



# Kansas Register

Kris W. Kobach, Secretary of State

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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 4-23-18 through 4-29-18

Term	Rate
1-89 days	1.69%
3 months	1.79%
6 months	1.99%
12 months	2.22%
18 months	2.35%
2 years	2.44%

Scott Miller  
Director of Investments

Doc. No. 046247

State of Kansas

Department for Children and Families

Request for Comments

The Kansas Department for Children and Families (DCF) will accept public comments on the State Fiscal 2019 Social Services Block Grant. A copy of the plan, paper or electronic, may be obtained by contacting Patti Cazier by telephone at 785-291-3080, by email at Patricia.Cazier@ks.gov, or under the Quick Links, Newsroom section of the DCF website: [www.dcf.ks.gov/Newsroom](http://www.dcf.ks.gov/Newsroom). Comments must be submitted in writing and received by DCF by May 21, 2018.

Gina Meier-Hummel  
Secretary

Doc. No. 046231

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## State of Kansas

## Department for Children and Families

## Request for Proposals

The Kansas Department for Children and Families (DCF), Prevention and Protection Services (PPS), announces the release of a Request for Proposal (RFP) to qualified organizations or agencies to providers with specialization in substance misuse, child behavior, case management, and/or mental health areas for Family Services. Sealed bids will be accepted no later than 2:00 p.m. (CST) April 26, 2018.

A complete copy of the RFP may be found at <http://www.dcf.ks.gov/Agency/Operations/Pages/OGC/Grant-RFP.aspx> under "Grant Requests for Proposal (RFPs)." Written questions about the RFP from potential bidders will be accepted until 2:00 p.m. (CST) May 3, 2018. Questions should be emailed to Shawn Lucas, DCF Grant Manager at [dcf.grants@ks.gov](mailto:dcf.grants@ks.gov). Answers will be posted on the aforementioned webpage by May 8, 2018. Proposals must be received no later than 2:00 p.m. (CST) May 18, 2018 at the Kansas Department for Children and Families, c/o Shawn Lucas, Office of Grants and Contracts, 555 S. Kansas Ave., Topeka, KS 66603.

Gina Meier-Hummel  
Secretary

Doc. No. 046250

## State of Kansas

## Department of Transportation

## Request for Proposals

The Kansas Department of Transportation (KDOT) Office of Public Transportation is now accepting applications for operating assistance and proposals for capital purchases in accordance with the Federal Transit Administration (FTA) program U.S.C. 49-5311(f) – Intercity Bus.

The purpose of the U.S.C. 49-5311(f) program is to provide funds to support the intercity bus system and its purpose as a vital link between isolated rural communities and the rest of the nation. The goal of the U.S.C. 49-5311(f) program is to support the connection between nonurbanized areas and the larger regional or national system, meet the intercity travel needs of residents in nonurbanized areas, and support the infrastructure of the intercity bus network.

The application is available on the KDOT Public Transportation website at: <http://www.ksdot.org/burTransPlan/pubtrans/index.asp>.

Proposals for capital purchases should include all appropriate bid documents, vehicle specifications, associated routes and justification for purchase, a capital investment plan (including information on vehicles that will be replaced), and any additional supporting documents.

Any potential applicants that do not have internet access can request an application by contacting the KDOT Public Transit office at 785-296-8593.

All applications and proposals must be received to KDOT (address below) by 3:00 p.m. Friday, May 23, 2018. Applications received after the deadline will not be accepted.

Kansas Department of Transportation  
Office of Public Transportation  
700 SW Harrison St., 2nd Floor (Planning)  
Topeka, KS 66603-3745

If you have any questions please contact Cory Davis, Comprehensive Transportation Planning Manager, at 785-296-7984.

Richard Carlson  
Secretary

Doc. No. 046249

## State of Kansas

## Department of Transportation

## Request for Comments

The Kansas Department of Transportation (KDOT) requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 18-21. The narrative content and comprehensive list of project(s) being amended to the STIP may be viewed online at: <http://www.ksdot.org/bureaus/burProgProjMgmt/stip/stip.asp>. The project list includes projects for counties, cities, and projects on the State Highway System.

The amendment of the STIP requires a public comment period of 14 days. To make comment on this STIP amendment, contact KDOT's Bureau of Program and Project Management, 700 SW Harrison, 2nd Floor Tower, Topeka, KS 66603-3754; 785-296-2252, fax 785-296-8168.

This information is available in alternative accessible formats. To obtain an alternative format, contact the KDOT Office of Public Affairs at 785-296-3585 (Voice/Hearing Impaired-711).

The comment period regarding the STIP amendment for these projects will conclude May 9th, 2018.

Richard Carlson  
Secretary

Doc. No. 046251

## 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

(continued)

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) May 23, 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) May 23, 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 non-responsive and not eligible for award consideration.

#### District Two — North Central

**Chase** – 9 TE-0441-01 – Restoration of historic brick on Pearl Street in Cottonwood Falls, rehabilitation and operation of historical transportation structure or building, 0.4 mile. (Federal Funds)

**Marion** – 57 TE-0444-01 – Main Street (K-256) from 1st Street to 5th Street in Marion, landscaping and beautification, 0.3 mile. (Federal Funds)

**McPherson** – 59 TE-0442-01 – Valkommen Trail from the North Trailhead northeast along the abandoned railroad then south and west in Lindsborg, pedestrian and bicycle paths, 1.4 miles. (Federal Funds)

#### District Five — South Central

**Statewide** – 106 KA-4882-01 – Various locations in District 5: in Rush, Barton, Rice, Pawnee, Edwards, Kingman, Harper, Sumner, and Butler counties, milling. (State Funds)

Richard Carlson  
Secretary

Doc. No. 046252

#### 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 footage 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](mailto:john.tomblin@wichita.edu), or Property Manager Crystal Deselms, [crystal.deselms@wichita.edu](mailto: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

### Advisory Committee on Trauma

#### Notice of Meeting

The Advisory Committee on Trauma will meet from 10:00 a.m. to 3:00 p.m. Wednesday, May 7, 2018, at the Kansas Medical Society, 623 SW 10th Ave., Topeka, KS 66612.

Jeff Andersen  
Secretary  
Kansas Department of Health  
and Environment

Doc. No. 046248

#### State of Kansas

### State Employee Health Plan Employee Advisory Committee

#### Notice of Meeting

A meeting of the Kansas State Employee Health Plan Employee Advisory Committee has been scheduled for 10:30 a.m. Tuesday, May 8, 2018, in KDHE Conference Room 530, Curtis State Office Building, 1000 SW Jackson St., Topeka, Kansas.

If you have any questions, please contact Lea Selleck with the State Employee Health Plan at 785-368-6361.

Cheryl Buxton, President  
Employee Advisory Committee

Doc. No. 046254

#### 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). 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:

05/09/2018	EVT0005800	CCC Camp Surveys
05/09/2018	EVT0005810	Cold Recycled Reclaimed Asphalt Pavement Mix
05/09/2018	EVT0005812	Variable Message Boards
05/09/2018	EVT0005815	Aggregate, AS-1 Shoulder Rock, Sheridan County
05/16/2018	EVT0005816	(QVL) for Experiential Trips, Gift Cards, and Other Merchandise
05/17/2018	EVT0005817	Ticket Display Dispenser and Associated Products
06/01/2018	EVT0005803	Insurance, Worker's Compensation

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>

05/15/2018	A-013192	Kansas Department of Labor; Annex Building
05/17/2018	A-013272	Kansas Department of Labor; 1309 SW Topeka Blvd. Roof Replacement

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. 046266

**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 prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

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

**Public Notice No. KS-AG-18-089/090**

**Pending Permits for Confined Feeding Facilities**

Name and Address of Applicant	Legal Description	Receiving Water
K.K. Farms Robert K. Krehbiel 7102 E. 95th Ave. Buhler, KS 67522	SE/4 of Section 1 T22S, R05W Reno County	Little Arkansas River Basin
Kansas Permit No. A-LARN-H002 Federal Permit No. KS0098680		

(continued)

This is a renewal permit for an existing facility for 2,400 head (960 animal units) of swine weighing more than 55 pounds and 3,000 head (300 animal units) of swine weighing 55 pounds or less; for a total capacity of 5,400 head (1,260 animal units) of swine. There has been no change in animal numbers 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
Heritage Feeders Sublette Galen Wright 1506 Road 30 Sublette, KS 67877	SW/4 & E/2 of Section 8 & W/2 of Section 9 T27S, R32W Haskell County	Upper Arkansas River Basin

Kansas Permit No. A-UAHS-C003  
Federal Permit No. KS0115033

This is a renewal permit for an existing facility for 75,000 head (75,000 animal units) of cattle weighing greater than 700 pounds. There is no change in the permitted number of animal units from the previous permit. This facility has an approved Nutrient Management Plan on file with KDHE.

**Public Notice No. KS-Q-18-061/067**

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
Baxter Springs, City of PO Box 577 Baxter Springs, KS 66713	Spring River	Treated Domestic Wastewater

Kansas Permit No. M-NE06-OO01  
Federal Permit No. KS0045934

Legal Description: SW¼, S6, T35S, R25E, Cherokee County, Kansas

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a five-cell wastewater stabilization lagoon system. The first two cells are equipped with mechanical aerators. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, as well as monitoring for pH, ammonia, E. coli, total phosphorus, dissolved oxygen, nitrate + nitrite, total Kjeldahl nitrogen, total nitrogen, copper, lead, zinc, cadmium and flow.

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-OO01  
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. The existing 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 monitoring for pH, ammonia, and E. coli.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Humboldt, City of PO Box 228 Humboldt, KS 66748-0228	Neosho River via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-NE36-OO01  
Federal Permit No. KS0022632

Legal Description: N½, SE¼, NW¼, S9, T26S, R18E, Allen County, Kansas

Facility Location: 1100 S. First St., Humboldt, KS 66748

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a mechanical wastewater treatment plant consisting of an influent pumping station, peak flow holding basin, mechanical screening and grit removal, primary clarifiers (2), trickling filter/aerated solids contact basin, final clarifiers (2), UV disinfection, aerobic sludge digestion, and sludge drying beds. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, pH, ammonia, and E. coli, as well as monitoring for nitrate + nitrite, total Kjeldahl nitrogen, total nitrogen, total phosphorus, zinc and flow. The permit contains a schedule of compliance for a sanitary sewer system improvement project.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Unified Government of Wyandotte County 701 N. 7th St. Kansas City, KS 66101	Missouri River via Sorter Creek	Treated Domestic Wastewater

Kansas Permit No. M-MO25-OO03  
Federal Permit No. KS0085600

Legal Description: S½, SE¼, NW¼, S23, T10S, R24E, Wyandotte County, Kansas

Facility Name: Kansas City Plant #3 Wastewater Treatment Facility

Facility Location: 4130 Brenner Road, Kansas City, KS 66104-1150

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a mechanical wastewater treatment plant consisting of a Smith & Loveless Package "Oxigest" Activated Sludge Plant, Final Clarifier and UV Disinfection. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, pH, and E.coli, as well as monitoring for ammonia and flow.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Mastercraft Pattern 1912 N. Elm Pittsburg, KS 66762	Cow Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. C-NE57-OO03  
Federal Permit No. KS0091901

Legal Description: E½, NW¼, NE¼, S7, T31S, R25E, Crawford County, Kansas

Facility Location: 765 E. 520 St., Pittsburg, KS 66762

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a package mechanical wastewater treatment plant consisting of a Norweco "Modular" activated sludge plant with chlorination and dichlorination. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, pH, and E. coli, as well as monitoring for ammonia, nitrate + nitrite, total Kjeldahl nitrogen, total nitrogen, total phosphorus, and flow.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Oakhill Properties PO Box 24704 Eugene, OR 97402	Cow Creek via Second Cow Creek	Treated Domestic Wastewater

Kansas Permit No. C-NE57-OO01  
Federal Permit No. KS0118354

Legal Description: SW¼, SW¼, SW¼, S25, T30S, R24E, Crawford County, Kansas

Facility Name: Whispering Pines Mobile Home Park Wastewater Treatment Plant

Facility Location: 102 Glenway, Pittsburg, KS 66762

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a mechanical wastewater treatment plant consisting of an activated sludge package plant (oxigest) with chlorine disinfection. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, pH, ammonia, E. coli, and total residual chlorine, as well as monitoring for total Kjeldahl nitrogen, nitrate + nitrite, total nitrogen, total phosphorus, and flow.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Yates Center, City of 117 E. Rutledge St. Yates Center, KS 66783	Owl Creek via South Owl Creek	Treated Domestic Wastewater

Kansas Permit No. M-NE70-OO02  
Federal Permit No. KS0097446

Legal Description: SE¼, NE¼, SW¼, S14, T25S, R15E, Woodson County, Kansas

Facility Location: 931 Mimosa Road, Yates Center, KS 66783

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a mechanical wastewater treatment plant consisting of a mechanical screen bar, grit removal, extended aeration basin, clarifiers (2), UV disinfection, aerobic sludge digesters (2), and sludge drying beds. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, pH, ammonia, and E. coli, as well as monitoring for total Kjeldahl nitrogen, nitrate + nitrite, total nitrogen, total phosphorus and flow.

