



# Kansas Register

Kris W. Kobach, Secretary of State

Vol. 37, No. 21

May 24, 2018

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## State of Kansas

**Pooled Money Investment Board****Notice of Investment Rates**

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 12-1675(b)(c)(d) and K.S.A. 12-1675a(g).

**Effective 5-21-18 through 5-27-18**

<b>Term</b>	<b>Rate</b>
1-89 days	1.70%
3 months	1.91%
6 months	2.10%
12 months	2.33%
18 months	2.49%
2 years	2.57%

Scott Miller  
Director of Investments

Doc. No. 046319

(Published in the Kansas Register May 24, 2018.)

**Garden City Western Railroad****Request for Proposals****Introduction and Purpose:**

The Garden City Western Railroad is requesting proposals from contractors, experienced in railroad track construction, for the replacement of three #8 turnouts and removal and installation of 800 ties over two (2) miles of track in Garden City, Kansas. Interested contractors shall request a bid package in accordance with the instructions below and attend a mandatory pre-bid meeting. Bidders will submit a bid along with proof of completion of at least 5 similar projects.

**Project information:**

Kansas Department of Transportation—Project #28  
RF-0054-01  
Rehabilitate or reconstruct three (3) turnouts and approximately 2 miles of track  
Location – Garden City, Kansas  
Garden City Western Railroad – North Line

**Instruction to Bidding Contractors:**

Interested parties may request a bid package by sending requests to moneil@pioneer-railcorp.com. All bid package requests must be received by 5:00 p.m. (CST) May 31, 2018. Requests received after the specified date and time will not be considered. All qualified requests will receive an electronic bid request package.

Michael O'Neil, P.E., S.E.,  
Senior Engineer Track & Structures  
Pioneer Railroad Services, Inc.

Doc. No. 046304

(Published in the Kansas Register May 24, 2018.)

**Northeast Kansas Credit Union****Notice of Field of Membership Change**

This is to certify that at a special meeting of the Board of Directors of Topeka City Employees Credit Union, now known as North East Kansas Credit Union, held on April

12, 2018, in Topeka, Kansas, legal notice having been given that the following amendment to the bylaws was to be submitted, and a quorum being present, the following resolution was adopted by at least three-fourths ( $\frac{3}{4}$ ) vote of all Board members present:

Amend Article III, Section 1, to read as follow: Membership to this credit union is open to any person or organization residing, working, or worshipping within the following Kansas Counties: Shawnee, Pottawatomie, Jackson, Jefferson, Douglas, Osage, and Wabaunsee. Membership, once established, may continue even though the credit union member would not be eligible for new membership.

Jennifer Froman  
General Manager

Doc. No. 046316

## State of Kansas

**Office of Judicial Administration****Notice of Grant Funding**

The Access to Justice Fund is administered by the Kansas Supreme Court. To the extent the Judicial Branch budget is funded, Access to Justice Grants will be made available for operating expenses of programs that provide access to the Kansas civil justice system for people who otherwise would not be able to participate. Such programs may provide legal assistance to *pro se* litigants, legal counsel for civil and domestic matters, or other legal or dispute resolution services to recipients that meet financial qualifications under grant guidelines promulgated by the Supreme Court of Kansas.

Access to Justice Grant application packets may be requested from the Office of Judicial Administration and must be returned to this office by June 22, 2018:

Office of Judicial Administration  
Kansas Judicial Center  
301 SW 10th Ave., Room 337  
Topeka, KS 66612

Please direct telephone inquiries to Jeff Peter at 785-296-2256.

Jeff Peter  
Assistant Financial Officer

Doc. No. 046324

## State of Kansas

**Wichita State University****Notice of Intent to Lease Land and/or Building Space**

Public notice is hereby given that Wichita State University (WSU) intends to lease available land and building space. The university will consider leasing such property and/or space to those whose presence on campus would advance the university's applied learning vision or its mission as an educational, cultural, and economic driver for Kansas and the greater public good. Because tenant use must be a good fit with the university's educational mission and available space, please be prepared to provide the following information: (1) name; (2) square foot-

(continued)

age of space needs; (3) equipment, design, or other special needs; (4) description of anticipated use; and (5) the anticipated benefits to the university, its students, and the WSU community (e.g. applied learning, joint research, faculty start-up, etc.). The university will consider serious offers and inquiries from any financially qualified individual, group, organization, or company. If interested, please contact Vice President for Research and Technology Transfer Dr. John Tomblin, john.tomblin@wichita.edu, or Property Manager Crystal Deselms, crystal.deselms@wichita.edu. This publication is being published pursuant to K.S.A. 75-430a(d) to the extent applicable.

Crystal Stegeman  
University Property Manager  
Office of the Vice President for  
Administration and Finance  
Wichita State University

Doc. No. 045794

## State of Kansas

### Department of Transportation

#### Notice to Contractors

Electronic copies of the letting proposals and plans are available on the Kansas Department of Transportation (KDOT) website at <https://kdotapp.ksdot.org/Proposal/Proposal.aspx>. The website will allow the contractor to request approval from KDOT to bid as a prime contractor and be included on the "Bid Holders List," or to be included on the "NonBid Holders List" as a subcontractor/supplier. KDOT's approval is required to bid as a prime contractor. To bid as a prime contractor, KDOT needs to be notified of the intent to bid no later than the close of business on the Monday preceding the scheduled letting date. Failure to obtain prior approval to bid as a prime contractor on any projects listed below will be reason to reject your bid. The secretary reserves the right to reject bids that do not comply with all requirements for preparing a bidding proposal as specified in the 2015 edition of the Kansas Department of Transportation *Standard Specifications for State Road and Bridge Construction*.

KDOT will only accept electronic internet proposals using the Bid Express website at <http://www.bidx.com> until 1:00 p.m. (CST) June 20, 2018. KDOT will open and read these proposals at the Eisenhower State Office Building, 700 SW Harrison, Topeka, Kansas, at 1:30 p.m. (CST) June 20, 2018. An audio broadcast of the bid letting is available at <http://www.ksdot.org/burconsmain/audio.asp>.

Each bidder shall certify 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 certification shall be in the form of a required contract provision provided by the state to each prospective bidder. Failure to complete the required contract provision and certify the completeness of the preceding statement when electronically signing the proposal will make the bid nonresponsive and not eligible for award consideration.

#### District One — Northeast

**Riley** – 81 U-0541-01 – 11th Street and Poyntz Avenue in the City of Manhattan, traffic signals. (Federal Funds)

**Statewide** – 106 KA-4918-01 – U.S. 24, from 75 feet west of the K-32/U.S. 24 junction to the Jefferson county line including the section of U.S. 59/U.S. 40 1,300 feet south of the U.S. 24/U.S. 40/U.S. 59 junction to said junction, U.S. 24, from the Douglas/Jefferson county line to the U.S. 59/U.S. 24 junction, U.S. 24, from approximately 211 feet west of Elm Street in Perry east to the U.S. 59/U.S. 24 junction and U.S. 59, from the U.S. 59/U.S. 24 junction north to the south Oskaloosa city limits, chip seal, 24.8 miles. (State Funds)

**Statewide** – 9-106 KA-492301 – K-9, from the Jackson/Atchison county line east to the U.S. 159/K-9 junction and from the U.S. 75/K-9 junction east to the Jackson/Atchison county line, crack repair, 12.3 miles. (State Funds)

**Statewide** – 73-106 KA-4930-01 – U.S. 73, from the west U.S. 73/RS 25 junction northwest to the Atchison/Brown county line and from the Atchison/Brown county line northwest to the east Horton city limits, crack repair, 15.6 miles. (State Funds)

**Statewide** – 106 KA-4953-01 – K-13, from the U.S. 24/K-13 junction to the Riley/Pottawatomie county line and from the Riley/Pottawatomie county line north to the K-13/K-16 junction and K-16, from the K-16/K-99 junction east to the K-16/K-63 junction, crack repair, 33.9 miles. (State Funds)

#### District Two — North Central

**Clay** – 24-14 KA-4920-01 – U.S. 24, from the Clay/Cloud county line east to the west Clay Center city limits and from the east Clay Center city limits east to the Clay/Riley county line, crack repair, 11.9 miles. (State Funds)

**Cloud** – 81-15 KA-4851-01 – U.S. 81, bridge #056 located 0.18 mile north of the U.S. 81/K-9 junction, bridge repair. (Federal Funds)

**Dickinson** – 15-21 KA-4252-01 Buckeye Avenue and 14th Street intersection in Abilene, intersection improvement, 0.1 mile. (Federal Funds)

**Ellsworth** – 156-27 KA-4892-01 – K-156, from the K-156/K-140 junction northeast to the K-156/I-70 junction, sealing, 10.7 miles. (State Funds)

**Marion** – 57 C-4877-01 – Bridge over the Lyon Creek located 0.5 mile north and 1.7 miles east of Ramona on 370th Street, bridge replacement. (Federal Funds)

**Marion** – 77-57 KA-4884-01 – U.S. 77, from the Butler/Marion county line north to the K-150/U.S. 77 junction, sealing, 20.5 miles. (State Funds)

**Saline** – 85 KA-4927-01 – K-4, from the north K-4/I-135 junction north to K-4/K-104 junction and K-104, from the north K-4/K-104 junction north to the K-104/I-135 junction, crack repair, 4.8 miles. (State Funds)

**Statewide** – 4-106 KA-4895-01 – K-4, from north of the Lindsborg city limits east to the McPherson/Saline county line and from the McPherson/Saline county line east to the south K-4/Old U.S. 81 junction, milling and overlay, 3.9 miles. (State Funds)

**Statewide** – 106 KA-4908-01 – K-209, the entire route in Dickinson and Morris counties, K-157, the entire route in Geary county, U.S. 77, from the south Morris/Dickinson county line (route follows the county line for 7.38 miles)

and from the north Morris/Dickinson county line north-east 4.67 miles to the Morris/Geary county line, U.S. 77, from the Geary/Morris county line north to the concrete south of the I-70/U.S. 77 junction and U.S. 77, from the U.S. 56/U.S. 77 junction north to the south Dickinson/Morris county line (route follows the county line for 3.8 miles) and from the Dickinson/Morris county line north-east approximately 0.4 mile to the east Dickinson/Morris county line, crack repair, 30.4 miles. (State Funds)

**Washington** – 101 KA-4935-01 – U.S. 36, from the east edge of the Little Blue bridge (near the 2/4 lane split on U.S. 36) east to the Washington/Marshall county line, K-234, from the east Hanover city limits to the K-148/K-234 junction, K-243, from the K-148/K-243 junction east to the Pony Express Station and K-148, from the K-148/U.S. 36 junction north to the NE/KS state line, crack repair, 16.7 miles. (State Funds)

#### District Three – Northwest

**Cheyenne** – 36-12 KA-4898-01 – U.S. 36, from the east K-27/U.S. 36 junction east 16.2 miles to the Cheyenne/Rawlins county line, sealing, 16.2 miles. (State Funds)

**Phillips** – 74 C-4880-01 – Bridge over Deer Creek on E. 500 Road located 2.0 miles south and 5.0 miles east of Phillipsburg, bridge replacement, 0.2 mile. (Federal Funds)

**Rawlins** – 36-77 KA-4897-01 – U.S. 36, from 9.9 miles east of the Cheyenne/Rawlins county line east 10 miles to the Portland cement concrete pavement in Atwood, sealing, 10.0 miles. (State Funds)

**Smith** – 92 C-4881-01 – Bridge over Oak Creek on 270 Road located 4.0 miles north and 9.5 miles east of Portis, bridge replacement, 0.2 mile. (Federal Funds)

**Statewide** – 106 KA-4896-01 – Various locations in District Three in Thomas, Trego, Graham, Rooks, Smith, and Phillips counties, milling. (State Funds)

#### District Four – Southeast

**Crawford** – 47-19 KA-4913-01 – K-47, from the Neosho/Crawford county line to the west Girard city limits and from the east Girard city limits to the U.S. 69/K-47 junction, sealing, 19.6 miles. (State Funds)

**Montgomery** – 166-63 KA-4255-01 – U.S. 166 and Willow Street intersection in Coffeyville, intersection improvement, 0.2 mile. (Federal Funds)

**Neosho** – 47-67 KA-4914-01 – K-47, from the east St. Paul city limits east to the Neosho/Crawford county line, sealing, 4.0 miles. (State Funds)

**Statewide** – 106 KA-4909-01 – Various locations in District Four in Montgomery, Cherokee, Crawford, and Woodson counties, milling. (State Funds)

#### District Five – South Central

**Barton** – 56-5 KA-4883-01 – U.S. 56, from the east Great Bend city limits north to the west Ellinwood city limits, crack repair, 8.1 miles. (State Funds)

**Barton** – 281-5 KA-4889-01 – U.S. 281, from the west K-4/U.S. 281 junction north to the Russell/Barton county line, sealing, 11.1 miles. (State Funds)

**Edwards** – 50-24 KA-4890-01 – U.S. 50, from the Ford/Edwards county line east to the west Kinsley city limits, sealing, 8.3 miles. (State Funds)

**Kiowa** – 400-49 KA-4779-01 – U.S. 400, Bridge (rigid frame box) #527 over Rattlesnake Creek located 1.8 miles east of the Ford County Line, bridge #009 over the Union Pacific Railroad located 5.6 miles east of the Ford County Line and bridge #010 over U.S. 54 located 5.8 miles east of the Ford County Line, bridge repair, 1.2 miles. (Federal Funds)

**Reno** – 78 KA-4901-01 – U.S. 50, from the west U.S. 50/K-61 junction east 5.8 miles to the concrete pavement at South Hutchinson and K-14, from the west Nickerson city limits west to the Reno/Rice county line, crack repair, 12.8 miles. (State Funds)

**Sedgwick** – 96-87 KA-4685-01 – K-96, from the east end of the Arkansas River Bridge east to the K-96/I-235 junction, pavement patching, 1.0 mile. (Federal Funds)

**Sedgwick** – 96-87 KA-4868-01 – K-96, bridge #321 (K-96 eastbound exit ramp) located 0.89 mile east of Northwest Street and bridge #323 located 0.94 mile east of Northwest Street in Wichita, bridge repair. (Federal Funds)

**Stafford** – 50-93 KA-4891-01 – U.S. 50, from the Edwards/Stafford county line east to the U.S. 50/U.S. 281 junction, sealing, 15.0 miles. (State Funds)

**Statewide** – 106 KA-4774-01 – ADA curb ramps in District One on U.S. 73 in Hiawatha and on U.S. 56 in Baldwin City and Merriam, District Three on U.S. 36 in Phillipsburg and K-27 in Sharon Springs, District Four on U.S. 59 in Moran, K-3 in Helper, K-66 in Galena and Riverton, District Five on K-2 and K-8 in Kiowa, District Six on K-96 in Leoti, special. (State Funds)

#### District Six – Southwest

**Statewide** – 106 KA-4948-01 – Various locations in District Six in Scott, Lane, Finney, Ford, and Morton counties, milling. (State Funds)

Richard Carlson  
Secretary

Doc. No. 046323

### 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' websites 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: <http://www.emporia.edu/busaff/purchasing>. Additional contact info: phone: 620-341-5145, fax: 620-341-5073, email: [purchaseorders@emporia.edu](mailto:purchaseorders@emporia.edu). Mailing address: Emporia State University Purchasing, Campus Box 4021, 1 Kellogg Circle, Emporia, KS 66801-5415.

**Fort Hays State University** – Bid postings: <http://www.fhsu.edu/purchasing/bids/>. Additional contact info: phone: 785-628-4251, fax: 785-628-4046, email: [purchasing@fhsu.edu](mailto:purchasing@fhsu.edu).

(continued)

Mailing address: Fort Hays State University Purchasing Office, 601 Park St., Sheridan Hall 318, Hays, KS 67601.

**Kansas State University** – Bid postings: <https://www.k-state.edu/purchasing/rfq>. Additional contact info: phone: 785-532-6214, fax: 785-532-5577, email: [kspurch@k-state.edu](mailto:kspurch@k-state.edu). Mailing address: Division of Financial Services/Purchasing, 2323 Anderson Ave., Kansas State University, Manhattan, KS 66506.

**Pittsburg State University** – Bid postings: <http://www.pittstate.edu/office/purchasing>. Additional contact info: phone: 620-235-4169, fax: 620-235-4166, email: [jensch@pittstate.edu](mailto: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.procurement.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, email: [purchasing@ku.edu](mailto: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: <http://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.

Cathy Oehm  
Chair of Regents Purchasing Group  
Assistant Director of Purchasing  
Kansas State University

Doc. No. 045529

## State of Kansas

### Department of Administration Procurement and Contracts

#### Notice to Bidders

Sealed bids for items listed will be received by the director of Procurement and Contracts until 2:00 p.m. on the date indicated. For more information, call 785-296-2376:

06/04/2018	EVT0005884	Sport Utility Vehicles
06/13/2018	EVT0005859	Training and Consultant, Anti-Human Trafficking
06/14/2018	EVT0005876	Preventative Maintenance Services for Autoclaves
06/14/2018	EVT0005885	Electronic Business Database Access
06/26/2018	EVT0005724	Commercial Motor Vehicle License Reader System
06/28/2018	EVT0005866	Streambank Stabilization Project – Upper Tuttle Creek Lake

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

<http://admin.ks.gov/offices/procurement-and-contracts/bid-solicitations>

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

<http://admin.ks.gov/offices/procurement-and-contracts/additional-files-for-bid-solicitations>

06/14/2018 A-013373 KDOT; Speaker Road Subarea Reroof

Information regarding prequalification, projects, and bid documents can be obtained at 785-296-8899 or <http://admin.ks.gov/offices/ofpm/dcc>.

Tracy T. Diel, Director  
Procurement and Contracts

Doc. No. 046333

## State of Kansas

### Department of Wildlife, Parks and Tourism

#### Public Notice

The Kansas Department of Wildlife, Parks and Tourism has reached an agreement for the purchase of a tract of land in Linn County, Kansas. The parcel consists of 50 acres, more or less, located in NE ¼, Sec 13, T 21S, R 24E in Linn County, KS. The appraised value is \$130,000. The total purchase price is \$130,000. This tract shall be managed as part of the Kansas Department of Wildlife, Parks and Tourism's Marais Des Cygnes Wildlife Area and will remain on the county tax rolls.

Robin L Jennison  
Secretary

Doc. No. 046320

## State of Kansas

### Department of Wildlife, Parks and Tourism

#### Public Notice

The Kansas Department of Wildlife, Parks and Tourism has reached an agreement for the purchase of a tract of land in Linn County, Kansas. The parcel consists of 52 acres, more or less, located in the E ½ NE ¼ W of R.R. in Section Thirteen (13), Township Twenty-one (21) South, Range Twenty-four (24), East in Linn County, KS. The appraised value is \$130,000. The total purchase price is \$130,000. This tract shall be managed as part of the Kansas Department of Wildlife, Parks and Tourism's Marais Des Cygnes Wildlife Area and will remain on the county tax rolls.

Robin L Jennison  
Secretary

Doc. No. 046321

## 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 17, 28-18a-1 through 33, 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 pre-

pared 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-18-108/110**

**Pending Permits for Confined Feeding Facilities**

Name and Address of Applicant	Legal Description	Receiving Water
Max Menefee 33670 Quivira Rd Paola, KS 66071	NW/4 of Section 2 T18S, R24E Miami County	Marais des Cygnes River Basin

Kansas Permit No. A-MCMI-S028

This is a renewal permit for an existing facility for 575 head (230 animal units) of swine weighing greater than 55 pounds, 300 head (30 animal units) of swine weighing 55 pounds or less, and 20 head (10 animal units) of cattle weighing 700 pounds or less. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Plunkett Feedlot Richard Plunkett PO Box 1025 Syracuse, KS 67878	SE/4 of Section 6 and N/2 of Section 7 T22S, R42W Hamilton County	Upper Arkansas River Basin

Kansas Permit No. A-UAHM-C009  
Federal Permit No. KS0097292

This is a permit reissuance and modification for an existing facility for 6,000 head (6,000 animal units) of cattle weighing more than 700 pounds. The modifications consist of wastewater runoff collection channels, a sediment basin, and two wastewater retention structures that were previously permitted and not constructed. There is no change to head count or animal units from the previous permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Royal Farms Dairy, LLC 3705 F Road Garden City, KS 67846	S/2 of Section 28 and N/2 & SW/4 of Section 33 T24S, R30W Gray County	Upper Arkansas River Basin

Kansas Permit No. A-UAGY-D001  
Federal Permit No. KS0095362

An update to the Nutrient Management Plan (NMP) was received for this existing facility currently permitted for 32,600 head (28,400 animal units) of dairy cattle. The facility's NMP was updated to include a change in the application rate limitation for three fields from 1.5 x crop P removal application rate limitation to Agronomic N application rate limitation. There are no changes to the permit or in the permitted number of animal units. Only the updated portions of the Nutrient Management Plan are subject to comment. This facility has an approved Nutrient Management Plan on file with KDHE.

**Public Notice No. KS-Q-18-103/108**

The requirements of the draft permit public noticed below are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28 (b-g), and Federal Surface Water Criteria.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Arma, City of PO Box 829 Arma, KS 66712-0829	First Cow Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-NE03-0001  
Federal Permit No. KS0045926

Legal Description: SW¼, NE¼, S7, T29S, R25E, Crawford County, Kansas

The proposed action is to reissue an existing State/NPDES permit to an existing facility. This facility is a three-cell wastewater stabilization lagoon system. This facility has been issued a variance from the 2013 ammonia criteria which requires the inclusion of a Pollutant Minimization Plan and an alternate ammonia criteria limit that establish the highest attainable condition for the facility, to meet the terms of the "Multiple-Discharger Lagoon Ammonia Variance" in the NPDES permit. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, and ammonia, as well as monitoring for pH, E. coli, and total phosphorus.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Bern, City of PO Box 99 Bern, KS 66408	Fourmile Creek (Neb) via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-MO02-0001  
Federal Permit No. KS0047244

Legal Description: SE¼, NW¼, NW¼, S16, T1S, R13E, Nemaha County, Kansas

The proposed action is to reissue an existing State/NPDES permit to an existing facility. This facility is a two-cell industrial wastewater pretreatment system and a three-cell conventional wastewater stabilization lagoon system. This facility has been issued a variance from the 2013 ammonia criteria which requires the inclusion of a Pollutant Minimization Plan and an alternate ammonia criteria limit that establish the highest attainable condition for the facility, to meet the terms of the "Multiple-Discharger Lagoon Ammonia Variance" in the NPDES permit. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, and ammonia, as well as monitoring for pH and E. coli.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Peggy Baze PO Box 467 Pittsburg, KS 66762	Cow Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. C-NE67-0001  
Federal Permit No. KS0082392

Legal Description: NW¼, NW¼, NE¼, S19, T31S, R25E, Cherokee County, Kansas

Facility Name: Bradford Acres Mobile Home Park

Facility Location: 6564 NE U.S. 400, Weir, KS 66781

The proposed action is to reissue an existing State/NPDES permit to an existing facility. This facility is a two-cell wastewater stabilization lagoon system. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, as well as monitoring for pH, ammonia, E. coli and total phosphorus.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Dwight, City of PO Box 157 Dwight, KS 66849	Laird's Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-NE20-0001  
Federal Permit No. KS0051675

Legal Description: N½, NE¼, S13, T14S, R7E, Morris County, Kansas

(continued)

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a three-cell wastewater stabilization lagoon system. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, as well as limits for pH, ammonia and E. coli.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Girard, City of 120 N. Ozark St. Girard, KS 66743	Thunderbolt Creek	Treated Domestic Wastewater

Kansas Permit No. M-NE31-001  
Federal Permit No. KS0022551

Legal Description: SW¼, SE¼, S23, T29S, R23E, Crawford County, Kansas

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a three-cell wastewater stabilization lagoon system. This facility has been issued a variance from the 2013 ammonia criteria which requires the inclusion of a Pollutant Minimization Plan and an alternate ammonia criteria limit that establish the highest attainable condition for the facility, to meet the terms of the "Multiple-Discharger Lagoon Ammonia Variance" in the NPDES permit. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, and ammonia, as well as monitoring for pH and E. coli.

Name and Address of Applicant	Receiving Stream	Type of Discharge
AKASI, LLC 10867 NE U.S. 69 Pittsburg, KS 66762	Cow Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. C-NE57-0004  
Federal Permit No. KS0094391

Legal Description: NW¼, NW¼, NW¼, S20, T31S, R25E, Cherokee County, Kansas

Facility Name: Pittsburg Truck N' Travel

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a three-cell wastewater stabilization lagoon system preceded by a septic tank. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, as well as monitoring for pH, ammonia, E. coli and total phosphorus.

**Public Notice No. KS-NQ-18-016**

The requirements of the draft permit public noticed below are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28 (b-g).

Name and Address of Applicant	Legal Location	Type of Discharge
Stephan Dieker PO Box 869 Ulysses, KS 67880	NE¼, SW¼, SW¼, S29, T28S, R37W, Grant County, KS	Non-Overflowing

Kansas Permit No. C-CI22-NO01  
Federal Permit No. KSJ000593

Facility Name: Bedrock Mobile Home Park

Facility Address: 2974 W. Oklahoma Ave., Ulysses, KS 67880

This action consists of issuing a new Kansas Water Pollution Control Permit for a new non-overflowing facility. This facility is a three-cell wastewater stabilization lagoon system. The permit contains a schedule of compliance requiring the permittee to hire a Kansas-Licensed engineering consultant to develop a plan to bring the facility into compliance with the requirements of the permit and to consistently meet the Kansas Minimum Standards of Design for Water Pollution Control Facilities.

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 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367.

All comments regarding the draft documents or application notices received on or before June 23, 2018, will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-18-108/110, KS-Q-18-103/108, KS-NQ-18-016) 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, 1000 SW Jackson St., Suite 420, Topeka, Kansas. 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 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

Jeff Andersen  
Secretary

Doc. No. 046331

**State of Kansas**

**Department of Health and Environment**

**Notice Concerning Proposed Kansas Air Quality Class I Operating Permit Renewal**

Notice is hereby given that the Kansas Department of Health and Environment (KDHE) is soliciting comments regarding a proposed air quality operating permit. CNH Industrial America, LLC has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et al. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards, and requirements applicable to each source; and the monitoring, record keeping, and reporting requirements applicable to each source as of the effective date of permit issuance.

CNH Industrial America, LLC, PO Box 9228, Wichita, KS 67277, owns and operates a construction machinery and equipment manufacturing facility located at 3301 S. Hoover Rd., Wichita, Sedgwick County, KS 67215.

A copy of the proposed permit, permit application, all supporting documentation, and all information relied upon during the permit application review process are available for public review during normal business hours of 8:00 a.m. to 5:00 p.m. at the KDHE, Bureau of Air (BOA), 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366 and at the City of Wichita Division of Environmental Health (WDEH), 1900 E. 9th St., Wichita, KS 67214. To obtain or review the proposed permit and supporting documentation, contact Rumela Bhadra, 785-291-3271, at the central office of the KDHE or Randy Owen, 316-268-8353 at the WDEH. The standard departmental cost will be assessed for any copies requested.

Please direct written comments or questions regarding the proposed permit to Rumela Bhadra, KDHE, BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received no later than noon Monday, June 25, 2018.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Rumela Bhadra, KDHE BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366, no later than noon Monday, June 25, 2018 in order for the secretary of Health and Environment to consider the request.

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

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Ward Burns, U.S. EPA, Region 7, Air Permitting and Compliance Branch, 11201 Renner Blvd., Lenexa, KS 66219, 913-551-7960, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Jeff Andersen  
Secretary

Doc. No. 046322

(Published in the Kansas Register May 24, 2018.)

**City of Emporia, Kansas**  
**Summary Notice of Bond Sale**  
**\$8,735,000\***  
**General Obligation Bonds**  
**Series 2018**

**Details of the Sale**

Subject to the terms and requirements of the Official Notice of Bond Sale of the City of Emporia, Kansas (the "City"), dated May 2, 2018, bids to purchase the City's General Obligation Bonds, Series 2018, (the "Bonds")

will be received at the office of the City Clerk at City Hall, 522 Mechanic, Emporia, KS 66801, by telefacsimile at 620-343-4254, or electronically as described in the Official Notice of Bond Sale until 10:00 a.m. (CST) Wednesday, June 6, 2018. The bids will be considered by the governing body at its meeting at 1:30 p.m. (CST) on the sale date.

No oral or auction bids for the Bonds shall be considered, and no bids for less than 100 percent of the total principal amount of the Bonds and accrued interest to the date of delivery shall be considered.

**Good Faith Deposit**

Bidders must submit a good faith deposit in an amount equal to 2% of the principal amount of the Bonds, in the manner described in the Official Notice of Bond Sale, before the governing body takes action to award the best bid.

**Details of the Bonds**

The Bonds will be dated June 26, 2018 and will be issued as registered bonds in denominations of \$5,000, or any integral multiple thereof. Interest on the Bonds is payable semiannually on March 1 and September 1 of each year, beginning March 1, 2019. Principal of the Bonds becomes due on September 1 in the years and amounts as shown below:

<b>Maturity Schedule</b>			
<b>Principal Amount*</b>	<b>Maturity Date</b>	<b>Principal Amount*</b>	<b>Maturity Date</b>
\$555,000	2019	\$655,000	2027
625,000	2020	680,000	2028
650,000	2021	435,000	2029
680,000	2022	450,000	2030
700,000	2023	470,000	2031
595,000	2024	480,000	2032
625,000	2025	495,000	2033
640,000	2026		

**Payment of Principal and Interest**

The Treasurer of the State of Kansas will serve as the Bond Registrar and Paying Agent for the Bonds.

**Book-Entry Bonds**

The Bonds will be issued and registered under a book-entry-only system administered by The Depository Trust Company, New York, New York ("DTC").

**Delivery of the Bonds**

The City will prepare the Bonds at its expense and will deliver the registered Bonds to DTC on or about June 26, 2018. Any bond printing costs will be paid by the City from the proceeds of the Bonds or other City funds.

**Legal Opinion**

The Bonds will be sold subject to the legal opinion of Triplett Woolf Garretson, LLC, Wichita, Kansas, Bond Counsel, whose fees will be paid by the City.

**Financial Matters**

The City's current assessed valuation for purposes of calculating statutory debt limitations is \$175,082,470. As of June 26, 2018, the City's total outstanding general obligation debt (including the Bonds), is \$28,740,000\*. The City's total indebtedness which is subject to debt limita-

(continued)

tion, as of June 26, 2018, is estimated to be \$7,595,917.24\*, which is 4.34% % of the assessed valuation of the City.

**Additional Information**

For additional information contact the City Clerk at the address and telephone number shown below, or the City’s Financial Advisor, Mr. Greg Vahrenberg, Piper Jaffray & Co., 11635 Rosewood St., Leawood, KS 66211-2000, telephone 913-345-3374.

City of Emporia, Kansas  
 Kerry Sull, City Clerk  
 City Hall, 522 Mechanic  
 Emporia, KS 66801  
 620-342-5105  
 Fax: 620-343-4254

\*Principal Amount Subject to Change  
 Doc. No. 046335

(Published in the Kansas Register May 24, 2018.)

