of chapter 75 of the Kansas Statutes Annotated shall be construed to limit or prescribe the conduct of any in-state or out-of-state travel or to limit expense allowances for such travel which is undertaken for and funded as a part of any research and development activity of a state educational institution if such expense is funded 50% or more by moneys received from ~~the Kansas technology enterprise corporation~~, federal agencies or other external sources. The provisions of K.S.A. 75-3208, and amendments thereto shall not apply to any such travel.

(c) As used in this section:

(1) "Research and development activity" means any center of excellence at a state educational institution, any research or development project or activity at the state educational institution funded under a research matching grant program of the ~~Kansas technology enterprise corporation~~ department of commerce, or any other sponsored research project at a state educational institution; and

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

Sec. 47. From and after July 1, 2011, K.S.A. 74-5001a, 74-5050, 74-8102, 74-8103, 74-8105, 74-8106, 74-8107, 74-8108, 74-8108a, 74-8109, 74-8110, 74-8111, 74-8316, 74-8317, 74-8318, 74-8319, 74-8401, 75-2935b, 75-3208 and 76-770 and K.S.A. 2010 Supp. 74-520a, 74-5005, 74-50,133, 74-50,151, 74-50,156, 74-8101, 74-8104, 74-8131, 74-8132, 74-8133, 74-8134, 74-8135, 74-8136, 74-99b03, 74-99b09, 74-99b63, 74-99b66, 74-99c03 and 75-2935 are hereby repealed.

Sec. 48. K.S.A. 2010 Supp 74-99b04 is hereby repealed.

Sec. 49. 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 2009 Volumes of the *Kansas Administrative Regulations* and the 2010 Supplement of the *Kansas Administrative Regulations*.

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26-39-100	Amended	V. 29, p. 1772
26-39-101	Amended	V. 29, p. 1775
26-39-105	Amended	V. 29, p. 1777
26-40-301		
through		
26-40-305	New	V. 29, p. 1777-1793

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-1-27	New	V. 30, p. 111
28-1-30	New	V. 30, p. 369
28-1-31	New	V. 30, p. 370
28-1-32	New	V. 30, p. 370
28-4-92	Amended (T)	V. 29, p. 1348
28-4-92	Amended	V. 29, p. 1705
28-4-370		
through		
28-4-379	Revoked	V. 29, p. 1024
28-4-503	Amended	V. 29, p. 1662
28-4-505	Amended	V. 29, p. 1662
28-4-514	Amended	V. 29, p. 1663
28-4-520	New	V. 29, p. 1663
28-4-521	New	V. 29, p. 1663
28-4-1300		
through		
28-4-1318	New	V. 29, p. 1024-1032
28-16-28g	Amended	V. 29, p. 181
28-19-200a	New	V. 29, p. 1634
28-19-202	Amended	V. 29, p. 1509
28-19-325	New	V. 29, p. 1634
28-19-350	Amended	V. 29, p. 1635
28-19-517	Amended	V. 29, p. 1510
28-19-645a	New (T)	V. 30, p. 232
28-19-712	New	V. 29, p. 866
28-19-712a		
through		
28-19-712d	New	V. 29, p. 867
28-19-713	New	V. 29, p. 867
28-19-713a		
through		
28-19-713d	New	V. 29, p. 867, 868
28-19-720	Amended	V. 29, p. 1510
28-19-728	Revoked	V. 29, p. 1511
28-19-728a		
through		
28-19-728f	Revoked	V. 29, p. 1511
28-19-735	Amended	V. 29, p. 1511
28-19-750	Amended	V. 29, p. 1511
28-19-750a	Amended	V. 29, p. 1511
28-21-1	Revoked	V. 29, p. 725
28-21-6	Revoked	V. 29, p. 725
28-21-7	Revoked	V. 29, p. 725
28-21-8	Revoked	V. 29, p. 725
28-21-9	Revoked	V. 29, p. 725
28-21-10	Revoked	V. 29, p. 726
28-21-11	Revoked	V. 29, p. 726
28-21-20a	Revoked	V. 29, p. 726
28-21-21a	Revoked	V. 29, p. 726