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, KS 66612-1367.

All comments regarding the draft documents or application notices received on or before May 26, 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-18-089/090, KS-Q-18-061/067) 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. 046260

State of Kansas

Department of Health and Environment

Notice of Hearing

The Kansas Department of Health and Environment (KDHE) has prepared a proposed Kansas Water Pollution Control Permit, A-SHEW-C001 and National Pollutant Discharge Elimination System Permit KS0097675, for 4S Feeders, located in Kanopolis, Kansas.

This permit is being reissued for a confined animal feeding operation for 3,999 head (3,999 animal units) of cattle weighing greater than 700 pounds. This represents an increase in the permitted animal units from the previous permit. Proposed modifications include an additional 11.1 acres of pens, feed storage area, a settling basin, and a second earthen wastewater retention structure. The facility is located in the SE/4 of Section 19, Township 15 South, Range 7 West in Ellsworth County, Kansas. A notice in the Kansas Register dated March 8, 2018, informed the public of the availability of the proposed water pollution control permit for 4S Feeders. A public hearing has been scheduled in conformance with Kansas Administrative Regulation 28-16-61.

A public hearing on the proposed permit has been scheduled at 5:30 p.m. (CST) Tuesday, June 5, 2018, at the JH Robbins Library, 219 N. Lincoln Ave., Ellsworth, KS 67439.

Copies of the permit application, the proposed KDHE permit, and other pertinent documents may be viewed at, or requested by writing to: Kansas Department of Health and Environment, Livestock Waste Management Section, 1000 SW Jackson St., Suite 420, Topeka, KS 66612-1367 or via telephone at 785-296-6432 or fax 785-559-4258. Appropriate copying charges will be assessed for each request.

Jeff Andersen  
Secretary

Doc. No. 046261

State of Kansas

State Board of Indigents' Defense Services

Notice of Public Hearing

The State Board of Indigents' Defense Services will conduct a public hearing at 1:00 p.m. Friday, June 15, 2018, in the board's office, Jayhawk Tower, 700 SW Jackson, Suite 500, Topeka, Kansas, to receive comments regarding the effect that continued proration of the hourly rate paid to assigned counsel will have on the quality of the representation afforded to indigent defendants and the availability of sufficient numbers of attorneys available in the judicial district, pursuant to K.A.R. 105-9-5.

(continued)

Additionally, comments regarding this issue may be sent in writing and they will become part of the record.

The building is accessible for disabled persons. Persons who require an accommodation to participate in the public hearing may contact Patricia Scalia at the address above, or call 785-296-6631.

Patricia A. Scalia  
State Director

Doc. No. 046264

State of Kansas

State Corporation Commission

Notice of Hearing

Before Commissioners: Shari Feist Albrecht, Chair, Jay Scott Emler, and Dwight D. Keen

In the matter of the application of Bee Gee Exploration Company for an order establishing 160 acre spacing for the Mississippian Chert Formation underlying lands in Stafford and Reno Counties, Kansas.	)	Docket No.: 17-CONS-3506-CBSO (178,910-C), (C26,425)
	)	CONSERVATION DIVISION
	)	License Nos.: N/A
In the matter of the application of Raymond Oil Company, Inc. for an order to extend field limits for the Mississippian Chert Formation underlying lands in Stafford and Reno Counties, Kansas.	)	

Upon Commission Staff’s March 1, 2017, motion and upon the Commission’s March 27, 2018, Order Setting Procedural Schedule, the above-referenced dockets have been set for an evidentiary hearing regarding cancellation of the Commission’s March 14, 1994, and September 22, 1994, Orders in the above-captioned dockets. The March 14, 1994, and September 22, 1994, Orders created spacing rules for a portion of the Mississippian Chert Formation in Stafford and Reno Counties, with that area being known as the Zenith-Peace Creek field.

The evidentiary hearing shall be held at 10:00 a.m., June 14, 2018, at the Kansas Corporation Commission, 266 N. Main St., Suite 220, Wichita, KS 67202. Filings in these dockets are available on the Commission’s website. Any person who would like additional details regarding these matters, or any person interested in the proceedings in any capacity, may contact the Commission at 316-337-6200.

Lynn Retz  
Secretary to the Commission

Doc. No. 046253

(Published in the Kansas Register April 26, 2018.)

Unified School District No. 265,  
Sedgwick County, Kansas (Goddard)

Summary Notice of Bond Sale  
\$7,985,000\*  
General Obligation School Building Bonds, Series  
2018-A

(General Obligation Bonds Payable  
from Unlimited Ad Valorem Taxes)

Bids

Subject to the Notice of Bond Sale dated April 16, 2018 (the “Notice”), facsimile and electronic bids will be received on behalf of the Director of Finance of Unified School District No. 265, Sedgwick County, Kansas (Goddard) (the “Issuer”) in the case of facsimile bids, at the address set forth below, and in the case of electronic bids, through PARITY® until 11:00 a.m. (CST) May 9, 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 May 22, 2018, and will become due on October 1 in the years as follows:

Year	Principal Amount*	Year	Principal Amount*
2020	\$ 75,000	2028	\$ 350,000
2021	100,000	2029	375,000
2022	125,000	2030	1,000,000
2023	100,000	2031	1,000,000
2024	110,000	2032	1,000,000
2025	200,000	2033	1,000,000
2026	250,000	2034	2,000,000
2027	300,000		

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 April 1 and October 1 in each year, beginning on April 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 \$159,700.

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 May 22, 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 \$308,084,121. The total general obligation indebtedness of the Issuer as of the Dated Date, including the Bonds being sold, is \$175,885,000.

**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 – Good Faith Deposit Delivery Address**

Office of the Board of Education  
 Attn: Director of Finance  
 201 S. Main  
 PO Box 249  
 Goddard, KS 67052-0249  
 316-794-4000  
 Fax: 316-794-2222  
 dmaxwell@goddardusd.com

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

George K. Baum & Company  
 Attn: Stephen E. Shogren  
 100 N. Main, Suite 810  
 Wichita, KS 67202  
 316-263-9351  
 Fax: 316-264-9370  
 shogren@gkbaum.com

Dated April 16, 2018.

Doug Maxwell  
 Director of Finance

\* Subject to change, but in no event will the total principal amount of the Bonds exceed \$7,985,000; see the Notice  
 Doc. No. 046263

(Published in the Kansas Register April 26, 2018.)

**City of Manhattan, Kansas**  
**Summary Notice of Bond Sale**  
**\$18,700,000\***  
**General Obligation Bonds, Series 2018-A**  
**(General Obligation Bonds Payable from Unlimited Ad Valorem Taxes)**

**Bids**

Subject to the Notice of Bond Sale dated April 17, 2018 (the "Notice"), facsimile and electronic bids will be received on behalf of the Director of Finance of the City of

Manhattan, Kansas (the "Issuer") in the case of facsimile bids, at the address set forth below, and in the case of electronic bids, through PARITY® until 11:00 a.m. (CST) May 10, 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 4, 2018, and will become due on November 1 in the years as follows:

Year	Principal Amount*	Year	Principal Amount*
2019	\$1,000,000	2029	\$630,000
2020	1,030,000	2030	650,000
2021	1,075,000	2031	670,000
2022	1,115,000	2032	690,000
2023	1,160,000	2033	710,000
2024	1,210,000	2034	650,000
2025	1,255,000	2035	670,000
2026	1,305,000	2036	690,000
2027	1,350,000	2037	715,000
2028	1,390,000	2038	735,000

The Bonds will bear interest from the date thereof at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning on November 1, 2018.

**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 \$374,000.

**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 4, 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 \$602,859,356. The total general obligation indebtedness of the Issuer as of the Dated Date, including the Bonds being sold, is \$191,085,000; such amount includes the Issuer's temporary notes in the principal amount of \$3,150,000 which will be issued on or about June 15, 2018. Temporary notes in the principal amount of \$25,590,000 will be retired out of proceeds of the Bonds, the proceeds

(continued)

of the Notes and other available funds, which will reduce the outstanding general obligation indebtedness of the Issuer to \$165,495,000.

#### 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 Municipal Advisor at the addresses set forth below:

#### Issuer – Good Faith Deposit Delivery Address

Rina Neal, City Treasurer  
City Hall, First Floor  
1101 Poyntz Ave.  
Manhattan, KS 66502-5497  
785-587-2465  
Fax: 785-587-2409  
neal@cityofmhk.com

#### Municipal Advisor Facsimile Bid Delivery Address

Springsted Incorporated  
Attn: Bond Services  
380 Jackson St., Suite 300  
St. Paul, MN 55101-2887  
651-223-3000  
Fax: 651-223-3046  
bond\_services@springsted.com

Dated April 17, 2018.

Rina Neal  
City Treasurer

\* Subject to change, see the Notice  
Doc. No. 046262

### State of Kansas

## Board of Pharmacy

### Permanent Administrative Regulations

#### Article 5. – GENERAL RULES

**68-5-17. Pharmacy technicians; certification examination; request for extension.** The following requirements shall apply to each individual who applies for a new pharmacy technician registration on or after July 1, 2017:

(a) Each pharmacy technician shall be required to pass either the pharmacy technician certification board (PTCB) certification examination or the national health-career association (NHA) ExCPT certification examination before the first renewal of the pharmacy technician's registration.

(1) Each pharmacy technician shall be required to attain a scaled score of at least 1400 on the PTCB certification examination in order to pass.

(2) Each pharmacy technician shall be required to attain a score of at least 390 on the NHA ExCPT certification examination in order to pass.

(b) Any pharmacy technician who is unable to take or pass an approved certification examination before the first renewal of the pharmacy technician's registration may submit to the board, on a form provided by the board, a request for a six-month extension to pass an approved certification examination. The request shall be submitted to the board at least 30 days before the pharmacy technician's registration expiration date and shall provide the reason for the request, which may include any of the following:

- (1) Previous examination attempts and failures;
- (2) the commencement date of training or preparation and the reasons for delay;
- (3) an event that directly resulted from the occurrence of natural causes outside the pharmacy technician's control;
- (4) a change in employment and the relevant dates; or
- (5) medical necessity.

(c) Within 30 days after passing an approved certification examination or before the first renewal, whichever is earlier, each pharmacy technician shall submit to the board proof of successful completion of the examination. (Authorized by K.S.A. 2016 Supp. 65-1663, as amended by L. 2017, ch. 34, sec. 15, and K.S.A. 2016 Supp. 65-1692; implementing K.S.A. 2016 Supp. 65-1663, as amended by L. 2017, ch. 34, sec. 15; effective May 11, 2018.)

#### Article 13. – PARENTERAL PRODUCTS

**68-13-2. Definitions.** As used in this article of the board's regulations, each of the following terms shall have the meaning specified in this regulation:

(a) "Active ingredients" means chemicals, substances, or other components intended for use in the diagnosis, cure, mitigation, treatment, or prevention of diseases in humans or for use as nutritional supplements.

(b) "Added substances" and "inactive ingredients" mean the ingredients necessary to compound a sterile preparation or nonsterile preparation and not intended or expected to cause a human pharmacologic response if administered alone in the amount or concentration contained in a single dose of the drug product.

(c) "Antearea" means an area, separate from the buffer area, that meets the requirements of an ISO class eight environment and in which personal hygiene and garbing procedures, staging of components, order entry, and labeling are performed.

(d) "Batch" means multiple sterile dosage units in a quantity greater than 25 that are compounded in a discrete process by the same individual or individuals during one limited period.

(e) "Beyond-use date" means a date placed on a prescription label at the time of dispensing, repackaging, or prepackaging that is intended to indicate to the patient or caregiver a time beyond which the contents of the prescription are not recommended to be used.