**City of Bonner Springs, Kansas**

**Summary Notice of Bond Sale  
 \$1,760,000\*  
 General Obligation Bonds,  
 Series 2018-A**

**(General Obligation Bonds Payable  
 from Unlimited Ad Valorem Taxes)**

**Bids**

Subject to the Notice of Bond Sale dated June 4, 2018 (the “Notice of Bond Sale”), bids will be received by the City Clerk of the City of Bonner Springs, Kansas (the “City”), on behalf of the governing body at City Hall, 205 E. 2nd St., Bonner Springs, KS 66012, or in the case of electronic proposals, via PARITY® Electronic Bid Submission System (“PARITY”) until 11:00 a.m. (CST) June 11, 2018, for the purchase of \$1,760,000\* principal amount of General Obligation Bonds, Series 2018-A (the “Bonds”). No bid of less than 100% of the par value of the Bonds, plus accrued interest to the date of delivery, will be considered. Bidders may be required to be qualified in a manner established by the City before submitting a bid.

**Bond Details**

The Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The Bonds will be dated June 28, 2018 (the “Dated Date”), and will become due on September 1 in the years as follows:

Maturity	Principal Amount*	Maturity	Principal Amount*
2019	\$ 85,000	2027	\$120,000
2020	100,000	2028	120,000
2021	100,000	2029	130,000
2022	105,000	2030	130,000
2023	110,000	2031	135,000
2024	110,000	2032	140,000
2025	110,000	2033	145,000
2026	120,000		

The Bonds will bear interest from the Dated Date at rates to be determined when the Bonds are sold as provided in the Notice of Bond Sale, which interest will be payable semiannually on March 1 and September 1, beginning on March 1, 2019. A bidder may elect to have all or a portion of the Bonds scheduled to mature in consecutive years issued as term bonds subject to the requirements set forth in the Notice of Bond Sale.

**Paying Agent and Bond Registrar**

Treasurer of the State of Kansas, Topeka, Kansas.

**Good Faith Deposit**

The bidder for the Bonds shall provide the City with a cashier’s or certified check drawn on a bank located in the United States of America or a wire transfer of same day funds in accordance with the requirements set forth in the Notice of Bond Sale in the amount of \$35,200 (2% of the principal amount of the Bonds).

**Delivery**

The City will pay for preparation of the Bonds and will deliver the same properly prepared, executed, and registered without cost to the successful bidder on or about June 28, 2018, at the offices of The Depository Trust Company, New York, New York.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2017 is \$82,021,025. The total general obligation indebtedness of the City as of the date of the Bonds, including the Bonds and including \$2,945,000 which has been advance refunded and which will be paid from an existing escrow in 2019, is \$18,205,000.

**Approval of Bonds**

The Bonds will be sold subject to the legal opinion of Kutak Rock LLP, Kansas City, Missouri, Bond Counsel, whose approving legal opinion as to the validity of the Bonds will be furnished and paid for by the City and delivered to the successful bidder(s) when the Bonds are delivered.

**Additional Information**

Additional information regarding the Bonds may be obtained from the City Clerk, phone 913-667-1716, the City’s Municipal Advisor, George K. Baum & Company, Attn: David Arteberry, Plaza Colonnade, 4801 Main St., Suite 500, Kansas City, MO 64112, phone 816-474-1100, or from Kutak Rock LLP, Bond Counsel, Attn: Joe Serano 2300 Main St., Suite 800, Kansas City, MO 64108, phone 816-960-0090.

Dated May 17, 2018.

City of Bonner Springs, Kansas  
 Amber McCullough, City Clerk  
 City Hall  
 205 E. 2nd St.  
 Bonner Springs, KS 66012  
 913-6671716

\*Subject to change  
 Doc. No. 046332

(Published in the Kansas Register May 24, 2018.)

**Unified School District No. 306,  
Saline County, Kansas (Southeast of Saline)**

**Summary Notice of Bond Sale  
\$5,840,000\*  
General Obligation School Building Bonds,  
Series 2018**

**(General Obligation Bonds Payable  
from Unlimited Ad Valorem Taxes)**

**Bids**

Subject to the Notice of Bond Sale dated May 14, 2018 (the "Notice"), facsimile, written, and electronic bids will be received on behalf of the Treasurer/Business Manager of Unified School District No. 306, Saline County, Kansas (Southeast of Saline) (the "Issuer") in the case of written or facsimile bids, at the address set forth below, and in the case of electronic bids, through PARITY® until 11:00 a.m. (CST) June 11, 2018, for the purchase of the above-referenced bonds (the "Bonds"). No bid of less than 100% of the principal amount of the Bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The Bonds will be dated June 1, 2018, and will become due on September 1 in the years as follows:

Year	Principal Amount*	Year	Principal Amount*
2019	375,000	2025	\$495,000
2020	390,000	2026	515,000
2021	405,000	2027	540,000
2022	425,000	2028	565,000
2023	450,000	2029	590,000
2024	470,000	2030	620,000

The Bonds will bear interest from the date thereof at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 2019.

**Book-Entry-Only System**

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

**Paying Agent and Bond Registrar**

Treasurer of the State of Kansas, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied (in the manner set forth in the Notice) by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States of America or a wire transfer in Federal Reserve funds immediately available for use by the Issuer in the amount of \$116,800.

**Delivery**

The Issuer will pay for preparation of the Bonds and will deliver the same properly prepared, executed, and registered without cost to the successful bidder on or

about June 27, 2018, to DTC for the account of the successful bidder.

**Assessed Valuation and Indebtedness**

The Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations for the year 2017 is \$78,928,833. The total general obligation indebtedness of the Issuer as of the Dated Date, including the Bonds being sold, is \$5,840,000.

**Approval of Bonds**

The Bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, Bond Counsel to the Issuer, whose approving legal opinion as to the validity of the Bonds will be furnished and paid for by the Issuer, printed on the Bonds, and delivered to the successful bidder as and when the Bonds are delivered.

**Additional Information**

Additional information regarding the Bonds may be obtained from the undersigned, or from the Financial Advisor at the addresses set forth below:

**Issuer – Written Bid and Good Faith Deposit Delivery Address**

Unified School District No. 306  
Attn: Emmy Pratt, Treasurer/Business Manager  
5056 E. K-4 Hwy  
Gypsum, Kansas 67448  
785-536-4291  
Fax: 785-536-4247  
epratt@usd306.com

**Financial Advisor – Facsimile Bid and Good Faith Deposit Delivery Address**

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

Dated May 14, 2018.

Emmy Pratt  
Treasurer/Business Manager

\* Subject to change, but in no event will the total principal amount of the bonds exceed \$5,840,000, see the Notice  
Doc. No. 046334

**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

(continued)

(Published in the Kansas Register May 24, 2018.)

## Substitute for HOUSE BILL No. 2194

AN ACT concerning gaming; relating to lottery ticket vending machines and revenues derived therefrom; relating to instant bingo vending machines; concerning certain debt setoff agreements; amending K.S.A. 74-8719 and K.S.A. 2017 Supp. 74-8702, 74-8711, 74-8723, 75-5173, 75-6202 and 75-6204 and repealing the existing sections.

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

Section 1. K.S.A. 2017 Supp. 74-8702 is hereby amended to read as follows: 74-8702. As used in the Kansas lottery act, unless the context otherwise requires:

(a) "Ancillary lottery gaming facility operations" means additional non-lottery facility game products and services not owned and operated by the state which may be included in the overall development associated with the lottery gaming facility. Such operations may include, but are not limited to, restaurants, hotels, motels, museums or entertainment facilities.

(b) "Commission" means the Kansas lottery commission.

(c) "Electronic gaming machine" means any electronic, electromechanical, video or computerized device, contrivance or machine authorized by the Kansas lottery which, upon insertion of cash, tokens, electronic cards or any consideration, is available to play, operate or simulate the play of a game authorized by the Kansas lottery pursuant to the Kansas expanded lottery act, including, but not limited to, bingo, poker, blackjack, keno and slot machines, and which may deliver or entitle the player operating the machine to receive cash, tokens, merchandise or credits that may be redeemed for cash. Electronic gaming machines may use bill validators and may be single-position reel-type, single or multi-game video and single-position multi-game video electronic game, including, but not limited to, poker, blackjack and slot machines. Electronic gaming machines shall be directly linked to a central computer at a location determined by the executive director for purposes of security, monitoring and auditing.

(d) "Executive director" means the executive director of the Kansas lottery.

(e) "Gaming equipment" means any electric, electronic, computerized or electromechanical machine, mechanism, supply or device or any other equipment, which is: (1) Unique to the Kansas lottery and used pursuant to the Kansas lottery act; and (2) integral to the operation of an electronic gaming machine or lottery facility game; and (3) affects the results of an electronic gaming machine or lottery facility game by determining win or loss.

(f) "Gaming zone" means: (1) The northeast Kansas gaming zone, which consists of Wyandotte county; (2) the southeast Kansas gaming zone, which consists of Crawford and Cherokee counties; (3) the south central Kansas gaming zone, which consists of Sedgwick and Sumner counties; and (4) the southwest Kansas gaming zone, which consists of Ford county.

(g) "Gray machine" means any mechanical, electro-mechanical or electronic device, capable of being used for gambling, that is: (1) Not authorized by the Kansas lottery; (2) not linked to a lottery central computer system; (3) available to the public for play; or (4) capable of simulating a game played on an electronic gaming machine or any similar gambling game authorized pursuant to the Kansas expanded lottery act.

(h) (1) "Instant bingo vending machine" means a machine or electronic device that is purchased or leased by a licensee, as defined by K.S.A. 2017 Supp. 75-5173, and amendments thereto, from a distributor who has been issued a distributor registration certificate pursuant to K.S.A. 2017 Supp. 75-5184, and amendments thereto, or leased from the Kansas lottery in fulfillment of the Kansas lottery's obligations under an agreement between the Kansas lottery and a licensee entered into pursuant to section 8, and amendments thereto, and the sole purpose of which is to:

(A) Dispense a printed physical instant bingo ticket after a purchaser inserts cash or other form of consideration into the machine; and

(B) allow purchasers to manually check the winning status of the instant bingo ticket.

(2) "Instant bingo vending machine" shall not:

(A) Provide a visual or audio representation of a bingo card or an electronic gaming machine;

(B) visually or functionally have the same characteristics of an electronic instant bingo game or an electronic gaming machine;

(C) automatically determine or display the winning status of any dispensed instant bingo ticket;

(D) extend or arrange credit for the purchase of an instant bingo ticket;

(E) dispense any winnings;

(F) dispense any prize;

(G) dispense any evidence of a prize other than an instant bingo ticket;

(H) provide free instant bingo tickets or any other item that can be redeemed for cash; or

(I) dispense any other form of a prize to a purchaser.

All physical instant bingo tickets dispensed by an instant bingo vending machine shall be purchased by a licensee, as defined by K.S.A. 2017 Supp. 75-5173, and amendments thereto, from a registered distributor.

No more than two instant bingo vending machines may be located on the premises of each licensee location.

(h)(i) "Kansas lottery" means the state agency created by this act to operate a lottery or lotteries pursuant to this act.

(h)(j) "Lottery" or "state lottery" means the lottery or lotteries operated pursuant to this act.

(h)(k) "Lottery facility games" means any electronic gaming machines and any other games which, as of January 1, 2007, are authorized to be conducted or operated at a tribal gaming facility, as defined in K.S.A. 74-9802, and amendments thereto, located within the boundaries of this state.

(h)(l) "Lottery gaming enterprise" means an entertainment enterprise which includes a lottery gaming facility authorized pursuant to the Kansas expanded lottery act and ancillary lottery gaming facility operations that have a coordinated business or marketing strategy. A lottery gaming enterprise shall be designed to attract to its lottery gaming facility consumers who reside outside the immediate area of such enterprise.

(h)(m) "Lottery gaming facility" means that portion of a building used for the purposes of operating, managing and maintaining lottery facility games.

(h)(n) "Lottery gaming facility expenses" means normal business expenses, as defined in the lottery gaming facility management contract, associated with the ownership and operation of a lottery gaming facility.

(h)(o) "Lottery gaming facility management contract" means a contract, subcontract or collateral agreement between the state and a lottery gaming facility manager for the management of a lottery gaming facility, the business of which is owned and operated by the Kansas lottery, negotiated and signed by the executive director on behalf of the state.

(h)(p) "Lottery gaming facility manager" means a corporation, limited liability company, resident Kansas American Indian tribe or other business entity authorized to construct and manage, or manage alone, pursuant to a lottery gaming facility management contract with the Kansas lottery, and on behalf of the state, a lottery gaming enterprise and lottery gaming facility.

(h)(q) "Lottery gaming facility revenues" means the total revenues from lottery facility games at a lottery gaming facility after all related prizes are paid.

(h)(r) (1) "Lottery machine" means any machine or device that allows a ~~player purchaser~~ to insert cash or other form of consideration and may deliver as the result of an element of chance, regardless of the skill required by the ~~player purchaser~~, a prize or evidence of a prize, including, but not limited to:

(A) Any machine or device in which the prize or evidence of a prize is determined by both chance and the ~~player's purchaser's~~ or ~~players' purchasers'~~ skill, including, but not limited to, any machine or device on which a lottery game or lottery games, such as poker or blackjack, are played; or

(B) any machine or device in which the prize or evidence of a prize is determined only by chance, including, but not limited to, any slot machine or bingo machine; or

~~(C) any lottery ticket vending machine, such as a keno ticket vending machine, pull-tab vending machine or an instant-bingo vending machine.~~

(2) "Lottery machine" shall not mean:

(A) Any food vending machine defined by K.S.A. 36-501, and amendments thereto;

(B) any nonprescription drug machine authorized under K.S.A. 65-650, and amendments thereto;

(C) any machine which dispenses only bottled or canned soft drinks, chewing gum, nuts or candies;

(D) any machine excluded from the definition of gambling devices under ~~subsection (d)~~ of K.S.A. 21-4302(d), prior to its repeal, or K.S.A. 2017 Supp. 21-6403, and amendments thereto; or

(E) any electronic gaming machine or lottery facility game operated in accordance with the provisions of the Kansas expanded lottery act;

(F) any lottery ticket vending machine; or

(G) any instant bingo vending machine.

(†)(s) "Lottery retailer" means any person with whom the Kansas lottery has contracted to sell lottery tickets or shares, or both, to the public.

(‡)(t) (1) "Lottery ticket vending machine" means a machine or similar electronic device owned or leased by the Kansas lottery, the sole purposes of which are to:

(A) Dispense a printed physical ticket, such as a lottery ticket, a keno ticket, a pull tab ticket or a coupon, the coupon of which must be redeemed through something other than a lottery ticket vending machine, after a purchaser inserts cash or other form of consideration into the machine;

(B) allow purchasers to manually check the winning status of a Kansas lottery ticket; and

(C) display advertising, promotions and other information pertaining to the Kansas lottery.

(2) "Lottery ticket vending machine" shall not:

(A) Provide a visual or audio representation of an electronic gaming machine;

(B) visually or functionally have the same characteristics of an electronic gaming machine;

(C) automatically determine or display the winning status of any dispensed ticket;

(D) extend or arrange credit for the purchase of a ticket;

(E) dispense any winnings;

(F) dispense any prize;

(G) dispense any evidence of a prize other than the lottery ticket, keno ticket, pull tab ticket or any free Kansas lottery ticket received as a result of the purchase of another Kansas lottery ticket;

(H) provide free games or any other item that can be redeemed for cash; or

(I) dispense any other form of a prize to a purchaser.

No more than two lottery ticket vending machines may be located at each Kansas lottery retailer selling location.

Lottery ticket vending machines may only dispense the printed physical lottery ticket, keno ticket or pull tab ticket, including any free Kansas lottery ticket received as a result of the purchase of another Kansas lottery ticket, and change from a purchase to the purchaser. Any winnings from a lottery ticket vending machine shall be redeemed only for cash or check by a lottery retailer or by cash, check or other prize from the office of the Kansas lottery.

(u) (1) "Major procurement" means any gaming product or service, including, but not limited to, facilities, advertising and promotional services, annuity contracts, prize payment agreements, consulting services, equipment, tickets and other products and services unique to the Kansas lottery, but not including materials, supplies, equipment and services common to the ordinary operations of state agencies.

(2) "Major procurement" shall not mean any product, service or other matter covered by or addressed in the Kansas expanded lottery act or a lottery gaming facility management contract or racetrack gaming facility management contract executed pursuant to the Kansas expanded lottery act.

(†)(v) "Net electronic gaming machine income" means all cash or other consideration utilized to play an electronic gaming machine operated at a racetrack gaming facility, less all cash or other consideration paid out to winning players as prizes.

(†)(w) "Organization licensee" has the meaning provided by K.S.A. 74-8802, and amendments thereto.

(†)(x) "Parimutuel licensee" means a facility owner licensee or facility manager licensee under the Kansas parimutuel racing act.

(†)(y) "Parimutuel licensee location" means a racetrack facility, as defined in K.S.A. 74-8802, and amendments thereto, owned or managed by the parimutuel licensee. A parimutuel licensee location may include any existing structure at such racetrack facility or any structure that may be constructed on real estate where such racetrack facility is located.

(†)(z) "Person" means any natural person, association, limited liability company, corporation or partnership.

(†)(aa) "Prize" means any prize paid directly by the Kansas lottery pursuant to the Kansas lottery act or the Kansas expanded lottery act or any rules and regulations adopted pursuant to either act.

(†)(bb) "Progressive electronic game" means a game played on an electronic gaming machine for which the payoff increases uniformly as the game is played and for which the jackpot, determined by application of a formula to the income of independent, local or interlinked electronic gaming machines, may be won.

(†)(cc) "Racetrack gaming facility" means that portion of a parimutuel licensee location where electronic gaming machines are operated, managed and maintained.

(†)(dd) "Racetrack gaming facility management contract" means an agreement between the Kansas lottery and a racetrack gaming facility manager, negotiated and signed by the executive director on behalf of the state, for placement of electronic gaming machines owned and operated by the state at a racetrack gaming facility.

(†)(ee) "Racetrack gaming facility manager" means a parimutuel licensee specifically certified by the Kansas lottery to become a certified racetrack gaming facility manager and offer electronic gaming machines for play at the racetrack gaming facility.

(†)(ff) "Returned ticket" means any ticket which was transferred to a lottery retailer, which was not sold by the lottery retailer and which was returned to the Kansas lottery for refund by issuance of a credit or otherwise.

(†)(gg) "Share" means any intangible manifestation authorized by the Kansas lottery to prove participation in a lottery game, except as provided by the Kansas expanded lottery act.

(†)(hh) "Ticket" means any tangible evidence issued by the Kansas lottery to prove participation in a lottery game other than a lottery facility game.

(†)(ii) "Token" means a representative of value, of metal or other material, which is not legal tender, redeemable for cash only by the issuing lottery gaming facility manager or racetrack gaming facility manager and which is issued and sold by a lottery gaming facility manager or racetrack gaming facility manager for the sole purpose of playing an electronic gaming machine or lottery facility game.

(†)(jj) "Vendor" means any person who has entered into a major procurement contract with the Kansas lottery.

(†)(kk) "Video lottery machine" means any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game authorized by the commission, including, but not limited to, bingo, poker, black jack and keno, and which uses a video display and microprocessors and in which, by chance, the player may receive free games or credits that can be redeemed for cash.

Sec. 2. K.S.A. 2017 Supp. 74-8711 is hereby amended to read as follows: 74-8711. (a) There is hereby established in the state treasury the lottery operating fund.

(b) Except as provided by K.S.A. 2017 Supp. 74-8724 and the Kansas expanded lottery act, and amendments thereto, the executive director shall remit all moneys collected from the sale of lottery tickets and shares and any other moneys received by or on behalf of the Kansas lottery 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 lottery operating fund. Moneys credited to the fund shall be expended or transferred only as provided by this act. Expenditures from such fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive director or by a person designated by the executive director.

(c) Moneys in the lottery operating fund shall be used for:

(1) The payment of expenses of the lottery, which shall include all costs incurred in the operation and administration of the Kansas lottery; all costs resulting from contracts entered into for the purchase or lease of goods and services needed for operation of the lottery, including but not limited to supplies, materials, tickets, independent studies and surveys, data transmission, advertising, printing, promotion, incentives, public relations, communications and distribution of tickets and shares; and reimbursement of costs of facilities and services provided by other state agencies;

(2) the payment of compensation to lottery retailers;

(3) transfers of moneys to the lottery prize payment fund pursuant to K.S.A. 74-8712, and amendments thereto;

(4) transfers to the state general fund pursuant to K.S.A. 74-8713, and amendments thereto;

(5) transfers to the community crisis stabilization centers fund and clubhouse model program fund of the Kansas department for aging and disability services pursuant to subsection (e);

(6) transfers to the state gaming revenues fund pursuant to subsection (d) and as otherwise provided by law; and

(†)(7) transfers to the county reappraisal fund as prescribed by law.

(d) The director of accounts and reports shall transfer moneys in the lottery operating fund to the state gaming revenues fund created by K.S.A. 79-4801, and amendments thereto, on or before the 15th day of each month in an amount certified monthly by the executive director and determined as follows, whichever is greater:

(continued)

(1) An amount equal to the moneys in the lottery operating fund in excess of those needed for the purposes described in subsections (c)(1) through (c)(4) (c)(5); or

(2) except for pull-tab lottery tickets and shares, an amount equal to not less than 30% of total monthly revenues from the sales of lottery tickets and shares less estimated returned tickets. In the case of pull-tab lottery tickets and shares, an amount equal to not less than 20% of the total monthly revenues from the sales of pull-tab lottery tickets and shares less estimated returned tickets.

(e) (1) *Subject to the limitations set forth in paragraph (2), commencing in fiscal year 2019, on or before the 10th day of each month, the director of the lottery shall certify to the director of accounts and reports all net profits from the sale of lottery tickets and shares via lottery ticket vending machines. Of such certified amount, the director of accounts and reports shall transfer 75% from the lottery operating fund to the community crisis stabilization centers fund of the Kansas department for aging and disability services and 25% from the lottery operating fund to the clubhouse model program fund of the Kansas department for aging and disability services.*

(2) *Moneys transferred pursuant to paragraph (1) shall not exceed in the aggregate \$4,000,000 in fiscal year 2019, and shall not exceed in the aggregate \$8,000,000 in fiscal year 2020 and each fiscal year thereafter.*

Sec. 3. K.S.A. 74-8719 is hereby amended to read as follows: 74-8719. (a) It is unlawful for any person to purchase a lottery ticket or share, or to share in the lottery winnings of a person, knowing that such person is:

(1) The executive director, a member of the commission or an employee of the Kansas lottery;

(2) an officer or employee of a vendor contracting with the Kansas lottery to supply gaming equipment or tickets to the Kansas lottery for use in the operation of any lottery conducted pursuant to this act;

(3) a spouse, child, stepchild, brother, stepbrother, sister, stepsister, parent or stepparent of a person described by subsection (a)(1) or (2); or

(4) a person who resides in the same household as any person described by subsection (a)(1) or (2).

(b) (1) Violation of subsection (a) is a class A nonperson misdemeanor upon conviction for a first offense.

(2) Violation of subsection (a) is a severity level 9, nonperson felony upon conviction for a second or subsequent offense.

(c) Notwithstanding subsection (a), the executive director may authorize in writing any employee of the Kansas lottery and any employee of a lottery vendor to purchase a lottery ticket for the purposes of verifying the proper operation of the state lottery with respect to security, systems operation and lottery retailer contract compliance. Any prize awarded as a result of such ticket purchase shall become the property of the Kansas lottery and be added to the prize pools of subsequent lottery games.

(d) Certain classes of persons who, because of the unique nature of the supplies or services they provide for use directly in the operation of a lottery pursuant to this act, may be prohibited, in accordance with rules and regulations adopted by the commission, from participating in any lottery in which such supplies or services are used.

(e) Nothing in this section shall prohibit lottery retailers or their employees from purchasing lottery tickets and shares or from being paid a prize of a winning ticket or share.

(f) Each person who purchases a lottery ticket or share thereby agrees to be bound by rules and regulations adopted by the commission and by the provisions of this act.

(g) *Any lottery ticket or share purchased by a person under 18 years of age shall be null and void and may not be claimed for a prize.*

Sec. 4. K.S.A. 2017 Supp. 75-6202 is hereby amended to read as follows: 75-6202. As used in this act article 62 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto:

(a) "Debtor" means any person who:

(1) Owes a debt to the state of Kansas or any state agency or any municipality;

(2) owes support to an individual, or an agency of another state, who is receiving assistance in collecting that support under K.S.A. 39-756 or K.S.A. 2017 Supp. 20-378, and amendments thereto, or under part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., as amended; or

(3) owes a debt to a foreign state agency.

(b) "Debt" means:

(1) Any liquidated sum due and owing to the state of Kansas, or any state agency, municipality or foreign state agency which has accrued through contract, subrogation, tort, operation of law, or any oth-

er legal theory regardless of whether there is an outstanding judgment for that sum. A debt shall not include special assessments except when the owner of the property assessed petitioned for the improvement and any successor in interest of such owner of property;

(2) any amount of support due and owing an individual, or an agency of another state, who is receiving assistance in collecting that support under K.S.A. 39-756 or K.S.A. 2017 Supp. 20-378, and amendments thereto, or under part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., as amended, which amount shall be considered a debt due and owing the district court trustee or the Kansas department for children and families for the purposes of this act; or

(3) any assessment of court costs, fines, fees, moneys expended by the state in providing counsel and other defense services to indigent defendants or other charges which a district court judgment has ordered to be paid to the court and which remain unpaid in whole or in part, and includes any interest or penalties on such unpaid amounts as provided for in the judgment or by law. Such amount also includes the cost of collection when the collection services of a contracting agent are utilized.

(c) "Refund" means any amount of income tax refund due to any person as a result of an overpayment of tax, and for this purpose, a refund due to a husband and wife resulting from a joint return shall be considered to be separately owned by each individual in the proportion of each such spouse's contribution to income, as the term "contribution to income" is defined by rules and regulations of the secretary of revenue.

(d) "Net proceeds collected" means gross proceeds collected through final setoff against a debtor's earnings, refund or other payment due from the state or any state agency minus any collection assistance fee charged by the director of accounts and reports of the department of administration.

(e) "State agency" means any state office, officer, department, board, commission, institution, bureau, agency or authority or any division or unit thereof and any judicial district of this state or the clerk or clerks thereof. "State agency" also shall include any: (1) District court utilizing collection services pursuant to K.S.A. 75-719, and amendments thereto, to collect debts owed to such court; and (2) contracting agent, as defined in K.S.A. 75-719, and amendments thereto, with which a district court contracts to collect debts owed to such court. Such contracting agent may directly establish a debt setoff account with the director for the sole purpose of collecting debts owed to courts.

(f) "Person" means an individual, proprietorship, partnership, limited partnership, association, trust, estate, business trust, corporation, other entity or a governmental agency, unit or subdivision.

(g) "Director" means the director of accounts and reports of the department of administration.

(h) "Municipality" means any municipality as defined by K.S.A. 75-1117, and amendments thereto, or any community mental health center organized pursuant to the provisions of K.S.A. 19-4001 et seq., and amendments thereto, and licensed pursuant to K.S.A. 2017 Supp. 39-2001 et seq., and amendments thereto, or any mental health clinic organized pursuant to the provisions of K.S.A. 65-211 et seq., and amendments thereto, and licensed pursuant to K.S.A. 2017 Supp. 39-2001 et seq., and amendments thereto.

(i) "Payor agency" means any state agency which holds money for, or owes money to, a debtor.

(j) "Foreign state or foreign state agency" means the states of Colorado, Missouri, Nebraska or Oklahoma or any agency of such states which has entered into a reciprocal agreement pursuant to K.S.A. 75-6215, and amendments thereto.

(k) "Facility owner licensee" shall have the same meaning as the term is defined in K.S.A. 74-8802, and amendments thereto.

(l) "Racetrack gaming facility manager" shall have the same meaning as that term is defined in K.S.A. 74-8702, and amendments thereto.

(m) "Lottery gaming facility manager" shall have the same meaning as that term is defined in K.S.A. 74-8702, and amendments thereto.

(n) "Prize" shall have the same meaning as that term is defined in K.S.A. 74-8702, and amendments thereto, and any winnings from parimutuel wagering as provided by the Kansas parimutuel racing act, K.S.A. 74-8801 et seq., and amendments thereto.

Sec. 5. K.S.A. 2017 Supp. 75-6204 is hereby amended to read as follows: 75-6204. (a) Subject to the limitations provided in this act, if a debtor fails to pay a debt or fails to pay to the state of Kansas or any state agency, foreign state agency, municipality or the federal department of the treasury an amount owed, the director may setoff such amount and a reasonable collection assistance fee determined in accordance with K.S.A. 75-6210, and amendments thereto, against any money held for,

or any money owed to, such debtor by the state or, any state agency or lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee.

(b) The director may enter into an agreement with a municipality for participation in the setoff program for the purpose of assisting in the collection of a debt as defined by K.S.A. 75-6202, and amendments thereto. The director shall include in any such agreement a provision requiring the municipality to certify that the municipality has made at least three attempts to collect a debt prior to submitting such debt to setoff pursuant to this act.

(c) *The director shall enter into an agreement with a lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee for participation in the setoff program for the purpose of assisting in the collection of a debt. The director shall include in any such agreement a provision agreeing to defend, indemnify and hold harmless a lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee with regard to all claims, demands, suits, actions, damages, judgments, costs, charges and expenses, including attorney fees, that may be brought or asserted against a lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee and that arise from the performance of an agreement to facilitate the collection of debts by a lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee.*

(d) (1) Except as provided in subsection (c)(2), the director shall add the cost of collection and the debt for a total amount subject to setoff against a debtor.

(2) Any debts due and owing to an individual, the state of Kansas or an agency of another state that are being enforced by the Kansas department for children and families under part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., as amended, shall not have the cost of collection added to the debt owed and subject to setoff. Such cost of collection shall be paid by the Kansas department for children and families.

New Sec. 6. (a) Prior to any lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee paying on behalf of the state any moneys requiring the completion of an internal revenue service form W-2G, the lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee shall cause the person winning the prize to be matched against the state debtor files maintained by the director of accounts and reports as prescribed under K.S.A. 75-6201 et seq., and amendments thereto. If such person is listed in the state debtor files, the prize shall be withheld by the lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee to the extent of such person's debt as set forth in the state debtor files.

(b) The lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee shall not be subject to any civil, criminal or administrative liability for any actions taken pursuant to this section, unless such actions are intentional, malicious or wanton by such lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee or employees or agents thereof. The state shall indemnify the lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee for any and all expenses, losses, damages and attorney fees that arise directly or indirectly from the performance of activities related to this section. For the purposes of the fair debt collection practices act, and any other federal or state law, the lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee shall have all of the protections of the state under the Kansas tort claims act, K.S.A. 75-6101 et seq., and amendments thereto. The sole remedy at law for persons who claim prizes were wrongfully withheld pursuant to this section shall be to submit an appeal to the department of administration pursuant to K.S.A. 75-6201 et seq., and amendments thereto.

(c) Moneys withheld, based on the state debtor files, shall be remitted to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. The state treasurer shall deposit the entire amount in the state treasury and credit it to the department of administration's setoff clearing fund.

(d) Nothing in this section shall apply to Native American tribal gaming facilities.

(e) This section shall be part of and supplemental to the state debt setoff program.

New Sec. 7. (a) The community crisis stabilization centers fund is hereby created in the state treasury and shall be administered by the Kansas department for aging and disability services. The community crisis stabilization centers fund shall consist of those moneys credited

to the community crisis stabilization centers fund pursuant to K.S.A. 74-8711(e), and amendments thereto. All expenditures from the community crisis stabilization centers fund shall be for community crisis stabilization centers operated through community mental health centers, 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 for aging and disability services.