28-21-22a	Revoked	V. 29, p. 726
28-21-23a	Revoked	V. 29, p. 726
28-21-24a	Revoked	V. 29, p. 726
28-21-25a	Revoked	V. 29, p. 726
28-21-26a	Revoked	V. 29, p. 726
28-21-27a	Revoked	V. 29, p. 726
28-21-28a	Revoked	V. 29, p. 726
28-21-29a	Revoked	V. 29, p. 726
28-21-30a	Revoked	V. 29, p. 726
28-21-31a	Revoked	V. 29, p. 726
28-21-32a	Revoked	V. 29, p. 726
28-21-33a	Revoked	V. 29, p. 726
28-21-34a	Revoked	V. 29, p. 726
28-21-35a	Revoked	V. 29, p. 726
28-21-40a	Revoked	V. 29, p. 726
28-21-41a	Revoked	V. 29, p. 726
28-21-42a	Revoked	V. 29, p. 726
28-21-43a	Revoked	V. 29, p. 726
28-21-44a	Revoked	V. 29, p. 726
28-21-50a	Revoked	V. 29, p. 726
28-21-51a	Revoked	V. 29, p. 726
28-21-52a	Revoked	V. 29, p. 726
28-21-53a	Revoked	V. 29, p. 726
28-21-54a	Revoked	V. 29, p. 726
28-21-55a	Revoked	V. 29, p. 726
28-21-56a	Revoked	V. 29, p. 726
28-21-57a	Revoked	V. 29, p. 726
28-21-58a	Revoked	V. 29, p. 726
28-21-59a	Revoked	V. 29, p. 726
28-21-60a	Revoked	V. 29, p. 726
28-21-61a	Revoked	V. 29, p. 726
28-21-62a	Revoked	V. 29, p. 726
28-21-63	Revoked	V. 29, p. 726
28-21-64	Revoked	V. 29, p. 726
28-21-70a	Revoked	V. 29, p. 726
28-21-71a	Revoked	V. 29, p. 726
28-21-72a	Revoked	V. 29, p. 726
28-21-82		
through		
28-21-85	Revoked	V. 29, p. 726
28-23-4	Revoked	V. 29, p. 726
28-23-9	Revoked	V. 29, p. 726
28-23-10	Revoked	V. 29, p. 726
28-23-20		
through		
28-23-24	Revoked	V. 29, p. 726
28-23-26		
through		
28-23-32	Revoked	V. 29, p. 726
28-23-34		
through		
28-23-36	Revoked	V. 29, p. 727
28-23-41		
through		
28-23-55	Revoked	V. 29, p. 727
28-23-70	Revoked	V. 29, p. 727
28-23-71	Revoked	V. 29, p. 727
28-23-73	Revoked	V. 29, p. 727
28-23-75	Revoked	V. 29, p. 727
28-23-78		
through		
28-23-80	Revoked	V. 29, p. 727
28-31-1	Revoked	V. 30, p. 414
28-31-2	Revoked	V. 30, p. 414
28-31-3	Revoked	V. 30, p. 414
28-31-4	Amended	V. 30, p. 414
28-31-5	Revoked	V. 30, p. 415
28-31-6	Amended	V. 30, p. 415
28-31-7	Revoked	V. 30, p. 415
28-31-8	Revoked	V. 30, p. 415
28-31-8b	Revoked	V. 30, p. 415
28-31-9	Revoked	V. 30, p. 415
28-31-10	Amended	V. 30, p. 415
28-31-12	Amended	V. 30, p. 416
28-31-13	Amended	V. 30, p. 417
28-31-14	Revoked	V. 30, p. 417
28-31-15	Revoked	V. 30, p. 417
28-31-16	Revoked	V. 30, p. 417
28-31-100	New	V. 30, p. 417
28-31-100a	New	V. 30, p. 418
28-31-100d	New	V. 30, p. 418
28-31-100e	New	V. 30, p. 419
28-31-100f	New	V. 30, p. 420
28-31-100p	New	V. 30, p. 420
28-31-100q	New	V. 30, p. 420