(f) "Biological safety cabinet" and "BSC" mean a ventilated cabinet for sterile preparations and hazardous drugs to protect personnel, products, and the environment that has an open front with inward airflow for protection of personnel, downward-airflow LAFS for product protection, and HEPA-filtered exhausted air for environmental protection.

(g) "Buffer area" means an area that meets the requirements for an ISO class seven environment and in which the primary engineering control is located.

(h) "Clean room" means a room that meets the requirements for an ISO class five environment.

(i) "Complex nonsterile compounding" means making a nonsterile preparation that requires special training, environment, facilities, equipment, and procedures to ensure appropriate therapeutic outcomes. Nonsterile preparations made using complex nonsterile compounding shall include transdermal dosage forms, modified-release forms, and suppositories for systemic effects.

(j) "Component" means any active ingredient or added substance intended for use in the compounding of a drug product, including any ingredient that does not appear in the drug product.

(k) "Compounding" has the meaning specified in K.S.A. 2017 Supp. 65-1626, and amendments thereto.

(l) "Compounding area" means any area in a pharmacy or outsourcing facility where compounding is performed.

(m) "Compounding aseptic containment isolator" and "CACI" mean a compounding aseptic isolator designed to provide worker protection from exposure to undesirable levels of airborne drugs throughout the compounding and material transfer process and to provide an aseptic environment for compounding sterile preparations. Air exchange with the surrounding environment shall not occur unless the air is first passed through a HEPA filter capable of containing airborne concentrations of the physical size and state of the drug being compounded. Whenever volatile hazardous drugs are compounded, the exhaust air from the CACI shall be removed by the building's ventilation system.

(n) "Compounding aseptic isolator" and "CAI" mean a type of isolator specifically designed for compounding sterile preparations or nonsterile preparations and designed to maintain an aseptic compounding environment within the isolator throughout the compounding and material transfer process. Air exchange into the CAI from the surrounding environment shall not occur unless the air has first passed through a HEPA filter and an ISO class five environment is maintained.

(o) "Cytotoxic," when used to describe a pharmaceutical, means that the pharmaceutical is capable of killing living cells. This term is also used to describe components classified as cancer chemotherapeutic, carcinogenic, mutagenic, or antineoplastic.

(p) "Dosage unit" means the amount of a sterile preparation that would be administered to or taken by one patient at a time.

(q) "Endotoxin" means a potentially toxic, natural compound that is a structural component of bacterial cell walls and that is released mainly when bacteria undergo destruction or decomposition.

(r) "Essentially a copy" means any sterile preparation or nonsterile preparation that is comparable in active ingredients to a commercially available drug product, unless either of the following conditions is met:

(1) There is a change made for an identified individual patient that produces a clinically significant difference for the patient, as determined by the prescribing practitioner, between the comparable commercially available

drug product and either the sterile preparation or the nonsterile preparation.

(2) The drug appears on the drug shortage list in section 506E of the federal food, drug, and cosmetic act, 21 U.S.C. 356e, at the time of compounding, distribution, and dispensing.

(s) "Excursion" means a deviation from the range of temperatures specified by the manufacturer for storage or transport of a pharmaceutical based on stability data.

(t) "Glove fingertip test" means a test in which a gloved fingertip is pressed to and cultured on a microbiological growth media plate. Each successful glove fingertip test shall yield no more than three colony-forming units per contact plate for the annual competency evaluation and shall yield zero colony-forming units at least three times for the initial competency evaluation.

(u) "Hazardous drug" means any drug or compounded drug identified by at least one of the following criteria:

(1) Carcinogenicity;

(2) teratogenicity or developmental toxicity;

(3) reproductive toxicity;

(4) organ toxicity at low doses;

(5) genotoxicity; or

(6) drug product structure or toxicity that mimics that of existing hazardous drugs.

(v) "HEPA" means high-efficiency particulate air.

(w) "ISO class eight environment" means an atmospheric environment containing less than 3,520,000 airborne particles measuring at least 0.5 micron in diameter per cubic meter of air.

(x) "ISO class five environment" means an atmospheric environment containing less than 3,520 airborne particles measuring at least 0.5 micron in diameter per cubic meter of air.

(y) "ISO class seven environment" means an atmospheric environment containing less than 352,000 airborne particles measuring at least 0.5 micron in diameter per cubic meter of air.

(z) "Laminar airflow system" and "LAFS" mean an apparatus designed to provide an ISO class five environment for the compounding of sterile preparations using air circulation in a defined direction that passes through a HEPA filter.

(aa) "Manufacturing" means manufacture as defined in K.S.A. 65-1626, and amendments thereto.

(bb) "Media fill test" means a test in which a microbiological growth medium, which may consist of a soybean-casein digest medium, is substituted for an actual drug product to simulate admixture compounding. The media fill test shall be successful if it produces a sterile preparation without microbial contamination.

(cc) "Moderate nonsterile compounding" means making a nonsterile preparation that requires special calculations or procedures to determine quantities of components per nonsterile preparation or per dosage unit or making a nonsterile preparation for which stability data is not available. Nonsterile preparations made using moderate nonsterile compounding shall include morphine sulfate suppositories, diphenhydramine troches, and a mixture of two or more manufactured creams if stability of the mixture is not known.

(continued)

(dd) "Multiple-dose container" means a multiple-unit container for any sterile preparation intended only for parenteral administration, usually containing antimicrobial preservatives.

(ee) "Nonsterile preparation" means a pharmaceutical made using simple nonsterile compounding, moderate nonsterile compounding, or complex nonsterile compounding.

(ff) "Official compendium" has the meaning specified in K.S.A. 65-656, and amendments thereto.

(gg) "Order" means either a prescription order as defined in K.S.A. 65-1626, and amendments thereto, or a medication order as defined in K.A.R. 68-5-1.

(hh) "Parenteral," when used to refer to a solution, means that the solution is administered by injection through one or more layers of skin or by other routes of administration that bypass the gastrointestinal tract.

(ii) "Parenteral product" means a sterile preparation administered by injection through one or more layers of skin or by other routes of administration that bypass the gastrointestinal tract.

(jj) "Practitioner-patient-pharmacist relationship" means a relationship that meets all of the following conditions:

(1) The practitioner has assumed the responsibility for making medical judgments regarding the health of the patient and the need for medical treatment.

(2) The practitioner has sufficient knowledge of the patient to initiate at least a general or preliminary diagnosis of the medical condition, and the practitioner has examined the patient and is available for follow-up.

(3) The practitioner has communicated the necessary prescriptions to the pharmacist, who is able to provide pharmaceutical care to the patient and, if needed, communicate with the practitioner.

(kk) "Primary engineering control" means a clean room or an apparatus for compounding sterile preparations, including an LAFS, a BSC, a CAI, or a CACI, designed to provide an ISO class five environment for compounding sterile preparations.

(ll) "Purified water" means water that meets the requirements for ionic and organic chemistry purity and protection from microbial contamination specified in section 1231 of the official compendium.

(mm) "Refrigeration" and "controlled cold temperature" mean a temperature maintained thermostatically between 2° and 8°C (36° to 46°F) that allows for excursions between 0° and 15°C (32° to 59°F) that are experienced during storage, shipping, and distribution, such that the allowable calculated mean kinetic temperature is not more than 8°C (46°F).

(nn) "Room temperature" means a temperature maintained thermostatically that meets the following criteria:

(1) Encompasses the usual and customary working environment of 20° to 25°C (68° to 77°F);

(2) results in a mean kinetic temperature calculated to be not more than 25°C (77°F); and

(3) allows for excursions between 15° and 30°C (59° to 86°F) experienced in pharmacies, hospitals, and storage facilities, such that the allowable calculated mean kinetic temperature remains in the allowed range.

(oo) "Segregated compounding area" means a designated, demarcated area or room that is restricted to

compounding low-risk sterile preparations, which shall contain a primary engineering control providing unidirectional airflow that maintains an ISO class five environment and shall be void of all activities and materials extraneous to the sterile compounding process.

(pp) "Simple nonsterile compounding" means either of the following:

(1) Making a nonsterile preparation that has a compounding monograph listed in the official compendium or that appears in a peer-reviewed journal containing specifics on component quantities, compounding procedure, equipment, and stability data for the formulation and appropriate beyond-use dates; or

(2) reconstituting or manipulating commercially available products that require the addition of one or more ingredients as directed by the manufacturer.

Nonsterile preparations made using simple nonsterile compounding shall include captopril oral solution, indomethacin topical gel, and potassium bromide oral solution.

(qq) "Single-dose container" means a single-unit container for any sterile preparation intended for parenteral administration that is accessed once for one patient.

(rr) "Specific medical need" means a medical reason why a commercially available drug product cannot be used, excluding cost and convenience.

(ss) "Sterile preparation" means any dosage form of a drug, including parenteral products free of viable microorganisms, made using currently accepted aseptic compounding techniques under acceptable compounding conditions. This term shall include any commercially compounded sterile drug dosage form that has been altered in the compounding process.

(tt) "Sufficient documentation" means either of the following:

(1) A prescription documenting a specific medical need; or

(2) a notation in a pharmacy's or an outsourcing facility's records that verbal or other documentation of the specific medical need was received for each prescription, including the name of the person verifying the specific medical need, the date, and the specific medical need. (Authorized by K.S.A. 65-1630 and K.S.A. 2017 Supp. 65-1637e; implementing K.S.A. 2017 Supp. 65-1626, K.S.A. 2017 Supp. 65-1626a, K.S.A. 65-1634, K.S.A. 2017 Supp. 65-1637c, and K.S.A. 2017 Supp. 65-1642; effective May 11, 2018.)

**68-13-3. Nonsterile preparations.** (a) This regulation shall apply to the following:

(1) Nonsterile preparations that are compounded in Kansas; and

(2) nonsterile preparations that are shipped or delivered into Kansas by a pharmacy and are to be administered to a patient in Kansas.

(b) "Pharmacy," as used in this regulation, shall mean a pharmacy, nonresident pharmacy, or outsourcing facility as defined by K.S.A. 2017 Supp. 65-1626, and amendments thereto.

(c) Any pharmacist may compound a nonsterile preparation that is commercially available only if it is different from a product approved by the FDA and there is sufficient documentation of a specific medical need for an individual patient.

(d) A pharmacist shall not compound a nonsterile preparation by any of the following methods:

(1) Using any component withdrawn from the market by the FDA for safety reasons;

(2) receiving, storing, or using any drug component that is not guaranteed or otherwise determined to meet the requirements of an official compendium;

(3) compounding finished drugs from bulk active ingredients that do not meet the requirements of a monograph listed in the official compendium; or

(4) compounding finished drugs from bulk active ingredients that are not components of FDA-approved drugs.

(e) For the convenience of any patient, any pharmacist may compound a nonsterile preparation before receiving an order based on routine, regularly observed prescribing patterns.

(f) Compounding for non-human animals shall meet the same requirements as those for human prescriptions, except that a pharmacist shall not compound bulk chemicals for food-producing animals.

(g) Each nonsterile preparation sold by a pharmacy to a practitioner for administration to a patient shall be packaged with a label that includes the following text: "For Office Use Only — Not for Resale."

(h) Any pharmacy may distribute nonsterile preparations without a prescription, including providing limited quantities to a practitioner in the course of professional practice to administer limited quantities to an individual patient, if the nonsterile preparations are not intended for resale.

(i) Each pharmacy selling any prescription nonsterile preparation to a practitioner for office use shall maintain an invoice documenting the following:

(1) The name and address of the practitioner;

(2) the drug compounded, including the lot number and expiration date of each component;

(3) the quantity sold; and

(4) the date of the transaction.

The invoice shall be maintained in the pharmacy and shall be made readily available to the pharmacist-in-charge, the board, and the board's designee.

(j) Within each pharmacy in which compounding occurs, one area shall be designated as the principal compounding area, where all nonsterile compounding shall take place.

(1) Each compounding area shall be well-lighted and well-ventilated, with clean and sanitary surroundings, and shall be free of food and beverages.

(2) Each compounding area shall provide the drugs, chemicals, and devices with necessary protection from deterioration due to light, heat, and evaporation and shall be arranged to protect all prescription drugs and devices from theft and any other unauthorized removal.

(3) All components used in compounding nonsterile preparations shall be stored in labeled containers in a clean, dry area and, if required, under proper refrigeration.

(4) Each compounding area shall include a sink that is equipped with hot and cold running water for hand and equipment washing.

(k) Each pharmacist compounding nonsterile preparations shall use purified water if the formulations indicate the inclusion of water.