(b) The clubhouse model program fund is hereby created in the state treasury and shall be administered by the Kansas department for aging and disability services. The clubhouse model program fund shall consist of those moneys credited to the clubhouse model program fund pursuant to K.S.A. 74-8711(e), and amendments thereto. All expenditures from the clubhouse model program fund shall be for certified clubhouse model programs, 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 for aging and disability services.

New Sec. 8. (a) The executive director of the Kansas lottery is authorized to enter into agreements with any nonprofit organization licensed under K.S.A. 2017 Supp. 75-5171 et seq., and amendments thereto, for the operation of instant bingo vending machines, as defined in K.S.A. 74-8702, and amendments thereto, to be located on the premises of such nonprofit organization, provided, that not more than two instant bingo vending machines may be located on the premises of such nonprofit organization. Such agreements shall provide for the remittance of the gross receipts from the sale of instant bingo tickets via any instant bingo vending machine to the nonprofit organization.

(b) All sales of instant bingo tickets via an instant bingo vending machine operated pursuant to an agreement shall be considered sales by the nonprofit organization, and all proceeds from such sales shall be remitted to the nonprofit organization.

Sec. 9. K.S.A. 2017 Supp. 74-8723 is hereby amended to read as follows: 74-8723. (a) The Kansas lottery and the office of executive director of the Kansas lottery, established by K.S.A. 74-8703, and amendments thereto, and the Kansas lottery commission, created by K.S.A. 74-8709, and amendments thereto, shall be and hereby are abolished on July 1, 2022 2037.

(b) This section shall be part of and supplemental to the Kansas lottery act.

Sec. 10. K.S.A. 2017 Supp. 75-5173 is hereby amended to read as follows: 75-5173. As used in this act:

(a) "Act" means the Kansas charitable gaming act.  
 (b) "Administrator" means the administrator of charitable gaming designated by the secretary pursuant to K.S.A. 2017 Supp. 75-5186, and amendments thereto.

(c) "Bingo" or "games of bingo" means the games of call bingo and instant bingo.

(d) "Bingo face" or "face" means a piece of paper which is marked off into 25 squares arranged in five horizontal rows of five squares each and five vertical rows of five squares each, with each square being designated by a number, letter or combination of numbers and letters. Only the center square shall be designated with the word "free." No two bingo faces in the same game shall be identical. Faces shall be disposable and shall not be reused after the game in which a player has used such face.

(e) "Call bingo" means a game in which: (1) Each player pays a charge; (2) a prize or prizes are awarded to the winner or winners; (3) each player receives one or more cards or faces; and (4) each player covers the squares on each card or face as the operator of such game announces a number, letter or combination of numbers and letters appearing on an object selected by chance, either manually or mechanically from a receptacle in which have been placed objects bearing numbers, letters or combinations of numbers and letters corresponding to the system used for designating the squares. The winner of each game is the player or players first covering properly a predetermined and announced pattern of squares upon the card or face being used by such player or players.

"Call bingo" shall include any regular, special, mini and progressive game of bingo.

(f) "Charitable gaming" means bingo, including call bingo, and instant bingo and charitable raffles.

(g) "Charitable raffle" means a raffle conducted by a nonprofit religious, charitable, fraternal, educational or veterans' organization.

(continued)

(h) "Department" means the department of revenue.  
 (i) "Director" means the director of taxation.  
 (j) "Distributor" means any person or entity that sells or distributes instant bingo tickets, bingo cards or bingo faces.

(k) "Electronic gaming device" means a device that, as a result of the insertion of a coin or other object, operates, either completely automatically or with the aid of some physical act by the player, in such a manner that, depending upon elements of chance, it may eject something of value.

(l) "Instant bingo" means a game: (1) In which each player pays a charge; (2) in which a prize or prizes are awarded to the winner or winners; (3) in which each player receives one or more disposable pull-tab or break-open tickets which accord a player an opportunity to win something of value by opening or detaching the paper covering from the back of the ticket to reveal a set of numbers, letters, symbols or configurations, or any combination thereof; (4) ~~which that is~~ conducted by a licensee under this act; (5) ~~the conduct of which must be in the presence of the players that may be dispensed by an instant bingo vending machine;~~ and (6) ~~which that~~ does not utilize any dice, normal playing cards, instant ticket with a removable latex covering or slot machines.

Winners of instant bingo shall be determined either: (1) By a combination of letters, numbers or symbols determined and posted prior to the sale of instant bingo tickets; (2) by matching a letter, number or symbol under a tab of an instant bingo ticket with the winning letter, number or symbol in a designated call game of bingo during the same session; or (3) by matching a letter, number or symbol under a tab of an instant bingo ticket with one or more letters, numbers or symbols announced in, or as a continuation of, a designated call game of bingo during the same session.

~~"Instant bingo" shall not include any game utilizing electronically generated or computer-generated tickets.~~

(m) ~~"Instant bingo vending machine" means the same as that term is defined in K.S.A. 74-8702, and amendments thereto.~~

~~(n) "Lessor" means the owner, co-owner, lessor or sublessor of premises upon which a licensee is permitted to manage, operate or conduct games of bingo.~~

(o) "Licensee" means any nonprofit organization holding a license to manage, operate or conduct games of bingo or charitable raffles pursuant to K.S.A. 2017 Supp. 75-5171 through 75-5188, and amendments thereto. A license shall be required for each affiliated organization of any state or national nonprofit religious, charitable, fraternal, educational or veteran's organization.

(p) "Mini bingo" means a game of call bingo in which the prizes awarded are not less than 50% of the gross receipts derived from the sale of cards or faces for participation in the game.

(q) "Net proceeds" means the gross receipts received by the licensee from charges imposed on players for participation in games of bingo or raffles and any admission fees or charges less amounts actually paid as prizes in games of bingo or raffles and any tax payable by the licensee.

(r) "Nonprofit religious organization" means any organization, church, body of communicants, or group, gathered in common membership for mutual support and edification in piety, worship, and religious observances, or a society of individuals united for religious purposes at a definite place and of which no part of the net earnings inures to the benefit of any private shareholder or individual member of such organization, and which religious organization maintains an established place of worship within this state and has a regular schedule of services or meetings at least on a weekly basis and has been determined by the administrator to be organized and created as a bona fide religious organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(3) or section 501(d) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit religious organization by the administrator.

(s) "Nonprofit charitable organization" means any organization which is organized and operated for:

(1) The relief of poverty, distress, or other condition of public concern within this state;

(2) financially supporting the activities of a charitable organization as defined in paragraph (1); or

(3) conferring direct benefits on the community at large; and of which no part of the net earnings inures to the benefit of any private shareholder or individual member of such organization and has been determined by the administrator to be organized and operated as a bona fide charitable organization and which has been exempted from

the payment of federal income taxes as provided by sections 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(6) and 501(c)(7) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit charitable organization by the administrator.

(t) "Nonprofit fraternal organization" means any organization within this state which exists for the common benefit, brotherhood, or other interests of its members and is authorized by its written constitution, charter, articles of incorporation or bylaws to engage in a fraternal, civic or service purpose within this state and has been determined by the administrator to be organized and operated as a bona fide fraternal organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(8) or section 501(c)(10) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit fraternal organization by the administrator.

(u) "Nonprofit educational organization" means any public or private elementary or secondary school or institution of higher education which has been determined by the administrator to be organized and operated as a bona fide educational organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(3) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit educational organization by the administrator.

(v) "Nonprofit veterans' organization" means any organization within this state or any branch, lodge or chapter of a national or state organization within this state, the membership of which consists exclusively of individuals who qualify for membership because they were or are members of the armed services or forces of the United States, or an auxiliary unit or society of such a nonprofit veterans' organization, the membership of which consists exclusively of individuals who were or are members of the armed services or forces of the United States, or are cadets, or are spouses, widows or widowers of individuals who were or are members of the armed services or forces of the United States, and of which no part of the net earnings inures to the benefit of any private shareholder or individual member of such organization, and has been determined by the administrator to be organized and operated as a bona fide veterans' organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(4) or 501(c)(19) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit veterans' organization by the administrator.

(w) "Person" means any natural person, corporation, partnership, trust or association.

(x) "Premises" means any room, hall, building, enclosure or outdoor area used for the management, operation or conduct of a game of bingo by a licensee.

(y) "Progressive bingo" means a game of call bingo in which either the established prize amount or number of bingo balls or objects called, or both, may be increased from one session to the next scheduled session if no player completes the required pattern within the specified number of bingo balls or objects drawn. The player's opportunity to win shall increase as the prize amount increases.

(z) "Raffle" means a game of chance in which each participant buys a ticket or tickets from a nonprofit organization with each ticket providing an equal chance to win a prize and the winner being determined by a random drawing.

(aa) "Reusable bingo card" means a reusable card which is marked off into 25 squares arranged in five horizontal rows of five squares each and five vertical rows of five squares each, with each square being designated by a number, letter or combination of numbers and letters. Only the center square shall be designated with the word "free." No two cards in the same game shall be identical.

(ab) "Secretary" means the secretary of revenue or the secretary's designee.

(ac) "Session" means a day on which a licensee conducts games of bingo.

New Sec. 11. (a) Any person listed in subsections (b)(1), (2) or (3) may engage or direct a person under 18 years of age to violate the provisions of the Kansas lottery act in order to develop a program or system that determines and encourages compliance with the provisions of such act prohibiting sales of lottery tickets to persons under the age of 18 via lottery ticket vending machines.

(b) No person shall engage or direct a person under 18 years of age to violate any provision of the Kansas lottery act for purposes of

determining compliance with the provisions of such act unless such person is:

(1) An officer having authority to enforce the provisions of the Kansas lottery act;

(2) an authorized representative of the attorney general, a county attorney or district attorney; or

(3) a lottery retailer, or such retailer's designee, pursuant to a self-compliance program designed to increase compliance with the provisions of the Kansas lottery act and approved by the executive director.

(c) The provisions of this section shall be part of and supplemental to the Kansas lottery act.

Sec. 12. K.S.A. 74-8719 and K.S.A. 2017 Supp. 74-8702, 74-8711, 74-8723, 75-5173, 75-6202 and 75-6204 are hereby repealed.

Sec. 13. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register May 24, 2018.)

## HOUSE BILL No. 2438

AN ACT concerning the 911 coordinating council, certain audits; amending K.S.A. 2017 Supp. 12-5377, as amended by section 1 of 2018 House Bill No. 2435, and repealing the existing section; also repealing K.S.A. 2017 Supp. 12-5377, as amended by section 40 of 2018 Senate Bill No. 260.

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

Section 1. On and after July 1, 2018, K.S.A. 2017 Supp. 12-5377, as amended by section 1 of 2018 House Bill No. 2435, is hereby amended to read as follows: 12-5377. (a) The receipts and disbursements of the LCPA shall be audited yearly by a licensed municipal accountant or certified public accountant.

(b) The LCPA may require an audit of any provider's books and records concerning the collection and remittance of fees pursuant to this act. The cost of any such audit shall be paid from the 911 state grant fund.

(c) (1) On or before December 31, 2018, and at least once every five years thereafter, the division of post audit shall conduct an audit of the 911 system to determine: (A) Whether the moneys received by PSAPs pursuant to this act are being used appropriately; (B) whether the amount of moneys collected pursuant to this act is adequate; and (C) the status of 911 service implementation. The auditor to conduct such audit shall be specified in accordance with K.S.A. 46-1122, and amendments thereto.

(2) The post auditor shall compute the reasonably anticipated cost of providing audits pursuant to this subsection, subject to review and approval by the contract audit committee established by K.S.A. 46-1120, and amendments thereto. Upon such approval, ~~the 911 state grant fund shall reimburse~~ the division of post audit ~~shall be reimbursed from the 911 state grant fund~~ for the amount approved by the contract audit committee. The audit report shall be submitted to the 911 coordinating council, the LCPA, the house of representatives committee on energy, utilities and telecommunications and the senate committee on utilities.

(d) On or before December 31, 2018, the division of post audit shall conduct an audit of the budget and expenditures of the 911 coordinating council. In conducting such audit, the division shall examine: (A) The annual expenses and financial needs, including personnel, of the council; (B) the total annual operating expenses of the council that are included in the 2.5% cap on expenditures pursuant to K.S.A. 2017 Supp. 12-5364(i), and amendments thereto; (C) the current and projected contractual expenses of the council; (D) the expenditures and distribution of moneys from the 911 state grant fund by the council; and (E) whether the moneys expended by the council are being used pursuant to this act. The auditor, to conduct such audit, shall be specified in accordance with K.S.A. 46-1122, and amendments thereto.

(2) The post auditor shall compute the reasonably anticipated cost of providing the audit pursuant to this subsection, subject to review and approval by the contract audit committee established by K.S.A. 46-1120, and amendments thereto. Upon such approval, the division of post audit shall be reimbursed from the 911 state grant fund for the amount approved by the contract audit committee. The audit report shall be submitted to the 911 coordinating council, the house of representatives committee on energy, utilities and telecommunications and the senate committee on utilities.

(e) The legislature shall review this act at the regular 2014 legislative session and at the regular legislative session every five years thereafter.

Sec. 2. K.S.A. 2017 Supp. 12-5377, as amended by section 40 of 2018 Senate Bill No. 260, is hereby repealed.

Sec. 3. On and after July 1, 2018, K.S.A. 2017 Supp. 12-5377, as amended by section 1 of 2018 House Bill No. 2435, 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 May 24, 2018.)

## HOUSE BILL No. 2470

AN ACT concerning alcoholic beverages; defining alcoholic candy; confectionery products containing alcohol and adulterated food products; expanding hours of sales; authorizing sale of refillable and sealable containers by microbreweries; amending K.S.A. 65-664 and K.S.A. 2016 Supp. 41-102, as amended by section 4 of chapter 56 of the 2017 Session Laws of Kansas, and K.S.A. 2017 Supp. 41-102, 41-308a, 41-308b, 41-354, 41-2614 and 41-2640 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 41-102, as amended by section 1 of this act.

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

Section 1. K.S.A. 2017 Supp. 41-102 is hereby amended to read as follows: 41-102. As used in this act, unless the context clearly requires otherwise:

(a) "Alcohol" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever its origin, and includes synthetic ethyl alcohol but does not include denatured alcohol or wood alcohol.

(b) "Alcoholic candy" means:

(1) For purposes of manufacturing, any candy or other confectionery product with an alcohol content greater than 0.5% alcohol by volume; and

(2) for purposes of sale at retail, any candy or other confectionery product with an alcohol content greater than 1% alcohol by volume.

(c) "Alcoholic liquor" means alcohol, spirits, wine, beer, alcoholic candy and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being, but shall not include any cereal malt beverage.

(e)(d) "Beer" means a beverage, containing more than 3.2% alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water and includes beer, ale, stout, lager beer, porter and similar beverages having such alcoholic content.

(f)(e) "Caterer" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(f)(f) "Cereal malt beverage" has the meaning provided by K.S.A. 41-2701, and amendments thereto.

(f)(g) "Club" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(g)(h) "Director" means the director of alcoholic beverage control of the department of revenue.

(h)(i) "Distributor" means the person importing or causing to be imported into the state, or purchasing or causing to be purchased within the state, alcoholic liquor for sale or resale to retailers licensed under this act or cereal malt beverage for sale or resale to retailers licensed under K.S.A. 41-2702, and amendments thereto.

(i)(j) "Domestic beer" means beer which contains not more than 10% 15% alcohol by weight and which is manufactured in this state.

(j)(k) "Domestic fortified wine" means wine which contains more than 14%, but not more than 20% alcohol by volume and which is manufactured in this state.

(k)(l) "Domestic table wine" means wine which contains not more than 14% alcohol by volume and which is manufactured without rectification or fortification in this state.

(m)(n) "Drinking establishment" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(n)(n) "Farm winery" means a winery licensed by the director to manufacture, store and sell domestic table wine and domestic fortified wine.

(continued)

(~~tr~~)(o) "Hard cider" means any alcoholic beverage that:

- (1) Contains less than 8.5% alcohol by volume;
- (2) has a carbonation level that does not exceed 6.4 grams per liter;

and

- (3) is obtained by the normal alcoholic fermentation of the juice of sound, ripe apples or pears, including such beverages containing sugar added for the purpose of correcting natural deficiencies.

(~~tr~~)(p) "Manufacture" means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with any alcoholic liquor, beer or cereal malt beverage.

(~~tr~~)(q) (1) "Manufacturer" means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or re-fills an original package and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquor, beer or cereal malt beverage.

(2) "Manufacturer" does not include a microbrewery, microdistillery or a farm winery.

(~~tr~~)(r) "Microbrewery" means a brewery licensed by the director to manufacture, store and sell domestic beer and hard cider.

(~~tr~~)(s) "Microdistillery" means a facility which produces spirits from any source or substance that is licensed by the director to manufacture, store and sell spirits.

(~~tr~~)(t) "Minor" means any person under 21 years of age.

(~~tr~~)(u) "Nonbeverage user" means any manufacturer of any of the products set forth and described in K.S.A. 41-501, and amendments thereto, when the products contain alcohol or wine, and all laboratories using alcohol for nonbeverage purposes.

(~~tr~~)(v) "Original package" means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. Original container does not include a sleeve.

(~~tr~~)(w) "Person" means any natural person, corporation, partnership, trust or association.

(~~tr~~)(x) "Powdered alcohol" means alcohol that is prepared in a powdered or crystal form for either direct use or for reconstitution in a nonalcoholic liquid.

(~~tr~~)(y) "Primary American source of supply" means the manufacturer, the owner of alcoholic liquor at the time it becomes a marketable product or the manufacturer's or owner's exclusive agent who, if the alcoholic liquor cannot be secured directly from such manufacturer or owner by American wholesalers, is the source closest to such manufacturer or owner in the channel of commerce from which the product can be secured by American wholesalers.

(~~tr~~)(z) (1) "Retailer" means a person who sells at retail, or offers for sale at retail, alcoholic liquors.

(2) "Retailer" does not include a microbrewery, microdistillery or a farm winery.

(~~tr~~)(aa) "Sale" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration and includes all sales made by any person, whether principal, proprietor, agent, servant or employee.

(~~tr~~)(bb) "Salesperson" means any natural person who:

(1) Procures or seeks to procure an order, bargain, contract or agreement for the sale of alcoholic liquor or cereal malt beverage; or

(2) is engaged in promoting the sale of alcoholic liquor or cereal malt beverage, or in promoting the business of any person, firm or corporation engaged in the manufacturing and selling of alcoholic liquor or cereal malt beverage, whether the seller resides within the state of Kansas and sells to licensed buyers within the state of Kansas, or whether the seller resides without the state of Kansas and sells to licensed buyers within the state of Kansas.

(~~tr~~)(cc) "Secretary" means the secretary of revenue.

(~~tr~~)(dd) (1) "Sell at retail" and "sale at retail" refer to and mean sales for use or consumption and not for resale in any form and sales to clubs, licensed drinking establishments, licensed caterers or holders of temporary permits.

(2) "Sell at retail" and "sale at retail" do not refer to or mean sales by a distributor, a microbrewery, a farm winery, a licensed club, a licensed drinking establishment, a licensed caterer or a holder of a temporary permit.

(~~tr~~)(ee) "To sell" includes to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.

(~~tr~~)(ff) "Sleeve" means a package of two or more 50-milliliter (3.2-fluid-ounce) containers of spirits.

(~~tr~~)(gg) "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution,

and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

(~~tr~~)(hh) "Supplier" means a manufacturer of alcoholic liquor or cereal malt beverage or an agent of such manufacturer, other than a salesperson.

(~~tr~~)(ii) "Temporary permit" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(~~tr~~)(jj) "Wine" means any alcoholic beverage obtained by the normal alcoholic fermentation of the juice of sound, ripe grapes, fruits, berries or other agricultural products, including such beverages containing added alcohol or spirits or containing sugar added for the purpose of correcting natural deficiencies. The term "wine" shall include hard cider and any other product that is commonly known as a subset of wine.

Sec. 2. On and after April 1, 2019, K.S.A. 2016 Supp. 41-102, as amended by section 4 of chapter 56 of the 2017 Session Laws of Kansas, is hereby amended to read as follows: 41-102. As used in this act, unless the context clearly requires otherwise:

(a) "Alcohol" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever its origin, and includes synthetic ethyl alcohol but does not include denatured alcohol or wood alcohol.

(b) "Alcoholic candy" means:

(1) For purposes of manufacturing, any candy or other confectionery product with an alcohol content greater than 0.5% alcohol by volume; and

(2) for purposes of sale at retail, any candy or other confectionery product with an alcohol content greater than 1% alcohol by volume.

(c) "Alcoholic liquor" means alcohol, spirits, wine, beer, alcoholic candy and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being, but shall not include any cereal malt beverage.

(~~tr~~)(d) "Beer" means a beverage, containing more than 3.2% alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water and includes beer, ale, stout, lager beer, porter and similar beverages having such alcoholic content.

(~~tr~~)(e) "Caterer" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(~~tr~~)(f) "Cereal malt beverage" has the meaning provided by K.S.A. 41-2701, and amendments thereto.

(~~tr~~)(g) "Club" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(~~tr~~)(h) "Director" means the director of alcoholic beverage control of the department of revenue.

(~~tr~~)(i) "Distributor" means the person importing or causing to be imported into the state, or purchasing or causing to be purchased within the state, alcoholic liquor for sale or resale to retailers licensed under this act or cereal malt beverage for sale or resale to retailers licensed under K.S.A. 41-2702, and amendments thereto.

(~~tr~~)(j) "Domestic beer" means beer which contains not more than 10% 15% alcohol by weight and which is manufactured in this state.

(~~tr~~)(k) "Domestic fortified wine" means wine which contains more than 14%, but not more than 20% alcohol by volume and which is manufactured in this state.

(~~tr~~)(l) "Domestic table wine" means wine which contains not more than 14% alcohol by volume and which is manufactured without rectification or fortification in this state.

(~~tr~~)(m) "Drinking establishment" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(~~tr~~)(n) "Farm winery" means a winery licensed by the director to manufacture, store and sell domestic table wine and domestic fortified wine.

(~~tr~~)(o) "Hard cider" means any alcoholic beverage that:

- (1) Contains less than 8.5% alcohol by volume;
- (2) has a carbonation level that does not exceed 6.4 grams per liter;

and

- (3) is obtained by the normal alcoholic fermentation of the juice of sound, ripe apples or pears, including such beverages containing sugar added for the purpose of correcting natural deficiencies.

(~~tr~~)(p) "Manufacture" means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with any alcoholic liquor, beer or cereal malt beverage.

(~~tr~~)(q) (1) "Manufacturer" means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or re-fills an original package and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquor, beer or cereal malt beverage.

(2) "Manufacturer" does not include a microbrewery, microdistillery or a farm winery.

(¶)(r) "Microbrewery" means a brewery licensed by the director to manufacture, store and sell domestic beer and hard cider.

(¶)(s) "Microdistillery" means a facility which produces spirits from any source or substance that is licensed by the director to manufacture, store and sell spirits.

(¶)(t) "Minor" means any person under 21 years of age.

(¶)(u) "Nonbeverage user" means any manufacturer of any of the products set forth and described in K.S.A. 41-501, and amendments thereto, when the products contain alcohol or wine, and all laboratories using alcohol for nonbeverage purposes.

(¶)(v) "Original package" means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. Original container does not include a sleeve.

(¶)(w) "Person" means any natural person, corporation, partnership, trust or association.

(¶)(x) "Powdered alcohol" means alcohol that is prepared in a powdered or crystal form for either direct use or for reconstitution in a nonalcoholic liquid.

(¶)(y) "Primary American source of supply" means the manufacturer, the owner of alcoholic liquor at the time it becomes a marketable product or the manufacturer's or owner's exclusive agent who, if the alcoholic liquor cannot be secured directly from such manufacturer or owner by American wholesalers, is the source closest to such manufacturer or owner in the channel of commerce from which the product can be secured by American wholesalers.

(¶)(z) (1) "Retailer" means a person who is licensed under the Kansas liquor control act and sells at retail, or offers for sale at retail, alcoholic liquors or cereal malt beverages.

(2) "Retailer" does not include a microbrewery, microdistillery or a farm winery.

(z)(aa) "Sale" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration and includes all sales made by any person, whether principal, proprietor, agent, servant or employee.

(aa)(bb) "Salesperson" means any natural person who:

(1) Procures or seeks to procure an order, bargain, contract or agreement for the sale of alcoholic liquor or cereal malt beverage; or

(2) is engaged in promoting the sale of alcoholic liquor or cereal malt beverage, or in promoting the business of any person, firm or corporation engaged in the manufacturing and selling of alcoholic liquor or cereal malt beverage, whether the seller resides within the state of Kansas and sells to licensed buyers within the state of Kansas, or whether the seller resides without the state of Kansas and sells to licensed buyers within the state of Kansas.

(bb)(cc) "Secretary" means the secretary of revenue.

(cc)(dd) (1) "Sell at retail" and "sale at retail" refer to and mean sales for use or consumption and not for resale in any form and sales to clubs, licensed drinking establishments, licensed caterers or holders of temporary permits.

(2) "Sell at retail" and "sale at retail" do not refer to or mean sales by a distributor, a microbrewery, a farm winery, a licensed club, a licensed drinking establishment, a licensed caterer or a holder of a temporary permit.

(dd)(ee) "To sell" includes to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.

(ee)(ff) "Sleeve" means a package of two or more 50-milliliter (3.2-fluid-ounce) containers of spirits.

(ff)(gg) "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

(gg)(hh) "Supplier" means a manufacturer of alcoholic liquor or cereal malt beverage or an agent of such manufacturer, other than a salesperson.

(hh)(ii) "Temporary permit" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(ii)(jj) "Wine" means any alcoholic beverage obtained by the normal alcoholic fermentation of the juice of sound, ripe grapes, fruits, berries or other agricultural products, including such beverages containing added alcohol or spirits or containing sugar added for the purpose of correcting natural deficiencies. The term "wine" shall in-

clude hard cider and any other product that is commonly known as a subset of wine.

Sec. 3. K.S.A. 2017 Supp. 41-308a is hereby amended to read as follows: 41-308a. (a) A farm winery license shall allow:

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

(2) the sale of wine, manufactured by the licensee, to licensed wine distributors, retailers, public venues, clubs, drinking establishments, holders of temporary permits as authorized by K.S.A. 41-2645, and amendments thereto, and caterers;

(3) the sale, on the licensed premises and at special events monitored and regulated by the division of alcoholic beverage control in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

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

(5) the sale of wine manufactured by the licensee for consumption on the licensed premises, provided, the licensed premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments. Wine sold pursuant to this paragraph shall not be subject to the provisions of the club and drinking establishment act, K.S.A. 41-2601 et seq., and amendments thereto, and no drinking establishment license shall be required to make such sales;

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

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

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

(9) the sale and shipping of wine within this state pursuant to a permit issued pursuant to K.S.A. 2017 Supp. 41-350, and amendments thereto.

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

(1) The sale, on the licensed premises and at special events monitored and regulated by the division of alcoholic beverage control in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

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

(3) the manufacture of domestic table wine and domestic fortified wine and the storage thereof; provided, that the aggregate quantity of wine produced by the farm winery licensee, including all winery outlets, shall not exceed 100,000 gallons per year.

(c) Not less than 30% of the products utilized in the manufacture of domestic table wine and domestic fortified wine by a farm winery shall be grown in Kansas except when a lesser proportion is authorized by the director based upon the director's findings and judgment. The production requirement of this subsection shall be determined based on the annual production of domestic table wine and domestic fortified wine by the farm winery.

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

(continued)

any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor. If authorized by subsection (b), a winery outlet may serve samples of domestic wine, domestic fortified wine and wine imported under subsection (e) at any time when the winery outlet is authorized to sell domestic wine and domestic fortified wine.

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

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

(g) No farm winery or winery outlet shall:

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

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premise supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

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

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

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

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

Sec. 4. K.S.A. 2017 Supp. 41-308b is hereby amended to read as follows: 41-308b. (a) A microbrewery license shall allow:

(1) The manufacture of not less than 100 nor more than 60,000 barrels of domestic beer during the calendar year and the storage thereof, if, however, the licensee holds a 10% or greater ownership interest in one or more entities that also hold a microbrewery license, then the aggregate number of barrels of domestic beer manufactured by all such licensees with such common ownership shall not exceed the 60,000 barrel limit;

(2) the manufacture in the aggregate of not more than 100,000 gallons of hard cider during the calendar year and the storage thereof;

(3) the sale to beer distributors of beer and the sale to wine distributors of hard cider, manufactured by the licensee;

(4) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of beer and hard cider manufactured by the licensee;

(5) *the sale, on the licensed premises in refillable and sealable containers to consumers for consumption off the licensed premises, of beer manufactured by the licensee, subject to the following conditions:*

(A) *Containers described in this paragraph shall contain not less than 32 fluid ounces and not more than 64 fluid ounces of beer; and*

(B) *the licensee shall affix a label to all containers sold pursuant to this paragraph clearly indicating the licensee's name and the name and type of beer contained in such container;*

(6) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of beer and hard cider manufactured by the licensee, if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

(7) if the premises is also licensed as a club or drinking establishment, the sale and transfer of domestic beer to such club or drinking establishment and the sale of domestic beer and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act;

(8) if the premises is also licensed as a caterer, the sale of domestic beer and other alcoholic liquor for consumption on unlicensed premises as authorized by the club and drinking establishment act; and

(9) if the licensee holds a 10% or greater ownership interest in one or more entities that also hold a microbrewery license, the domestic

beer may be manufactured and transferred for sale or storage among such microbrewery licensees with such common ownership; and

(10) *the transfer of beer and hard cider manufactured by the licensee pursuant to a contract entered into in accordance with subsection (b) to the contracting microbrewery.*

(1) *A microbrewery may contract with one or more microbreweries for the purpose of manufacturing beer or hard cider for such other microbreweries. A microbrewery located in this state may manufacture and package beer and hard cider for a microbrewery located within or outside of Kansas.*

(2) *A microbrewery manufacturing beer or hard cider for another microbrewery shall be responsible for complying with all federal and state laws dealing with the manufacturing of beer and hard cider, including labeling laws, and shall be responsible for the payment of all federal and state taxes on the beer and hard cider.*

(3) *Each party engaged in a contract brewing agreement must count the total amount of barrels and gallons manufactured as part of the agreement and include that total amount as part of their allowed aggregate total as provided in subsection (a).*

(c) Not less than 30% of the products utilized in the manufacture of hard cider by a microbrewery shall be grown in Kansas except when a lesser proportion is authorized by the director based upon the director's findings and judgment. The production requirement of this subsection shall be determined based on the annual production of domestic hard cider.

(d) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a microbrewery licensee, the director may issue not to exceed one microbrewery packaging and warehousing facility license to the microbrewery licensee. A microbrewery packaging and warehousing facility license shall allow:

(1) The transfer, from the licensed premises of the microbrewery to the licensed premises of the microbrewery packaging and warehousing facility, of beer and hard cider manufactured by the licensee, for the purpose of packaging or storage, or both;

(2) the transfer, from the licensed premises of the microbrewery packaging and warehousing facility to the licensed premises of any microbrewery of such licensee, of beer manufactured by the licensee;

(3) the removal from the licensed premises of the microbrewery packaging and warehousing facility of beer manufactured by the licensee for the purpose of delivery to a licensed beer wholesaler; and

(4) the removal from the licensed premises of the microbrewery packaging and warehousing facility of hard cider manufactured by the licensee for the purpose of delivery to a licensed wine distributor.