28-31-100r	New	V. 30, p. 420
28-31-100s	New	V. 30, p. 421
28-31-124	New	V. 30, p. 422
28-31-124a	New	V. 30, p. 423
28-31-124b	New	V. 30, p. 423
28-31-124c	New	V. 30, p. 423
28-31-124d	New	V. 30, p. 424
28-31-124e	New	V. 30, p. 424
28-31-260	New	V. 30, p. 425
28-31-260a	New	V. 30, p. 426
28-31-261	New	V. 30, p. 426
28-31-261a	New	V. 30, p. 427
28-31-262	New	V. 30, p. 427
28-31-262a	New	V. 30, p. 427
28-31-263	New	V. 30, p. 428
28-31-263a	New	V. 30, p. 429
28-31-264	New	V. 30, p. 429
28-31-264a	New	V. 30, p. 431
28-31-265	New	V. 30, p. 432
28-31-265a	New	V. 30, p. 433
28-31-266	New	V. 30, p. 433
28-31-267	New	V. 30, p. 434
28-31-267a	New	V. 30, p. 434
28-31-268	New	V. 30, p. 434
28-31-270	New	V. 30, p. 434
28-31-270a	New	V. 30, p. 435
28-31-273	New	V. 30, p. 436
28-31-279	New	V. 30, p. 436
28-31-279a	New	V. 30, p. 437
28-35-135l	Amended	V. 30, p. 195
28-35-135t	Amended	V. 30, p. 196
28-35-135w	Amended	V. 30, p. 197
28-35-175a	Amended	V. 30, p. 198
28-35-178b	Amended	V. 30, p. 198
28-35-178e	Amended	V. 30, p. 200
28-35-178j	Amended	V. 30, p. 201
28-35-180b	Amended	V. 30, p. 201
28-35-181a	Amended	V. 30, p. 203
28-35-181e	Revoked	V. 30, p. 203
28-35-181j	Amended	V. 30, p. 203
28-35-181m	Amended	V. 30, p. 204
28-35-181o	Amended	V. 30, p. 205
28-35-192b	Amended	V. 30, p. 206
28-35-192c	Amended	V. 30, p. 206
28-35-192d	Revoked	V. 30, p. 207
28-35-192e	Amended	V. 30, p. 207
28-35-192g	Amended	V. 30, p. 207
28-35-194a	Amended	V. 30, p. 207
28-35-212a	Amended	V. 30, p. 208
28-35-216a	Amended	V. 30, p. 209
28-35-225b	New	V. 30, p. 210
28-35-231c	Amended	V. 30, p. 210
28-35-242	Amended	V. 30, p. 210
28-35-264	Amended	V. 30, p. 210
28-35-334	Amended	V. 30, p. 211
28-35-346	Amended	V. 30, p. 212
28-35-411	Amended	V. 30, p. 212
28-36-30	Revoked	V. 29, p. 727
28-36-31	Revoked	V. 29, p. 727
28-36-70		
through		
28-36-89	Revoked	V. 29, p. 727
28-36-101		
through		
28-36-109	Revoked	V. 29, p. 727
28-39-162	Revoked	V. 29, p. 1777
28-39-162a	Revoked	V. 29, p. 1777
28-39-162b	Revoked	V. 29, p. 1777
28-39-162c	Revoked	V. 29, p. 1777
28-43-1		
through		
28-43-11	Revoked	V. 29, p. 1137
28-46-1	Amended	V. 29, p. 1138
28-46-2a	Amended	V. 29, p. 1138
28-46-3		
through		
28-46-22	Amended	V. 29, p. 1139-1141
28-46-27	Amended	V. 29, p. 1141
28-46-28	Amended	V. 29, p. 1141
28-46-29	Amended	V. 29, p. 1141
28-46-29a	New	V. 29, p. 1142
28-46-30	Amended	V. 29, p. 1142
28-46-30a	New	V. 29, p. 1142
28-46-30b	New	V. 29, p. 1144
28-46-31	Amended	V. 29, p. 1144

28-46-33	Amended	V. 29, p. 1144
28-46-34	Amended	V. 29, p. 1145
28-46-35	Amended	V. 29, p. 1145
28-46-40	Amended	V. 29, p. 1145
28-46-41	Amended	V. 29, p. 1145
28-46-44	Amended	V. 29, p. 1145
28-46-45	New	V. 29, p. 1145
28-53-1	Amended	V. 30, p. 463
28-53-2	Amended	V. 30, p. 463
28-53-4	Amended	V. 30, p. 463
28-61-1	Amended	V. 29, p. 419
28-61-2	Amended	V. 30, p. 336
28-61-3	Amended	V. 30, p. 337
28-61-4	Amended	V. 30, p. 337
28-61-5	Amended	V. 29, p. 420
28-61-8	Amended	V. 29, p. 422
28-72-1	Revoked	V. 29, p. 357
28-72-1a	New	V. 29, p. 357
28-72-1c	New	V. 29, p. 357
28-72-1d	New	V. 29, p. 358
28-72-1e	New	V. 29, p. 358
28-72-1g	New	V. 29, p. 358
28-72-1h	New	V. 29, p. 358
28-72-1i	New	V. 29, p. 359
28-72-1k	New	V. 29, p. 359
28-72-1l	New	V. 29, p. 359
28-72-1m	New	V. 29, p. 360
28-72-1n	New	V. 29, p. 360
28-72-1o	New	V. 29, p. 360
28-72-1p	New	V. 29, p. 360
28-72-1r	New	V. 29, p. 361
28-72-1s	New	V. 29, p. 361
28-72-1t	New	V. 29, p. 361
28-72-1v	New	V. 29, p. 361
28-72-1x	New	V. 29, p. 361
28-72-2	Amended	V. 29, p. 361
28-72-3	Amended	V. 29, p. 362
28-72-4	Amended	V. 29, p. 362
28-72-4a	Amended	V. 29, p. 366
28-72-4b	Revoked	V. 29, p. 368
28-72-4c	Amended	V. 29, p. 368
28-72-5	Amended	V. 29, p. 369
28-72-6	Amended	V. 29, p. 370
28-72-6a	New	V. 29, p. 371
28-72-7	Amended	V. 29, p. 373
28-72-7a	New	V. 29, p. 373
28-72-8	Amended	V. 29, p. 374
28-72-9	Amended	V. 29, p. 375
28-72-10	Amended	V. 29, p. 376
28-72-10a	New	V. 29, p. 377
28-72-11	Amended	V. 29, p. 378
28-72-12	Amended	V. 29, p. 378
28-72-13	Amended	V. 29, p. 379
28-72-14	Amended	V. 29, p. 379
28-72-15	Amended	V. 29, p. 380
28-72-16	Amended	V. 29, p. 380
28-72-17	Amended	V. 29, p. 381
28-72-18	Amended	V. 29, p. 382
28-72-18a	Amended	V. 29, p. 383
28-72-18b	Amended	V. 29, p. 384
28-72-18c	Amended	V. 29, p. 384
28-72-18d	Amended	V. 29, p. 385
28-72-18e	Amended	V. 29, p. 386
28-72-19	Amended	V. 29, p. 387
28-72-20	Amended	V. 29, p. 387
28-72-21	Amended	V. 29, p. 387
28-72-22	Amended	V. 29, p. 388
28-72-51	Amended	V. 29, p. 388
28-72-52	Amended	V. 29, p. 389
28-72-53	Amended	V. 29, p. 389