(l) Each pharmacist-in-charge shall maintain a uniform formulation record for each nonsterile preparation, documenting the following:

(1) The ingredients, quantities, strength, and dosage form of the nonsterile preparation;

(2) the equipment used to compound the nonsterile preparation and the mixing instructions;

(3) the container used in dispensing;

(4) the storage requirements;

(5) the beyond-use date to be assigned;

(6) quality control procedures, which shall include identification of each person performing or either directly supervising or checking each step in the compounding process and which may include monitoring the following:

(A) Capsule weight variation;

(B) adequacy of mixing to ensure uniformity and homogeneity; and

(C) the clarity, completeness, or pH of solutions;

(7) the source of the formulation, including the name of the person, entity, or publication; and

(8) the name or initials of the person creating the formulation record and the date on which the formulation record was established at the pharmacy.

(m) Each pharmacist-in-charge shall maintain on the original order or on a separate, uniform record a compounding record for each nonsterile preparation, documenting the following:

(1) The name and strength of the nonsterile preparation;

(2) the identifier used to distinguish the nonsterile preparation's formulation record from other formulation records;

(3) the name of the manufacturer or repackager and, if applicable, the lot number and expiration date of each component;

(4) the total number of dosage units or total quantity compounded;

(5) the name of each person who compounded the nonsterile preparation;

(6) the name of the pharmacist, or the pharmacy student or intern working under the direct supervision and control of the pharmacist, who verified the accuracy of the nonsterile preparation;

(7) the date of compounding;

(8) the assigned internal identification number, if used;

(9) the prescription number, if assigned;

(10) the results of quality control procedures; and

(11) the assigned beyond-use date. In the absence of valid scientific stability information that is applicable to a specific drug or nonsterile preparation, the beyond-use date shall not be later than the expiration date of any component of the formulation and shall be established in accordance with the following criteria:

(A) For nonaqueous and solid formulations, either of the following:

(i) If a manufactured drug product is the source of the active ingredient, six months from the date of compounding or the time remaining until the manufactured drug product's expiration date, whichever is earlier; or

(ii) if a substance listed in an official compendium is the source of an active ingredient, six months from the date of compounding or the time remaining until the

*(continued)*



expiration date of any component of the formulation, whichever is earlier;

(B) for water-containing oral formulations, not more than 14 days when stored under refrigeration; and

(C) for water-containing non-oral formulations, not longer than the intended duration of therapy or 30 days, whichever is earlier.

(n) The compounding record and the corresponding formulation record specified in subsections (m) and (l), respectively, shall be retained at the pharmacy for at least five years and shall be made readily available to the pharmacist-in-charge, the board, and the board's designee.

(o) If a patient requests a transfer of the patient's prescription, a copy of the original prescription shall be transmitted upon the request of the receiving pharmacist. The transferring pharmacist shall also transfer the following written information with the prescription:

- (1) Active ingredients;
- (2) concentration;
- (3) dosage form;
- (4) route of delivery;
- (5) delivery mechanism;
- (6) dosing duration; and
- (7) details about the compounding procedure.

(p) The pharmacist-in-charge shall ensure that all support personnel are trained and successfully demonstrate the following before performing delegated compounding:

(1) Comprehensive knowledge of the pharmacy's standard operating procedures with regard to compounding as specified in the policy and procedure manual; and

(2) familiarity with the compounding techniques used at the pharmacy. (Authorized by K.S.A. 65-1630 and K.S.A. 2017 Supp. 65-1637e; implementing K.S.A. 2017 Supp. 65-1626a, K.S.A. 65-1634, K.S.A. 65-1637c, and K.S.A. 2017 Supp. 65-1642; effective May 11, 2018.)

**68-13-4. Sterile preparations.** (a) This regulation shall apply to the following:

(1) Sterile preparations that are compounded in Kansas; and

(2) sterile preparations that are shipped or delivered into Kansas by a pharmacy to be administered to a patient in Kansas.

(b) As used in this regulation, each of the following terms shall have the meaning specified in this subsection:

(1)(A) "High-risk," when used to describe a sterile preparation, means that the sterile preparation meets at least one of the following conditions:

(i) The sterile preparation is compounded from non-sterile ingredients or with nonsterile containers or equipment before terminal sterilization.

(ii) The sterile ingredients or components of the sterile preparation are exposed to air quality inferior to that of an ISO class five environment for more than one hour.

(iii) The sterile preparation contains nonsterile water and is stored for more than six hours before being sterilized.

(iv) The compounding pharmacist cannot verify from documentation received from the supplier or by direct examination that the chemical purity and content strength of the ingredients meet the specifications of an official compendium.

(v) The sterile preparation has been stored at room temperature and administered more than 24 hours af-

ter compounding, stored under refrigeration more than three days, or stored frozen from 0° to -20°C (32° to -4°F) or colder for 45 or fewer days, and sterility has not been confirmed by testing.

(B) This term shall apply to sterile preparations including the following:

(i) Alum bladder irrigation solution;

(ii) any morphine preparation made for parenteral administration from nonsterile powder or tablets;

(iii) any total parenteral nutrition solution made from dried amino acids;

(iv) any total parenteral nutrition solution sterilized by final filtration; and

(v) any autoclaved intravenous solution.

(2) "Immediate use" means a situation in which a sterile preparation is compounded pursuant to an order in a medical care facility for administration to the patient within one hour of the start of compounding the sterile preparation.

(3) "Low-risk," when used to describe a sterile preparation, means that the sterile preparation meets the following conditions:

(A) In the absence of sterility testing, is stored at room temperature and administration to the patient has begun not more than 48 hours after compounding, is stored under refrigeration for 14 or fewer days before administration to the patient over a period not to exceed 24 hours, or is stored frozen at -20°C (-4°F) or colder for 45 or fewer days before administration to the patient over a period not to exceed 24 hours;

(B) is prepared for administration to one patient or is batch-prepared and contains suitable preservatives for administration to more than one patient; and

(C) is prepared by a simple or closed-system aseptic transfer of no more than three sterile, nonpyrogenic, finished pharmaceuticals obtained from licensed manufacturers into sterile final containers obtained from licensed manufacturers with no more than two instances in which a transfer device passes through the designated access point into any one sterile container or package.

(4)(A) "Medium-risk," when used to describe a sterile preparation, means that the sterile preparation meets at least one of the following conditions:

(i) In the absence of sterility testing, is stored at room temperature and administered to the patient not more than 30 hours after compounding, is stored under refrigeration for nine or fewer days, or is stored frozen at -20°C (-4°F) or colder for 45 or fewer days;

(ii) is batch-prepared and intended for use by more than one patient or by one patient on multiple occasions;

(iii) is created by a compounding process that includes complex aseptic manipulations other than a single-volume transfer; or

(iv) is compounded by at least four manipulations of sterile ingredients obtained from licensed manufacturers in a sterile container obtained from a licensed manufacturer by using a simple or closed-system aseptic transfer.

(B) This term shall apply to the following:

(i) Sterile preparations for use in a portable pump or reservoir over multiple days;

(ii) batch-reconstituted sterile preparations;

(iii) batch-prefilled syringes; and

(iv) total parenteral nutrient solutions that are compounded by the gravity transfer of carbohydrates and amino acids into an empty container with the addition of sterile additives using a syringe and needle or that are mixed with an automatic compounding device.

(5) "Pharmacy" means a pharmacy, nonresident pharmacy, or outsourcing facility as defined by K.S.A. 2017 Supp. 65-1626, and amendments thereto.

(c) Any sterile preparation for immediate use may be compounded outside a primary engineering control if both of the following conditions are met:

(1) Administration to the patient begins within one hour of the start of compounding the sterile preparation.

(2) The sterile preparation is compounded by a simple or closed-system aseptic transfer of sterile, nonpyrogenic, finished pharmaceuticals obtained from licensed manufacturers into sterile final containers obtained from licensed manufacturers.

(d) When a multiple-dose container with antimicrobial preservatives has been opened or entered, the container shall be labeled with a beyond-use date not to exceed 28 days, unless otherwise specified by the manufacturer.

(e) Each compounding area shall contain a primary engineering control providing unidirectional airflow that will maintain an ISO class five environment for compounding sterile preparations and shall be void of all activities and materials that are extraneous to compounding.

(f) Each sterile preparation compounded in a segregated compounding area shall be labeled with a beyond-use date of no more than 12 hours.

(g) Each single-dose container shall be labeled as such.

(h) The contents of each single-dose container shall be used within one hour if the container is opened or entered in an area with air quality that does not meet the requirements of an ISO class five environment.

(i) The contents of each single-dose container shall be used within six hours if the container is opened or entered in an area that meets the requirements of an ISO class five environment.

(j) For the convenience of any patient, any pharmacist may compound a sterile preparation before receiving an order if the pharmacist has previously filled orders for the sterile preparation and the sterile preparation is based on routine, regularly observed prescribing patterns.

(k) Compounding for non-human animals shall meet the same requirements as those for human prescriptions, except that a pharmacist shall not compound bulk chemicals for food-producing animals.

(l) Each sterile preparation sold by a pharmacy to a practitioner for administration to a patient shall be packaged with a label that includes the following text: "For Office Use Only — Not For Resale."

(m) Any pharmacy may distribute sterile preparations without a prescription, including providing limited quantities to a practitioner in the course of professional practice to administer limited quantities to an individual patient, if the sterile preparations are not intended for resale.

(n) A pharmacist shall not compound a sterile preparation that is essentially a copy.

(o) Any pharmacist may compound a sterile preparation that is commercially available only if there is sufficient documentation of a specific medical need for the

prescription or the product is temporarily unavailable due to problems other than safety or effectiveness. Each pharmacist shall document any unavailability in the patient's prescription record, including the date the product was unavailable, and shall maintain documentation from the manufacturer or distributor demonstrating the product's unavailability. The pharmacist shall cease compounding the sterile preparation as soon as the product becomes commercially available.

(p) A pharmacist shall not compound a sterile preparation by any of the following methods:

(1) Using any component withdrawn from the market by the FDA for safety reasons;

(2) receiving, storing, or using any drug component that is not guaranteed or otherwise determined to meet the requirements of an official compendium; or

(3) compounding finished drugs through manufacturing, as defined in K.S.A. 65-1626 and amendments thereto, without first receiving an FDA-sanctioned investigational new drug application in accordance with 21 U.S.C. 355(i) and 21 C.F.R. Part 312.

(q) Each pharmacist or pharmacy compounding sterile preparations shall have the following resources:

(1) A primary engineering control that is currently certified by an inspector certified by the controlled environmental testing association to ensure aseptic conditions within the working area and that has the required documentation. The certification shall be deemed current if the certification occurred within the previous six months or on the date the device was last moved to another location, whichever is more recent. The required documentation shall include the following:

(A) Inspection certificates for the past five years or since the date of installation, whichever is more recent;

(B) records of all filter maintenance for the past five years or since the date of installation, whichever is more recent;

(C) records of all HEPA filter maintenance for the past five years or since the date of installation, whichever is more recent; and

(D) records of all disinfecting and cleaning for the past year or since the date of installation, whichever is more recent;

(2) a sink with hot and cold running water;

(3) a refrigerator capable of maintaining a temperature of 2° to 8°C (36° to 46°F) and, if needed, a freezer capable of maintaining a temperature of -25° to -10°C (-13° to 14°F). The temperature shall be monitored and recorded each business day. Each pharmacy with an electronic system that alerts the pharmacist to noncompliant temperatures shall be exempt from daily recording;

(4) the reference materials required by K.A.R. 68-2-12a and a current copy of a reference text on intravenous incompatibilities and stabilities. If an electronic library is provided, a workstation shall be readily available for use by pharmacy personnel, students, interns, and board personnel;

(5) a policy and procedure manual, with a documented review at least every two years by the pharmacist-in-charge or designee, which shall include the following subjects:

(A) Sanitation;

(continued)

- (B) storage;
  - (C) dispensing;
  - (D) labeling;
  - (E) destruction and return of controlled substances;
  - (F) recordkeeping;
  - (G) recall procedures;
  - (H) responsibilities and duties of supportive personnel;
  - (I) aseptic compounding techniques; and
  - (J) ongoing evaluation of all staff compounding sterile preparations; and
- (6) supplies necessary for compounding sterile preparations.