(e) A microbrewery may sell domestic beer in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day ~~except Sunday and between 11 a.m. and 7 p.m. on Sunday.~~ If authorized by subsection (a), a microbrewery may serve samples of domestic beer and serve and sell domestic beer and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor.

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

(g) A microbrewery license or microbrewery packaging and warehousing facility license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(h) No microbrewery shall:

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

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premises supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

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

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

(h)(i) Whenever a microbrewery licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and all fees paid for the license in accordance with the Kansas administrative procedure act.

Sec. 5. K.S.A. 2017 Supp. 41-354 is hereby amended to read as follows: 41-354. (a) A microdistillery license shall allow:

(1) The manufacture of not more than 50,000 gallons of spirits per year and the storage thereof;

(2) the sale to spirit distributors of spirits, manufactured by the licensee;

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

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

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

(6) if the licensee is also licensed as a caterer, the sale of spirits and other alcoholic liquor for consumption on unlicensed premises as authorized by the club and drinking establishment act.

(b) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a microdistillery licensee, the director may issue not to exceed one microdistillery packaging and warehousing facility license to the microdistillery licensee. A microdistillery packaging and warehousing facility license shall allow:

(1) The transfer, from the licensed premises of the microdistillery to the licensed premises of the microdistillery packaging and warehousing facility, of spirits manufactured by the licensee, for the purpose of packaging or storage, or both;

(2) the transfer, from the licensed premises of the microdistillery packaging and warehousing facility to the licensed premises of the microdistillery, of spirits manufactured by the licensee; or

(3) the removal from the licensed premises of the microdistillery packaging and warehousing facility of spirits manufactured by the licensee for the purpose of delivery to a licensed spirits wholesaler.

(c) A microdistillery may sell spirits in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day ~~except Sunday and between 11 a.m. and 7 p.m. on Sunday~~. If authorized by subsection (a), a microdistillery may serve samples of spirits and serve and sell spirits and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor.

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

(e) A microdistillery license or microdistillery packaging and warehousing facility license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(f) No microdistillery shall:

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

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premises supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

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

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

(g) Whenever a microdistillery licensee is convicted of a violation

of the Kansas liquor control act, the director may revoke the licensee's license and all fees paid for the license in accordance with the Kansas administrative procedure act.

(h) The provisions of this section shall take effect and be in force from and after July 1, 2012.

(i) All rules and regulations adopted on and after July 1, 2012, and prior to July 1, 2013, to implement this section shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary until revised, amended, revoked or nullified pursuant to law.

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

Sec. 6. K.S.A. 2017 Supp. 41-2614 is hereby amended to read as follows: 41-2614. (a) Except as provided by subsection (c), no public venue, club or drinking establishment shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of 2:00 a.m. and ~~9:00~~ 6:00 a.m. on any day.

(b) No caterer shall allow the serving, mixing or consumption of alcoholic liquor between the hours of 2:00 a.m. and 6:00 a.m. on any day at an event catered by such caterer.

(c) A hotel of which the entire premises are licensed as a drinking establishment or as a drinking establishment/caterer may allow at any time the serving, mixing and consumption of alcoholic liquor and cereal malt beverage from a minibar in a guest room by guests registered to stay in such room, and guests of guests registered to stay in such room.

Sec. 7. K.S.A. 2017 Supp. 41-2640 is hereby amended to read as follows: 41-2640. (a) No club, drinking establishment, caterer or holder of a temporary permit, nor any person acting as an employee or agent thereof, shall:

(1) Offer or serve any free cereal malt beverage or alcoholic liquor in any form to any person;

(2) offer or serve to any person an individual drink at a price that is less than the acquisition cost of the individual drink to the licensee or permit holder;

(3) sell, offer to sell or serve to any person an unlimited number of individual drinks during any set period of time for a fixed price, except at private functions not open to the general public or to the general membership of a club;

(4) encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or cereal malt beverage or the awarding of individual drinks as prizes;

(5) sell, offer to sell or serve free of charge any form of powdered alcohol, as defined in K.S.A. 41-102, and amendments thereto; or

(6) advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (a)(1) through (5).

(b) No public venue, nor any person acting as an employee or agent thereof, shall:

(1) Offer or serve any free cereal malt beverage or alcoholic liquor in any form to any person;

(2) offer or serve to any person a drink or original container of alcoholic liquor or cereal malt beverage at a price that is less than the acquisition cost of the drink or original container of alcoholic liquor or cereal malt beverage to the licensee;

(3) sell or serve alcoholic liquor in glass containers to customers in the general admission area;

(4) sell or serve more than two drinks per customer at any one time in the general admission area;

(5) encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or cereal malt beverage or the awarding of drinks as prizes;

(6) sell, offer to sell or serve free of charge any form of powdered alcohol, as defined in K.S.A. 41-102, and amendments thereto; or

(7) advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (b)(1) through (6).

(c) A public venue, club, drinking establishment, caterer or holder of a temporary permit may:

(1) Offer free food or entertainment at any time;

(2) sell or deliver wine by the bottle or carafe;

(3) sell, offer to sell and serve individual drinks at different prices throughout any day;

(4) sell or serve beer or cereal malt beverage in a pitcher capable of containing not more than 64 fluid ounces;

(continued)

(5) offer samples of alcohol liquor free of charge as authorized by this act; or

(6) sell or serve margarita, sangria, daiquiri, mojito or other mixed alcoholic beverages as approved by the director in a pitcher containing not more than 64 fluid ounces.

(d) A hotel of which the entire premises is licensed as a drinking establishment may, in accordance with rules and regulations adopted by the secretary, distribute to its guests coupons redeemable on the hotel premises for drinks containing alcoholic liquor. The hotel shall remit liquor drink tax in accordance with the provisions of the liquor drink tax act, K.S.A. 79-41a01 et seq., and amendments thereto, on each drink served based on a price which is not less than the acquisition cost of the drink.

(e) (1) A public venue, club or drinking establishment may offer customer self-service of beer or wine, or both, from automated devices on licensed premises so long as the licensee monitors and has the ability to control the dispensing of such beer or wine, or both, from the automated devices.

~~(2) The secretary may adopt rules and regulations as necessary to implement the provisions of this subsection~~ (A) For purposes of this subsection, "automated device" shall mean any mechanized device capable of dispensing wine or beer, or both, directly to a customer in exchange for compensation that a licensee has received directly from the customer.

(B) No licensee shall allow an automated device to be used on its licensed premises without first providing written or electronic notification to the director of the licensee's intent to use the automated device. The licensee shall provide this notification at least 48 hours before any automated device is used on the licensed premises.

(C) Each licensee offering customer self-service of wine or beer, or both, from any automated device shall provide constant video monitoring of the automated device at all times during which the licensee is open to the public. The licensee shall keep recorded footage from the video monitoring for at least 60 days and shall provide the footage, upon request, to any agent of the director or other authorized law enforcement agent.

(D) The compensation required by subsection (a) shall be in the form of a programmable, prepaid access card containing a fixed amount of monetary credit that may be directly exchanged for beer or wine dispensed from the automated device. Access cards may be sold, used or reactivated only during a business day. Each access card shall be purchased from the licensee by a customer. A licensee shall not issue more than one active access card to a customer. For purposes of this subsection, an access card shall be deemed active if the access card contains monetary credit or has not yet been used to dispense 15 ounces of wine or 32 ounces of beer. Each purchase of an access card under this subparagraph shall be subject to the liquor drink tax imposed by K.S.A. 79-41a02, and amendments thereto.

(E) In order to obtain a prepaid access card from a licensee, each customer shall produce a valid driver's license, identification card or other government-issued document that contains a photograph of the individual and demonstrates that the individual is at least 21 years of age. Each access card shall be programmed to require the production of the customer's valid identification before the access card can be used for the first time during any business day or for any subsequent reactivation as provided in subparagraph (D).

(F) Each access card shall become inactive at the end of each business day.

(G) Each access card shall be programmed to allow the dispensing of no more than 15 ounces of wine or 32 ounces of beer to a customer. Once an access card has been used to dispense 15 ounces of wine or 32 ounces of beer to a customer, the access card shall become inactive. Any customer in possession of an inactive access card may, upon production of the customer's valid identification to the licensee or licensee's employee, have the access card reactivated to allow the dispensing of an additional 15 ounces of wine or 32 ounces of beer from an automated device.

Subparagraph (D), (E), (F) or (G) shall not apply to wine or beer that is dispensed directly to the licensee or the licensee's agent or employee.

(3) The secretary shall adopt rules and regulations prior to January 1, 2019, as necessary to implement the provisions of this subsection.

(4) Notwithstanding any other provision of law, all laws and rules and regulations applicable to the sale of alcoholic liquor to persons under the legal age of consumption shall be applicable to the sales transaction of the prepaid access card.

(f) A hotel of which the entire premises is not licensed as a drinking establishment may, in accordance with rules and regulations adopted by the secretary, through an agreement with one or more clubs or drinking establishments, distribute to its guests coupons redeemable at such clubs or drinking establishments for drinks containing alcoholic liquor. Each club or drinking establishment redeeming coupons issued by a hotel shall collect from the hotel the agreed price, which shall be not less than the acquisition cost of the drink plus the liquor drink tax for each drink served. The club or drinking establishment shall collect

and remit the liquor drink tax in accordance with the provisions of the liquor drink tax act, K.S.A. 79-41a01 et seq., and amendments thereto.

(g) Violation of any provision of this section is a misdemeanor punishable as provided by K.S.A. 41-2633, and amendments thereto.

(h) Violation of any provision of this section shall be grounds for suspension or revocation of the licensee's license as provided by K.S.A. 41-2609, and amendments thereto, and for imposition of a civil fine on the licensee or temporary permit holder as provided by K.S.A. 41-2633a, and amendments thereto.

(i) For purposes of this section, the term "day" means from 6:00 a.m. until 2:00 a.m. the following calendar day.

Sec. 8. K.S.A. 65-664 is hereby amended to read as follows: 65-664. A food shall be deemed to be adulterated:

(a) (1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of the substance in such food does not ordinarily render it injurious to health; or (2) (A) it bears or contains any added poisonous or added deleterious substance, other than one which is: (i) A pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive, which is unsafe within the meaning of K.S.A. 65-667, and amendments thereto; or (B) it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of K.S.A. 65-667, and amendments thereto; or (C) it is or it bears or contains any food additive which is unsafe within the meaning of K.S.A. 65-667, and amendments thereto. Where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or tolerance prescribed under K.S.A. 65-667, and amendments thereto, and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the residue of such pesticide chemical remaining in or on such processed food shall, notwithstanding the provisions of K.S.A. 65-667, and amendments thereto, and clause subparagraph (C) of this subsection, not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice, and the concentration of such residue in the processed food when ready to eat is not greater than the tolerance prescribed for the raw agricultural commodity; or (3) it consists in whole or in part of a diseased, contaminated, filthy, putrid, or decomposed substance, or is otherwise unfit for food; or (4) it has been produced, prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome, or injurious to health; or (5) it is the product of a diseased animal or an animal which has died otherwise than by slaughter, or that has been fed upon the uncooked offal from a slaughterhouse; or (6) its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

(b) (1) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or (2) any substance has been substituted wholly or in part therefor; or (3) damage or inferiority has been concealed in any manner; or (4) any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength or make it appear better or of greater value than it is. This subsection does not apply to any cured or smoked pork product by reason of its containing added water.

(c) If it is confectionery and it bears or contains any alcohol or non-nutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of ~~4/10 of 1%~~ 0.4%, harmless natural wax not in excess of ~~4/10 of 1%~~ 0.4%, harmless natural gum, and pectin. This subsection does not apply to any confectionery by reason of its containing less than ~~1/2 of~~ not more than 1% by volume of alcohol derived solely from the use of flavoring extracts, or to any chewing gum by reason of its containing harmless nonnutritive masticatory substances.

(d) If it is or bears or contains any color additive which that is unsafe within the meaning of K.S.A. 65-667, and amendments thereto.

Sec. 9. K.S.A. 65-664 and K.S.A. 2017 Supp. 41-102, 41-308a, 41-308b, 41-354, 41-2614 and 41-2640 are hereby repealed.

Sec. 10. On and after April 1, 2019, K.S.A. 2016 Supp. 41-102, as amended by section 4 of chapter 56 of the 2017 Session Laws of Kansas, and K.S.A. 2017 Supp. 41-102, as amended by section 1 of this act, are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register May 24, 2018.)

## SENATE BILL No. 260

AN ACT concerning state agencies; financial-compliance audits; Kansas lottery security audit; selection of auditor, contracts with; creating the Kansas lottery audit contract committee and the department of administration audit contract committee; creating the department of administration audit services fund; 911 coordinating council certain audits; technology projects certain vendor restrictions; amending K.S.A. 46-1108, 46-1112, 46-1115, 46-1116, 46-1122, 46-1123, 46-1125, 46-1126, 46-1127 and 74-2424 and K.S.A. 2017 Supp. 12-5377, as amended by section 1 of 2018 House Bill No. 2435, 39-709b, 46-1106, 46-1114, 46-1118, 46-1128, 46-1135, 74-4921, 75-5133, 75-7209 and 79-3234 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 46-1121 and 46-1134.

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

New Section 1. (a) (1) Beginning in calendar year 2019, and at least once every three years thereafter, there shall be conducted a security audit of the Kansas lottery. Any security audit conducted pursuant to this section shall include a comprehensive study and evaluation of all aspects of security in the operation of such state agency. The firm to conduct a security audit shall be selected and shall perform such audit work as provided in sections 3 through 6, and amendments thereto. The firm selected to perform a security audit shall be experienced in security procedures, including, but not limited to, computer systems and security. A contract to conduct such a security audit required by this subsection shall not be awarded until a background investigation is conducted by the executive director of the Kansas lottery on the person or firm selected to perform the audit. Such background investigation shall include: (A) The vendor to whom the contract is to be awarded; (B) all persons who own a controlling interest in such vendor; and (C) all applicable staff having involvement with the audit.

(2) For the purpose of conducting a security audit under this subsection, a person or a firm selected to perform the security audit shall not be limited to a legal entity permitted by law to engage in practice as a certified public accountant.

(b) Beginning in calendar year 2019, a financial-compliance audit shall be conducted annually on the accounts and transactions of the Kansas lottery and the Kansas lottery commission. The first financial-compliance audit shall examine the accounts and transactions for fiscal year 2019. The firm to conduct this audit work shall be selected as provided in sections 3 and 4, and amendments thereto. The audits required pursuant to this subsection shall be conducted in accordance with generally accepted governmental auditing standards, and shall be conducted as soon after the close of the fiscal year as practicable, but shall be completed no later than the deadlines as set forth in section 6, and amendments thereto.

New Sec. 2. (a) There is hereby created the Kansas lottery audit contract committee, which shall consist of the following members: (1) The executive director of the Kansas lottery or a Kansas lottery employee designated by the executive director; (2) the chairperson of the Kansas lottery commission or a commission member designated by the chairperson of the Kansas lottery commission; and (3) the post auditor or a person designated by the post auditor. The executive director of the Kansas lottery or the person designated by the executive director to serve as a member of the Kansas lottery audit contract committee shall be the chairperson of the committee.

(b) The Kansas lottery audit contract committee shall meet on the call of the chairperson of such committee. A vote of two members of the committee shall be required for any action of the committee.

New Sec. 3. (a) In the procurement of a firm or firms to perform an audit required by section 1, and amendments thereto, the executive director of the Kansas lottery shall encourage firms engaged in the lawful practice of their professions to place their names on a list maintained by the executive director of firms to receive requests for proposals on audit contracts.

(b) The executive director of the Kansas lottery shall establish specifications for the conduct by a firm or firms of an audit required by section 1, and amendments thereto. The specifications shall be used in preparing requests for proposals and evaluating the proposals received.

(c) For all audits required by section 1, and amendments thereto, the executive director of the Kansas lottery shall issue a request for pro-

posals to all firms who have requested to be on the firm list and others who request a copy after notice in the Kansas register. The request for proposals shall request information on the firm's qualifications, the qualifications of staff to be assigned to the job, the firm's technical approach to the audit and the fee. The executive director shall evaluate the proposals received in response to the requests for proposals and for each audit shall prepare a list of at least three and not more than five firms that are, in the opinion of the executive director, qualified to perform such audit or audits. Such list shall be submitted to the Kansas lottery audit contract committee.

New Sec. 4. (a) The Kansas lottery audit contract committee may conduct discussions with each of the firms submitted by the executive director and then shall select a firm or firms from such listing to provide an audit as required by section 1, and amendments thereto.

(b) The Kansas lottery audit contract committee shall consider, in making their selection, qualifications of the firm and staff, the technical proposal and fee.

(c) If the Kansas lottery audit contract committee is unable to contract with any of the selected firms, the committee shall request the executive director to provide another list of firms to be reviewed by the committee. Upon receipt of such list, the committee shall proceed in accordance with the provisions of this section.

New Sec. 5. (a) Each contract for an audit required by section 1, and amendments thereto, entered into under section 3 and section 4, and amendments thereto, shall be entered into between the executive director of the Kansas lottery and the firm or firms selected to perform the audit. Each such contract shall require the firm or firms selected to submit evidence that is satisfactory to the Kansas lottery audit contract committee that the firm has general professional liability insurance or specific liability insurance that is adequate for such audit.

(b) In addition to the requirements in subsection (a), each such contract for audit services shall specify the responsibilities undertaken by the firm selected to perform such audit and such firm shall be responsible for all material errors and omissions in the performance of such contract.

(c) Such contracts shall not be subject to the provisions of K.S.A. 75-3739 or 75-37,102 or K.S.A. 2017 Supp. 75-37,130 through 75-37,135, and amendments thereto.

New Sec. 6. (a) The Kansas lottery audit contract committee shall monitor the performance of the firm or firms conducting audits pursuant to a contract entered into under section 5, and amendments thereto, to ensure that such audit is performed in accordance with the specifications developed for the conduct of such audit.

(b) (1) The firm selected to perform an audit required by section 1(a), and amendments thereto, shall submit a final written audit report by December 1 of each year to the executive director of the Kansas lottery and the legislative post audit committee.

(2) The firm selected to perform an audit required by section 1(b), and amendments thereto, shall submit a preliminary written audit report by September 15 of each year to the executive director of the Kansas lottery and the secretary of administration. A final audit report shall be submitted by October 1 of each year to the executive director of the Kansas lottery, the secretary of administration and the legislative post audit committee.

(c) In the performance of such audit, the officers and employees of the firm or firms performing the audit shall be subject to the same duty of confidentiality applicable to the post auditor and officers and employees of the division of post audit under the legislative post audit act, and shall have access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, of any person or state agency subject to the audit.

New Sec. 7. Sections 1 through 7, and amendments thereto, shall be part of and supplemental to the Kansas lottery act.

New Sec. 8. (a) Beginning in calendar year 2019, a financial-compliance audit shall be conducted annually on the accounts and transactions of the Kansas public employees retirement system. The first financial-compliance audit shall examine the accounts and transactions for fiscal year 2019. The auditor to conduct this audit work shall be selected as provided in subsection (c). The audit required pursuant to this subsection shall be conducted in accordance with generally accepted governmental auditing standards, and shall be conducted as soon after the close of the fiscal year as practicable, but shall be completed no later than the deadlines as set forth in section 9, and amendments thereto.

*(continued)*

(b) The financial-compliance audit of the Kansas public employees retirement system shall include, but not be limited to, a review of alternative investments of the system with any estimates of permanent impairments to the value of such alternative investments reported by the system pursuant to K.S.A. 74-4907, and amendments thereto, and a review of any internal assessment or examination of alternative investments of the system performed and reported pursuant to K.S.A. 74-4921(12)(a), and amendments thereto.

(c) The Kansas public employees retirement system board of trustees shall be responsible for the procurement of an auditing firm under the provisions of K.S.A. 75-37,132, and amendments thereto.

New Sec. 9. (a) The executive director of the Kansas public employees retirement system shall monitor the performance of the firm conducting an audit to ensure that such audit is performed in accordance with the specifications developed for the conduct of such audit.

(b) The executive director of the Kansas public employees retirement system shall submit a preliminary draft of the management's discussion and analysis and the financial statements by October 1 of each year to the secretary of administration and the firm selected to perform an audit required by section 8, and amendments thereto. The executive director of the Kansas public employees retirement system shall submit the final draft of the management's discussion and analysis and the financial statements by October 15 of each year to the secretary of administration and the firm selected to perform an audit required by section 8, and amendments thereto. The final audit opinion letter shall be submitted by November 1 of each year by the firm selected to perform an audit by section 8, and amendments thereto, to the executive director of the Kansas public employees retirement system, the secretary of administration and the legislative post audit committee.

(c) In the performance of such audit, the officers and employees of the firm performing the audit shall be subject to the same duty of confidentiality applicable to the post auditor and officers and employees of the division of post audit under the legislative post audit act, and shall have access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, of any person, any affiliated employer or state agency subject to the audit.

New Sec. 10. (a) At least once every three years, the legislative post audit committee shall direct the division of post audit to conduct a performance audit of the Kansas public employees retirement system. In considering performance audit subjects, the legislative post audit committee shall consider recommendations and requests for performance audits relating to the system or the management thereof by the joint committee on pensions, investments and benefits or by any other committee or individual member of the legislature.

(b) This section shall be part of and supplemental to the legislative post audit act.

New Sec. 11. (a) Beginning in calendar year 2019, a financial-compliance audit shall be conducted each year of the general purpose financial statements prepared by the division of accounts and reports of the department of administration for its annual financial report. The first financial-compliance audit shall examine the general purpose financial statements for fiscal year 2019. This audit shall be conducted in accordance with generally accepted governmental auditing standards. The resulting written audit report shall be issued as soon after the end of the fiscal year as is practicable, but shall be completed no later than the deadlines as set forth in section 17, and amendments thereto.

(b) (1) Beginning in fiscal year 2020, and once every two years thereafter, separate written audit reports on the financial management practices of the office of the state treasurer and the pooled money investment board shall be prepared addressing the adequacy of financial management practices and compliance with applicable state laws. The separate audit of the pooled money investment board also shall include a comparative investment performance review and an analysis of the investment program, including an evaluation of investment policies and practices and of specific investments in the pooled money investment portfolio. The analysis of the specific investments in the pooled money investment portfolio shall review whether such investments meet the investment priorities of safety, liquidity and performance. The performance of such investments shall be measured by comparison to an appropriate market index. The resulting written audit report shall be completed no later than the deadlines as set forth in section 17, and amendments thereto.

(2) In addition, whenever an individual is first elected or appointed and qualified to the office of the state treasurer, there shall be conducted a transition audit within two weeks after the date such individual

enters upon the duties of the office of the state treasurer. The purpose of the transition audit shall be to review the assets in the custody of the office of the state treasurer for significant discrepancies at the time of the transition. A separate written report shall be prepared for each transition audit.

(3) Any additional costs associated with preparing the separate additional reports on the office of the state treasurer and the pooled money investment board shall be borne by the office of the state treasurer and the pooled money investment board in accordance with section 18, and amendments thereto.

(c) (1) Books and accounts of the state treasurer and the director of accounts and reports, including the bond register of the state treasurer, may be examined monthly if the department of administration audit contract committee so determines, and such examination may include detailed checking of every transaction or test checking.

(2) Any person receiving tax information under the provisions of subsection (a) or (b) shall be subject to the same duty of confidentiality imposed by law upon the personnel of the department of revenue and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality.

New Sec. 12. (a) Beginning in fiscal year 2019, the department of administration shall be responsible for procuring and managing audit services for any audit of the financial affairs and transactions of a state agency that is required to comply with federal government audit requirements for receiving federal awards or grants.

(b) As used in this section, "state agency" means any state office, officer, department, board, commission, institution, bureau, agency or authority or any division or unit thereof.

New Sec. 13. (a) There is hereby created the department of administration contract audit committee, which shall consist of the following members: (1) The secretary of administration or a person designated by the secretary of administration; (2) the director of accounts and reports or a person designated by the director of accounts and reports; (3) the post auditor or a person designated by the post auditor; (4) the state treasurer or a person designated by the state treasurer; and (5) the director of the budget or a person designated by the director of the budget. The secretary of administration or the person designated by the secretary to serve as a member of the department of administration contract audit committee shall be the chairperson of the committee.

(b) The department of administration contract audit committee shall meet on the call of the chairperson of such committee. A vote of two members of the committee shall be required for any such action of the committee.

New Sec. 14. (a) In the procurement of a firm or firms to perform an audit required by section 11 and section 12, and amendments thereto, the secretary of administration shall encourage firms engaged in the lawful practice of their professions to place their names on a list maintained by the secretary of firms to receive requests for proposals on audit contracts.

(b) The secretary of administration shall establish specifications for the conduct by a firm or firms of an audit required by section 11 and section 12, and amendments thereto. The specifications shall be used in preparing requests for proposals and evaluating the proposals received.

(c) For all audits required by section 11 and section 12, and amendments thereto, the secretary of administration shall issue a request for proposals to all firms who have requested to be on the firm list and others who request a copy after notice in the Kansas register. The request for proposals shall request information on the firm's qualifications, the qualifications of staff to be assigned to the job, the firm's technical approach to the audit and the fee. The secretary shall evaluate the proposals received in response to the request for proposals and for each audit shall prepare a list of at least three and not more than five firms that are, in the opinion of the secretary, qualified to perform such audit. Such list shall be submitted to the department of administration audit contract committee.

New Sec. 15. (a) The department of administration audit contract committee may conduct discussions with each of the firms submitted by the secretary of administration and then shall select a firm or firms from such listing to provide an audit as required by section 11 and section 12, and amendments thereto.

(b) The department of administration audit contract committee shall consider, in making their selection, qualifications of the firm and staff, the technical proposal and fee.

(c) If the department of administration audit contract committee is unable to contract with any of the selected firms, the committee shall request the secretary of administration to provide another list of firms to be reviewed by the committee. Upon receipt of such list, the committee shall proceed in accordance with the provisions of this section.

New Sec. 16. (a) Each contract for an audit required by section 11 and section 12, and amendments thereto, entered into under section 14 and section 15, and amendments thereto, shall be entered into between the secretary of administration and the firm selected to perform the audit. Each such contract shall require the firm selected to submit evidence that is satisfactory to the department of administration audit contract committee that the firm has general professional liability insurance or specific liability insurance that is adequate for such audit.

(b) In addition to the requirements in subsection (a), each such contract for audit services shall specify the responsibilities undertaken by the firm selected to perform such audit and that such firm shall be responsible for all material errors and omissions in the performance of such contract.

(c) Such contracts shall not be subject to the provisions of K.S.A. 75-3739 or 75-37,102 or K.S.A. 2017 Supp. 75-37,130 through 75-37,135, and amendments thereto.

New Sec. 17. (a) The department of administration audit contract committee shall monitor the performance of the firm conducting an audit pursuant to a contract entered into under section 16, and amendments thereto, to ensure that such audit is performed in accordance with the specifications developed for the conduct of such audit.

(b) Written reports from audits required by section 11 and section 12, and amendments thereto, shall be issued according to the following deadlines:

(1) For an audit of the state financial statements required by section 11(a), and amendments thereto, a final written report shall be issued to the secretary of administration and to the legislative post audit committee by December 1 following the audited fiscal year;

(2) for a biennial audit of the state treasurer's office and the pooled money investment board required by section 11(b), and amendments thereto, a final written report shall be issued to the state treasurer or the pooled money investment board, as appropriate, and to the secretary of administration and the legislative post audit committee by December 1 following the audited fiscal year; and

(3) for a federal compliance audit required by section 12, and amendments thereto, a final written report shall be issued to the secretary of administration and the legislative post audit committee not less than 15 calendar days before the federal deadline for such report.

(c) In the performance of an audit pursuant to section 11 and section 12, and amendments thereto, the officers and employees of the firm performing the audit shall be subject to the same duty of confidentiality applicable to the post auditor and officers and employees of the division of post audit under the legislative post audit act, and shall have access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, of any person or state agency subject to the audit.

New Sec. 18. (a) Whenever the secretary of administration contracts with a firm to perform any audit work for any state agency to satisfy financial-compliance audit requirements prescribed by section 11 and section 12, and amendments thereto, and incurs costs in addition to those attributable to the operations of the department of administration in performance of other duties and responsibilities, the secretary shall make charges for such additional costs.

(b) All moneys received for reimbursement to the department of administration under this section 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 the department of administration audit services fund, which fund is hereby created in the state treasury. All expenditures from the department of administration audit services fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of administration or a person or persons designated by the secretary.

New Sec. 19. (a) Each state agency awarded a federal grant or other federal financial assistance that is subject to an audit pursuant to section 12, and amendments thereto, as a condition of such grant or assistance shall notify the secretary of administration immediately of the award of such grant or assistance. Based on the amount and nature

of federal moneys received by the state agency, the secretary shall compute annually the amount of federal moneys reasonably anticipated to be required to provide audit coverage in accordance with federal requirements. The amounts determined for such audits shall be reviewed and approved by the department of administration audit contract committee. Upon such approval, the state agency, in accordance with section 18, and amendments thereto, shall reimburse the secretary of administration for the amount approved by the contract audit committee.

(b) The secretary of administration shall compute the amount of money reasonably anticipated to be required to provide a financial-compliance audit as required pursuant to section 12, and amendments thereto. The amounts determined for such audits shall be reviewed and approved by the department of administration contract audit committee.

(c) The secretary of administration shall remit all money received under this section 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 audit services fund.

(d) In addition to expenditures that may be made from the department of administration audit services fund under section 18, and amendments thereto, expenditures shall be made from such fund, and from other available appropriations, to pay for the cost of financial-compliance audits performed to comply with federal government audit requirements.

Sec. 20. On and after July 1, 2019, K.S.A. 2017 Supp. 39-709b is hereby amended to read as follows: 39-709b. (a) Information concerning applicants for and recipients of assistance from the secretary shall be confidential and privileged and shall only be available to the secretary and the officers and employees of the secretary except as set forth in this section. Unless otherwise prohibited by law, such information shall be disclosed to an applicant, recipient or outside source under the following conditions:

(1) Information shall be disclosed to the post auditor in accordance with and subject to the provisions of K.S.A. 46-1106(g)(e), and amendments thereto;

(2) information shall be disclosed to an applicant or recipient in accordance with and subject to rules and regulations adopted by the secretary; and

(3) information may be disclosed to an outside source if such disclosure:

(A) Has been consented to in writing by the applicant or recipient and the applicant or recipient has been granted access by the secretary to the information to be disclosed, except that in an emergency information may be disclosed without a written consent if such disclosure is deemed by the secretary to be in the best interests of the applicant or recipient;

(B) is directly connected to the administration of the secretary's program;

(C) is directly connected to an investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of the secretary's program;

(D) is authorized by a state plan developed by the secretary pursuant to the federal social security act or any other federal program providing federal financial assistance and services in the field of social welfare; or

(E) concerns the intent of an applicant or recipient to commit a crime and in this case such information and the information necessary to prevent the crime shall be disclosed to the appropriate authorities.

(b) Nothing in this section shall be construed to prohibit the publication of aggregate non-identifying statistics which that are so classified as to prevent the identification of specific applicants or recipients.

Sec. 21. On and after July 1, 2019, K.S.A. 2017 Supp. 46-1106 is hereby amended to read as follows: 46-1106. (a)-(1) A financial-compliance audit shall be conducted each year of the general purpose financial statements prepared by the division of accounts and reports for its annual financial report. This audit shall be conducted in accordance with generally accepted governmental auditing standards. The resulting written audit report shall be issued as soon after the end of the fiscal year as is practicable.