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-5-118a	Revoked	V. 29, p. 293

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-39-2	Amended (T)	V. 29, p. 1090
36-39-2	Amended	V. 29, p. 1416
36-39-4	Amended (T)	V. 29, p. 1091
36-39-4	Amended	V. 29, p. 1416
36-39-6	Amended (T)	V. 29, p. 1091

36-39-6	Amended	V. 29, p. 1416
36-42-1		
through		
36-42-9	New	V. 29, p. 502-504

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-37	Amended	V. 30, p. 193
40-1-48	Amended	V. 29, p. 1752
40-3-33	Revoked	V. 30, p. 232
40-3-43	Amended	V. 29, p. 1337
40-4-43	New	V. 29, p. 703
40-7-26	New	V. 29, p. 1752
40-7-27	New	V. 29, p. 1753
40-9-23	New	V. 29, p. 1813
40-10-16	New	V. 30, p. 556

AGENCY 48: DEPARTMENT OF LABOR—EMPLOYMENT SECURITY BOARD OF REVIEW

Reg. No.	Action	Register
48-1-1		
through		
48-1-6	Amended	V. 29, p. 15-17
48-2-1		
through		
48-2-5	Amended	V. 29, p. 17
48-3-1	Amended	V. 29, p. 18
48-3-2	Amended	V. 29, p. 18
48-3-4	Amended	V. 29, p. 18
48-3-5	Amended	V. 29, p. 18
48-4-1	Amended	V. 29, p. 18
48-4-2	Amended	V. 29, p. 18

AGENCY 49: DEPARTMENT OF LABOR

Reg. No.	Action	Register
49-55-1		
through		
49-55-12	New	V. 29, p. 675, 676

AGENCY 50: DEPARTMENT OF LABOR—DIVISION OF EMPLOYMENT

Reg. No.	Action	Register
50-2-21a	New (T)	V. 29, p. 701
50-2-21a	New	V. 29, p. 1214

AGENCY 51: DEPARTMENT OF LABOR—DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-9-7	Amended	V. 29, p. 1508

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-16-105	Revoked	V. 29, p. 1115

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-4-3	Amended	V. 29, p. 990

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-8-6	Amended	V. 29, p. 794
66-10-1	Amended	V. 29, p. 794
66-12-1	Amended	V. 29, p. 794
66-14-10	Amended	V. 29, p. 794

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-1b	Amended	V. 29, p. 465
68-2-22	Amended	V. 30, p. 537
68-7-11	Amended	V. 29, p. 1053
68-7-21	New	V. 29, p. 465
68-20-10a	Amended	V. 30, p. 538
68-20-24	New (T)	V. 30, p. 357
68-20-25	New (T)	V. 30, p. 357
68-20-26	New (T)	V. 30, p. 357
68-20-27	New (T)	V. 30, p. 357
68-20-28	New (T)	V. 30, p. 635
68-20-29	New (T)	V. 30, p. 635

(continued)

68-21-1 through 68-21-7 New V. 29, p. 1417-1420
 68-21-2 Amended V. 30, p. 370

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-5-1 through 71-5-6	Revoked	V. 29, p. 1593
71-5-7 through 71-5-13	New	V. 29, p. 1593-1597