(r) Each pharmacist-in-charge shall maintain a uniform formulation record for each sterile preparation, documenting the following:

- (1) The quantities, strength, and dosage form of all components of the sterile preparation;
- (2) the equipment used to compound the sterile preparation and the mixing instructions;
- (3) the container used in dispensing;
- (4) the storage requirements;
- (5) the beyond-use date to be assigned;
- (6) quality control procedures, which may include monitoring the following, if applicable:

(A) Adequacy of mixing to ensure uniformity and homogeneity; and

- (B) the clarity, completeness, or pH of solutions;
- (7) the sterilization methods;
- (8) the source of the formulation; and
- (9) the name of the pharmacist who verified the accuracy of the formulation record and the date of verification.

(s) Each pharmacist-in-charge shall maintain on the original order or on a separate, uniform record a compounding record for each sterile preparation, documenting the following:

- (1) The name and strength of the sterile preparation;
- (2) the formulation record reference for the sterile preparation;
- (3) the name of the manufacturer or repackager and, if applicable, the lot number and the expiration date of each component;
- (4) the total number of dosage units or total quantity compounded;
- (5) the name of the person or persons who compounded the sterile preparation;
- (6) the name of the pharmacist, or the pharmacy student or intern working under the direct supervision and control of the pharmacist, who verified the accuracy of the sterile preparation;
- (7) the date of compounding;
- (8) the assigned internal identification number, if applicable;
- (9) the prescription number, if assigned;
- (10) the results of quality control procedures;
- (11) the results of the sterility testing and, if applicable, pyrogen testing for the batch; and
- (12) the assigned beyond-use-date. In the absence of valid scientific stability information that is applicable to a component or the sterile preparation, the beyond-use date shall be established in accordance with the following criteria:

(A) For nonaqueous and solid formulations, one of the following:

(i) If the manufactured drug product is the source of the active ingredient, six months from the date of compounding or the time remaining until the manufactured drug product's expiration date, whichever is earlier; or

(ii) if the substance listed in an official compendium is the source of an active ingredient, six months from the date of compounding or the time remaining until the expiration date of any component of the formulation, whichever is earlier;

(B) for formulations containing water and made from ingredients in solid form, not more than 14 days when stored under refrigeration; and

(C) for all other formulations, not longer than the intended duration of therapy or 30 days, whichever is earlier.

(t) The compounding record and corresponding formulation record specified in subsections (s) and (r), respectively, shall be retained at the pharmacy for at least five years and shall be made readily available to the pharmacist-in-charge, the board, and the board's designee.

(u) Medical care facility pharmacies shall generate a compounding record and a corresponding formulation record only for batch compounding or for any sterile preparation with a beyond-use date of more than seven days.

(v) Except when compounding in any CAI, each person involved in compounding a sterile preparation shall follow personal garbing and washing procedures that include the following minimum requirements:

(1) Preparing for garbing by removing any outer garments, cosmetics, jewelry, and artificial nails;

(2) performing the following procedures, in the order listed:

- (A) Donning dedicated shoes or shoe covers;
- (B) donning head and facial hair covers;
- (C) either washing the hands with soap for at least 20 seconds or using an antiseptic hand scrub in accordance with the manufacturer's instructions; and
- (D) donning a nonshedding gown; and
- (3) entering the work area and immediately performing an antiseptic hand-cleaning procedure using an alcohol-based surgical hand scrub and successively donning sterile, powder-free gloves. Sterile gloves shall be disinfected after touching any nonsterile area.

(w) All sterile preparations shall be stored and delivered in a manner that is designed to maintain parenteral product stability and sterility.

(x) All sterile preparations, except for sterile preparations for immediate use, shall be compounded under aseptic conditions as follows:

(1) Each low-risk sterile preparation labeled with a beyond-use date of 12 hours or longer shall be compounded in an ISO class five environment using techniques that ensure sterility. Each low-risk sterile preparation labeled with a beyond-use date of less than 12 hours shall, at a minimum, be made in a segregated compounding area.

(2) Each medium-risk sterile preparation shall be compounded in an ISO class five environment using techniques that ensure sterility.

(3) Each high-risk sterile preparation made with nonsterile components shall be sterilized before being administered to a patient and shall have a certificate of analysis indicating that all nonsterile components meet the standards of the "United States pharmacopeia" and

the FDA for identity, purity, and endotoxin levels as verified by a pharmacist.

(y) Each pharmacist engaged in the dispensing of sterile preparations shall meet all labeling requirements under state and federal law. In addition, the label of each sterile preparation shall contain the following information:

- (1) The name and quantity of each component;
- (2) the beyond-use date;
- (3) the prescribed flow rate;
- (4) the name or initials of each person who compounded the sterile preparation; and
- (5) any special storage instructions.

(z)(1) The pharmacist-in-charge and all personnel involved in compounding sterile preparations shall have practical or academic training in sterile compounding, clean room technology, laminar flow technology, and quality assurance techniques. The training shall include the following:

- (A) At least one successful media fill test; and
  - (B) a successful glove fingertip test.
- (2) The pharmacist-in-charge shall ensure that all supportive personnel are trained and successfully demonstrate the following before performing any delegated sterile admixture services:

- (A) Comprehensive knowledge of the pharmacy's standard operating procedures with regard to sterile admixture services, as specified in the policy and procedure manual;
- (B) familiarity with the compounding techniques; and
- (C) aseptic technique, which shall be proven by means of a media fill test and a glove fingertip test.

(3) The pharmacist-in-charge shall be responsible for testing the aseptic technique of all personnel involved in compounding sterile preparations annually by means of a media fill test. All personnel involved in compounding high-risk sterile preparations shall undergo this testing twice each year. Each individual who fails to demonstrate acceptable aseptic technique shall be prohibited from compounding sterile preparations until the individual demonstrates acceptable technique by means of a media fill test.

(aa) The pharmacist-in-charge shall document all training and test results for each person before that person begins compounding sterile preparations. This documentation shall be maintained by the pharmacy for at least five years and shall be made available to the board upon request.

(bb) The pharmacist-in-charge shall be responsible maintaining records documenting the frequency of cleaning and disinfection of all compounding areas, according to the following minimum requirements:

- (1) Each ISO class five environment shall be cleaned and disinfected as follows:
  - (A) At the beginning of each shift;
  - (B) every 30 minutes during continuous periods of compounding individual sterile preparations;
  - (C) before each batch; and
  - (D) after a spill or known contamination.
- (2) All counters, work surfaces, and floors shall be cleaned and disinfected daily.
- (3) All walls, ceilings, and storage shelves shall be cleaned and disinfected monthly.

(cc) The pharmacist-in-charge shall be responsible for maintaining records documenting the monitoring of

the air pressure and air flow and shall initiate immediate corrective action if indicated. The air pressure of the anteroom shall be maintained at five pascals, and the air flow shall be maintained at 0.2 meters per second. The air pressure and air flow values shall be checked and recorded at least once daily.

(dd) The pharmacist-in-charge shall be responsible for maintaining records documenting the monitoring of the cleanliness and sterility of the sterile compounding environment. Environmental sampling shall be performed in each new facility before any sterile preparation in that facility is provided to a patient and, at a minimum, every six months thereafter. The environmental sampling shall include the primary engineering control, anteroom and buffer area, and equipment and shall be performed following any repair or service performed at the facility and in response to any identified problem or concern.

Environmental sampling shall consist of the following, at a minimum:

- (1) Environmental nonviable particle counts;
- (2) environmental viable airborne particle testing by volumetric collection;
- (3) environmental viable surface sampling; and
- (4) certification of operational efficiency of the primary engineering control by an independent contractor according to the international organization of standardization classification of particulate matter in room air, at least once every six months.

(ee) The environmental sampling records specified in subsection (dd) shall be retained at the pharmacy for at least five years and shall be made readily available to the pharmacist-in-charge, the board, and the board's designee.

(ff) If a microbial growth above acceptable levels is detected in an ISO class five environment, ISO class seven environment, or ISO class eight environment, an immediate reevaluation of the adequacy of compounding practice, cleaning procedures, operational procedures, and air filtration efficiency with the aseptic compounding location shall be conducted and documented. Each investigation into the source of the contamination shall include air sources, personnel garbing, and all filters, at a minimum. The ISO class five environment, ISO class seven environment, or ISO class eight environment shall be cleaned three times and environmental sampling shall be performed and reevaluated. Sterile preparations may be compounded and labeled with a beyond-use date according to subsection (gg) until microbial growth has decreased to acceptable levels.

(1) An ISO class five environment shall have acceptable levels of microbial growth if both of the following conditions are met:

- (A) An airborne sample demonstrates no more than one colony-forming unit per cubic meter of air.
- (B) A surface sample demonstrates no more than three colony-forming units per contact plate.

(2) An ISO class seven environment shall have acceptable levels of microbial growth if both of the following conditions are met:

- (A) An airborne sample demonstrates no more than 10 colony-forming units per cubic meter of air.

*(continued)*

(B) A surface sample demonstrates no more than five colony-forming units per contact plate.

(3) An ISO class eight environment shall have acceptable levels of microbial growth if both of the following conditions are met:

(A) An airborne sample demonstrates no more than 100 colony-forming units per cubic meter of air.

(B) A surface sample demonstrates no more than 100 colony-forming units per contact plate.

(gg) Unless sterility has been confirmed by testing, each high-risk sterile preparation shall be administered according to the following:

(1) Within 24 hours of compounding if stored at room temperature;

(2) within three days of compounding if stored under refrigeration; or

(3) within 45 days of compounding if stored frozen at  $-20^{\circ}\text{C}$  ( $-4^{\circ}\text{F}$ ) or colder. (Authorized by K.S.A. 65-1630 and K.S.A. 2017 Supp. 65-1637e; implementing K.S.A. 2017 Supp. 65-1626a, K.S.A. 65-1634, K.S.A. 2017 Supp. 65-1637c, and K.S.A. 2017 Supp. 65-1642; effective May 11, 2018.)

## Article 21.—PRESCRIPTION MONITORING PROGRAM

**68-21-7. Drugs of concern.** (a) Each of the following shall be classified as a drug of concern:

(1) Any product containing all three of these drugs: butalbital, acetaminophen, and caffeine;

(2) any compound, mixture, or preparation that contains any detectable quantity of ephedrine, its salts or optical isomers, or salts of optical isomers and is exempt from being reported to the statewide electronic logging system for the sale of methamphetamine precursors;

(3) any compound, mixture, or preparation that contains any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers and is exempt from being reported to the statewide electronic logging system for the sale of methamphetamine precursors;

(4) promethazine with codeine; and

(5) any product, compound, mixture, or preparation that contains gabapentin.

(b) Each request to have a drug added to the program for monitoring shall be submitted in writing to the board.

This regulation shall take effect 90 days after publication in the Kansas register. (Authorized by K.S.A. 2016 Supp. 65-1692; implementing K.S.A. 2016 Supp. 65-1682; effective Oct. 15, 2010; amended Feb. 4, 2015; amended July 25, 2018.)

Alexandra Blasi  
Executive Director

Doc. No. 046255

### State of Kansas

## Department of Health and Environment

### Permanent Administrative Regulations

#### Article 1.—DISEASES

**28-1-1. Definitions.** As used in K.A.R. 28-1-1 through 28-1-23, each of the following terms shall have the meaning specified in this regulation: (a) “Case” means an in-

stance of a diagnosed infectious or contagious disease or condition in a person or an animal.

(b) “Cluster, outbreak, or epidemic” means a situation in which cases are observed in excess of what is expected compared to the usual frequency of the incidence of the infectious or contagious disease or condition in a defined area, among a specified population, and during a specified period of time.

(c) “Condition” means any noninfectious adverse health event.

(d) “Correctional facility” means any city or county jail or any correctional institution, as defined in K.S.A. 75-5202 and amendments thereto.

(e) “Corrections officer” means an employee of the department of corrections, as defined in K.S.A. 75-5202 and amendments thereto, and any person employed by a city or county who is in charge of a jail or section of a jail, including jail guards and those individuals who conduct searches of persons taken into custody.

(f) “Department” means Kansas department of health and environment.

(g) “Emergency services employee” means an attendant, as specified in K.S.A. 65-6112 and amendments thereto; a supervised student, as described in K.S.A. 65-6129a and amendments thereto; an observer authorized by an employing agency or entity; or a paid or volunteer firefighter.

(h) “Infectious or contagious diseases” has the meaning specified for “infectious and contagious diseases” in K.S.A. 65-116a, and amendments thereto.

(i) “Local health officer” means each person appointed pursuant to K.S.A. 65-201, and amendments thereto.

(j) “Occupational exposure” has the meaning specified in K.S.A. 65-116a, and amendments thereto.

(k) “Other potentially infectious materials” has the meaning specified in K.S.A. 65-116a, and amendments thereto.