(2) In addition, once every two years, separate written audit reports on the financial management practices of the office of the state treasurer and the pooled money investment board shall be prepared addressing the adequacy of financial management practices and compliance with

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applicable state laws. The separate audit of the pooled money investment board also shall include a comparative investment performance review and an analysis of the investment program, including an evaluation of investment policies and practices and of specific investments in the pooled money investment portfolio. The analysis of the specific investments in the pooled money investment portfolio shall review whether such investments meet the investment priorities of safety, liquidity and performance. The performance of such investments shall be measured by comparison to an appropriate market index.

(3) In addition, whenever an individual is first elected or appointed and qualified to the office of the state treasurer, the legislative division of post audit shall conduct a transition audit within two weeks after the date such individual enters upon the duties of the office of the state treasurer. The purpose of the transition audit shall be to review the assets in the custody of the office of the state treasurer for significant discrepancies at the time of the transition. A separate written report shall be prepared for each transition audit.

(4) Copies of the reports of audits conducted pursuant to this subsection (a) shall be furnished to the governor, director of accounts and reports, director of the budget, each state agency, the legislative post audit committee and other persons or agencies as may be required by law or by the specifications of the audit.

(5) Any additional costs associated with preparing the separate additional reports on the office of the state treasurer and the pooled money investment board shall be borne by the office of the state treasurer and the pooled money investment board in accordance with K.S.A. 46-1121, and amendments thereto.

(b) Including financial-compliance audit work conducted as part of the audit conducted pursuant to subsection (a), financial-compliance Audit work shall be conducted at each state agency at least once every three years as directed by the legislative post audit committee. Written reports on the results of such auditing shall be furnished to the governor, director of accounts and reports, director of the budget, the state agency which that is audited, the legislative post audit committee and such other persons or agencies as may be required by law or by the specifications of the audit.

(c) (1) Books and accounts of the state treasurer and the director of accounts and reports, including the bond register of the state treasurer, may be examined monthly if the legislative post audit committee so determines, and such examination may include detailed checking of every transaction or test checking.

(2) Any person receiving tax information under the provisions of subsection (a) or (b) shall be subject to the same duty of confidentiality imposed by law upon the personnel of the department of revenue and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality.

(d)(b) The post auditor shall report immediately in writing to the legislative post audit committee, governor and attorney general whenever it appears in the opinion of the post auditor that there may have occurred any violation of penal statutes or any instances of misfeasance, malfeasance or nonfeasance by a public officer or employee disclosed by any audit or audit work conducted under the legislative post audit act or any audit conducted pursuant to section 1, section 8, section 11 or section 12, and amendments thereto. The post auditor shall furnish the attorney general all information in the possession of the post auditor relative to any report referred to the attorney general. The attorney general shall institute and prosecute civil proceedings against any such delinquent officer or employee, or upon such officer or employee's official bond, or both, as may be needed to recover for the state any funds or other assets misappropriated. The attorney general shall also prosecute such ouster and criminal proceedings as the evidence in the case warrants. Any person receiving tax information under the provisions of this subsection shall be subject to the same duty of confidentiality imposed by law upon the personnel of the department of revenue and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality.

(e)(c) The post auditor shall immediately report to the committee on surety bonds and insurance when any audit or audit work conducted under the legislative post audit act or any audit conducted pursuant to section 1, section 8, section 11 or section 12, and amendments thereto, discloses a shortage in the accounts of any state agency, officer or employee.

(f)(d) In the discharge of the duties imposed under the legislative post audit act, the post auditor may require state agencies to preserve and make available their accounts, records, documents, vouchers, requisitions, payrolls, canceled checks or vouchers and coupons, and other evidence of financial transactions.

(g)(e) In the discharge of the duties imposed under the legislative post audit act, the post auditor or firm conducting a financial-compliance audit or conducting any other audit or audit work under the legislative post audit act shall have access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, of any person or state agency subject to the legislative post audit act or in the custody of any such person or state agency. Except as otherwise provided in this subsection, the post auditor or firm conducting a financial-compliance audit or other any audit or audit work under the legislative post audit act and all employees and former employees of the division of post audit or firm performing a financial-compliance audit or other any audit or audit work shall be subject to the same duty of confidentiality imposed by law on any such person or state agency with regard to any such books, accounts, records, files, documents and correspondence, and any information contained therein, and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality. The duty of confidentiality imposed on the post auditor and on firms conducting financial-compliance audits or any other audits audit or audit work under the legislative post audit act and all employees of the division of post audit and all employees of such firms shall be subject to the provisions of subsection-(d) (b), and the post auditor may furnish all such books, accounts, records, files, documents and correspondence, and any information contained therein to the attorney general pursuant to subsection-(d) (b). Upon receipt thereof, the attorney general and all assistant attorneys general and all other employees and former employees of the office of attorney general shall be subject to the same duty of confidentiality with the exceptions that any such information contained therein may be disclosed in civil proceedings, ouster proceedings and criminal proceedings which may be instituted and prosecuted by the attorney general in accordance with subsection-(d) (b), and any such books, accounts, records, files, documents and correspondence furnished to the attorney general in accordance with subsection-(d) (b) may be entered into evidence in any such proceedings. Nothing in this subsection shall be construed to supersede any requirement of federal law.

(h)(f) Any firm or firms which develop information in the course of conducting a financial-compliance audit or other any audit or audit work under the legislative post audit act which the post auditor is required to report under subsection-(d) or (e) (b) or (c) shall immediately report such information to the post auditor. The post auditor shall then make the report required in subsection-(d) or (e) (b) or (c).

(i) (1) A financial-compliance audit shall be conducted annually on the accounts and transactions of the Kansas lottery and the Kansas lottery commission, of the Kansas public employees retirement system and of any other state agency as may be required by law. The auditor to conduct this audit work shall be specified in accordance with K.S.A. 46-1122, and amendments thereto. If the legislative post audit committee specifies under such statute that a firm is to perform all or part of such audit work, such firm shall be selected and shall perform such audit work as provided in K.S.A. 46-1123, and amendments thereto, and K.S.A. 46-1125 through 46-1127, and amendments thereto. The audits required pursuant to this subsection shall be conducted in accordance with generally accepted governmental auditing standards, and shall be conducted as soon after the close of the fiscal year as practicable, but shall be completed no later than six months after the close of the fiscal year.

(2) The financial-compliance audit of the Kansas public employees retirement system shall include, but not be limited to, a review of alternative investments of the system with any estimates of permanent impairments to the value of such alternative investments reported by the system pursuant to K.S.A. 74-4907, and amendments thereto. The financial-compliance audit may include one or more performance audit subjects as directed by the legislative post audit committee. In considering performance audit subjects to be included in any such financial-compliance audit, the legislative post audit committee shall consider recommendations and requests for performance audits, relating to the system or the management thereof, by the joint committee on pensions, investments and benefits or by any other committee or individual member of the legislature. The legislative post audit committee shall specify if one or more performance audit subjects shall be included in such financial-compliance audit, in addition to such other subjects as may be directed to be included in such financial-compliance audit by the legislative post audit committee. Except as otherwise determined by the legislative post audit committee, one or more performance audit subjects specified by the legislative post audit committee shall be included at least once every two fiscal years in such financial-compliance

audit. The legislative post audit committee may direct that one or more performance audit subjects are to be included in such financial-compliance audit not more than once during a specific period of three fiscal years, in lieu of once every two fiscal years.

Sec. 22. On and after July 1, 2019, K.S.A. 46-1108 is hereby amended to read as follows: 46-1108. Audits, in addition to financial-compliance audits or other financial-compliance audit work conducted pursuant to K.S.A. 46-1106 and amendments thereto, shall be performed by the post auditor only on the direction of the legislative post audit committee. The legislative post audit committee may direct the post auditor to perform additional audits or audit work described in K.S.A. 46-1106, and amendments thereto, of any state agencies, or may direct that any additional audit of a state agency shall be performed to accomplish other objectives than those specified pursuant to K.S.A. 46-1106, and amendments thereto. The legislative post audit committee may direct that any such additional audits shall be conducted to determine:

- (a) Whether any state agency is carrying out only those activities or programs authorized by the legislature; or
- (b) whether the programs and activities of a state agency, or a particular program or activity, is being efficiently and effectively operated; or
- (c) whether any new activity or program is being efficiently and effectively implemented in accordance with the intent of the legislature; or
- (d) whether there is a need for change in any authorized activity or program of a state agency; or
- (e) whether any reorganization of a state agency, or group of state agencies, is needed or justified to accomplish the results of programs or activities authorized by the legislature; or
- (f) any combination of the purposes specified in this or any other section of the legislative post audit act.

Sec. 23. On and after July 1, 2019, K.S.A. 46-1112 is hereby amended to read as follows: 46-1112. As used in the legislative post audit act, unless the context otherwise requires:

- (a) "Person" means an individual, proprietorship, partnership, limited partnership, association, trust, estate, business trust, group, or corporation, whether or not operated for profit, or a governmental agency, unit, or subdivision.
- (b) "State agency" means any state office, officer, department, board, commission, institution, bureau, agency, or authority or any division or unit thereof.
- (c) "Financial-compliance audit" means an audit of the financial affairs and transactions of a state agency required to comply with federal government audit requirements for receiving federal grants or an audit of the financial affairs and transactions of a state agency otherwise required by law to be performed.
- (d) "Firm" means any individual, firm, partnership, corporation, association or other legal entity permitted by law to engage in practice as a certified public accountant.
- (e) "Federal grant" means moneys received by a state agency under any act or appropriation of the federal government or moneys received by a state agency under the state and local fiscal assistance act of 1972 and amendments thereto.

Sec. 24. On and after July 1, 2019, K.S.A. 2017 Supp. 46-1114 is hereby amended to read as follows: 46-1114. (a) The legislative post audit committee is hereby authorized to direct the post auditor and the division of post audit to make an audit of any type described in K.S.A. 46-1106 or 46-1108, and amendments to these sections thereto, of any records or matters of any person specified in this section, and may direct the object in detail of any such audit.

(b) Upon receiving any such direction, the post auditor with the division of post audit, shall make such audit and shall have access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, to the same extent permitted under subsection (g) of K.S.A. 46-1106(e), and amendments thereto, except that such access shall be subject to the limitations established under subsection (d) of this section.

- (c) Audits authorized by this section are the following:
  - (1) Audit of any local subdivision of government or agency or instrumentality thereof which receives any distribution of moneys from or through the state.
  - (2) Audit of any person who receives any grant or gift from or through the state.
  - (3) Audit of the contract relationships and the fiscal records related thereto of any person who contracts with the state.

(4) Audit of any person who is regulated or licensed by any state agency or who operates or functions for the benefit of any state institution except that any audit of any person regulated by the state corporation commission shall address only compliance with laws or regulations, collection or remittance of taxes or fees, or other matters related directly to state government programs or functions. Any such audit authorized under this subsection shall not address corporate governance or financial issues except as they may relate directly to state government programs or functions. This subsection shall not apply to public utilities as described in subsection (f) of K.S.A. 66-1,187(l), and amendments thereto.

(d) (1) Access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, as authorized under subsection (b) of this section of any nongovernmental person audited under authority of subsection (c)(2) of this section shall be limited to those books, accounts, records, files, documents and correspondence, confidential or otherwise, of such person to which the state governmental agency which that administers the grant or gift and provides for the disbursement thereof is authorized under law to have access.

(2) Access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, as authorized under subsection (b) of this section of any nongovernmental person audited under authority of subsection (c)(3) of this section shall be limited to those books, accounts, records, files, documents and correspondence, confidential or otherwise, of such person to which the state governmental agency which that contracts with such person is authorized under law to have access.

(3) Access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, as authorized under subsection (b) of this section of any nongovernmental person audited under authority of subsection (c)(4) of this section shall be limited to those books, accounts, records, files, documents and correspondence, confidential or otherwise, of such person to which the state governmental agency which that regulates or licenses such person or the state institution on whose behalf such person operates or functions is authorized under law to have access.

Sec. 25. On and after July 1, 2019, K.S.A. 46-1115 is hereby amended to read as follows: 46-1115. Whenever any person fails to make any books, accounts, contracts or records, files, documents and correspondence, confidential or otherwise, related to any of the foregoing available to the post auditor or to a firm performing a financial-compliance audit any audit or audit work under the legislative post audit act or to any officer or employee of the division of post audit or of such firm within 30 days after a request therefor by the post auditor or by a firm performing a financial-compliance audit or any such officer or employee of the post auditor or of such firm, and such person is entitled under any other statute to receive any state funds, such funds shall be withheld until such person has fully complied with such request. Whenever state funds are to be withheld under this section, the post auditor shall give written notice thereof to the director of accounts and reports, and such director shall issue no warrant for payment of state funds to such person until the post auditor has given such director written notice that such person has acceded to the request of the post auditor. The provisions of this section shall not affect any contract entered into prior to the effective date of this act to the extent that any impairment of such contract occurs.

Sec. 26. On and after July 1, 2019, K.S.A. 46-1116 is hereby amended to read as follows: 46-1116. Failure to make records available for post audit is the intentional failure to make any books, accounts, contracts or records, files, documents and correspondence, confidential or otherwise, related to any of the foregoing available to the post auditor or to a firm performing a financial-compliance audit any audit or audit work under the legislative post audit act or any officer or employee of the division of post audit or of such firm upon request of the post auditor or such firm or any such officer or employee for the purpose of post audit as directed by the legislative post audit committee under authority of this act or as otherwise directed pursuant to law.

Failure to make records available for post audit is a class A misdemeanor.

Sec. 27. On and after July 1, 2019, K.S.A. 2017 Supp. 46-1118 is hereby amended to read as follows: 46-1118. (a) (1) Except as otherwise provided by statute, whenever the post auditor performs any additional audit work for any state agency to satisfy federal government

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requirements, and incurs costs in addition to those attributable to the operations of the division of post audit in performance of other duties and responsibilities, the post auditor shall make charges for such additional costs.

(2) ~~Except as otherwise provided by statute, whenever the post auditor performs any audit work for any state agency to satisfy financial-compliance audit requirements prescribed by or pursuant to subsection (a)(1) of K.S.A. 46-1106, and amendments thereto, and incurs costs in addition to those attributable to the operations of the division of post audit in performance of other duties and responsibilities, the post auditor shall make charges for such additional costs.~~

(3) ~~The legislative post audit committee may authorize the post auditor to perform additional financial-related audit work at the request of a state agency. Upon the authorization and in accordance with the direction of the legislative post audit committee, the post auditor may make charges for costs incurred for the performance of such financial-related audit work.~~

(4) ~~The post auditor shall compute the reasonably anticipated cost of providing audits pursuant to K.S.A. 2017 Supp. 46-1134, and amendments thereto, subject to review and approval by the contract audit committee. Upon such approval, the state agency that is receiving the audit services shall reimburse the division of post audit for the amount approved by the contract audit committee.~~

(5)(3) The furnishing of any such audit services by the division of post audit shall be a transaction between the post auditor and the state agency receiving such services and such transaction shall be settled in accordance with the provisions of K.S.A. 75-5516, and amendments thereto.

(b) All moneys received for reimbursement ~~of~~ to the division of post audit under this section 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 the audit services fund, which fund is hereby created in the state treasury. All expenditures from the audit services fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the post auditor or a person or persons designated by the post auditor.

Sec. 28. On and after July 1, 2019, K.S.A. 46-1122 is hereby amended to read as follows: 46-1122. ~~The legislative post audit committee shall specify whether a financial-compliance audit of or financial-compliance audit work at a state agency is to be conducted: (a) By a firm or firms qualified to perform such audit or audit work; or (b) by the post auditor. If the legislative post audit committee specifies that a firm or firms is to perform such an audit or audit work, such firm or firms shall be selected and shall perform such audit or audit work as provided in K.S.A. 46-1123, and amendments thereto, and K.S.A. 46-1125 to through 46-1127, inclusive; and amendments thereto. If the legislative post audit committee specifies that the post auditor is to perform such audit or audit work, the post auditor shall perform such audit or audit work as directed by the legislative post audit committee pursuant to K.S.A. 46-1106, and amendments thereto, and, if the audit or audit work is performed to comply with federal government audit requirements, in accordance with specifications for the conduct of such audit or audit work established by the contract audit committee.~~

Sec. 29. On and after July 1, 2019, K.S.A. 46-1123 is hereby amended to read as follows: 46-1123. (a) In the procurement of a firm or firms to perform a financial-compliance an audit or audit work, the post auditor shall encourage firms engaged in the lawful practice of their profession to place their names on the list maintained by the post auditor of bidders to receive invitations for bid on post audit contracts.

(b) The post auditor shall establish specifications, with the advice of the head of each state agency to be audited, for the conduct by a firm or firms of the financial-compliance audit. The specifications shall be used in preparing invitations for bid and evaluating the bids received.

(c) ~~For all financial-compliance audits of state agencies to be performed by a firm or firms, the post auditor shall issue an invitation for bid to all firms who have requested to be on the bidders' list and others who request a copy after notice in the Kansas register. The invitation shall request information on the firm's qualifications, the qualifications of staff to be assigned to the job, the firm's technical approach to the audit and the fee. The post auditor shall evaluate the bids received in response to the invitations and for each audit shall prepare a list of at least three and not more than five firms which are, in the opinion of the post auditor, qualified to perform such audit. Such list shall be submitted to the contract audit committee.~~

(d) Two or more separate ~~financial-compliance~~ audits may be combined by the contract audit committee for the purpose of procuring audit services for all such audits from a single firm, and in each such case such combined audits shall be construed to be a single audit for all purposes under K.S.A. 46-1123, and amendments thereto, and K.S.A. 46-1125 to through 46-1127, inclusive; and amendments thereto.

Sec. 30. On and after July 1, 2019, K.S.A. 46-1125 is hereby amended to read as follows: 46-1125. (a) The contract audit committee may conduct discussions with each of the firms submitted by the post auditor and then shall select a firm or firms from such listing to provide the ~~financial-compliance~~ audit in accordance with the legislative post audit act.

(b) The contract audit committee shall consider, in making their selection, qualifications of the firm and staff, the technical proposal and fee.

(c) If the contract audit committee is unable to contract with any of the selected firms, the contract audit committee shall request the post auditor to provide another list of firms to be reviewed by the contract audit committee and, upon receipt of such list, the contract audit committee shall proceed in accordance with the provisions of this section.

Sec. 31. On and after July 1, 2019, K.S.A. 46-1126 is hereby amended to read as follows: 46-1126. (a) Each contract for a financial-compliance audit of a an audit state agency entered into under K.S.A. 46-1123 and 46-1125, and amendments to these sections thereto, shall be entered into between the post auditor and the firm selected to perform the ~~financial-compliance~~ audit. Each such contract shall require the firm selected to perform the financial-compliance audit to submit evidence which is satisfactory to the contract audit committee that the firm has general professional liability insurance or specific professional liability insurance which is adequate for such audit.

(b) In addition to the requirements in subsection (a), each such contract for financial-compliance audit services shall specify the responsibilities undertaken by the firm selected to perform such audit and that such firm shall be responsible for all material errors and omissions in the performance of such contract.

(c) Such contracts shall not be subject to the provisions of K.S.A. 75-3739, and amendments thereto.

Sec. 32. On and after July 1, 2019, K.S.A. 46-1127 is hereby amended to read as follows: 46-1127. (a) The contract audit committee shall monitor the performance of the firm or firms conducting a financial-compliance an audit pursuant to a contract entered into under K.S.A. 46-1126, and amendments thereto, to insure that such audit is performed in accordance with the specifications developed for the conduct of such audit. The firm or firms selected to perform such audit shall submit a written audit report at the conclusion of the audit to the post auditor who shall distribute the complete audit report to members of the legislative post audit committee, the governor, the director of accounts and reports, the director of the budget, the secretary of administration, ~~the~~ any state agency which is audited and other persons or agencies as may be required by the specifications.

(b) In the performance of such audit, the officers and employees of the firm or firms performing the audit shall be subject to the same duty of confidentiality applicable to the post auditor and officers and employees of the division of post audit under the legislative post audit act and shall have access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, of any person or state agency subject to the financial-compliance audit.

Sec. 33. On and after July 1, 2019, K.S.A. 2017 Supp. 46-1128 is hereby amended to read as follows: 46-1128. (a) Except as provided by subsections (b), (c) and (d) of this section and by K.S.A. 46-1106(d), ~~(e) and (g)(b), (c) and (e),~~ and amendments thereto, each audit report prepared by the division of post audit or by a firm under the legislative post audit act, and each finding, conclusion, opinion or recommendation contained in the audit report, shall be confidential and shall not be disclosed pursuant to the provisions of the open records act or under any other law until: (1) The time of the next scheduled meeting of the legislative post audit committee held after distribution of the report to members of such committee; or (2) the time of the next scheduled meeting of another legislative committee held after distribution of the report to the members of such committee as authorized by the legislative post audit committee.

(b) The legislative post audit committee may authorize a specific confidential distribution of any audit report, prior to any such presentation of the audit report, by motion adopted by the legislative post audit committee or by rule adopted by the committee, in accordance with such motion or rule. Each person who receives an audit report

pursuant to any such motion or rule authorizing a specific confidential distribution of the audit report shall keep the audit report and each finding, conclusion, opinion or recommendation contained in the audit report confidential until the audit report is presented to the legislative post audit committee or another legislative committee at an open meeting of the committee.

(c) The post auditor, or the post auditor's designee may make a limited distribution of preliminary audit findings, conclusions or recommendations to any person affected by the audit as part of the process of conducting the audit. Such preliminary audit findings, conclusions, opinions or recommendations shall be confidential and shall not be subject to disclosure pursuant to the provisions of the open records act or any other law, except as provided in K.S.A. 46-1106(d), (e) and (g) (b), (c) and (e), and amendments thereto.

(d) The legislative post auditor may report in writing outside of a regularly scheduled meeting to the legislative post audit committee, the joint committee on information technology, and the chief information technology officers of the executive, legislative and judicial branches, when, in the opinion of the post auditor, it appears that an information technology project being audited under K.S.A. 2017 Supp. 46-1135, and amendments thereto, is at risk due to a failure to meet key milestones, or failure to receive sufficient deliverables after a contract payment, significant cost overruns, or when the post auditor finds the project is not being efficiently and effectively implemented in accordance with its original stated purpose and goals.

(e) As used in this section, "audit report" means the written report of any ~~financial compliance audit~~, performance audit; or any other audit or audit work conducted under the legislative post audit act by the division of post audit or by a firm under the legislative post audit act; and any other words and phrases used in this section shall have the meanings respectively ascribed thereto by K.S.A. 46-1112, and amendments thereto.

(f) This section shall be part of and supplemental to the legislative post audit act.

Sec. 34. On and after July 1, 2019, K.S.A. 2017 Supp. 46-1135 is hereby amended to read as follows: 46-1135. (a) The legislative division of post audit shall conduct information technology audits as directed by the legislative post audit committee. Audit work performed under this section may include:

(1) Assessment of security practices of information technology systems maintained or administered by any state agency or any entity subject to audit under the provisions of K.S.A. 46-1114(c), and amendments thereto; and

(2) continuous audits of ongoing information technology projects by any state agency or any entity subject to audit under the provisions of K.S.A. 46-1114(c), and amendments thereto, including systems development and implementation.

(b) Written reports on the results of such auditing shall be furnished to:

(1) The entity which is being audited;

(2) the chief information technology officer of the branch of government that the entity being audited is part of;

(3) (A) the governor, if the entity being audited is an executive branch entity;

(B) the legislative coordinating council, if the entity being audited is a legislative entity; or

(C) the chief justice of the Kansas supreme court, if the entity being audited is a judicial entity;

(4) the legislative post audit committee;

(5) the joint committee on information technology; and

(6) such other persons or agencies as may be required by law or by the specifications of the audit or as otherwise directed by the legislative post audit committee.

(c) The provisions of K.S.A. 46-1106(g)(e), and amendments thereto, shall apply to any audit or audit work conducted pursuant to this section.

(d) This section shall be part of and supplemental to the legislative post audit act.

Sec. 35. On and after July 1, 2019, K.S.A. 74-2424 is hereby amended to read as follows: 74-2424. (a) 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, or the director of property valuation, information contained in tax reports, renditions or returns or any audit thereof or the report of any investi-

gation made with respect thereto, filed pursuant to the tax laws. Such information shall not be used for any other purpose than that of the administration of the tax laws of this or another state or of the United States, except that the post auditor shall have access to all such information in accordance with and subject to the provisions of ~~subsection (g)~~ of K.S.A. 46-1106(e), and amendments thereto.

(b) Notwithstanding the provisions of this section, the secretary of revenue may:

(1) 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; and

(2) communicate to the executive director of the Kansas racing commission information 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.

Sec. 36. On and after July 1, 2019, K.S.A. 2017 Supp. 74-4921 is hereby amended to read as follows: 74-4921. (1) There is hereby created in the state treasury the Kansas public employees retirement fund. All employee and employer contributions shall be deposited in the state treasury to be credited to the Kansas public employees retirement fund. The fund is a trust fund and shall be used solely for the exclusive purpose of providing benefits to members and member beneficiaries and defraying reasonable expenses of administering the fund. Investment income of the fund shall be added or credited to the fund as provided by law. All benefits payable under the system, refund of contributions and overpayments, purchases or investments under the law and expenses in connection with the system unless otherwise provided by law shall be paid from the fund. The director of accounts and reports is authorized to draw warrants on the state treasurer and against such fund upon the filing in the director's office of proper vouchers executed by the chairperson or the executive director of the board. As an alternative, payments from the fund may be made by credits to the accounts of recipients of payments in banks, savings and loan associations and credit unions. A payment shall be so made only upon the written authorization and direction of the recipient of payment and upon receipt of such authorization such payments shall be made in accordance therewith. Orders for payment of such claims may be contained on (a) a letter, memorandum, telegram, computer printout or similar writing, or (b) any form of communication, other than voice, which is registered upon magnetic tape, disc or any other medium designed to capture and contain in durable form conventional signals used for the electronic communication of messages.

(2) The board shall have the responsibility for the management of the fund and shall discharge the board's duties with respect to the fund solely in the interests of the members and beneficiaries of the system for the exclusive purpose of providing benefits to members and such member's beneficiaries and defraying reasonable expenses of administering the fund and shall invest and reinvest moneys in the fund and acquire, retain, manage, including the exercise of any voting rights and disposal of investments of the fund within the limitations and according to the powers, duties and purposes as prescribed by this section.

(3) Moneys in the fund shall be invested and reinvested to achieve the investment objective which is preservation of the fund to provide benefits to members and member beneficiaries, as provided by law and accordingly providing that the moneys are as productive as possible, subject to the standards set forth in this act. No moneys in the fund shall be invested or reinvested if the sole or primary investment objective is for economic development or social purposes or objectives.

(4) In investing and reinvesting moneys in the fund and in acquiring, retaining, managing and disposing of investments of the fund, the board shall exercise the judgment, care, skill, prudence and diligence under the circumstances then prevailing, which persons of prudence, discretion and intelligence acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims by diversifying the investments of the fund so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so, and not in regard to speculation but in regard to the permanent disposition of similar funds, considering the probable income as well as the probable safety of their capital.

(continued)

(5) Notwithstanding subsection (4): (a) Total investments in common stock may be made in the amount of up to 60% of the total book value of the fund;

(b) the board may invest or reinvest moneys of the fund in alternative investments if the following conditions are satisfied:

(i) The total of the annual net commitment to alternative investments does not exceed 5% of the total market value of investment assets of the fund as measured from the end of the preceding calendar year;

(ii) if in addition to the system, there are at least two other qualified institutional buyers, as defined by section (a)(1)(i) of rule 144A, securities act of 1933;

(iii) the system's share in any individual alternative investment is limited to an investment representing not more than 20% of any such individual alternative investment;

(iv) the system has received a favorable and appropriate recommendation from a qualified, independent expert in investment management or analysis in that particular type of alternative investment;

(v) the alternative investment is consistent with the system's investment policies and objectives as provided in subsection (6);

(vi) the individual alternative investment does not exceed more than 2.5% of the total alternative investments made under this subsection. If the alternative investment is made pursuant to participation by the system in a multi-investor pool, the 2.5% limitation contained in this subsection is applied to the underlying individual assets of such pool and not to investment in the pool itself. The total of such alternative investments made pursuant to participation by the system in any one individual multi-investor pool shall not exceed more than 20% of the total of alternative investments made by the system pursuant to this subsection. Nothing in this subsection requires the board to liquidate or sell the system's holdings in any alternative investments made pursuant to participation by the system in any one individual multi-investor pool held by the system on the effective date of this act, unless such liquidation or sale would be in the best interest of the members and beneficiaries of the system and be prudent under the standards contained in this section. The 20% limitation contained in this subsection shall not have been violated if the total of such investment in any one individual multi-investor pool exceeds 20% of the total alternative investments of the fund as a result of market forces acting to increase the value of such a multi-investor pool relative to the rest of the system's alternative investments; however, the board shall not invest or reinvest any moneys of the fund in any such individual multi-investor pool until the value of such individual multi-investor pool is less than 20% of the total alternative investments of the fund;

(vii) the board has received and considered the investment manager's due diligence findings submitted to the board as required by subsection (6)(c);

(viii) prior to the time the alternative investment is made, the system has in place procedures and systems to ensure that the investment is properly monitored and investment performance is accurately measured; and

(ix) the total of alternative investments does not exceed 15% of the total investment assets of the fund. The 15% limitation contained in this subsection shall not have been violated if the total of such alternative investments exceeds 15% of the total investment assets of the fund, based on the fund total market value, as a result of market forces acting to increase the value of such alternative investments relative to the rest of the system's investments. However, the board shall not invest or reinvest any moneys of the fund in alternative investments until the total value of such alternative investments is less than 15% of the total investment assets of the fund based on the market value. If the total value of the alternative investments exceeds 15% of the total investment assets of the fund, the board shall not be required to liquidate or sell the system's holdings in any alternative investment held by the system, unless such liquidation or sale would be in the best interest of the members and beneficiaries of the system and is prudent under the standards contained in this section.

For purposes of this act, "alternative investment" includes a broad group of investments that are not one of the traditional asset types of public equities, fixed income, cash or real estate. Alternative investments are generally made through limited partnership or similar structures, are not regularly traded on nationally recognized exchanges and thus are relatively illiquid, and exhibit lower correlations with more liquid asset types such as stocks and bonds. Alternative investments generally include, but are not limited to, private equity, private credit, hedge funds, infrastructure, commodities and other investments which have the characteristics described in this paragraph; and

(c) except as otherwise provided, the board may invest or reinvest moneys of the fund in real estate investments if the following conditions are satisfied:

(i) The system has received a favorable and appropriate recommendation from a qualified, independent expert in investment management or analysis in that particular type of real estate investment;

(ii) the real estate investment is consistent with the system's investment policies and objectives as provided in subsection (6); and

(iii) the system has received and considered the investment manager's due diligence findings.

(6) Subject to the objective set forth in subsection (3) and the standards set forth in subsections (4) and (5) the board shall formulate policies and objectives for the investment and reinvestment of moneys in the fund and the acquisition, retention, management and disposition of investments of the fund. Such policies and objectives shall include:

(a) Specific asset allocation standards and objectives;

(b) establishment of criteria for evaluating the risk versus the potential return on a particular investment;

(c) a requirement that all investment managers submit such manager's due diligence findings on each investment to the board or investment advisory committee for approval or rejection prior to making any alternative investment;

(d) a requirement that all investment managers shall immediately report all instances of default on investments to the board and provide the board with recommendations and options, including, but not limited to, curing the default or withdrawal from the investment; and

(e) establishment of criteria that would be used as a guideline for determining when no additional add-on investments or reinvestments would be made and when the investment would be liquidated.