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-4-8	Amended	V. 29, p. 1636
74-4-9	Amended	V. 29, p. 1638
74-5-2	Amended	V. 29, p. 1638
74-5-101	Amended	V. 29, p. 1639
74-5-202	Amended	V. 29, p. 1639
74-5-203	Amended	V. 29, p. 1639
74-6-2	Amended	V. 29, p. 1640
74-11-6	Amended	V. 29, p. 1640
74-11-7	Amended	V. 29, p. 1640
74-12-1	Amended	V. 29, p. 1641
74-15-2	Revoked	V. 29, p. 1641

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-1-219	Amended	V. 29, p. 1099
82-3-101a	New	V. 29, p. 1508
82-3-311a	New	V. 29, p. 181
82-3-1100 through 82-3-1120	New	V. 29, p. 182-190
82-4-2	Amended	V. 29, p. 1443
82-4-3a	Amended	V. 29, p. 1443
82-4-3d	Amended	V. 29, p. 1444
82-4-3f	Amended	V. 29, p. 1390
82-4-3n	New	V. 29, p. 1444
82-4-3o	New	V. 29, p. 1445
82-4-6a	Amended	V. 29, p. 1446
82-4-8h	Amended	V. 29, p. 1446
82-4-21	Amended	V. 29, p. 1446
82-4-22	Amended	V. 29, p. 1446
82-4-23	Amended	V. 29, p. 1447
82-4-24a	Amended	V. 29, p. 1447
82-4-26	Amended	V. 29, p. 1447
82-4-26a	Amended	V. 29, p. 1447
82-4-27	Amended	V. 29, p. 1447
82-4-27a	Amended	V. 29, p. 1448
82-4-27c	Amended	V. 29, p. 1448
82-4-27e	Amended	V. 29, p. 1449
82-4-28	Revoked	V. 29, p. 1449
82-4-28a	Revoked	V. 29, p. 1449
82-4-28b	Revoked	V. 29, p. 1449
82-4-30a	Amended (T)	V. 29, p. 702
82-4-30a	Amended	V. 29, p. 1392
82-4-31	Revoked	V. 29, p. 1450
82-4-32	Amended	V. 29, p. 1450
82-4-33	Amended	V. 29, p. 1450
82-4-35	Amended	V. 29, p. 1450
82-4-35a	Amended	V. 29, p. 1450
82-4-37	Revoked	V. 29, p. 1450
82-4-40	Amended	V. 29, p. 1450
82-4-42	Amended	V. 29, p. 1450
82-4-48	Amended	V. 29, p. 1451
82-4-48a	Amended	V. 29, p. 1451
82-4-53	Amended	V. 29, p. 1451
82-4-54	Amended	V. 29, p. 1452
82-4-55	Amended	V. 29, p. 1452
82-4-56a	Amended	V. 29, p. 1452
82-4-57	Amended	V. 29, p. 1453
82-4-58	Amended	V. 29, p. 1453
82-4-62	Revoked	V. 29, p. 1453
82-4-63	Amended	V. 29, p. 1453
82-4-65	Amended	V. 29, p. 1453
82-4-77	Amended	V. 29, p. 1454
82-16-1 through 82-16-6	New	V. 29, p. 1598-1601

82-17-1 through 82-17-5 New V. 29, p. 1136, 1137

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-24-1	Amended	V. 29, p. 1415
88-28-1	Amended	V. 30, p. 193
88-28-6	Amended	V. 29, p. 408
88-30-1	Amended	V. 30, p. 194

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-40-1	Amended	V. 29, p. 1093
91-40-27	Amended	V. 29, p. 1098

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-19-3	Revoked	V. 30, p. 280
92-19-3a	New	V. 30, p. 280
92-19-3b	New	V. 30, p. 283
92-19-3c	New	V. 30, p. 285
92-19-10	Revoked	V. 30, p. 285
92-19-16a	Amended	V. 30, p. 285
92-19-16b	Revoked	V. 30, p. 286
92-19-40	Revoked	V. 30, p. 286
92-19-42	Revoked	V. 30, p. 286
92-19-49b	Amended	V. 30, p. 286
92-19-55b	New	V. 30, p. 287
92-19-59	Amended	V. 30, p. 289
92-19-73	Amended	V. 30, p. 289
92-24-23	Amended	V. 29, p. 1633
92-51-25a	New	V. 29, p. 1281

AGENCY 94: COURT OF TAX APPEALS

Reg. No.	Action	Register
94-2-1 through 94-2-21	Revoked	V. 29, p. 1478, 1479
94-5-1 through 94-5-25	New	V. 29, p. 1479-1485

Agency 97: COMMISSION ON VETERANS' AFFAIRS

Reg. No.	Action	Register
97-7-1 through 97-7-6	New	V. 29, p. 252-254

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

Reg. No.	Action	Register
99-25-1	Amended	V. 29, p. 1242
99-25-5	Amended	V. 29, p. 1242
99-25-12	New	V. 29, p. 1242