(l) “Physician” means a person licensed by the state board of healing arts to practice medicine and surgery.

(m) “Secretary” means secretary of the department of health and environment.

(n) “Suspected case” means an instance in which signs and symptoms suggestive of an infectious or contagious disease or condition are present in a person or animal before confirmation of the diagnosis. (Authorized by and implementing K.S.A. 65-101 and K.S.A. 2017 Supp. 65-128; effective May 1, 1982; amended May 11, 2018.)

**28-1-2. Reporting requirements for infectious or contagious diseases and conditions.** (a) Each person licensed to practice the healing arts or engaged in a post-graduate training program approved by the state board of healing arts, licensed dentist, licensed professional nurse, licensed practical nurse, administrator of a hospital, licensed adult care home administrator, licensed physician assistant, licensed social worker, and teacher or school administrator shall report each suspected case of the following infectious or contagious diseases or conditions to the secretary within four hours of knowledge of the suspected case:

- (1) Anthrax;
- (2) botulism;
- (3) cholera;
- (4) diphtheria;
- (5) measles (rubeola);



- (6) meningococcal disease;
- (7) mumps;
- (8) novel influenza A virus infection;
- (9) plague (*Yersinia pestis*);
- (10) poliovirus;
- (11) rabies, human;
- (12) rubella;
- (13) severe acute respiratory syndrome-associated coronavirus (SARS-CoV);
- (14) smallpox;
- (15) tetanus;
- (16) tuberculosis;
- (17) vaccinia, postvaccination infection or secondary transmission;
- (18) viral hemorrhagic fevers, including Ebola virus, Marburg virus, Crimean-Congo hemorrhagic fever virus, Lassa virus, Lujo virus, and any of the New World arenaviruses; and
- (19) any exotic or newly recognized disease.

(b) Each person licensed to practice the healing arts or engaged in a postgraduate training program approved by the state board of healing arts, licensed dentist, licensed professional nurse, licensed practical nurse, administrator of a hospital, licensed adult care home administrator, licensed physician assistant, licensed social worker, and teacher or school administrator shall report each occurrence of any of the following to the secretary within four hours:

- (1) Clusters, outbreaks, or epidemics;
- (2) possible terrorist acts due to biological, chemical, or radiological agents;
- (3) unexplained death suspected to be due to an unidentified infectious agent; or
- (4) any unusual disease or manifestation of illness.

(c) Each person specified in subsection (a) shall report each case of the infectious or contagious diseases or conditions specified in this subsection to the secretary within 24 hours, except that if the reporting period ends on a weekend or state-approved holiday, the report shall be made to the secretary by 5:00 p.m. on the next business day after the 24-hour period. Each report for the following shall be required only upon receipt of laboratory evidence of the infectious or contagious disease or condition, unless otherwise specified or requested by the secretary:

- (1) Acute flaccid myelitis (report all suspected cases, regardless of laboratory evidence);
- (2) anaplasmosis;
- (3) arboviral disease, neuroinvasive and nonneuroinvasive, including California serogroup virus disease, chikungunya virus, any dengue virus infection, eastern equine encephalitis virus disease (EEE), Powassan virus disease, St. Louis encephalitis virus disease (SLE), West Nile virus disease (WNV), western equine encephalitis virus disease (WEE), and Zika virus;
- (4) babesiosis;
- (5) blood lead level, any results;
- (6) brucellosis, including laboratory exposures to *Brucella* species;
- (7) campylobacteriosis;
- (8) *Candida auris*;
- (9) carbapenem-resistant bacterial infection or colonization;

- (10) carbon monoxide poisoning (report all suspected cases, regardless of laboratory evidence);
- (11) chancroid;
- (12) chickenpox (varicella) (report all suspected cases, regardless of laboratory evidence);
- (13) *Chlamydia trachomatis* infection;
- (14) coccidioidomycosis;
- (15) cryptosporidiosis;
- (16) cyclosporiasis;
- (17) ehrlichiosis;
- (18) giardiasis;
- (19) gonorrhea, including antibiotic susceptibility testing results, if performed;
- (20) *Haemophilus influenzae*, invasive disease;
- (21) Hansen's disease (leprosy) (report all suspected cases, regardless of laboratory evidence);
- (22) hantavirus (report all suspected cases, regardless of laboratory evidence);
- (23) hemolytic uremic syndrome, postdiarrheal (report all suspected cases, regardless of laboratory evidence);
- (24) hepatitis A, acute hepatitis A (IgM antibody-positive laboratory results only);
- (25) hepatitis B, acute, chronic, and perinatal infections;
- (26) hepatitis B in pregnancy (report the pregnancy of each woman with hepatitis B virus infection);
- (27) hepatitis B (report all positive, negative, and inconclusive results for children younger than five years of age);
- (28) hepatitis C;
- (29) hepatitis D;
- (30) hepatitis E;
- (31) histoplasmosis;
- (32) human immunodeficiency virus infection;
- (33) human immunodeficiency virus-positive cases (report either the CD4+ T-lymphocyte cell counts or the CD4+ T-lymphocyte percent of total lymphocytes);
- (34) human immunodeficiency virus infection in pregnancy (report the pregnancy of each woman with human immunodeficiency virus infection);
- (35) human immunodeficiency virus (report viral load of any value);
- (36) influenza that results in the death of any child under 18 years of age (report both suspected cases and cases, regardless of laboratory evidence);
- (37) legionellosis;
- (38) leptospirosis;
- (39) listeriosis;
- (40) Lyme disease;
- (41) malaria;
- (42) psittacosis;
- (43) Q fever, acute and chronic;
- (44) rabies, animal;
- (45) salmonellosis;
- (46) shiga toxin-producing *Escherichia coli* (STEC);
- (47) shigellosis;
- (48) spotted fever rickettsiosis;
- (49) streptococcal toxic-shock syndrome;
- (50) *Streptococcus pneumoniae*, invasive disease;
- (51) syphilis, including congenital syphilis (report all suspected cases, regardless of laboratory evidence);
- (52) toxic-shock syndrome, other than streptococcal;

(continued)

(53) transmissible spongiform encephalopathy (TSE) or prion disease (indicate causative agent, if known);

(54) trichinellosis or trichinosis (report all suspected cases, regardless of laboratory evidence);

(55) tuberculosis infection (report all suspected cases based on positive tuberculin skin test or laboratory evidence);

(56) tularemia, including laboratory exposures;

(57) typhoid fever;

(58) vancomycin-intermediate *Staphylococcus aureus* (VISA);

(59) vancomycin-resistant *Staphylococcus aureus* (VRSA);

(60) vibriosis or non-cholera *Vibrio* species;

(61) yellow fever; and

(62) whooping cough (pertussis) (report all suspected cases, regardless of laboratory evidence).

(d) Each person specified in subsection (a) shall report the following information in a manner specified by the secretary for any suspected case or case required to be reported by subsection (a), (b), or (c):

(1) The following personal information for each patient:

(A) First and last names and middle initial;

(B) address, including city, state, and zip code;

(C) telephone number, including area code;

(D) date of birth;

(E) sex;

(F) race;

(G) ethnicity (specify if hispanic or non-hispanic ethnicity);

(H) pregnancy status;

(I) date of onset of symptoms; and

(J) diagnosis;

(2) type of diagnostic tests;

(3) type of specimen;

(4) date of specimen collection;

(5) site of specimen collection;

(6) diagnostic test results, including reference range, titer if quantitative procedures are performed, and all available results concerning additional characterization of the organism;

(7) treatment given;

(8) name, address, and telephone number of the attending physician; and

(9) any other necessary epidemiological information and additional specimen collection or laboratory test results requested by the secretary or local health officer. (Authorized by K.S.A. 65-101, K.S.A. 2017 Supp. 65-128, K.S.A. 65-1,202, and K.S.A. 65-6003; implementing K.S.A. 65-101, K.S.A. 2017 Supp. 65-118 and K.S.A. 65-6002; effective May 1, 1982; amended May 1, 1986; amended Dec. 24, 1990; amended April 19, 1993; amended Jan. 12, 1996; amended Dec. 1, 1997; amended Feb. 18, 2000; amended, T-28-11-20-03, Nov. 20, 2003; amended March 5, 2004; amended April 28, 2006; amended May 11, 2018.)

**28-1-4. Hospital reporting requirements.** (a) The administrator of each hospital licensed in Kansas shall report the following information to the secretary when requested by the secretary and for the duration specified by the secretary, if this information is in the hospital's possession:

(1) The number of laboratory test orders for specified infectious or contagious diseases or conditions and the

results for specified infectious or contagious diseases or conditions;

(2) the number of pharmacy prescriptions for medications used to treat specified infectious or contagious diseases or conditions;

(3) the number of emergency room visits for symptoms related to specified infectious or contagious diseases or conditions; and

(4) utilization rates of other services that can provide an early warning of an infectious or contagious disease, a condition, a cluster, outbreak, or epidemic, or any other public health threat specified by the secretary, if that information can be provided by the hospital with minimum additional burden.

(b) The administrator of each hospital licensed in Kansas may designate a person within the hospital to report infectious or contagious diseases or conditions on behalf of the individuals required by K.A.R. 28-1-2 to report suspected cases and cases observed at the hospital. Each report from the designated hospital person shall meet all reporting requirements for individuals required by K.A.R. 28-1-2 to report suspected cases and cases. (Authorized by K.S.A. 65-101; implementing K.S.A. 65-101 and K.S.A. 2017 Supp. 65-102; effective May 1, 1982; amended May 1, 1986; amended Jan. 12, 1996; amended Oct. 16, 1998; amended, T-28-11-20-03, Nov. 20, 2003; amended March 5, 2004; amended May 11, 2018.)

**28-1-6. Requirements for isolation and quarantine of specific infectious or contagious diseases.** (a) The requirements for isolation and quarantine shall be those specified in the department's "requirements for isolation and quarantine of infectious or contagious diseases," dated March 15, 2018, which is hereby adopted by reference.

(b) No isolation or quarantine shall be required for the following infectious or contagious diseases:

(1) Anaplasmosis;

(2) anthrax;

(3) babesiosis;

(4) botulism;

(5) brucellosis;

(6) chancroid;

(7) *Chlamydia trachomatis* infection;

(8) coccidioidomycosis;

(9) cyclosporiasis;

(10) ehrlichiosis;

(11) gonorrhea;

(12) Hansen's disease (leprosy);

(13) hantavirus pulmonary syndrome;

(14) hepatitis B, acute, chronic, and perinatal infections;

(15) hepatitis C, acute and either past or present infections;

(16) hepatitis D;

(17) hepatitis E;

(18) histoplasmosis;

(19) human immunodeficiency virus;

(20) legionellosis;

(21) leptospirosis;

(22) listeriosis;

(23) Lyme disease;

(24) malaria;

(25) psittacosis;

(26) Q fever, acute and chronic;

(27) spotted fever rickettsiosis;  
 (28) syphilis;  
 (29) tetanus;  
 (30) transmissible spongiform encephalopathy (TSE) or prion disease;  
 (31) trichinellosis (trichinosis);  
 (32) tularemia; and  
 (33) yellow fever. (Authorized by K.S.A. 65-101 and K.S.A. 2017 Supp. 65-128; implementing K.S.A. 65-101, K.S.A. 2017 Supp. 65-118, K.S.A. 65-122, and K.S.A. 2017 Supp. 65-128; effective May 1, 1982; amended May 1, 1986; amended Sept. 5, 1997; amended July 16, 1999; amended July 20, 2007; amended May 11, 2018.)

**28-1-7.** (Authorized by K.S.A. 1981 Supp. 65-101, K.S.A. 65-128; implementing K.S.A. 1981 Supp. 65-101; effective May 1, 1982; revoked May 11, 2018.)

**28-1-12. Release from isolation or quarantine.** All laboratory tests and cultures for the release of an individual from isolation or quarantine shall be performed by the department's laboratory or by a laboratory approved by the secretary for this purpose. (Authorized by K.S.A. 65-101 and K.S.A. 2017 Supp. 65-128; implementing K.S.A. 65-101; effective May 1, 1982; amended May 11, 2018.)

**28-1-13. Rabies control.** The requirements for the control of rabies shall be those specified in the department's "rabies control requirements," dated October 19, 2017, which is hereby adopted by reference. (Authorized by K.S.A. 65-101 and K.S.A. 2017 Supp. 65-128; implementing K.S.A. 65-101, K.S.A. 2017 Supp. 65-128, and K.S.A. 75-5661; effective May 1, 1982; amended May 1, 1986; amended July 5, 1996; amended April 24, 1998; amended May 11, 2018.)