The board shall review such policies and objectives, make changes considered necessary or desirable and readopt such policies and objectives on an annual basis.

(7) The board may enter into contracts with one or more persons whom the board determines to be qualified, whereby the persons undertake to perform the functions specified in subsection (2) to the extent provided in the contract. Performance of functions under contract so entered into shall be paid pursuant to rates fixed by the board subject to provisions of appropriation acts and shall be based on specific contractual fee arrangements. The system shall not pay or reimburse any expenses of persons contracted with pursuant to this subsection, except that after approval of the board, the system may pay approved investment related expenses subject to provisions of appropriation acts. The board shall require that a person contracted with to obtain commercial insurance which provides for errors and omissions coverage for such person in an amount to be specified by the board, provided that such coverage shall be at least the greater of \$500,000 or 1% of the funds entrusted to such person up to a maximum of \$10,000,000. The board shall require a person contracted with to give a fidelity bond in a penal sum as may be fixed by law or, if not so fixed, as may be fixed by the board, with corporate surety authorized to do business in this state. Such persons contracted with the board pursuant to this subsection and any persons contracted with such persons to perform the functions specified in subsection (2) shall be deemed to be agents of the board and the system in the performance of contractual obligations.

(8) (a) In the acquisition or disposition of securities, the board may rely on the written legal opinion of a reputable bond attorney or attorneys, the written opinion of the attorney of the investment counselor or managers, or the written opinion of the attorney general certifying the legality of the securities.

(b) The board shall employ or retain qualified investment counsel or counselors or may negotiate with a trust company to assist and advise in the judicious investment of funds as herein provided.

(9) (a) Except as provided in subsection (7) and this subsection, the custody of money and securities of the fund shall remain in the custody of the state treasurer, except that the board may arrange for the custody of such money and securities as it considers advisable with one or more member banks or trust companies of the federal reserve system or with one or more banks in the state of Kansas, or both, to be held in safekeeping by the banks or trust companies for the collection of the principal and interest or other income or of the proceeds of sale. The services provided by the banks or trust companies shall be paid pursuant to rates fixed by the board subject to provisions of appropriation acts.

(b) The state treasurer and the board shall collect the principal and interest or other income of investments or the proceeds of sale of securities in the custody of the state treasurer and pay same when so collected into the fund.

(c) The principal and interest or other income or the proceeds of sale of securities as provided in clause (a) of this subsection (9) shall be reported to the state treasurer and the board and credited to the fund.

(10) The board shall with the advice of the director of accounts and reports establish the requirements and procedure for reporting any and all activity relating to investment functions provided for in this act in order to prepare a record monthly of the investment income and changes made during the preceding month. The record will reflect a detailed summary of investment, reinvestment, purchase, sale and exchange transactions and such other information as the board may consider advisable to reflect a true accounting of the investment activity of the fund.

(11) The board shall provide for an examination of the investment program annually. The examination shall include an evaluation of current investment policies and practices and of specific investments of the fund in relation to the objective set forth in subsection (3), the standard set forth in subsection (4) and other criteria as may be appropriate, and recommendations relating to the fund investment policies and practices and to specific investments of the fund as are considered necessary or desirable. The board shall include in its annual report to the governor as provided in K.S.A. 74-4907, and amendments thereto, a report or a summary thereof covering the investments of the fund.

(12) (a) Any internal assessment or examination of alternative investments of the system performed by any person or entity employed or retained by the board which evaluates or monitors the performance of alternative investments shall be reported to the legislative post auditor so that such report may be reviewed in accordance with the annual financial-compliance audits conducted pursuant to K.S.A. 46-1106 section 8, and amendments thereto.

(b) The board shall prepare and submit an alternative investment report to the joint committee on pensions, investments and benefits prior to January 1, 2016. Such report shall include a review of alternative investments of the system with an emphasis on the effects of changes in law pursuant to this act and includes specific investment cost and market value information of each individual alternative investment.

Sec. 37. On and after July 1, 2019, K.S.A. 2017 Supp. 75-5133 is hereby amended to read as follows: 75-5133. (a) Except as otherwise more specifically provided by law, all information received by the secretary of revenue, the director of taxation or the director of alcoholic beverage control from returns, reports, license applications or registration documents made or filed under the provisions of any law imposing any sales, use or other excise tax administered by the secretary of revenue, the director of taxation, or the director of alcoholic beverage control, or from any investigation conducted under such provisions, shall be confidential, and it shall be unlawful for any officer or employee of the department of revenue to divulge any such information except in accordance with other provisions of law respecting the enforcement and collection of such tax, in accordance with proper judicial order or as provided in K.S.A. 74-2424, and amendments thereto.

(b) The secretary of revenue or the secretary's designee may:

(1) Publish statistics, so classified as to prevent identification of particular reports or returns and the items thereof;

(2) allow the inspection of returns by the attorney general or the attorney general's designee;

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

(4) disclose taxpayer information from excise 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) provide information from returns and reports filed under article 42 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, to county appraisers as is necessary to ensure proper valuations of property. Information from such returns and reports may also be exchanged with any other state agency administering and collecting conservation or other taxes and fees imposed on or measured by mineral production;

(6) provide, upon request by a city or county clerk or treasurer or finance officer of any city or county receiving distributions from a local excise tax, monthly reports identifying each retailer doing business in such city or county or making taxable sales sourced to such city or county, setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month, and identifying each

business location maintained by the retailer and such retailer's sales or use tax registration or account number;

(7) provide information from returns and applications for registration filed pursuant to K.S.A. 12-187, and amendments thereto, and K.S.A. 79-3601, and amendments thereto, to a city or county treasurer or clerk or finance officer to explain the basis of statistics contained in reports provided by subsection (b)(6);

(8) disclose the following oil and gas production statistics received by the department of revenue in accordance with K.S.A. 79-4216 et seq., and amendments thereto: Volumes of production by well name, well number, operator's name and identification number assigned by the state corporation commission, lease name, leasehold property description, county of production or zone of production, name of purchaser and purchaser's tax identification number assigned by the department of revenue, name of transporter, field code number or lease code, tax period, exempt production volumes by well name or lease, or any combination of this information;

(9) release or publish liquor brand registration information provided by suppliers, farm wineries, microdistilleries and microbreweries in accordance with the liquor control act. The information to be released is limited to: Item number, universal numeric code, type status, product description, alcohol percentage, selling units, unit size, unit of measurement, supplier number, supplier name, distributor number and distributor name;

(10) release or publish liquor license information provided by liquor licensees, distributors, suppliers, farm wineries, microdistilleries and microbreweries in accordance with the liquor control act. The information to be released is limited to: County name, owner, business name, address, license type, license number, license expiration date and the process agent contact information;

(11) release or publish cigarette and tobacco license information obtained from cigarette and tobacco licensees in accordance with the Kansas cigarette and tobacco products act. The information to be released is limited to: County name, owner, business name, address, license type and license number;

(12) provide environmental surcharge or solvent fee, or both, information from returns and applications for registration filed pursuant to K.S.A. 65-34,150 and 65-34,151, and amendments thereto, to the secretary of health and environment or the secretary's designee for the sole purpose of ensuring that retailers collect the environmental surcharge tax or solvent fee, or both;

(13) provide water protection fee information from returns and applications for registration filed pursuant to K.S.A. 82a-954, and amendments thereto, to the secretary of the state board of agriculture or the secretary's designee and the secretary of the Kansas water office or the secretary's designee for the sole purpose of verifying revenues deposited to the state water plan fund;

(14) provide to the secretary of commerce copies of applications for project exemption certificates sought by any taxpayer under the enterprise zone sales tax exemption pursuant to K.S.A. 79-3606(cc), and amendments thereto;

(15) disclose information received pursuant to the Kansas cigarette and tobacco act and subject to the confidentiality provisions of this act to any criminal justice agency, as defined in K.S.A. 22-4701(c), and amendments thereto, or to any law enforcement officer, as defined in K.S.A. 2017 Supp. 21-5111, and amendments thereto, on behalf of a criminal justice agency, when requested in writing in conjunction with a pending investigation;

(16) provide to retailers tax exemption information for the sole purpose of verifying the authenticity of tax exemption numbers issued by the department;

(17) provide information concerning remittance by sellers, as defined in K.S.A. 2017 Supp. 12-5363, and amendments thereto, of prepaid wireless 911 fees from returns to the local collection point administrator, as defined in K.S.A. 2017 Supp. 12-5363, and amendments thereto, for purposes of verifying seller compliance with collection and remittance of such fees;

(18) release or publish charitable gaming information obtained in charitable gaming licensee and registration applications and renewals in accordance with the Kansas charitable gaming act, K.S.A. 2017 Supp. 75-5171 et seq., and amendments thereto. The information to be released is limited to: The name, address, phone number, license registration number and email address of the organization, distributor or of premises; and

(19) provide to the attorney general confidential information for purposes of determining compliance with or enforcing K.S.A. 50-6a01 et

(continued)

seq., and amendments thereto, the master settlement agreement referred to therein and all agreements regarding disputes under the master settlement agreement. The secretary and the attorney general may share the information specified under this subsection with any of the following:

(A) Federal, state or local agencies for the purposes of enforcement of corresponding laws of other states; and

(B) a court, arbitrator, data clearinghouse or similar entity for the purpose of assessing compliance with or making calculations required by the master settlement agreement or agreements regarding disputes under the master settlement agreement, and with counsel for the parties or expert witnesses in any such proceeding, if the information otherwise remains confidential.

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

(d) Any violation of this section shall be a class A, nonperson misdemeanor, and if the offender is an officer or employee of this state, such officer or employee shall be dismissed from office. Reports of violations of this paragraph shall be investigated by the attorney general. The district attorney or county attorney and the attorney general shall have authority to prosecute any violation of this section if the offender is a city or county clerk or treasurer or finance officer of a city or county.

Sec. 38. On and after July 1, 2019, K.S.A. 2017 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(e), 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(e) 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. 2017 Supp. 74-50,212, and amendments thereto; (C) information received from businesses completing the form required by K.S.A. 2017 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. 2017 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 Kansas department of wildlife, parks and tourism 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 for children and families 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, K.S.A. 74-4901 et seq., and amendments thereto;

(13) (i) provide taxpayer information of persons suspected of violating K.S.A. 2017 Supp. 44-766, and amendments thereto, to the secretary of labor or such secretary's designee for the purpose of determining compliance by any person with the provisions of ~~subsection (i)(3) of~~ K.S.A. 44-703(i)(3)(D) and K.S.A. 2017 Supp. 44-766, and amendments thereto. The information to be provided shall include all relevant information in the possession of the department of revenue necessary for the secretary of labor to make a proper determination of compliance with the provisions of ~~subsection (i)(3)(D) of~~ K.S.A. 44-703(i)(3)(D) and K.S.A. 2017 Supp. 44-766, and amendments thereto, and to calculate any unemployment contribution taxes due. Such information to be provided by the department of revenue shall include, but not 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., and amendments thereto, and the results or status of such audit or investigation;

(ii) any person receiving tax information under the provisions of this paragraph shall be subject to the same duty of confidentiality imposed by law upon the personnel of the department of revenue and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality; and

(iii) each of the secretary of labor and the secretary of revenue may adopt rules and regulations necessary to effect the provisions of this paragraph;

(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; and

(l) after receipt of information pursuant to subsection (f), forward such information and provide the following reported Kansas individual income tax information for each listed defendant, if available, to the state board of indigents' defense services in an electronic format and in the manner determined by the secretary: (A) The defendant's name; (B) social security number; (C) Kansas adjusted gross income; (D) number of exemptions claimed; and (E) the relevant tax year of such records. Any social security number provided to the secretary and the state board of indigents' defense services pursuant to this section shall remain confidential.

(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) For the purpose of determining whether a defendant is financially able to employ legal counsel under the provisions of K.S.A. 22-4504, and amendments thereto, in all felony cases with appointed counsel where the defendant's social security number is accessible from the records of the district court, the court shall electronically provide the defendant's name, social security number, district court case number and county to the secretary of revenue in the manner and format agreed to by the office of judicial administration and the secretary.

(g) 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. 39. K.S.A. 2017 Supp. 75-7209 is hereby amended to read as follows: 75-7209. (a) Whenever an agency proposes an information technology project, such agency shall prepare and submit to the chief information technology officer of the branch of state government of which the agency is a part of a project budget estimate therefor, and for each amendment or revision thereof, in accordance with this section. Each information technology project budget estimate shall be in such form as required by the director of the budget, in consultation with the chief information technology architect, and by this section. In each case, the agency shall prepare and include as a part of such project budget estimate a plan consisting of a written program statement describing the project. The program statement shall:

(1) Include a detailed description of and justification for the project, including: (A) An analysis of the programs, activities and other needs and intended uses for the additional or improved information technology; (B) a statement of project scope including identification of the organizations and individuals to be affected by the project and a definition of the functionality to result from the project; and (C) an analysis of the alternative means by which such information technology needs and uses could be satisfied;

(2) describe the tasks and schedule for the project and for each phase of the project, if the project is to be completed in more than one phase;

(3) include a financial plan showing: (A) The proposed source of funding and categorized expenditures for each phase of the project; and (B) cost estimates for any needs analyses or other investigations, consulting or other professional services, computer programs, data, equipment, buildings or major repairs or improvements to buildings and other items or services necessary for the project; and

(4) include a cost-benefit statement based on an analysis of qualitative as well as financial benefits.

(b) (1) Before one or more state agencies proposing an information technology project begin implementation of the project, the project plan, including the architecture and the cost-benefit analysis, shall be approved by the head of each state agency proposing the project and by the chief information technology officer of each branch of state government of which the agency or agencies are a part. Approval of those projects that involve telecommunications services shall also be subject to the provisions of K.S.A. 75-4709, 75-4710 and 75-4712, and amendments thereto.

(2) All specifications for bids or proposals related to an approved information technology project of one or more state agencies shall be reviewed by the chief information technology officer of each branch of state government of which the agency or agencies are a part.

(3) (A) Agencies are prohibited from contracting with a vendor to implement the project if that vendor prepared or assisted in the preparation of the program statement required under subsection (a), the project planning documents required under subsection (b)(1), or any other project plans prepared prior to the project being approved by the chief information technology officer as required under subsection (b)(1).

(B) Information technology projects with an estimated cumulative cost of less than \$5,000,000 are exempted from the provisions of subparagraph (A).

(C) The provisions of subparagraph (A) may be waived with prior written permission from the chief information technology officer.

(c) Annually at the time specified by the chief information technology officer of the branch of state government of which the agency is a part, each agency shall submit to such officer:

(1) A copy of a three-year strategic information technology plan that sets forth the agency's current and future information technology needs and utilization plans for the next three ensuing fiscal years, in such form and containing such additional information as prescribed by the chief information technology officer; and

(2) any deviations from the state information technology architecture adopted by the information technology executive council.

(d) The provisions of this section shall not apply to the information network of Kansas (INK).

Sec. 40. K.S.A. 2017 Supp. 12-5377, as amended by section 1 of 2018 House Bill No. 2435, is hereby amended to read as follows: 12-5377. (a) The receipts and disbursements of the LCPA shall be audited yearly by a licensed municipal accountant or certified public accountant.

(b) The LCPA may require an audit of any provider's books and records concerning the collection and remittance of fees pursuant to this act. The cost of any such audit shall be paid from the 911 state grant fund.

(c) (1) On or before December 31, 2018, and at least once every five years thereafter, the division of post audit shall conduct an audit of the 911 system to determine: (A) Whether the moneys received by PSAPs pursuant to this act are being used appropriately; (B) whether the amount of moneys collected pursuant to this act is adequate; and (C) the status of 911 service implementation. The auditor to conduct such audit shall be specified in accordance with K.S.A. 46-1122, and amendments thereto.

(2) The post auditor shall compute the reasonably anticipated cost of providing audits pursuant to this subsection, subject to review and approval by the contract audit committee established by K.S.A. 46-1120, and amendments thereto. Upon such approval, the 911 state grant fund shall reimburse the division of post audit shall be reimbursed from the 911 state grant fund for the amount approved by the contract audit committee. The audit report shall be submitted to the 911 coordinating council, the LCPA, the house of representatives committee on energy, utilities and telecommunications and the senate committee on utilities.

(d) (1) On or before December 31, 2018, the division of post audit shall conduct an audit of the budget and expenditures of the 911 coordinating council. In conducting such audit, the division shall examine: (A) The annual expenses and financial needs, including personnel, of the council; (B) the total annual operating expenses of the council that are included in the 2.5% cap on expenditures pursuant to K.S.A. 2017 Supp. 12-5364(i), and amendments thereto; (C) the current and projected contractual expenses of the council; (D) the expenditures and distribution of moneys from the 911 state grant fund by the council; and (E) whether the moneys expended by the council are being used pursuant to this act. The auditor, to conduct such audit, shall be specified in accordance with K.S.A. 46-1122, and amendments thereto.

(2) The post auditor shall compute the reasonably anticipated cost of providing the audit pursuant to this subsection, subject to review and approval by the contract audit committee established by K.S.A. 46-1120, and amendments thereto. Upon such approval, the division of post audit shall be reimbursed from the 911 state grant fund for the amount approved by the contract audit committee. The audit report shall be submitted to the 911 coordinating council, the house of representatives committee on energy, utilities and telecommunications and the senate committee on utilities.

(e) The legislature shall review this act at the regular 2014 legislative session and at the regular legislative session every five years thereafter.

Sec. 41. On and after July 1, 2019, K.S.A. 46-1108, 46-1112, 46-1115, 46-1116, 46-1122, 46-1123, 46-1125, 46-1126, 46-1127 and 74-2424 and K.S.A. 2017 Supp. 12-5377, as amended by section 1 of 2018 House Bill No. 2435, 39-709b, 46-1106, 46-1114, 46-1118, 46-1121, 46-1128, 46-1134, 46-1135, 74-4921, 75-5133, 75-7209 and 79-3234 are hereby repealed.

Sec. 42. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register May 24, 2018.)

SENATE BILL No. 282

AN ACT concerning the uniform controlled substances act; relating to substances included in schedules I, II and III; amending K.S.A. 2017 Supp. 21-5701, 65-4101, 65-4105, 65-4107 and 65-4109 and repealing the existing sections.

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

Section 1. K.S.A. 2017 Supp. 65-4105 is hereby amended to read as follows: 65-4105. (a) The controlled substances listed in this section are included in schedule I and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(1)	Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide).....	9821
(2)	Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide).....	9815
(3)	Acetylmethadol .....	9601
(4)	Acrylyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide; acryloylfentanyl).....	9811
(5)	AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide).....	9551
(5)(6)	Allylprodine.....	9602
(6)(7)	Alphacetylmethadol .....	9603
	(except levo-alpha-acetylmethadol also known as levo-alpha-acetylmethadol, levomethadyl acetate or LAAM)	
(7)(8)	Alphameprodine .....	9604
(8)(9)	Alphamethadol.....	9605
(9)(10)	Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine).....	9814
(10)(11)	Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide).....	9832
(11)(12)	Benzethidine .....	9606
(12)(13)	Betacetylmethadol.....	9607
(13)(14)	Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide).....	9830
(14)(15)	Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide).....	9831
(15)(16)	Beta-hydroxythiofentanyl (N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropanamide).....	9836
(16)(17)	Betameprodine .....	9608
(17)(18)	Betamethadol.....	9609
(18)(19)	Betaprodine.....	9611
(19)(20)	Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide) .....	9822
(20)(21)	Clonitazene .....	9612
(22)	Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide)	
(23)	Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide).....	9845
(21)(24)	Dextromoramide.....	9613
(22)(25)	Diampromide.....	9615
(23)(26)	Diethylthiambutene.....	9616
(24)(27)	Difenoxin.....	9168
(25)(28)	Dimenoxadol .....	9617
(26)(29)	Dimepheptanol.....	9618
(27)(30)	Dimethylthiambutene .....	9619
(28)(31)	Dioxaphetyl butyrate.....	9621
(29)(32)	Dipipanone.....	9622
(30)(33)	Ethylmethylthiambutene .....	9623
(31)(34)	Etonitazene.....	9624
(32)(35)	Etoperidine .....	9625

(33)(36)	Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide).....	9834
(34)(37)	Furethidine.....	9626
(35)(38)	Hydroxypethidine.....	9627
(39)	Isobutyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide)	
(36)(40)	Ketobemidone.....	9628
(37)(41)	Levomoramide .....	9629
(38)(42)	Levophenacymorphan .....	9631
(43)	Methoxyacetyl fentanyl (2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide).....	9825
(39)(44)	3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide).....	9813
(40)(45)	3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide).....	9833
(41)(46)	Morphidine.....	9632
(47)	Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide)	
(42)(48)	O-desmethyltramadol	
	Some trade or other names:	
	2-((dimethylamino)methyl-1-(3-hydroxyphenyl)cyclohexanol;	
	3-(2-((dimethylamino)methyl)-1-hydroxycyclohexyl)phenol	
(43)(49)	MPPP (1-methyl-4-phenyl-4-propionoxypiperidine) .....	9661
(50)	MT-45 (1-cychohexyl-4-(1,2-diphenylethyl)piperazine)	
(44)(51)	Noracymethadol.....	9633
(45)(52)	Norlevorphanol.....	9634
(46)(53)	Normethadone.....	9635
(47)(54)	Norpipanone.....	9636
(55)	Ortho-fluorofentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide; 2-fluorofentanyl).....	9816
(56)	Para-chloroisobutyryl fentanyl (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide)	
(57)	Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide)	
(48)(58)	Para-fluorofentanyl (N-[1-(2-phenethyl)-4-piperidinyl]propanamide).....	9812
(59)	Para-fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide, 4-fluoroisobutyryl fentanyl).....	9824
(60)	Para-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide)	
(49)(61)	PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine) .....	9663
(50)(62)	Phenadoxone .....	9637
(51)(63)	Phenampromide.....	9638
(52)(64)	Phenomorphan.....	9647
(53)(65)	Phenoperidine .....	9641
(54)(66)	Piritramide .....	9642
(55)(67)	Proheptazine .....	9643
(56)(68)	Propidine .....	9644
(57)(69)	Propiram.....	9649
(58)(70)	Racemoramide .....	9645
(71)	Tetrahydrofuran fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide).....	9843
(59)(72)	Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide).....	9835
(60)(73)	Tilidine.....	9750
(61)(74)	Trimeperidine .....	9646
(62)(75)	U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide) .....	9547
(76)	Valeryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide)	

(c) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1)	Acetorphine.....	9319
(2)	Acetyldihydrocodeine .....	9051
(3)	Benzylmorphine .....	9052
(4)	Codeine methylbromide .....	9070
(5)	Codeine-N-Oxide.....	9053

(6) Cyprenorphine ..... 9054  
 (7) Desomorphine ..... 9055  
 (8) Dihydromorphine ..... 9145  
 (9) Drotribanol..... 9335  
 (10) Etorphine (except hydrochloride salt) ..... 9056  
 (11) Heroin ..... 9200  
 (12) Hydromorphinol..... 9301  
 (13) Methyldesorphine ..... 9302  
 (14) Methyl dihydromorphine ..... 9304  
 (15) Morphine methylbromide ..... 9305  
 (16) Morphine methylsulfonate ..... 9306  
 (17) Morphine-N-Oxide ..... 9307  
 (18) Myrophine..... 9308  
 (19) Nicocodeine ..... 9309  
 (20) Nicomorphine..... 9312  
 (21) Normorphine ..... 9313  
 (22) Pholcodine..... 9314  
 (23) Thebacon ..... 9315

(d) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Alpha-ethyltryptamine..... 7249  
 Some trade or other names: etryptamine; Monase;  $\alpha$ -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole;  $\alpha$ -ET; and AET.  
 (2) 4-bromo-2,5-dimethoxy-amphetamine..... 7391  
 Some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA.  
 (3) 2,5-dimethoxyamphetamine..... 7396  
 Some trade or other names: 2,5-dimethoxy-alpha-methyl-phenethylamine; 2,5-DMA.  
 (4) 4-methoxyamphetamine ..... 7411  
 Some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA.  
 (5) 5-methoxy-3,4-methylenedioxy-amphetamine ..... 7401  
 (6) 4-methyl-2,5-dimethoxy-amphetamine ..... 7395  
 Some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"; and "STP".  
 (7) 3,4-methylenedioxy amphetamine ..... 7400  
 (8) 3,4-methylenedioxymethamphetamine (MDMA) ..... 7405  
 (9) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-ethyl MDA, MDE, and MDEA) ..... 7404  
 (10) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4-(methylenedioxy) phenethylamine, and N-hydroxy MDA) ..... 7402  
 (11) 3,4,5-trimethoxy amphetamine ..... 7390  
 (12) Bufotenine ..... 7433  
 Some trade or other names: 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine; mappine.  
 (13) Diethyltryptamine ..... 7434  
 Some trade or other names: N,N-Diethyltryptamine; DET.  
 (14) Dimethyltryptamine ..... 7435  
 Some trade or other names: DMT.  
 (15) Ibogaine ..... 7260  
 Some trade or other names: 7-Ethyl-6,6 Beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido[1',2':1,2] azepino [5,4-b]indole; Tabernanthe iboga  
 (16) Lysergic acid diethylamide..... 7315  
 (17) Marijuana ..... 7360  
 (18) Mescaline..... 7381  
 (19) Parahexyl ..... 7374  
 Some trade or other names: 3-Hexyl-1-hydroxy-

7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl.  
 (20) Peyote..... 7415  
 Meaning all parts of the plant presently classified botanically as *Lophophora williamsii* Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.  
 (21) N-ethyl-3-piperidyl benzilate ..... 7482  
 (22) N-methyl-3-piperidyl benzilate ..... 7484  
 (23) Psilocybin ..... 7437  
 (24) Psilocyn ..... 7438  
 Some trade or other names: Psilocin.  
 (25) Ethylamine analog of phencyclidine ..... 7455  
 Some trade or other names: N-ethyl-1-phenylcyclo-hexylamine; (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE.  
 (26) Pyrrolidine analog of phencyclidine ..... 7458  
 Some trade or other names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP.  
 (27) Thiophene analog of phencyclidine ..... 7470  
 Some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP.  
 (28) 1-[1-(2-thienyl)-cyclohexyl] pyrrolidine ..... 7473  
 Some other names: TCPy.  
 (29) 2,5-dimethoxy-4-ethylamphetamine ..... 7399  
 Some trade or other names: DOET.  
 (30) *Salvia divinorum* or *salvinorum* A; all parts of the plant presently classified botanically as *salvia divinorum*, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.  
 (31) *Datura stramonium*, commonly known as gypsum weed or jimson weed; all parts of the plant presently classified botanically as *datura stramonium*, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.  
 (32) N-benzylpiperazine ..... 7493  
 Some trade or other names: BZP.  
 (33) 1-(3-[trifluoromethylphenyl])piperazine  
 Some trade or other names: TFMPP.  
 (34) 4-Bromo-2,5-dimethoxyphenethylamine..... 7392  
 (35) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7), its optical isomers, salts and salts of optical isomers ..... 7348  
 (36) Alpha-methyltryptamine (other name: AMT) ..... 7432  
 (37) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT), its isomers, salts and salts of isomers..... 7439  
 (38) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E) ..... 7509  
 (39) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D)..... 7508  
 (40) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C) ..... 7519  
 (41) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I)..... 7518  
 (42) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2) ..... 7385  
 (43) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4) ..... 7532  
 (44) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H) ..... 7517  
 (45) 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N) ..... 7521  
 (46) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P)..... 7524  
 (47) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT) ..... 7431

(continued)

- Some trade or other names: 5-methoxy-3-[2-(dimethylamino) ethyl]indole.
- (48) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine..... 7538  
Some trade or other names: 25I-NBOMe; 2C-I-NBOMe; 25I; Cimbi-5.
- (49) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine..... 7537  
Some trade or other names: 25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82.
- (50) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine..... 7536  
Some trade or other names: 25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36.
- (51) 2-(2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine  
Some trade or other names: 25H-NBOMe.
- (52) 2-(2,5-dimethoxy-4-methylphenyl)-N-(2-methoxybenzyl)ethanamine  
Some trade or other names: 25D-NBOMe; 2C-D-NBOMe.
- (53) 2-(2,5-dimethoxy-4-nitrophenyl)-N-(2-methoxybenzyl) ethanamine  
Some trade or other names: 25N-NBOMe, 2C-N-NBOMe.

(e) Any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Etizolam  
Some trade or other names: (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine)
- (2) Mecloqualone ..... 2572
- (3) Methaqualone ..... 2565
- (4) Gamma hydroxybutyric acid

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

- (1) Aminorex..... 1585  
Some other names: Aminoxaphen 2-amino-5-phenyl-2-oxazoline or 4,5-dihydro-5-phenyl-2-oxazolamine
- (2) Fenethylamine..... 1503
- (3) N-ethylamphetamine..... 1475
- (4) (+)cis-4-methylaminorex ((+)-cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine)..... 1590
- (5) N,N-dimethylamphetamine (also known as N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine)..... 1480
- (6) Cathinone (some other names: 2-amino-1-phenol-1-propanone, alpha-amino propiophenone, 2-amino propiophenone and norphedrone) ..... 1235
- (7) Substituted cathinones  
Any compound, except bupropion or compounds listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:
  - (A) By substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;
  - (B) by substitution at the 3-position with an acyclic alkyl substituent;
  - (C) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or
  - (D) by inclusion of the 2-amino nitrogen atom in a cyclic structure.

(g) Any material, compound, mixture or preparation which contains any quantity of the following substances:

- (1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts and salts of isomers ..... 9818
- (2) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thienylfentanyl), its optical isomers, salts and salts of isomers ..... 9834

(h) Any of the following cannabinoids, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Tetrahydrocannabinols..... 7370  
Meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)
- (2) Naphthylindoles  
Any compound containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, *cyanoalkyl*, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl) ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or naphthyl ring to any extent.
- (3) Naphthylmethylindoles  
Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, *cyanoalkyl*, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or naphthyl ring to any extent.
- (4) Naphthoylpyrroles  
Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, *cyanoalkyl*, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the benzyl or naphthyl ring to any extent.
- (5) Naphthylmethylindenenes  
Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, *cyanoalkyl*, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indene ring to any extent, whether or not substituted in the benzyl or naphthyl ring to any extent.
- (6) Phenylacetylindoles  
Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, *cyanoalkyl*, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent, whether or not substituted in the benzyl or phenyl

- (7) ring to any extent.  
Cyclohexylphenols  
Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, *cyanoalkyl*, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted in the cyclohexyl ring to any extent.
- (8) Benzoylindoles  
Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, *cyanoalkyl*, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or phenyl ring to any extent.
- (9) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone.  
Some trade or other names: WIN 55,212-2.
- (10) 9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol  
Some trade or other names: HU-210, HU-211.
- (11) Tetramethylcyclopropanoylindoles  
Any compound containing a 3-tetramethylcyclopropanoylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, *cyanoalkyl*, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or tetramethylcyclopropyl rings to any extent.
- (12) Indole-3-carboxylate esters  
Any compound containing a 1H-indole-3-carboxylate ester structure with the ester oxygen bearing a naphthyl, quinolinyl, isoquinolinyl or adamantyl group and substitution at the 1 position of the indole ring by an alkyl, haloalkyl, *cyanoalkyl*, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl or benzyl groups to any extent.
- (13) Indazole-3-carboxamides  
Any compound containing a 1H-indazole-3-carboxamide structure with substitution at the nitrogen of the carboxamide by a naphthyl, quinolinyl, isoquinolinyl, adamantyl, *benzyl*, 1-amino-1-oxoalkan-2-yl or 1-alkoxy-1-oxoalkan-2-yl group and substitution at the 1 position of the indazole ring by an alkyl, haloalkyl, *cyanoalkyl*, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indazole ring to any extent and whether or not substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl, 1-amino-1-oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or benzyl groups to any extent.
- (14) *Indole-3-carboxamides*  
Any compound containing a 1H-indole-3-carboxamide structure with substitution at the nitrogen of the carboxamide by a naphthyl, quinolinyl, isoquinolinyl, adamantyl, benzyl, 1-amino-1-oxoalkan-2-yl or 1-alkoxy-1-oxoalkan-2-yl group and substitution at the 1 position of the indole ring by an alkyl, haloalkyl, *cyanoalkyl*, alkenyl,

- (15) *cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not further substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl, 1-amino-1-oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or benzyl groups to any extent.*  
(1H-indazol-3-yl)methanones  
Any compound containing a (1H-indazol-3-yl)methanone structure with the carbonyl carbon bearing a naphthyl group and substitution at the 1 position of the indazole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indazole ring to any extent and whether or not substituted on the naphthyl or benzyl groups to any extent.