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-1	Amended	V. 29, p. 650
100-29-1	Amended	V. 29, p. 598
100-49-4	Amended	V. 29, p. 651
100-55-1	Amended	V. 29, p. 704
100-55-7	Amended	V. 29, p. 651
100-69-12	New	V. 29, p. 704
100-72-2	Amended	V. 29, p. 705
100-73-2	Amended	V. 29, p. 598

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-2-3	Amended	V. 29, p. 340
102-5-3	Amended	V. 30, p. 371

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-4-1	Amended (T)	V. 29, p. 1338
105-4-1	Amended	V. 29, p. 1506
105-5-2	Amended (T)	V. 29, p. 1339
105-5-2	Amended	V. 29, p. 1506

105-5-3	Amended (T)	V. 29, p. 1339
105-5-3	Amended	V. 29, p. 1506
105-5-6	Amended (T)	V. 29, p. 1339
105-5-6	Amended	V. 29, p. 1506
105-5-7	Amended (T)	V. 29, p. 1339
105-5-7	Amended	V. 29, p. 1507
105-5-8	Amended (T)	V. 29, p. 1340
105-5-8	Amended	V. 29, p. 1507
105-11-1	Amended (T)	V. 29, p. 1340
105-11-1	Amended	V. 29, p. 1507

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-1	Amended (T)	V. 29, p. 1340
108-1-1	Amended	V. 30, p. 166
108-1-3	Amended (T)	V. 29, p. 1342
108-1-3	Amended	V. 30, p. 168
108-1-4	Amended (T)	V. 29, p. 1344
108-1-4	Amended	V. 30, p. 170

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-1-1a	New (T)	V. 30, p. 138
109-1-1a	New	V. 30, p. 573
109-5-1	Amended (T)	V. 30, p. 138
109-5-1	Amended	V. 30, p. 573
109-5-1a	New (T)	V. 30, p. 139
109-5-1a	New	V. 30, p. 574
109-5-1b	New (T)	V. 30, p. 139
109-5-1b	New	V. 30, p. 574
109-5-1d	New (T)	V. 30, p. 139
109-5-1d	New	V. 30, p. 574
109-5-1e	New (T)	V. 30, p. 139
109-5-1e	New	V. 30, p. 574
109-5-1f	New (T)	V. 30, p. 139
109-5-1f	New	V. 30, p. 574
109-5-3	Amended	V. 29, p. 1282
109-5-4	Revoked	V. 29, p. 113
109-5-7a	New (T)	V. 30, p. 139
109-5-7a	New	V. 30, p. 574
109-5-7b	New (T)	V. 30, p. 140
109-5-7b	New	V. 30, p. 575
109-5-7d	New (T)	V. 30, p. 141
109-5-7d	New	V. 30, p. 576
109-6-1	Amended	V. 29, p. 113
109-6-2	Amended	V. 29, p. 113
109-8-1	Amended (T)	V. 30, p. 141
109-8-1	Amended	V. 30, p. 576
109-10-1a	New (T)	V. 30, p. 141
109-10-1a	New	V. 30, p. 577
109-10-1b	New (T)	V. 30, p. 142
109-10-1b	New	V. 30, p. 577
109-10-1d	New (T)	V. 30, p. 142
109-10-1d	New	V. 30, p. 577
109-10-1e	New (T)	V. 30, p. 142
109-10-1e	New	V. 30, p. 577
109-10-1f	New (T)	V. 30, p. 142
109-10-1f	New	V. 30, p. 577
109-10-1g	New (T)	V. 30, p. 142
109-10-1g	New	V. 30, p. 578
109-10-6	Amended (T)	V. 30, p. 143
109-10-6	Amended	V. 30, p. 578
109-10-7	New	V. 29, p. 113
109-11-1	Amended	V. 29, p. 1283
109-11-1a	New (T)	V. 30, p. 143
109-11-1a	New	V. 30, p. 578
109-11-3	Amended	V. 29, p. 1284
109-11-3a	New (T)	V. 30, p. 144
109-11-3a	New	V. 30, p. 579
109-11-4	Amended	V. 29, p. 1284
109-11-6	Amended	V. 29, p. 1285
109-11-6a	New (T)	V. 30, p. 144
109-11-6a	New	V. 30, p. 579
109-15-2	Amended	V. 29, p. 1285

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-4-1 through 110-4-5	Amended	V. 30, p. 25-27
110-21-1 through 110-21-5	New	V. 30, p. 411-413

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 from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. A list of regulations filed from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 Kansas Register. A list of regulations filed from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 Kansas Register. A list of regulations filed from 2008 through November 2009 can be found in the Vol. 28, No. 53, December 31, 2009 Kansas Register. The following regulations were filed after December 1, 2009:

Reg. No.	Action	Register
111-2-30	Amended	V. 29, p. 215
111-2-230	Amended	V. 30, p. 232
111-2-231	Amended	V. 30, p. 233
111-2-232	Amended	V. 29, p. 215
111-2-233	Amended	V. 29, p. 215
111-2-234	New	V. 29, p. 746
111-2-235	through	
111-2-240	New	V. 29, p. 1214, 1215
111-2-241	New	V. 29, p. 1247
111-2-242	New	V. 29, p. 1247
111-2-243	through	
111-2-248	New	V. 29, p. 1512, 1513
111-2-247	Amended	V. 30, p. 233
111-2-248	Amended	V. 30, p. 233
111-2-249	through	
111-2-252	New	V. 30, p. 233, 234
111-2-249	Amended	V. 30, p. 357
111-2-253	New	V. 30, p. 241
111-2-254	New	V. 30, p. 241
111-2-255	Amended	V. 30, p. 358
111-4-2899	through	
111-4-2907	New	V. 29, p. 9-14
111-4-2908	through	
111-4-2911	New	V. 29, p. 149-152
111-4-2911a	New	V. 29, p. 152
111-4-2912	through	
111-4-2923	New	V. 29, p. 153-157
111-4-2924	through	
111-4-2930	New	V. 29, p. 216-222
111-4-2931	through	
111-4-2938	New	V. 29, p. 467-473
111-4-2939	through	
111-4-2948	New	V. 29, p. 569-575
111-4-2949	through	
111-4-2984	New	V. 29, p. 746-769
111-4-2949	through	
111-4-2984	New	V. 29, p. 746-769
111-4-2985	through	
111-4-2988	New	V. 29, p. 1180-1183
111-4-2989	New	V. 29, p. 1216
111-4-2990	New	V. 29, p. 1217
111-4-2991	New	V. 29, p. 1218
111-4-2992	through	
111-4-3011	New	V. 29, p. 1248-1259
111-4-3012	through	
111-4-3022	New	V. 29, p. 1513-1522
111-4-3023	through	
111-4-3027	New	V. 30, p. 234-237
111-4-3028	through	
111-4-3031	New	V. 30, p. 241-243
111-4-3032	through	
111-4-3045	New	V. 30, p. 249-258

111-4-3046	through	
111-4-3054	New	V. 30, p. 358-364
111-5-175	through	
111-5-179	New	V. 29, p. 157-159
111-5-180	through	
111-5-194	New	V. 29, p. 222-228
111-5-181	Amended	V. 29, p. 1522
111-5-184	Amended	V. 29, p. 1523
111-5-186	Amended	V. 29, p. 1524
111-5-194	Amended	V. 29, p. 1525
111-7-243	through	
111-7-248	New	V. 30, p. 259, 260
111-9-162	New	V. 29, p. 229
111-9-163	New	V. 29, p. 229
111-9-164	New	V. 29, p. 230
111-9-165	New	V. 29, p. 769
111-9-166	New	V. 29, p. 1184
111-9-167	New	V. 29, p. 1526
111-9-168	New	V. 29, p. 1526
111-9-169	New	V. 29, p. 1527
111-9-170	New	V. 30, p. 261
111-15-1	Amended	V. 30, p. 238
111-15-3	Amended	V. 30, p. 365
111-201-1	through	
111-201-17	New	V. 29, p. 73-79
111-301-1	through	
111-301-6	New	V. 29, p. 79, 80
111-301-7	through	
111-301-12	New	V. 30, p. 244-248
111-301-13	through	
111-301-20	New	V. 30, p. 366-368
111-302-1	through	
111-302-6	New	V. 29, p. 82-86
111-302-4	Amended	V. 30, p. 249
111-303-1	through	
111-303-5	New	V. 29, p. 87-89
111-304-1	through	
111-304-6	New	V. 29, p. 89-91
111-305-1	through	
111-305-6	New	V. 29, p. 474, 475
111-306-1	through	
111-306-6	New	V. 29, p. 1185-1187
111-306-4	Amended	V. 29, p. 1260
111-306-6	Amended	V. 29, p. 1219
111-307-1	through	
111-307-7	New	V. 29, p. 1189-1191
111-308-1	through	
111-308-7	New	V. 29, p. 1261-1263
111-309-1	through	
111-309-6	New	V. 29, p. 1528-1530
111-310-1	through	
111-310-6	New	V. 29, p. 1530-1532
111-311-1	through	
111-311-7	New	V. 29, p. 1532-1535
111-312-1	through	
111-312-8	New	V. 30, p. 239, 240
111-312-6	Amended	V. 30, p. 368
111-312-8	Amended	V. 30, p. 368