**28-1-18. Reporting and submission requirements for laboratories.** (a) Each person who is in charge of a laboratory as specified in K.S.A. 65-118, and amendments thereto, shall provide the reports required by K.A.R. 28-1-2 to the department using an automated, secure electronic laboratory-reporting system or other means acceptable to the secretary. A person's use of electronic or automated reporting shall not exempt that person from reporting a suspected case within four hours as required by K.A.R. 28-1-2.

(b) Each person who is in charge of a laboratory as specified in K.S.A. 65-118, and amendments thereto, shall submit the following to the department's office of laboratory services in the following order of preference, if the test results indicate the presence of any microorganism specified in subsection (c):

- (1) Isolates of positive cultures;
- (2) original clinical specimen from a patient;
- (3) nucleic acid; or
- (4) any other materials determined by the secretary.

(c) Each person who is in charge of a laboratory as specified in K.S.A. 65-118, and amendments thereto, shall submit the specimens specified in subsection (b) if the test results indicate the presence of any of the following microorganisms:

- (1) Any carbapenem-resistant organism;
- (2) *Candida auris*;
- (3) *Haemophilus influenzae*, if identified in a patient with invasive disease;
- (4) *Listeria* species;

- (5) *Mycobacterium tuberculosis*;
- (6) *Neisseria meningitidis*;
- (7) *Salmonella* species;
- (8) shiga toxin-producing *Escherichia coli* (STEC);
- (9) *Shigella* species;
- (10) *Streptococcus pneumoniae*, invasive; and
- (11) *Vibrio* species. (Authorized by and implementing K.S.A. 65-101, K.S.A. 2017 Supp. 65-118, and K.S.A. 2017 Supp. 65-128; effective, E-68-22, Aug. 9, 1968; effective Jan. 1, 1969; amended May 1, 1986; amended Aug. 23, 1993; amended Jan. 12, 1996; amended Dec. 1, 1997; amended Feb. 18, 2000; amended, T-28-8-9-02, Aug. 9, 2002; amended Dec. 2, 2002; amended May 11, 2018.)

Jeff Andersen  
Secretary

Doc. No. 046256

## State of Kansas

### Secretary of State

#### Certification of New State Laws

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

Kris W. Kobach  
Secretary of State

(Published in the Kansas Register April 26, 2018.)

#### HOUSE BILL No. 2444

AN ACT repealing K.S.A. 2017 Supp. 74-4921c and 74-4921d; concerning retirement and pensions; relating to the Kansas public employees retirement system; investments by the KPERS board; new investments and divestment of current investment in companies with operations in Sudan.

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

Section 1. K.S.A. 2017 Supp. 74-4921c and 74-4921d are hereby repealed.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 26, 2018.)

#### HOUSE BILL No. 2477

AN ACT concerning agriculture; relating to the Kansas pet animal act; amending K.S.A. 47-1702, 47-1703, 47-1704, 47-1719, 47-1720, 47-1733, 47-1734 and 47-1736 and K.S.A. 2017 Supp. 47-1701, 47-1709, 47-1721 and 47-1723 and repealing the existing sections.

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

Section 1. K.S.A. 2017 Supp. 47-1701 is hereby amended to read as follows: 47-1701. As used in the Kansas pet animal act, unless the context otherwise requires:

(a) "Adequate feeding" means supplying at suitable intervals, not to exceed 24 hours, a quantity of wholesome foodstuff suitable for the animal species and age, and sufficient to maintain a reasonable level of nutrition in each animal.

(continued)

(b) "Adequate watering" means a supply of clean, fresh, potable water, supplied in a sanitary manner and either continuously accessible to each animal or supplied at intervals suitable for the animal species, not to exceed intervals of 12 hours.

(c) "Ambient temperature" means the temperature surrounding the animal.

(d)(1) "Animal" means any live dog, cat, rabbit, rodent, nonhuman primate, bird or other warm-blooded vertebrate or any fish, snake or other cold-blooded vertebrate.

(2) "Animal" does not include horses, cattle, sheep, goats, swine, ratites, domesticated deer or domestic fowl.

(e) "Animal breeder" means any person who operates an animal breeder premises.

(f) "Animal breeder premises" means any premises where all or part of six or more litters of dogs or cats, or both, or 30 or more dogs or cats, or both, are sold, or offered or maintained for sale, primarily at wholesale for resale to another.

(g) "Animal shelter" or "pound" means a facility ~~which~~ that is used or designed for use to house, contain, impound or harbor any seized stray, homeless, relinquished or abandoned animal or a person who acts as an animal rescuer, or who collects and cares for unwanted animals or offers them for adoption. Animal shelter or pound also includes a facility of an individual or organization, profit or nonprofit, maintaining 20 or more dogs or cats, or both, for the purpose of collecting, accumulating, amassing or maintaining the animals or offering the animals for adoption.

(h) "Cat" means an animal ~~which~~ that is wholly or in part of the species *Felis domesticus*.

(i) "Commissioner" means the animal health commissioner of the Kansas department of agriculture.

(j) "Dog" means any animal ~~which~~ that is wholly or in part of the species *Canis familiaris*.

(k) "Animal control officer" means any person employed by, contracted with or appointed by the state, or any political subdivision thereof, for the purpose of aiding in the enforcement of this law, or any other law or ordinance relating to the licensing or permitting of animals, control of animals or seizure and impoundment of animals, and includes any state, county or municipal law enforcement officer, dog warden, constable or other employee, whose duties in whole or in part include assignments ~~which~~ that involve the seizure or taking into custody of any animal.

(l) "Euthanasia" means the humane destruction of an animal, which may be accomplished by any of those methods provided for in K.S.A. 47-1718, and amendments thereto.

(m) "Hobby breeder premises" means any premises where all or part of three, four or five litters of dogs or cats, or both, are produced for sale or sold, offered or maintained for sale per license year. This provision applies only if the total number of dogs or cats, or both, sold, offered or maintained for sale is less than 30 individual animals.

(n) "Hobby breeder" means any person who operates a hobby breeder premises.

(o) "Housing facility" means any room, building or area used to contain a primary enclosure or enclosures.

(p) "Boarding or training kennel operator" means any person who operates an establishment where four or more dogs or cats, or both, are maintained in any one week during the license year for boarding, training or similar purposes for a fee or compensation.

(q) "Boarding or training kennel operator premises" means the facility of a boarding or training kennel operator.

(r) "License year" or "permit year" means the 12-month period ending on ~~June~~ September 30.

(s) "Person" means any individual, association, partnership, corporation or other entity.

(t)(1) "Pet shop" means any premises where there are sold, or offered or maintained for sale, at retail and not for resale to another:

(A) Any dogs or cats, or both; or (B) any other animals except those ~~which~~ that are produced and raised on such premises and are sold, or offered or maintained for sale, by a person who resides on such premises.

(2) "Pet shop" does not include: (A) Any pound or animal shelter; (B) any premises where only fish are sold, or offered or maintained for sale; or (C) any animal distributor premises, hobby breeder premises, retail breeder premises or animal breeder premises.

(3) Nothing in this section prohibits inspection of those premises ~~which~~ that sell only fish to verify that only fish are being sold.

(u) "Pet shop operator" means any person who operates a pet shop.

(v) "Primary enclosure" means any structure used or designed for use to restrict any animal to a limited amount of space, such as a room, pen, cage, compartment or hutch.

(w) "Research facility" means any place, laboratory or institution, except an elementary school, secondary school, college or university, at which any scientific test, experiment or investigation involving the use of any living animal is carried out, conducted or attempted.

(x) "Sale," "sell" and "sold" include transfers by sale or exchange. Maintaining animals for sale is presumed whenever 20 or more dogs or cats, or both, are maintained by any person.

(y) "Sanitize" means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health, at such intervals as necessary.

(z) "Animal distributor" means any person who operates an animal distributor premises.

(aa) "Animal distributor premises" means the premises of any person engaged in the business of buying for resale dogs or cats, or both, as a principal or agent, or who holds such distributor's self out to be so engaged.

(bb) "Out-of-state distributor" means any person residing in a state other than Kansas, who is engaged in the business of buying for resale dogs or cats, or both, within the state of Kansas, as a principal or agent.

(cc) "Food animals" means rodents, rabbits, reptiles, fish or amphibians that are sold or offered or maintained for sale for the sole purpose of being consumed as food by other animals.

(dd)(1) "Adequate veterinary medical care" means:

(1)(A) A documented program of disease control and prevention, euthanasia and routine veterinary care shall be established and maintained under the supervision of a licensed veterinarian, on a form provided by the commissioner, and shall include a documented on-site visit to the premises by the veterinarian at least once a year;

(2)(B) that diseased, ill, injured, lame or blind animals shall be provided with veterinary care as is needed for the health and well-being of the animal, and such veterinary care shall be documented and maintained on the premises; and

(3)(C) all documentation required by subsections (dd)(1)(A) and (dd)(2)(1)(B) shall be made available to the commissioner or the commissioner's authorized representative for inspection or copying upon request and shall be maintained for three years after the effective date of the program or the administration of such veterinary care.

(4)(2) ~~As used in the Kansas pet animal act,~~ "Adequate veterinary medical care" shall not apply to United States department of agriculture licensed animal breeders or animal distributors.

(ee) "Ratites" means all creatures of the ratite family that are not indigenous to this state, including, but not limited to, ostriches, emus and rheas.

(ff) "Retail breeder" means any person who operates a retail breeder premises.

(gg) "Retail breeder premises" means any premises where all or part of six or more litters or 30 or more dogs or cats, or both, are sold, or offered or maintained for sale, primarily at retail and not for resale to another.

(hh) "Retail" means any transaction where the animal is sold to the final consumer.

(ii) "Wholesale" means any transaction where the animal is sold for the purpose of resale to another.

Sec. 2. K.S.A. 47-1702 is hereby amended to read as follows: 47-1702. It shall be unlawful for any person to act as or be an animal distributor unless such person has obtained from the commissioner an animal distributor license for each animal distributor premises operated by such person. Application for such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on ~~June~~ September 30 following the issuance date.

Sec. 3. K.S.A. 47-1703 is hereby amended to read as follows: 47-1703. It shall be unlawful for any person to act as or be a pet shop operator unless such person has obtained from the commissioner a pet shop operator license for each pet shop operated by such person. Application for each such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on ~~June~~ September 30 following the issuance date.

Sec. 4. K.S.A. 47-1704 is hereby amended to read as follows: 47-1704. (a) It shall be unlawful for any person to operate a pound or animal shelter, except a licensed veterinarian who operates such pound or animal shelter from such licensed veterinarian's clinic, unless a license

for such pound or shelter has been obtained from the commissioner. Application for such license shall be made on a form provided by the commissioner. The license period shall be for the license year ending on ~~June~~ *September 30* following the issuance date.

(b) *The Kansas department of agriculture shall not require any individual to be licensed who has written and signed an agreement to provide temporary care for one or more dogs or cats owned by an animal shelter. Any such animal shelter shall keep a current list of such individuals who have written and signed an agreement to provide such temporary care.*

Sec. 5. K.S.A. 2017 Supp. 47-1709 is hereby amended to read as follows: 47-1709. (a) The commissioner or the commissioner's authorized, trained representatives shall make an inspection of the premises for which an application for an original license or permit is made under K.S.A. 47-1701 et seq., and amendments thereto, before issuance of such license or permit. No license or permit shall be issued by the commissioner to an applicant described in this subsection until the premises for which application is made has passed a licensing or permitting inspection. The application for a license shall conclusively be deemed to be the consent of the applicant to the right of entry and inspection of the premises sought to be licensed or permitted by the commissioner or the commissioner's authorized, trained representatives at reasonable times with the owner or owner's representative present. Refusal of such entry and inspection shall be grounds for denial of the license or permit. Notice need not be given to any person prior to inspection.

(b) The commissioner or the commissioner's authorized, trained representatives may inspect each premises for which a license or permit has been issued under K.S.A. 47-1701 et seq., and amendments thereto. The acceptance of a license or permit shall conclusively be deemed to be the consent of the licensee or permittee to the right of entry and inspection of the licensed or permitted premises by the commissioner or the commissioner's authorized, trained representatives at reasonable times with the owner or owner's representative present. Refusal of such entry and inspection shall be grounds for suspension or revocation of the license or permit. Notice ~~need~~ shall not be given to any person prior to inspection.