Sec. 2. K.S.A. 2017 Supp. 65-4107 is hereby amended to read as follows: 65-4107. (a) The controlled substances listed in this section are included in schedule II and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

(b) Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, nalmefene, naloxone and naltrexone and their respective salts, but including the following:

(A)	Raw opium .....	9600
(B)	Opium extracts .....	9610
(C)	Opium fluid .....	9620
(D)	Powdered opium.....	9639
(E)	Granulated opium.....	9640
(F)	Tincture of opium .....	9630
(G)	Codeine .....	9050
(H)	Ethylmorphine.....	9190
(I)	Etorphine hydrochloride.....	9059
(J)	Hydrocodone .....	9193
(K)	Hydromorphone .....	9150
(L)	Metopon .....	9260
(M)	Morphine .....	9300
(N)	Oxycodone .....	9143
(O)	Oxymorphone.....	9652
(P)	Thebaine .....	9333
(Q)	Dihydroetorphine .....	9334
(R)	Oripavine.....	9330

(2) Any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1), but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves (9040) and any salt, compound, derivative or preparation of coca leaves, but not including decocainized coca leaves or extractions which do not contain cocaine (9041) or ecgonine (9180).

(5) Cocaine, its salts, isomers and salts of isomers (9041).

(6) Ecgonine, its salts, isomers and salts of isomers (9180).

(7) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy) (9670).

(c) Any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, esters and ethers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation dextrorphan and levopropoxyphene excepted:

(1)	Alfentanil.....	9737
(2)	Alphaprodine.....	9010
(3)	Anileridine .....	9020
(4)	Benzitramide .....	9800
(5)	Bulk dextropropoxyphene (nondosage forms).....	9273
(6)	Carfentanil.....	9743

(continued)

(7) Dihydrocodeine..... 9120  
(8) Diphenoxylate..... 9170  
(9) Fentanyl..... 9801  
(10) Isomethadone..... 9226  
(11) Levomethorphan..... 9210  
(12) Levorphanol..... 9220  
(13) Metazocine..... 9240  
(14) Methadone..... 9250  
(15) Methadone-intermediate,4-cyano-2-dimethyl amino-4,4-diphenyl butane..... 9254  
(16) Moramide-intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid..... 9802  
(17) Pethidine (meperidine)..... 9230  
(18) Pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine..... 9232  
(19) Pethidine-intermediate-B, ethyl-4-phenyl-piperidine-4-carboxylate..... 9233  
(20) Pethidine-intermediate-C, 1-methyl-4-phenyl-piperidine-4-carboxylic acid..... 9234  
(21) Phenazocine..... 9715  
(22) Piminodine..... 9730  
(23) Racemethorphan..... 9732  
(24) Racemorphan..... 9733  
(25) Sufentanil..... 9740  
(26) Levo-alphaacetyl methadol..... 9648  
Some other names: levo-alpha-acetyl methadol, levomethadyl acetate or LAAM.  
(27) Remifentanil..... 9739  
(28) Tapentadol..... 9780  
(29) Thiafentanil..... 9729

(d) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers and salts of its optical isomers..... 1100  
(2) Phenmetrazine and its salts..... 1631  
(3) Methamphetamine, including its salts, isomers and salts of isomers..... 1105  
(4) Methylphenidate..... 1724  
(5) Lisdexamfetamine, its salts, isomers, and salts of its isomers..... 1205

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Amobarbital..... 2125  
(2) Glutethimide..... 2550  
(3) Secobarbital..... 2315  
(4) Pentobarbital..... 2270  
(5) Phencyclidine..... 7471

(f) Any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Immediate precursor to amphetamine and methamphetamine:  
(A) Phenylacetone..... 8501  
Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.  
(2) Immediate precursors to phencyclidine (PCP):  
(A) 1-phenylcyclohexylamine..... 7460  
(B) 1-piperidinocyclohexanecarbonitrile (PCC)..... 8603  
(3) Immediate precursor to fentanyl:  
(A) 4-anilino-N-phenethyl-4-piperidine (ANPP)..... 8333

(g) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substance, its salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Dronabinol [(-)-delta-9-trans tetrahydrocannabinol] in an oral solution in a drug product approved for marketing by the United States food and drug administration..... 7365

(2) Nabilone..... 7379  
[Another name for nabilone: (±)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one]

(h) Any material, compound, mixture or preparation containing any of the following narcotic drugs or any salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(1) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with a fourfold or greater quantity of an isoquinoline alkaloid of opium..... 9805  
(2) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts..... 9806

Sec. 3. K.S.A. 2017 Supp. 65-4109 is hereby amended to read as follows: 65-4109. (a) The controlled substances listed in this section are included in schedule III and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

(b) Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(1) Any compound, mixture or preparation containing:  
(A) Amobarbital..... 2126  
(B) Secobarbital..... 2316  
(C) Pentobarbital..... 2271  
or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.  
(2) Any suppository dosage form containing:  
(A) Amobarbital..... 2126  
(B) Secobarbital..... 2316  
(C) Pentobarbital..... 2271  
or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository.  
(3) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules..... 2100  
(4) Chlorhexadol..... 2510  
(5) Lysergic acid..... 7300  
(6) Lysergic acid amide..... 7310  
(7) Methypylon..... 2575  
(8) Sulfondiethylmethane..... 2600  
(9) Sulfonethylmethane..... 2605  
(10) Sulfonmethane..... 2610  
(11) Tiletamine and zolazepam or any salt thereof..... 7295  
Some trade or other names for a tiletamine-zolazepam combination product: Telazol  
Some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone  
Some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e][1,4]-diazepin-7(1H)-one, flupyrzapon  
(12) Ketamine, its salts, isomers, and salts of isomers..... 7285  
Some other names for ketamine: (±)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone  
(13) Gamma hydroxybutyric acid, any salt, hydroxybutyric compound, derivative or preparation of gamma hydroxybutyric acid contained in a drug product for which an application has been approved under section 505 of the federal food, drug and cosmetic act  
(14) Embutramide..... 2020  
(15) Perampanel, its salts, isomers, and salts of isomers..... 2261  
Some other names for perampanel: 2-(2-oxo-1-phenyl-5-pyridin-2-yl-1,2 dihydropyridin-3-yl) benzonitrile  
(c) Nalorphine..... 9400

(d) Any material, compound, mixture or preparation containing any of the following narcotic drugs or any salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

- (1) Not more than 1.8 grams of codeine or any of its salts per 100 milliliters or not more than 90 milligrams per dosage unit with an equal or greater quantity of an isoquinoline alkaloid of opium..... 9803
- (2) not more than 1.8 grams of codeine or any of its salts per 100 milliliters or not more than 90 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts..... 9804
- (3) not more than 1.8 grams of dihydrocodeine or any of its salts per 100 milliliters or not more than 90 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts..... 9807
- (4) not more than 300 milligrams of ethylmorphine or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts ..... 9808
- (5) not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts ..... 9809
- (6) not more than 50 milligrams of morphine or any of its salts per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts ..... 9810
- (7) any material, compound, mixture or preparation containing any of the following narcotic drugs or their salts, as set forth below:
  - (A) Buprenorphine..... 9064

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Those compounds, mixtures or preparations in dosage unit form containing any stimulant substance listed in schedule II, which compounds, mixtures or preparations were listed on August 25, 1971, as excepted compounds under section 308.32 of title 21 of the code of federal regulations, and any other drug of the quantitative composition shown in that list for those drugs or which is the same, except that it contains a lesser quantity of controlled substances ..... 1405
- (2) Benzphetamine ..... 1228
- (3) Chlorphentermine..... 1645
- (4) Chlortermine..... 1647
- (5) Phendimetrazine ..... 1615

(f) Anabolic steroids..... 4000  
 "Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth, and includes:

- (1) Boldenone
- (2) chlorotestosterone (4-chlorotestosterone)
- (3) clostebol
- (4) dehydrochloromethyltestosterone
- (5) dihydrotestosterone (4-dihydrotestosterone)
- (6) drostanolone
- (7) ethylestrenol
- (8) fluoxymesterone
- (9) formebolone (formebolone)
- (10) mesterolone
- (11) methandienone
- (12) methandranone
- (13) methandriol
- (14) methandrostenolone
- (15) methasterone (2 $\alpha$ ,17 $\alpha$ -dimethyl-5 $\alpha$ -androst-17 $\beta$ -ol-3-one)
- (16) methenolone

- (17) methyltestosterone
- (18) mibolerone
- (19) nandrolone
- (20) norethandrolone
- (21) oxandrolone
- (22) oxymesterone
- (23) oxymetholone
- (24) prostanazol (17 $\beta$ -hydroxy-5 $\alpha$ -androstano[3,2-c]pyrazole)
- (25) stanolone
- (26) stanozolol
- (27) testolactone
- (28) testosterone
- (29) trenbolone
  - (1) 3 $\beta$ ,17-dihydroxy-5 $\alpha$ -androstane
  - (2) 3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstane
  - (3) 5 $\alpha$ -androst-3,17-dione
  - (4) 1-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androst-1-ene)
  - (5) 1-androstenediol (3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androst-1-ene)
  - (6) 4-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxy-androst-4-ene)
  - (7) 5-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxy-androst-5-ene)
  - (8) 1-androstenedione (15 $\alpha$ -androst-1-en-3,17-dione)
  - (9) 4-androstenedione (androst-4-en-3,17-dione)
  - (10) 5-androstenedione (androst-5-en-3,17-dione)
  - (11) bolasterone (7 $\alpha$ ,17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyandrost-4-en-3-one)
  - (12) boldenone (17 $\beta$ -hydroxyandrost-1,4-diene-3-one)
  - (13) boldione (androst-1,4-diene-3,17-dione)
  - (14) calusterone (7 $\beta$ ,17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyandrost-4-en-3-one)
  - (15) clostebol (4-chloro-17 $\beta$ -hydroxyandrost-4-en-3-one)
  - (16) dehydrochloromethyltestosterone (4-chloro-17 $\beta$ -hydroxy-17 $\alpha$ -methyl-androst-1,4-dien-3-one)
  - (17) desoxymethyltestosterone (17 $\alpha$ -methyl-5 $\alpha$ -androst-2-en-17 $\beta$ -ol) (also known as "madol")
  - (18)  $\Delta$ 1-dihydrotestosterone (17 $\beta$ -hydroxy-5 $\alpha$ -androst-1-en-3-one) (also known as "1-testosterone")
  - (19) 4-dihydrotestosterone (17 $\beta$ -hydroxy-androst-3-one)
  - (20) drostanolone (17 $\beta$ -hydroxy-2 $\alpha$ -methyl-5 $\alpha$ -androst-3-one)
  - (21) ethylestrenol (17 $\alpha$ -ethyl-17 $\beta$ -hydroxyestr-4-ene)
  - (22) fluoxymesterone (9-fluoro-17 $\alpha$ -methyl-11 $\beta$ ,17 $\beta$ -dihydroxyandrost-4-en-3-one)
  - (23) formebolone (2-formyl-17 $\alpha$ -methyl-11 $\alpha$ ,17 $\beta$ -dihydroxyandrost-1,4-dien-3-one)
  - (24) furazabol (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrostano[2,3-c]furazan)
  - (25) 13 $\beta$ -ethyl-17 $\beta$ -hydroxygon-4-en-3-one
  - (26) 4-hydroxytestosterone (4,17 $\beta$ -dihydroxy-androst-4-en-3-one)
  - (27) 4-hydroxy-19-nortestosterone (4,17 $\beta$ -dihydroxy-estr-4-en-3-one)
  - (28) mestanolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-5 $\alpha$ -androst-3-one)
  - (29) mesterolone (1 $\alpha$ -methyl-17 $\beta$ -hydroxy-[5 $\alpha$ ]-androst-3-one)
  - (30) methandienone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrost-1,4-dien-3-one)
  - (31) methandriol (17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxyandrost-5-ene)
  - (32) methasterone (2 $\alpha$ ,17 $\alpha$ -dimethyl-5 $\alpha$ -androst-17 $\beta$ -ol-3-one)
  - (33) methenolone (1-methyl-17 $\beta$ -hydroxy-5 $\alpha$ -androst-1-en-3-one)
  - (34) 17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstane
  - (35) 17 $\alpha$ -methyl-3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstane
  - (36) 17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxyandrost-4-ene
  - (37) 17 $\alpha$ -methyl-4-hydroxynandrolone (17 $\alpha$ -methyl-4-hydroxy-17 $\beta$ -hydroxyestr-4-en-3-one)
  - (38) methyldienolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestra-4,9(10)-dien-3-one)
  - (39) methyltrienolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestra-4,9,11-trien-3-one)
  - (40) methyltestosterone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrost-4-en-3-one)
  - (41) mibolerone (7 $\alpha$ ,17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyestr-4-en-3-one)
  - (42) 17 $\alpha$ -methyl- $\Delta$ 1-dihydrotestosterone (17 $\beta$ -hydroxy-17 $\alpha$ -methyl-5 $\alpha$ -androst-1-en-3-one) (also known as "17 $\alpha$ -methyl-1-testosterone")
  - (43) nandrolone (17 $\beta$ -hydroxyestr-4-en-3-one)
  - (44) 19-nor-4-androstenediol (3 $\beta$ , 17 $\beta$ -dihydroxyestr-4-ene)
  - (45) 19-nor-4-androstenediol (3 $\alpha$ , 17 $\beta$ -dihydroxyestr-4-ene)
  - (46) 19-nor-5-androstenediol (3 $\beta$ , 17 $\beta$ -dihydroxyestr-5-ene)
  - (47) 19-nor-5-androstenediol (3 $\alpha$ , 17 $\beta$ -dihydroxyestr-5-ene)
  - (48) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione)
  - (49) 19-nor-4-androstenedione (estr-4-en-3,17-dione)
  - (50) 19-nor-5-androstenedione (estr-5-en-3,17-dione)
  - (51) norbolethone (13 $\beta$ , 17 $\alpha$ -diethyl-17 $\beta$ -hydroxygon-4-en-3-one)

(continued)

- (52) *norclostebol (4-chloro-17 $\beta$ -hydroxyestr-4-en-3-one)*  
 (53) *norethandrolone (17 $\alpha$ -ethyl-17 $\beta$ -hydroxyestr-4-en-3-one)*  
 (54) *normethandrolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestr-4-en-3-one)*  
 (55) *oxandrolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-2-oxa-[5 $\alpha$ ]-androst-3-one)*  
 (56) *oxymesterone (17 $\alpha$ -methyl-4,17 $\beta$ -dihydroxyandrost-4-en-3-one)*  
 (57) *oxymetholone (17 $\alpha$ -methyl-2-hydroxymethylene-17 $\beta$ -hydroxy-[5 $\alpha$ ]-androst-3-one)*  
 (58) *prostanazol (17 $\beta$ -hydroxy-5 $\alpha$ -androstano[3,2-c]pyrazole)*  
 (59) *stanozolol (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-[5 $\alpha$ ]-androst-2-enol[3,2-c]-pyrazole)*  
 (60) *stenbolone (17 $\beta$ -hydroxy-2-methyl-[5 $\alpha$ ]-androst-1-en-3-one)*  
 (61) *testolactone (13-hydroxy-3-oxo-13,17-secoandrost-1,4-dien-17-oic acid lactone)*  
 (62) *testosterone (17 $\beta$ -hydroxyandrost-4-en-3-one)*  
 (63) *tetrahydrogestrinone (13 $\beta$ , 17 $\alpha$ -diethyl-17 $\beta$ -hydroxygon-4,9,11-trien-3-one)*  
 (64) *trenbolone (17 $\beta$ -hydroxyestr-4,9,11-trien-3-one)*  
 (50)(65) any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth.  
 (A) Except as provided in (B), such term does not include an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the United States' secretary of health and human services for such administration.  
 (B) If any person prescribes, dispenses or distributes such steroid for human use, such person shall be considered to have prescribed, dispensed or distributed an anabolic steroid within the meaning of this subsection (f).

(g) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substance, its salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration approved product ..... 7369  
 Some other names for dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro-6-6-9-trimethyl-3-pentyl-6H-dibenzo(b,d)pyran-1-ol, or (-)-delta-9-(trans)-tetrahydrocannabinol.

(h) The board may except by rule any compound, mixture or preparation containing any stimulant or depressant substance listed in subsection (b) from the application of all or any part of this act if the compound, mixture or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system and if the admixtures are included therein in combinations, quantity, proportion or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

Sec. 4. K.S.A. 2017 Supp. 21-5701 is hereby amended to read as follows: 21-5701. As used in K.S.A. 2017 Supp. 21-5701 through 21-5717, and amendments thereto: (a) "Controlled substance" means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

(b) (1) "Controlled substance analog" means a substance that is intended for human consumption, and at least one of the following:

(A) The chemical structure of the substance is substantially similar to the chemical structure of a controlled substance listed in or added to the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto;

(B) the substance has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto; or

(C) with respect to a particular individual, such individual represents or intends the substance to have a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central ner-

vous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto.

(2) "Controlled substance analog" does not include:

(A) A controlled substance;

(B) a substance for which there is an approved new drug application; or

(C) a substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the federal food, drug, and cosmetic act, 21 U.S.C. § 355, to the extent conduct with respect to the substance is permitted by the exemption.

(c) "Cultivate" means the planting or promotion of growth of five or more plants which contain or can produce controlled substances.

(d) "Distribute" means the actual, constructive or attempted transfer from one person to another of some item whether or not there is an agency relationship. "Distribute" includes, but is not limited to, sale, offer for sale or any act that causes some item to be transferred from one person to another. "Distribute" does not include acts of administering, dispensing or prescribing a controlled substance as authorized by the pharmacy act of the state of Kansas, the uniform controlled substances act or otherwise authorized by law.

(e) "Drug" means:

(1) Substances recognized as drugs in the official United States pharmacopeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them;

(2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in ~~man~~ humans or animals;

(3) substances, other than food, intended to affect the structure or any function of the body of ~~man~~ humans or animals; and

(4) substances intended for use as a component of any article specified in paragraph (1), (2) or (3). It does not include devices or their components, parts or accessories.

(f) "Drug paraphernalia" means all equipment and materials of any kind which are used, or primarily intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance and in violation of this act. "Drug paraphernalia" shall include, but is not limited to:

(1) Kits used or intended for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived;

(2) kits used or intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;

(3) isomerization devices used or intended for use in increasing the potency of any species of plant ~~which~~ that is a controlled substance;

(4) testing equipment used or intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;

(5) scales and balances used or intended for use in weighing or measuring controlled substances;

(6) diluents and adulterants, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose and lactose, which are used or intended for use in cutting controlled substances;

(7) separation gins and sifters used or intended for use in removing twigs and seeds from or otherwise cleaning or refining marijuana;

(8) blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled substances;

(9) capsules, balloons, envelopes, bags and other containers used or intended for use in packaging small quantities of controlled substances;

(10) containers and other objects used or intended for use in storing or concealing controlled substances;

(11) hypodermic syringes, needles and other objects used or intended for use in parenterally injecting controlled substances into the human body;

(12) objects used or primarily intended or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish, hashish oil, phencyclidine (PCP), methamphetamine or amphetamine into the human body, such as:

(A) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

(B) water pipes, bongs or smoking pipes designed to draw smoke through water or another cooling device;

(C) carburetion pipes, glass or other heat resistant tubes or any other device used, intended to be used or designed to be used to cause vaporization of a controlled substance for inhalation;

- (D) smoking and carburetion masks;
- (E) roach clips, objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
- (F) miniature cocaine spoons and cocaine vials;
- (G) chamber smoking pipes;
- (H) carburetor smoking pipes;
- (I) electric smoking pipes;
- (J) air-driven smoking pipes;
- (K) chillums;
- (L) bongs;
- (M) ice pipes or chillers;
- (N) any smoking pipe manufactured to disguise its intended purpose;
- (O) wired cigarette papers; or
- (P) cocaine freebase kits.

“Drug paraphernalia” shall not include any products, chemicals or materials described in K.S.A. 2017 Supp. 21-5709(a), and amendments thereto.

(g) “Immediate precursor” means a substance which the state board of pharmacy has found to be and by rules and regulations designates as being the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(h) “Isomer” means all enantiomers and diastereomers.

(i) “Manufacture” means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis. “Manufacture” does not include:

(1) The preparation or compounding of a controlled substance by an individual for the individual’s own lawful use or the preparation, compounding, packaging or labeling of a controlled substance:

(A) By a practitioner or the practitioner’s agent pursuant to a lawful order of a practitioner as an incident to the practitioner’s administering or dispensing of a controlled substance in the course of the practitioner’s professional practice; or

(B) by a practitioner or by the practitioner’s authorized agent under such practitioner’s supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or medical care facility as an incident to dispensing of a controlled substance; or

(2) the addition of diluents or adulterants, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose or lactose, which are intended for use in cutting a controlled substance.

(j) “Marijuana” means all parts of all varieties of the plant *Cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. “Marijuana” does not include: (1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant which is incapable of germination; or (2) any substance listed in schedules II through V of the uniform controlled substances act; or (3) *cannabidiol* (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol).

(k) “Minor” means a person under 18 years of age.

(l) “Narcotic drug” means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1) but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salt, compound, derivative or preparation of coca leaves and any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(m) “Opiate” means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. “Opiate” does not include, unless specifically designated as controlled under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). “Opiate” does include its racemic and levorotatory forms.

(n) “Opium poppy” means the plant of the species *Papaver somniferum* L. except its seeds.

(o) “Person” means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association or any other legal entity.

(p) “Poppy straw” means all parts, except the seeds, of the opium poppy, after mowing.

(q) “Possession” means having joint or exclusive control over an item with knowledge of and intent to have such control or knowingly keeping some item in a place where the person has some measure of access and right of control.

(r) “School property” means property upon which is located a structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12. This definition shall not be construed as requiring that school be in session or that classes are actually being held at the time of the offense or that children must be present within the structure or on the property during the time of any alleged criminal act. If the structure or property meets the above definition, the actual use of that structure or property at the time alleged shall not be a defense to the crime charged or the sentence imposed.

(s) “Simulated controlled substance” means any product which identifies itself by a common name or slang term associated with a controlled substance and which indicates on its label or accompanying promotional material that the product simulates the effect of a controlled substance.

Sec. 5. K.S.A. 2017 Supp. 65-4101 is hereby amended to read as follows: 65-4101. As used in this act: (a) “Administer” means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

(1) A practitioner or pursuant to the lawful direction of a practitioner; or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) “Agent” means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. It does not include a common carrier, public warehouseman or employee of the carrier or warehouseman.

(c) “Application service provider” means an entity that sells electronic prescription or pharmacy prescription applications as a hosted service where the entity controls access to the application and maintains the software and records on its server.

(d) “Board” means the state board of pharmacy.

(e) “Bureau” means the bureau of narcotics and dangerous drugs, United States department of justice, or its successor agency.

(f) “Controlled substance” means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

(g) (1) “Controlled substance analog” means a substance that is intended for human consumption, and at least one of the following:

(A) The chemical structure of the substance is substantially similar to the chemical structure of a controlled substance listed in or added to the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto;

(B) the substance has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto; or

(C) with respect to a particular individual, such individual represents or intends the substance to have a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto.

(continued)

(2) "Controlled substance analog" does not include:

(A) A controlled substance;

(B) a substance for which there is an approved new drug application; or

(C) a substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the federal food, drug and cosmetic act, 21 U.S.C. § 355, to the extent conduct with respect to the substance is permitted by the exemption.

(h) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization bears the trademark, trade name or other identifying mark, imprint, number or device or any likeness thereof of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.

(i) "Cultivate" means the planting or promotion of growth of five or more plants which contain or can produce controlled substances.

(j) "DEA" means the U.S. department of justice, drug enforcement administration.

(k) "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(l) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the packaging, labeling or compounding necessary to prepare the substance for that delivery, or pursuant to the prescription of a mid-level practitioner.

(m) "Dispenser" means a practitioner or pharmacist who dispenses, or a physician assistant who has authority to dispense prescription-only drugs in accordance with K.S.A. 65-28a08(b), and amendments thereto.

(n) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(o) "Distributor" means a person who distributes.

(p) "Drug" means: (1) Substances recognized as drugs in the official United States pharmacopeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in human or animals; (3) substances (other than food) intended to affect the structure or any function of the body of human or animals; and (4) substances intended for use as a component of any article specified in paragraph (1), (2) or (3). It does not include devices or their components, parts or accessories.

(q) "Immediate precursor" means a substance which the board has found to be and by rule and regulation designates as being the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(r) "Electronic prescription" means an electronically prepared prescription that is authorized and transmitted from the prescriber to the pharmacy by means of electronic transmission.

(s) "Electronic prescription application" means software that is used to create electronic prescriptions and that is intended to be installed on the prescriber's computers and servers where access and records are controlled by the prescriber.

(t) "Electronic signature" means a confidential personalized digital key, code, number or other method for secure electronic data transmissions which identifies a particular person as the source of the message, authenticates the signatory of the message and indicates the person's approval of the information contained in the transmission.

(u) "Electronic transmission" means the transmission of an electronic prescription, formatted as an electronic data file, from a prescriber's electronic prescription application to a pharmacy's computer, where the data file is imported into the pharmacy prescription application.

(v) "Electronically prepared prescription" means a prescription that is generated using an electronic prescription application.

(w) "Facsimile transmission" or "fax transmission" means the transmission of a digital image of a prescription from the prescriber or the prescriber's agent to the pharmacy. "Facsimile transmission" includes, but is not limited to, transmission of a written prescription between the prescriber's fax machine and the pharmacy's fax machine; transmission of an electronically prepared prescription from the prescriber's electronic prescription application to the pharmacy's fax machine, computer or printer; or transmission of an electronically prepared prescription from the prescriber's fax machine to the pharmacy's fax machine, computer or printer.

(x) "Intermediary" means any technology system that receives and transmits an electronic prescription between the prescriber and the pharmacy.

(y) "Isomer" means all enantiomers and diastereomers.

(z) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for the individual's own lawful use or the preparation, compounding, packaging or labeling of a controlled substance:

(1) By a practitioner or the practitioner's agent pursuant to a lawful order of a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner or by the practitioner's authorized agent under such practitioner's supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or medical care facility as an incident to dispensing of a controlled substance.

(aa) "Marijuana" means all parts of all varieties of the plant *Cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include: (1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant which is incapable of germination; or (2) any substance listed in schedules II through V of the uniform controlled substances act; or (3) *cannabidiol* (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol).

(bb) "Medical care facility" shall have the meaning ascribed to that term in K.S.A. 65-425, and amendments thereto.

(cc) "Mid-level practitioner" means a certified nurse-midwife engaging in the independent practice of midwifery under the independent practice of midwifery act, an advanced practice registered nurse issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed under the physician assistant licensure act who has authority to prescribe drugs pursuant to a written agreement with a supervising physician under K.S.A. 65-28a08, and amendments thereto.

(dd) "Narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1) but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salt, compound, derivative or preparation of coca leaves, and any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(ee) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(ff) "Opium poppy" means the plant of the species *Papaver somniferum* L. except its seeds.

(gg) "Person" means an individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity.

(hh) "Pharmacist" means any natural person licensed under K.S.A. 65-1625 et seq., and amendments thereto, to practice pharmacy.

(ii) "Pharmacist intern" means: (1) A student currently enrolled in an accredited pharmacy program; (2) a graduate of an accredited pharmacy program serving such person's internship; or (3) a graduate of a pharmacy program located outside of the United States which is not accredited and who had successfully passed equivalency examinations approved by the board.

(jj) "Pharmacy prescription application" means software that is used to process prescription information, is installed on a pharmacy's computers and servers, and is controlled by the pharmacy.

(kk) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(ll) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist, or scientific investigator or other person authorized by law to use a controlled substance in teaching or chemical analysis or to conduct research with respect to a controlled substance.

(mm) "Prescriber" means a practitioner or a mid-level practitioner.

(nn) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

(oo) "Readily retrievable" means that records kept by automatic data processing applications or other electronic or mechanized record-keeping systems can be separated out from all other records within a reasonable time not to exceed 48 hours of a request from the board or other authorized agent or that hard-copy records are kept on which certain items are asterisked, redlined or in some other manner visually identifiable apart from other items appearing on the records.

(pp) "Ultimate user" means a person who lawfully possesses a controlled substance for such person's own use or for the use of a member of such person's household or for administering to an animal owned by such person or by a member of such person's household.

Sec. 6. K.S.A. 2017 Supp. 21-5701, 65-4101, 65-4105, 65-4107 and 65-4109 are hereby repealed.

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

(Published in the Kansas Register May 24, 2018.)

## House Substitute for SENATE BILL No. 391

AN ACT concerning roads and highways; establishing the joint legislative transportation vision task force; relating to the evaluation of the state highway fund and the state highway transportation system; report to the legislature.

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

Section 1. (a) There is hereby established the joint legislative transportation vision task force. The task force shall consist of the following members:

- (1) The chairperson of the house committee on transportation;
- (2) the chairperson of the house committee on transportation and public safety budget;
- (3) the ranking minority member of the house committee on transportation;
- (4) one member of the house of representatives to be appointed by the speaker of the house of representatives;
- (5) the chairperson of the house committee on appropriations, or such chairperson's designee from the house committee on appropriations;
- (6) one member of the house of representatives to be appointed by the minority leader of the house of representatives;
- (7) the chairperson of the senate committee on transportation;
- (8) the chairperson of the senate committee on ways and means subcommittee on transportation;
- (9) the ranking minority member of the senate committee on transportation;
- (10) one member of the senate to be appointed by the president of the senate;
- (11) the chairperson of the senate committee on ways and means, or such chairperson's designee from the senate committee on ways and means;
- (12) one member of the senate to be appointed by the minority leader of the senate;

(13) two city representatives to be appointed by the Kansas league of municipalities, including one who resides in a city with a population greater than 25,000 people and one who resides in a city with a population less than or equal to 25,000 people;

(14) two county commissioners to be appointed by the Kansas association of counties, including one who resides in a county with a population greater than 40,000 people and one who resides in a county with a population less than or equal to 40,000 people;

(15) four Kansas residents to be appointed by the speaker of the house of representatives;

(16) two Kansas residents to be appointed by the minority leader of the house of representatives;

(17) four Kansas residents to be appointed by the president of the senate;

(18) two Kansas residents to be appointed by the minority leader of the senate;

(19) three Kansas residents to be appointed by Kansas economic lifelines; and

(20) the following ex-officio members, who all shall be nonvoting members:

- (A) The secretary of transportation or the secretary's designee;
- (B) the secretary of revenue or the secretary's designee;
- (C) the secretary of agriculture or the secretary's designee; and
- (D) the chief executive officer of the Kansas turnpike authority or the chief executive officer's designee.