AGENCY 112: RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-101-6	Amended	V. 30, p. 290
112-102-8	Amended	V. 30, p. 290
112-103-2	Amended	V. 30, p. 291

112-103-4	Amended	V. 30, p. 292
112-103-5	Amended	V. 30, p. 292
112-103-8	Amended	V. 30, p. 292
112-103-15	Amended	V. 30, p. 292
112-104-1	Amended	V. 30, p. 293
112-104-8	Amended	V. 30, p. 294
112-104-13	Amended	V. 30, p. 295
112-104-14	Amended	V. 30, p. 297
112-104-15	Amended	V. 30, p. 297
112-104-16	Amended	V. 30, p. 298
112-104-32	Amended	V. 30, p. 300
112-105-1	Amended	V. 30, p. 301
112-105-2	Amended	V. 30, p. 301
112-105-3	Amended	V. 30, p. 301
112-106-1	Amended	V. 30, p. 301
112-106-2	Amended	V. 30, p. 303
112-106-5	Amended	V. 30, p. 303
112-106-6	Amended	V. 30, p. 304
112-107-3	Amended	V. 30, p. 304
112-107-5	Amended	V. 30, p. 307
112-107-10	Amended	V. 30, p. 308
112-107-21	Amended	V. 30, p. 309
112-107-22	Amended	V. 30, p. 310
112-108-18	Amended	V. 30, p. 311
112-108-36	Amended	V. 30, p. 312
112-108-55	Amended	V. 30, p. 313
112-110-3	Amended	V. 30, p. 313
112-112-1	Amended	V. 30, p. 314
112-112-3	Amended	V. 30, p. 314
112-112-4	Amended	V. 30, p. 314
112-112-7	Amended	V. 30, p. 315
112-112-9	Amended	V. 30, p. 315

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 29, p. 1602
115-2-2	Amended	V. 30, p. 331
115-2-3	Amended	V. 30, p. 331
115-2-3a	Amended	V. 29, p. 1603
115-4-2	Amended	V. 29, p. 408
115-4-4	Amended	V. 29, p. 658
115-4-4a	Amended	V. 29, p. 659
115-4-6	Amended	V. 29, p. 409
115-4-6b	New	V. 30, p. 332
115-4-11	Amended	V. 30, p. 332
115-7-1	Amended	V. 29, p. 1606
115-7-8	Revoked	V. 29, p. 1607
115-7-9	Amended	V. 30, p. 536
115-8-1	Amended	V. 29, p. 1092
115-16-5	Amended	V. 30, p. 334
115-18-7	Amended	V. 29, p. 659
115-18-20	Amended	V. 29, p. 1608
115-20-7	New	V. 29, p. 659

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-2-1	Amended	V. 29, p. 412
117-2-2	Amended	V. 29, p. 413
117-3-1	Amended	V. 29, p. 414
117-3-2	Amended	V. 29, p. 415
117-4-1	Amended	V. 29, p. 416
117-4-2	Amended	V. 29, p. 417
117-6-1	Amended	V. 29, p. 656
117-6-3	Amended	V. 29, p. 656
117-7-1	Amended	V. 30, p. 92
117-8-1	Amended	V. 29, p. 418

AGENCY 121: DEPARTMENT OF CREDIT UNIONS

Reg. No.	Action	Register
121-10-1	Amended	V. 29, p. 675

AGENCY 123: JUVENILE JUSTICE AUTHORITY

Reg. No.	Action	Register
123-2-111	New (T)	V. 29, p. 1115
123-2-111	New	V. 29, p. 1415

AGENCY 129: KANSAS HEALTH POLICY AUTHORITY

Reg. No.	Action	Register
129-5-118	Amended	V. 29, p. 293
129-5-118a	New	V. 29, p. 294

(continued)

129-5-118b Amended V. 29, p. 296
 129-10-31 New V. 30, p. 92

**AGENCY 130: HOME INSPECTORS
 REGISTRATION BOARD**

Reg. No.	Action	Register
130-1-2	New (T)	V. 29, p. 38
130-1-2	New	V. 29, p. 567

130-1-3	New (T)	V. 29, p. 38
130-1-3	New	V. 29, p. 567
130-1-4	Amended	V. 29, p. 567
130-3-1	New (T)	V. 29, p. 38
130-3-1	New	V. 29, p. 568
130-4-1	New (T)	V. 29, p. 39
130-4-1	New	V. 29, p. 794
130-4-2	New (T)	V. 29, p. 39

130-4-2	New	V. 29, p. 794
130-5-2	New	V. 29, p. 569

**AGENCY 131: COMMITTEE ON
 SURETY BONDS AND INSURANCE**

Reg. No.	Action	Register
131-1-1	New	V. 30, p. 195

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