(b) The speaker of the house of representatives shall select one member of the task force who is a member of the house of representatives to serve as co-chairperson of the task force. The president of the senate shall select one member of the task force who is a member of the senate to serve as co-chairperson of the task force.

(c) For any Kansas resident appointed as a member to the task force, such member must be affiliated with one of the following stakeholder organizations. Not more than two members may be affiliated from each of the following stakeholder organizations. Two members appointed by the speaker of the house of representatives pursuant to subsection (a)(15) and two members appointed by the president of the senate pursuant to subsection (a)(17) are not required to be affiliated with one of the following stakeholder organizations:

- (1) The Kansas contractors association;
- (2) the heavy constructors association;
- (3) the Kansas aggregate producers association;
- (4) the Kansas ready mix association;
- (5) the greater Kansas City building and construction trades council;
- (6) the American council of engineering companies of Kansas;
- (7) the Kansas public transit association;
- (8) a class I railroad company;
- (9) a short line railroad company;
- (10) the Kansas motor carriers association;
- (11) the Portland cement association;
- (12) the petroleum marketers and convenience store association of Kansas;
- (13) the Kansas asphalt pavement association;
- (14) the international association of sheet metal, air, rail and transportation workers;
- (15) a Kansas aerospace company;
- (16) the Kansas grain and feed association;
- (17) the Kansas economic development alliance; or
- (18) the AFL-CIO.

(d) (1) Members shall be appointed to the task force not later than 45 days from the effective date of this act. Members of the task force must all be residents of Kansas and shall consist of at least two members from all six department of transportation districts in Kansas.

(2) The joint legislative transportation vision task force may meet in an open meeting at any time upon the call of either co-chairperson of the task force.

(3) A majority of the voting members of the joint legislative transportation vision task force constitute a quorum. Any action by the task force shall be by motion adopted by a majority of the voting members present when there is a quorum.

(4) Any vacancy on the joint legislative transportation vision task force shall be filled by appointment in the manner prescribed in this section for the original appointment.

(5) Any member of the house of representatives or the senate who is appointed to the task force or a subcommittee as a member under subsection (a) or (e) may designate another member of the house of

(continued)

representatives or senate, respectively, to attend any or all meetings of the task force or subcommittee as such member's designee.

(e) The co-chairpersons of the joint legislative transportation vision task force may establish any subcommittees as deemed necessary by the co-chairpersons. The subcommittees shall meet on dates and locations approved by the co-chairpersons of the joint legislative transportation vision task force.

(f) The mission of the joint legislative transportation vision task force shall be as follows:

(1) Evaluate the progress of the 2010 transportation works for Kansas program to date;

(2) evaluate the current system condition of the state transportation system, including roads and bridges;

(3) the co-chairpersons shall schedule and organize meetings whose purpose is to solicit local input on existing uncompleted projects and future projects in each highway and metropolitan district. The meetings shall be open meetings and such meetings shall be held at least eight times, including at least one meeting in each department of transportation district and the Wichita and Kansas city metropolitan areas;

(4) evaluate current uses of the state highway fund dollars, including fund transfers for other purposes outside of infrastructure improvements;

(5) evaluate current transportation funding in Kansas to determine whether it is sufficient to not only maintain the transportation system in its current state, but also to ensure that it serves the future transportation needs of Kansas residents;

(6) identify additional necessary transportation projects, especially projects with a direct effect on the economic health of the state of Kansas and its residents;

(7) make recommendations regarding the needs of the transportation system over the next 10 years and beyond;

(8) make recommendations on the future structure of the state highway fund as it relates to maintaining the state infrastructure system; and

(9) make and submit reports to the legislature concerning all such work and recommendations of the task force. All such reports shall be submitted to the legislature on or before January 31, 2019.

(g) (1) The staff of the office of revisor of statutes, the legislative research department and the division of legislative administrative services shall provide assistance as may be requested by the joint legislative transportation vision task force.

(2) The Kansas department of transportation shall, upon request by the joint legislative transportation vision task force, provide data and information relating to the transportation system in the state of Kansas that is not otherwise prohibited or restricted from disclosure by state or federal law.

(h) Subject to approval by the legislative coordinating council, the legislative members of the joint legislative transportation vision task force attending meetings authorized by the task force shall be paid amounts provided in K.S.A. 75-3223(e), and amendments thereto.

(i) The provisions of this section shall expire on June 30, 2019.

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

## State of Kansas

### Wildlife, Parks and Tourism Commission

#### Notice of Hearing on Proposed Administrative Regulation

A public hearing will be conducted by the Wildlife, Parks and Tourism Commission at 6:30 p.m. Thursday, August 2, 2018, at the Gyp Hills Guest Ranch, 3393 SW Woodward Rd., Medicine Lodge, Kansas, to consider the approval and adoption of a proposed regulation of the Kansas Department of Wildlife, Parks and Tourism.

A general discussion and workshop meeting on business of the Wildlife, Parks and Tourism Commission will

begin at 1:30 p.m. August 2, 2018 at the location listed above. The meeting will recess at approximately 5:00 p.m. then resume at 6:30 p.m. at the same location for the regulatory hearing and more business. There will be public comment periods at the beginning of the afternoon and evening meeting for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items. Old and new business may also be discussed at this time. If necessary to complete business matters, the Commission will reconvene at 9:00 a.m. August 3, 2018 at the location listed above.

Any individual with a disability may request accommodation in order to participate in the public meeting and may request the meeting materials in an accessible format. Requests for accommodation to participate in the meeting should be made at least five working days in advance of the meeting by contacting Sheila Kemmis, Commission Secretary, at 620-672-5911. Persons with a hearing impairment may call the Kansas Commission for the Deaf and Hard of Hearing at 1-800-432-0698 to request special accommodations.

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

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife, Parks and Tourism, 1020 S. Kansas Ave., Suite 200, Topeka, KS 66612 or to sheila.kemmis@ks.gov if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulation. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulation.

The regulation that will be heard during the regulatory hearing portion of the meeting is as follows:

**K.A.R. 115-20-7.** This permanent regulation establishes legal equipment and taking methods for migratory doves. The regulation is proposed for revocation.

**Economic Impact Summary:** Because federal law exists for the legal equipment and taking methods for migratory doves and would supplant the lack of state regulation, the proposed revocation of the regulation is not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

Copies of the complete text of the regulation and its respective economic impact statement may be obtained by writing the chairman of the Commission at the address above, electronically on the department's website at [www.kdwpt.state.ks.us](http://www.kdwpt.state.ks.us), or by calling 785-296-2281.

Gerald Lauber  
Chairman

Doc. No. 046336

**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 2017 Supplement of the *Kansas Administrative Regulations*.

**AGENCY 1: DEPARTMENT OF ADMINISTRATION**

Reg. No.	Action	Register
1-9-7b	Amended	V. 36, p. 1089

**AGENCY 4: DEPARTMENT OF AGRICULTURE**

Reg. No.	Action	Register
4-2-3	Amended	V. 36, p. 1088
4-2-8	Amended	V. 36, p. 1088
4-2-17a	Revoked	V. 36, p. 1088
4-2-21	New	V. 36, p. 1088

**AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES**

Reg. No.	Action	Register
5-3-6a	Amended	V. 36, p. 159
5-5-9	Amended	V. 36, p. 1036
5-5-10	Amended	V. 36, p. 1036
5-5-16	Amended	V. 36, p. 1037
5-14-10	Amended	V. 36, p. 823
5-14-11	Amended	V. 36, p. 1038
5-14-12	New	V. 36, p. 825
5-21-3	Amended	V. 36, p. 160

**AGENCY 9: DEPARTMENT OF AGRICULTURE—DIVISION OF ANIMAL HEALTH**

Reg. No.	Action	Register
9-3-9	Amended	V. 36, p. 140
9-3-10	Amended	V. 36, p. 140
9-10-33a	Amended	V. 36, p. 1038
9-10-40	New	V. 36, p. 1038
9-18-1	Revoked	V. 36, p. 1229
9-18-2	Revoked	V. 36, p. 1229
9-18-3	Revoked	V. 36, p. 1229
9-18-4	New	V. 36, p. 1229
9-18-5	New	V. 36, p. 1229
9-18-6	New	V. 36, p. 1229
9-18-7	New	V. 36, p. 1230
9-18-8	New	V. 36, p. 1230
9-18-9	New	V. 36, p. 1230
9-18-10	New	V. 36, p. 1231
9-18-11	New	V. 36, p. 1231
9-18-12	New	V. 36, p. 1232
9-18-13	New	V. 36, p. 1232
9-18-14	New	V. 36, p. 1233
9-18-15	New	V. 36, p. 1233
9-18-16	New	V. 36, p. 1233
9-18-17	New	V. 36, p. 1233
9-18-18	New	V. 36, p. 1234
9-18-19	New	V. 36, p. 1234
9-18-20	New	V. 36, p. 1234
9-18-21	New	V. 36, p. 1234
9-18-22	New	V. 36, p. 1234
9-18-24	New	V. 36, p. 1234
9-18-25	New	V. 36, p. 1235
9-18-26	New	V. 36, p. 1235

9-18-27	New	V. 36, p. 1235
9-18-28	New	V. 36, p. 1236
9-18-29	New	V. 36, p. 1237
9-18-30	New	V. 36, p. 1237
9-19-12	Revoked	V. 36, p. 1237
9-20-1	Revoked	V. 36, p. 1237
9-20-2	Revoked	V. 36, p. 1237
9-20-3	Revoked	V. 36, p. 1237
9-20-4	Revoked	V. 36, p. 1237
9-21-1	Revoked	V. 36, p. 1237
9-21-2	Revoked	V. 36, p. 1237
9-21-3	Revoked	V. 36, p. 1237
9-22-1	Revoked	V. 36, p. 1237
9-22-2	Revoked	V. 36, p. 1237
9-22-3	Revoked	V. 36, p. 1237
9-22-4	Revoked	V. 36, p. 1237
9-22-5	Revoked	V. 36, p. 1237
9-24-1	Revoked	V. 36, p. 1237
9-24-2	Revoked	V. 36, p. 1237
9-24-3	Revoked	V. 36, p. 1237
9-25-1	Revoked	V. 36, p. 1237
9-25-2	Revoked	V. 36, p. 1237
9-25-3	Revoked	V. 36, p. 1237
9-25-4	Revoked	V. 36, p. 1237
9-25-5	Revoked	V. 36, p. 1237
9-25-6	Revoked	V. 36, p. 1237
9-25-7	Revoked	V. 36, p. 1237
9-25-8	Revoked	V. 36, p. 1237
9-25-9	Revoked	V. 36, p. 1237
9-25-10	Revoked	V. 36, p. 1237
9-25-11	Revoked	V. 36, p. 1237
9-25-12	Revoked	V. 36, p. 1237
9-25-13	Revoked	V. 36, p. 1237
9-25-14	Revoked	V. 36, p. 1237
9-25-15	Revoked	V. 36, p. 1237

**AGENCY 11: DEPARTMENT OF AGRICULTURE—DIVISION OF CONSERVATION**

Reg. No.	Action	Register
11-13-1	New	V. 37, p. 466
11-13-2	New	V. 37, p. 467
11-13-3	New	V. 37, p. 467
11-13-4	New	V. 37, p. 467
11-13-5	New	V. 37, p. 467
11-13-6	New	V. 37, p. 467

**AGENCY 16: ATTORNEY GENERAL**

Reg. No.	Action	Register
16-17-1	New	V. 37, p. 160

**AGENCY 21: HUMAN RIGHTS COMMISSION**

Reg. No.	Action	Register
21-41-5	Amended	V. 36, p. 1228

**AGENCY 22: STATE FIRE MARSHAL**

Reg. No.	Action	Register
22-6-12	Revoked	V. 37, p. 244
22-6-16	Revoked	V. 37, p. 244
22-6-20	Amended	V. 37, p. 244
22-6-24	Amended	V. 37, p. 245
22-6-25	Amended	V. 37, p. 245
22-8-10	Amended	V. 37, p. 246
22-19-5	Amended	V. 37, p. 246
22-24-1	Amended	V. 37, p. 247
22-24-2	Revoked	V. 37, p. 247
22-24-3	Revoked	V. 37, p. 247
22-24-4	Revoked	V. 37, p. 247
22-24-5	Revoked	V. 37, p. 247
22-24-6	Revoked	V. 37, p. 247
22-24-7	Amended	V. 37, p. 247
22-24-8	Revoked	V. 37, p. 247
22-24-9	Revoked	V. 37, p. 247
22-24-10	Revoked	V. 37, p. 247
22-24-11	Revoked	V. 37, p. 247

22-24-12	Revoked	V. 37, p. 247
22-24-13	Revoked	V. 37, p. 247
22-24-15	Amended	V. 37, p. 247
22-24-16	Revoked	V. 37, p. 247
22-24-17	Revoked	V. 37, p. 247
22-24-18	Revoked	V. 37, p. 247

**AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT**

Reg. No.	Action	Register
28-1-1	Amended	V. 37, p. 374
28-1-2	Amended	V. 37, p. 374
28-1-4	Amended	V. 37, p. 376
28-1-6	Amended	V. 37, p. 376
28-1-7	Revoked	V. 37, p. 377
28-1-12	Amended	V. 37, p. 377
28-1-13	Amended	V. 37, p. 377
28-1-18	Amended	V. 37, p. 377
28-4-114a	Amended	V. 36, p. 364
28-4-118	Amended	V. 36, p. 365
28-4-428	Amended	V. 36, p. 366
28-4-428a	Amended	V. 36, p. 366
28-4-587	Amended	V. 36, p. 571
28-4-592	Amended	V. 36, p. 573
28-4-802	Revoked	V. 36, p. 973
28-16-28b	Amended	V. 37, p. 98
28-16-28d	Amended	V. 37, p. 101
28-16-28e	Amended	V. 37, p. 103
28-16-28f	Amended	V. 37, p. 105
28-16-28h	New	V. 37, p. 106
28-19-202	Revoked	V. 36, p. 1382
28-19-516	Amended	V. 36, p. 1382
28-19-517	Amended	V. 36, p. 1382
28-32-11	Amended (T)	V. 36, p. 1435
28-32-11	Amended	V. 37, p. 244
28-35-135a	Amended	V. 37, p. 325
28-35-135c	Amended	V. 37, p. 327
28-35-135i	Amended	V. 37, p. 328
28-35-135s	Amended	V. 37, p. 329
28-35-135u	Amended	V. 37, p. 330
28-35-140	Amended	V. 37, p. 331
28-35-177a	Amended	V. 37, p. 331
28-35-178i	Amended	V. 37, p. 332
28-35-179a	Amended	V. 37, p. 333
28-35-180a	Amended	V. 37, p. 333
28-35-180b	Amended	V. 37, p. 334
28-35-181h	Amended	V. 37, p. 336
28-35-181i	Amended	V. 37, p. 337
28-35-181k	Amended	V. 37, p. 337
28-35-181m	Amended	V. 37, p. 338
28-35-181o	Amended	V. 37, p. 339
28-35-181t	New	V. 37, p. 340
28-35-184a	Amended	V. 37, p. 340
28-35-192a	Amended	V. 37, p. 341
28-35-192c	Amended	V. 37, p. 342
28-35-192g	Amended	V. 37, p. 342
28-35-192h	New	V. 37, p. 343
28-35-197a	Revoked	V. 37, p. 343
28-35-197b	New	V. 37, p. 343
28-35-205b	Amended	V. 37, p. 343
28-35-217b	Amended	V. 37, p. 343
28-35-221a	Amended	V. 37, p. 344
28-35-221b	Amended	V. 37, p. 345
28-35-230d	Revoked	V. 37, p. 345
28-35-264	Amended	V. 37, p. 345
28-35-288	Amended	V. 37, p. 346
28-35-343	Amended	V. 37, p. 346
28-35-344	Amended	V. 37, p. 346
38-35-347	Amended	V. 37, p. 346
28-35-362	Amended	V. 37, p. 347
28-35-504	Amended	V. 37, p. 347
28-35-700	Amended	V. 37, p. 348
28-54-1	Amended	V. 36, p. 939
28-54-2	Amended	V. 36, p. 939
28-54-3	Amended	V. 36, p. 939
28-54-4	Amended	V. 36, p. 940

28-54-5	Amended	V. 36, p. 940
28-71-1	Amended	V. 36, p. 1051
28-71-2	Amended	V. 36, p. 1052
28-71-3	Amended	V. 36, p. 1052
28-71-4	Amended	V. 36, p. 1052
28-71-5	Amended	V. 36, p. 1052
28-71-6	Amended	V. 36, p. 1053
28-71-7	Amended	V. 36, p. 1053
28-71-8	Amended	V. 36, p. 1053
28-71-9	Amended	V. 36, p. 1053
28-71-10	Amended	V. 36, p. 1054
28-71-11	Amended	V. 36, p. 1054
28-71-12	Amended	V. 36, p. 1055

**AGENCY 30: KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES**

Reg. No.	Action	Register
30-47-3	New	V. 36, p. 973

**AGENCY 40: KANSAS INSURANCE DEPARTMENT**

Reg. No.	Action	Register
40-1-37	Amended	V. 36, p. 918
40-1-48	Amended	V. 37, p. 291
40-3-60	New	V. 37, p. 127
40-4-35	Amended	V. 36, p. 972
40-4-42a	Amended	V. 36, p. 954

**AGENCY 49: DEPARTMENT OF LABOR**

Reg. No.	Action	Register
49-55-1	Amended	V. 36, p. 1106
49-55-2	Amended	V. 36, p. 1106
49-55-3	Revoked	V. 36, p. 1106
49-55-4	Amended	V. 36, p. 1106
49-55-5	Revoked	V. 36, p. 1107
49-55-6	Amended	V. 36, p. 1107
49-55-8	Amended	V. 36, p. 1107
49-55-11	Amended	V. 36, p. 1107
49-55-12	Amended	V. 36, p. 1107
49-55-13	New	V. 36, p. 1107

**AGENCY 60: BOARD OF NURSING**

Reg. No.	Action	Register
60-4-101	Amended	V. 36, p. 369

**AGENCY 67: BOARD OF EXAMINERS IN FITTING AND DISPENSING OF HEARING INSTRUMENTS**

Reg. No.	Action	Register
67-2-4	Amended	V. 36, p. 80
67-5-5	Amended	V. 36, p. 81

**AGENCY 68: BOARD OF PHARMACY**

Reg. No.	Action	Register
68-1-3a	Amended	V. 36, p. 1307
68-5-17	New	V. 37, p. 366
68-7-12a	Amended	V. 36, p. 1434
68-7-15	Amended	V. 36, p. 1307
68-7-20	Amended	V. 36, p. 1308
68-7-23	New	V. 36, p. 1017
68-11-2	Amended	V. 36, p. 1308
68-13-2	New	V. 37, p. 366
68-13-3	New	V. 37, p. 368
68-13-4	New	V. 37, p. 370
68-21-7	Amended	V. 37, p. 374

**AGENCY 70: DEPARTMENT OF AGRICULTURE, BOARD OF VETERINARY EXAMINERS**

Reg. No.	Action	Register
70-1-7	New	V. 36, p. 1328
70-3-1	Amended	V. 36, p. 1328
70-3-2	Amended	V. 36, p. 1328
70-3-5	Amended	V. 36, p. 1328
70-5-1	Amended	V. 36, p. 140
70-6-1	Amended	V. 36, p. 1328

70-7-1	Amended	V. 36, p. 1330
70-8-1	Amended	V. 36, p. 1331

**AGENCY 74: BOARD OF ACCOUNTANCY**

Reg. No.	Action	Register
74-2-1	Amended	V. 37, p. 19
74-2-7	Amended	V. 37, p. 19
74-3-8	Amended	V. 37, p. 20
74-4-3a	Amended	V. 37, p. 20
74-4-7	Amended	V. 37, p. 20
74-4-8	Amended	V. 37, p. 21
74-4-9	Amended	V. 37, p. 22
74-4-10	Amended	V. 37, p. 23
74-5-2	Amended	V. 37, p. 23
74-5-202	Amended	V. 37, p. 24
74-5-405	Revoked	V. 37, p. 25
74-5-406	Amended	V. 37, p. 25
74-5-408	Amended	V. 37, p. 25
74-6-2	Amended	V. 37, p. 25
74-7-2	Amended	V. 37, p. 26
74-11-6	Amended	V. 37, p. 26
74-12-1	Amended	V. 37, p. 26

**AGENCY 82: STATE CORPORATION COMMISSION**

Reg. No.	Action	Register
82-4-3a	Amended (T)	V. 37, p. 27
82-4-3a	Amended	V. 37, p. 307
82-16-1	Amended	V. 36, p. 102
82-16-2	Amended	V. 36, p. 103
82-16-3	Revoked	V. 36, p. 103
82-16-4	Amended	V. 36, p. 103
82-16-5	Revoked	V. 36, p. 103
82-16-6	Amended	V. 36, p. 103

**AGENCY 86: REAL ESTATE COMMISSION**

Reg. No.	Action	Register
86-1-5	Amended	V. 36, p. 159
86-3-26	Amended	V. 37, p. 181
86-3-27	Amended	V. 37, p. 181
86-3-28	Amended	V. 37, p. 181

**AGENCY 88: BOARD OF REGENTS**

Reg. No.	Action	Register
88-3-8a	Amended	V. 36, p. 444
88-24-2	Amended	V. 36, p. 445
88-28-1	Amended	V. 36, p. 445
88-28-2	Amended	V. 36, p. 446
88-28-3	Amended	V. 36, p. 449
88-28-4	Amended	V. 36, p. 450
88-28-5	Amended	V. 36, p. 450
88-28-6	Amended	V. 36, p. 1309
88-28-7	Amended	V. 36, p. 451
88-28-8	Amended	V. 36, p. 452

**AGENCY 91: DEPARTMENT OF EDUCATION**

Reg. No.	Action	Register
91-1-70a	Amended	V. 36, p. 609
91-1-208	Amended	V. 36, p. 609
91-1-221	Revoked	V. 36, p. 609
91-1-235	Amended	V. 36, p. 610
91-38-1	Amended	V. 36, p. 611
91-38-2	Amended	V. 36, p. 611
91-38-3	Amended	V. 36, p. 611
91-38-4	Amended	V. 36, p. 612
91-38-5	Amended	V. 36, p. 612
91-38-6	Amended	V. 36, p. 613
91-38-7	Amended	V. 36, p. 615
91-38-8	Amended	V. 36, p. 615
91-42-1	Amended	V. 36, p. 616
91-42-2	Amended	V. 36, p. 616
91-42-4	Amended	V. 36, p. 617
91-42-7	Amended	V. 36, p. 618

**AGENCY 92: DEPARTMENT OF REVENUE**

Reg. No.	Action	Register
92-12-146	Amended	V. 36, p. 1383
92-12-148	Amended	V. 36, p. 1383
92-12-149	Amended	V. 36, p. 1384
92-51-34a	Amended	V. 36, p. 1203
92-57-1	Amended	V. 36, p. 843
92-57-2	Amended	V. 36, p. 844
92-57-3	Amended	V. 36, p. 844
92-57-4	Amended	V. 36, p. 844
92-57-5	New	V. 36, p. 844

**AGENCY 99: DEPARTMENT OF AGRICULTURE – DIVISION OF WEIGHTS AND MEASURES**

Reg. No.	Action	Register
99-25-5	Amended	V. 36, p. 1355
99-26-1	Amended	V. 36, p. 1355

**AGENCY 100: BOARD OF HEALING ARTS**

Reg. No.	Action	Register
100-29-18	New	V. 36, p. 368
100-29-19	New	V. 36, p. 368
100-29-20	New	V. 36, p. 368
100-29-21	New	V. 36, p. 369
100-76-1	New	V. 36, p. 1430
100-76-2	New	V. 36, p. 1430
100-76-3	New	V. 36, p. 1430
100-76-4	New	V. 36, p. 1430
100-76-5	New	V. 36, p. 1431
100-76-6	New	V. 36, p. 1431
100-76-7	New	V. 36, p. 1432
100-76-8	New	V. 36, p. 1433
100-76-9	New	V. 36, p. 1433
100-76-10	New	V. 36, p. 1433
100-76-11	New	V. 36, p. 1433
100-76-12	New	V. 36, p. 1434

**AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD**

Reg. No.	Action	Register
102-3-7b	New	V. 36, p. 1089
102-5-7b	New	V. 36, p. 1090

**AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES**

Reg. No.	Action	Register
109-1-1	Amended	V. 36, p. 1356
109-2-9	Amended	V. 36, p. 1358
109-2-8	Amended	V. 36, p. 593
109-3-3	Amended	V. 36, p. 329
109-3-4	Amended	V. 36, p. 330
109-5-1	Amended	V. 36, p. 1359
109-5-1a	Amended	V. 36, p. 1359
109-5-1b	Amended	V. 36, p. 1359
109-5-1c	Amended	V. 36, p. 1359
109-5-1d	Amended	V. 36, p. 1360
109-5-1f	Revoked	V. 36, p. 1360
109-5-3	Amended	V. 36, p. 1360
109-5-7a	Revoked	V. 36, p. 1361
109-5-7b	Revoked	V. 36, p. 1361
109-5-7c	Revoked	V. 36, p. 1361
109-5-7d	Revoked	V. 36, p. 1361
109-6-2	Amended	V. 36, p. 1361
109-7-1	Amended	V. 36, p. 1361
109-8-1	Amended	V. 36, p. 1362
109-8-2	Amended	V. 36, p. 1362
109-9-4	Amended	V. 36, p. 1363
109-10-1a	Amended	V. 36, p. 1363
109-10-1b	Amended	V. 36, p. 1363
109-10-1c	Amended	V. 36, p. 1363
109-10-1d	Amended	V. 36, p. 1364
109-10-1f	Revoked	V. 36, p. 1364

109-10-1g	Revoked	V. 36, p. 1364
109-10-3	Amended	V. 36, p. 1364
109-10-7	Amended	V. 36, p. 1364
109-11-1a	Amended	V. 36, p. 1365
109-11-9	Amended	V. 36, p. 1365
109-13-1	Revoked	V. 36, p. 1366

**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*. A list of regulations filed from December 1, 2009, through December 21, 2011, can be found in the Vol. 30, No. 52, December 29, 2011 *Kansas Register*. A list of regulations filed from December 22, 2011, through November 6, 2013, can be found in the Vol. 32, No. 52, December 26, 2013 *Kansas Register*. A list of regulations filed from November 7, 2013, through December 31, 2015, can be found in the Vol. 34, No. 53, December 31, 2015 *Kansas Register*. A list of regulations filed from 2016 through 2017, can be found in the Vol. 36, No. 52, December 28, 2017 *Kansas Register*.

Reg. No.	Action	Register
111-4-3507	Amended	V. 37, p. 127
111-4-3508	New	V. 37, p. 132
111-4-3509	New	V. 37, p. 132
111-4-3510	New	V. 37, p. 215
111-4-3511	New	V. 37, p. 216
111-4-3512	New	V. 37, p. 217

111-4-3513	New	V. 37, p. 247
111-4-3514	New	V. 37, p. 248
111-4-3515	New	V. 37, p. 249
111-4-3516	New	V. 37, p. 439
111-4-3517	New	V. 37, p. 440
111-4-3518	New	V. 37, p. 442
111-4-3519	New	V. 37, p. 443
111-4-3520	New	V. 37, p. 444
111-5-80	Amended	V. 37, p. 218
111-5-81	Amended	V. 37, p. 219
111-5-82	Amended	V. 37, p. 220
111-5-83	Amended	V. 37, p. 221
111-5-84	Amended	V. 37, p. 221
111-5-85	Amended	V. 37, p. 221
111-7-267	New	V. 37, p. 133
111-9-218	New	V. 37, p. 251
111-19-11	Amended	V. 37, p. 251
111-19-26	New	V. 37, p. 134
111-19-27	New	V. 37, p. 222
111-19-28	New	V. 37, p. 222
111-19-43	New	V. 37, p. 252
111-301-39	Amended	V. 37, p. 223
111-301-63	New	V. 37, p. 135
111-301-64	New	V. 37, p. 135
111-301-65	New	V. 37, p. 136
111-301-66	New	V. 37, p. 136
111-302-4	Amended	V. 37, p. 223
111-302-5	Amended	V. 37, p. 223
111-401-6	Amended	V. 37, p. 253
111-401-11	Amended	V. 37, p. 254
111-401-63	Amended	V. 37, p. 445
111-401-117	Amended	V. 37, p. 254
111-501-24	Amended	V. 37, p. 256
111-501-25	Amended	V. 37, p. 257
111-501-141	Amended	V. 37, p. 257
111-501-142	Amended	V. 37, p. 258
111-501-143	Amended	V. 37, p. 258
111-601-36	Amended	V. 37, p. 447
111-601-37	Amended	V. 37, p. 449

**AGENCY 115: DEPARTMENT OF WILDLIFE, PARKS AND TOURISM**

Reg. No.	Action	Register
115-2-1	Amended	V. 36, p. 1332

115-2-3	Amended	V. 36, p. 1334
115-2-4	Amended	V. 36, p. 1335
115-2-6	Amended	V. 36, p. 1335
115-4-2	Amended	V. 36, p. 273
115-4-11	Amended	V. 36, p. 274
115-7-1	Amended	V. 36, p. 1336
115-7-4	Amended	V. 36, p. 1337
115-7-10	Amended	V. 36, p. 1337
115-8-1	Amended	V. 36, p. 398
115-15-3	Amended	V. 37, p. 81
115-15-4	Amended	V. 37, p. 82
115-16-3	Amended	V. 36, p. 859
115-17-2	Amended	V. 36, p. 1337
115-17-3	Amended	V. 36, p. 1338
115-18-12	Amended	V. 36, p. 1338
115-18-19	Amended	V. 36, p. 1338
115-18-20	Amended	V. 36, p. 1338
115-20-2	Amended	V. 36, p. 859
115-20-7	Amended	V. 36, p. 860

**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

Reg. No.	Action	Register
117-1-1	Amended	V. 36, p. 452
117-2-2	Amended	V. 36, p. 452
117-2-2a	Amended	V. 36, p. 453
117-3-2	Amended	V. 36, p. 454
117-3-2a	Amended	V. 36, p. 455
117-4-2	Amended	V. 36, p. 455
117-4-2a	Amended	V. 36, p. 456
117-5-2a	Amended	V. 36, p. 457
117-8-3	Amended	V. 37, p. 98

**AGENCY 123: DEPARTMENT OF CORRECTIONS—DIVISION OF JUVENILE SERVICES**

Reg. No.	Action	Register
123-17-101	New	V. 36, p. 369

**AGENCY 128: DEPARTMENT OF COMMERCE—KANSAS ATHLETIC COMMISSION**

Reg. No.	Action	Register
128-6-4	Amended	V. 36, p. 271

**Kansas Register**  
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