(c) The commissioner or the commissioner's authorized, trained representatives shall make inspections of the premises of a person required to be licensed or permitted under K.S.A. 47-1701 et seq., and amendments thereto, upon a determination by the commissioner that there are reasonable grounds to believe that the person is violating the provisions of K.S.A. 47-1701 et seq., and amendments thereto, or rules and regulations adopted thereunder or that there are grounds for suspension or revocation of such person's license or permit.

(d) Any complaint filed with the commissioner shall be confidential and shall not be released to any person other than employees of the commissioner as necessary to carry out the duties of their employment.

(e) Any person making inspections under this section shall be trained by the commissioner in reasonable standards of animal care.

(f) The commissioner may request a licensed veterinarian to assist in any inspection or investigation made by the commissioner or the commissioner's authorized representative under this section.

(g) Any person acting as the commissioner's authorized representative for purposes of making inspections and conducting investigations under this section who knowingly falsifies the results or findings of any inspection or investigation or intentionally fails or refuses to make an inspection or conduct an investigation pursuant to this section shall be guilty of a class A nonperson misdemeanor.

(h) No person shall act as the commissioner's authorized representative for the purposes of making inspections and conducting investigations under this section if such person has a beneficial interest in a person required to be licensed or permitted pursuant to K.S.A. 47-1701 et seq., and amendments thereto.

(i) Records of inspections pursuant to this section shall be maintained in the office of the Kansas department of agriculture division of animal health. Records of a deficiency or violation shall not be maintained for longer than three years after the deficiency or violation is remedied.

(j) The commissioner, in consultation with Kansas state university college of veterinary medicine, shall: (1) Continue procedures to provide for pet animal training or updated training for authorized trained representatives who inspect premises under the pet animal act and to allow the owners of such facilities licensed or permitted under the pet animal act to attend and participate at the training workshops for the authorized trained representatives; and (2) make available to such owners and other interested persons an inspection handbook describing the duties and responsibilities of such authorized trained representatives.

(k) If the commissioner or the commissioner's authorized representative is denied access to any location where such access is sought for the purposes authorized under the Kansas pet animal act, the commissioner may apply to any court of competent jurisdiction for an administrative search warrant authorizing access to such location for such purposes. Upon such application and a showing of cause therefore, the court shall issue the search warrant for the purposes requested.

Sec. 6. K.S.A. 47-1719 is hereby amended to read as follows: 47-1719. (a) It shall be unlawful for any person to act as or be a hobby breeder unless such person has obtained from the commissioner a hobby breeder license. Application for such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on ~~June~~ *September 30* following the issuance date.

(b) This section shall be part of and supplemental to K.S.A. 47-1701 et seq., and amendments thereto.

Sec. 7. K.S.A. 47-1720 is hereby amended to read as follows: 47-1720. (a) It shall be unlawful for any person to operate a research facility unless such person has obtained from the commissioner a research facility license. Application for such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on ~~June~~ *September 30* following the issuance date.

(b) This section shall be part of and supplemental to K.S.A. 47-1701 et seq., and amendments thereto.

Sec. 8. K.S.A. 2017 Supp. 47-1721 is hereby amended to read as follows: 47-1721. (a) Each application for issuance or renewal of a license or permit required under K.S.A. 47-1701 et seq., and amendments thereto, shall be accompanied by the fee prescribed by the commissioner under this section. Such fees shall be as follows:

(1) Except as provided in ~~paragraph paragraphs (5) or (6); through (8) and paragraph (10)~~ for a license for premises of a person licensed under public law 91-579-~~7~~ U.S.C. § 2131 et seq., an amount not to exceed ~~\$200~~ \$450;

(2) except as provided in ~~paragraph paragraphs (5) or (6); through (8) and paragraph (10)~~ for a license for any other premises, an amount not to exceed ~~\$405~~ \$600;

(3) for a temporary closing permit, an amount not to exceed \$95;

(4) for an out-of-state distributor permit, an amount not to exceed \$675;

(5) for a hobby breeder license or a kennel operator license an amount not to exceed ~~\$95~~ \$250;

~~(6) for a license for an animal shelter or a pound, an amount not to exceed \$300; and~~

~~(7) for an animal shelter in a first-class city, as defined in K.S.A. 13-101, and amendments thereto, not to exceed \$400;~~

~~(7) for an animal shelter in a second-class city, as defined in K.S.A. 14-101, and amendments thereto, not to exceed \$335;~~

~~(8) for an animal shelter in a third-class city, as defined in K.S.A. 15-101, and amendments thereto, not to exceed \$285;~~

~~(9) a late fee of \$70 shall be assessed to any person whose permit or license renewal is more than 45 days late. not renewed prior to October 1; and~~

~~(10) for any premises required to be licensed under the Kansas pet animal act under multiple license categories, payment for only the most expensive license and a \$50 fee for each additional applicable license. Such premises shall comply with the applicable laws and rules and regulations pertaining to each license category.~~

(b) The commissioner shall determine annually the amount necessary to carry out and enforce K.S.A. 47-1701 et seq., and amendments thereto, for the next ensuing fiscal year and shall fix by rules and regulations the license and permit fees for such year at the amount necessary for that purpose, subject to the limitations of this section. In fixing such fees, the commissioner may establish categories of licenses and permits, based upon the type of license or permit, size of the licensed or permitted business or activity and the premises where such business or activity is conducted, and may establish different fees for each such category. The fees in effect immediately prior to the effective date of this act shall continue in effect until different fees are fixed by the commissioner as provided by this subsection.

(c) If a licensee, permittee or applicant for a license or permit requests an inspection of the premises of such licensee, permittee or applicant, the commissioner shall ~~assess the costs of such inspection; as established by rules and regulations of the commissioner, to such~~ *(continued)*



licensee, permittee or applicant charge a fee of \$200 to cover the costs of such inspection.

(d) (1) Failure by the owner of a premises, a licensee or a permittee, or their designated representative, to make a premises available for inspection within 30 minutes of the arrival of the inspector or the inspector's authorized representative shall be considered a no-contact inspection. Each no-contact inspection shall result in a \$200 no-contact fee against the owner of the premises, the licensee or the permittee. The commissioner or the commissioner's authorized representative shall make a second or subsequent attempt to inspect the premises.

(2) If a premises fails an inspection, such owner, licensee or permittee shall be required to pay a \$200 re-inspection fee for any subsequent inspection. Such payment must be made in advance of the re-inspection, and failure to do so shall result in the revocation of any such licensee's or permittee's license or permit. The owner of the premises shall be required to reapply for any licenses or permits that were revoked pursuant to this subsection and shall be required to:

- (A) Pay the fee for the new permit or license application;
  - (B) pass an initial inspection; and
  - (C) pay any past due fees before the new license or permit can be issued.
- (e) No fee or assessment required pursuant to this section shall be refundable.

(e)(f) The commissioner shall remit all moneys received by or for the commissioner 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 animal dealers fee fund, which is hereby created in the state treasury. Moneys in the animal dealers fee fund may be expended only to administer and enforce K.S.A. 47-1701 et seq., and amendments thereto. All expenditures from the animal dealers fee 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 Kansas animal health commissioner or the commissioner's designee.

(f) Premises required to be licensed under the Kansas pet animal act shall not be required to pay for more than one license. If more than one operation is ongoing at the premises, each operation shall comply with the applicable statutes and rules and regulations pertaining to such operation.

(g) Except as provided further, when a premises required to be licensed or permitted under the Kansas pet animal act applies for an initial license or permit, the commissioner shall prorate to the nearest whole month the license or permit fee established in subsection (a). The commissioner shall have discretion to determine whether the application is an initial application or an application for a premises which that has been doing business but is not licensed or permitted. If the commissioner determines the premises has been doing business without a license or permit, the commissioner is not required to prorate the fee.

(h) This section shall be part of and supplemental to K.S.A. 47-1701 et seq., and amendments thereto.

Sec. 9. K.S.A. 2017 Supp. 47-1723 is hereby amended to read as follows: 47-1723. (a) It shall be unlawful for any person, except a licensed veterinarian, to act as or be a boarding or training kennel operator unless such person has obtained from the commissioner a boarding or training kennel operator license for each premises operated by such person. Application for such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on June September 30 following the issuance date.

(b) This section shall be part of and supplemental to K.S.A. 47-1701 et seq., and amendments thereto.

Sec. 10. K.S.A. 47-1733 is hereby amended to read as follows: 47-1733. (a) It shall be unlawful for any person to act as or be an animal breeder unless such person has obtained from the commissioner an animal breeder license for each animal breeder premises operated by such person. Application for each such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on June September 30 following the issuance date.

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

Sec. 11. K.S.A. 47-1734 is hereby amended to read as follows: 47-1734. (a) It shall be unlawful for any person to act as or be an out-of-state distributor of dogs or cats, or both, within the state of Kansas unless such person has obtained from the commissioner an out-of-state distributor permit. Application for each such permit shall be made in writing on a form provided by the commissioner. The permit period

shall be for the permit year ending on June September 30 following the issuance date.

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

Sec. 12. K.S.A. 47-1736 is hereby amended to read as follows: 47-1736. (a) It shall be unlawful for any person to act as or be a retail breeder unless such person has obtained from the commissioner a retail breeder license for each retail breeder premises operated by such person. Application for each such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on June September 30 following the issuance date.

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

Sec. 13. K.S.A. 47-1702, 47-1703, 47-1704, 47-1719, 47-1720, 47-1733, 47-1734 and 47-1736 and K.S.A. 2017 Supp. 47-1701, 47-1709, 47-1721 and 47-1723 are hereby repealed.

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

(Published in the Kansas Register April 26, 2018.)

## SENATE BILL No. 275

AN ACT concerning credit unions; relating to expulsion of members; credit union council; terms of service; two-term limit; amending K.S.A. 17-2219 and 17-2232 and repealing the existing sections.

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

Section 1. K.S.A. 17-2219 is hereby amended to read as follows: 17-2219. (a) Any member may be expelled from the credit union:

(1) By a 2/3 vote of the members present at any regularly called meeting of the membership; or

(2) in accordance with the provisions of subsection (b), by the board of directors president, general manager or any other credit union employee designated by the board of directors for a member's abuse of member account privileges, a member's act or failure to act which causes financial loss to the credit union, or a member's failure to purchase shares and utilize loan or other services of the credit union, or a member's failure to comply with the credit union's adopted policy regarding expulsion. The board of directors president or general manager shall report the expulsion of a member at the next regularly scheduled members' board meeting.

(b) The board of directors of a credit union may adopt a policy with respect to expulsion from membership for any reason set forth in paragraph (2) of subsection (a)(2). If such a policy is adopted, written notice of the policy as adopted and effective date of such policy shall be mailed to each member of the credit union at the member's current address appearing on the records of the credit union not less than 30 days prior to the effective date of such policy. In addition, each new member shall be provided written notice of any such policy prior to or upon applying for membership. The board of directors of a credit union shall provide the member with a notice of expulsion from the membership not less than 30 days prior to the effective date of the expulsion. Within the thirty-day period, the member, by written request, may require the board of directors to bring the member's expulsion before the credit union membership at the next regularly scheduled members' meeting. If the member makes such written request, the board of directors' expulsion of such member shall be delayed until the credit union membership votes on such member's expulsion as provided under subsection (a). An expelled member shall be informed of the reason for expulsion and may appeal the expulsion to the board of directors by making a written request to the board of directors within 30 days of the expulsion.

(c) A member may withdraw from a credit union, as hereinafter provided, by filing a written notice of such intention. All amounts paid on shares of an expelled or withdrawing member, with any dividends credited to the member's shares to the date of expulsion, or withdrawal, shall be paid to the member, but only as funds become available and after deducting any amounts due to the credit union by the member. All shares of an expelled or withdrawing member, with any interest accrued, shall be paid to the member, subject to 60 days' notice, and after deducting any amounts due to the credit union by the member. The member, when withdrawing shares, shall have no further right in the

credit union or to any of its benefits, but such expulsion or withdrawal shall not operate to relieve such member from any remaining liability to the credit union.

Sec. 2. K.S.A. 17-2232 is hereby amended to read as follows: 17-2232. (a) The governor shall appoint a seven-member credit union council. Each member shall be a resident of Kansas. Except as provided by subsection (b), appointments to the council shall be for terms of three years. Five of the persons appointed shall be members in good standing and officers of Kansas state chartered credit unions. Subject to the provisions of K.S.A. 1995-Supp. 75-4315c, and amendments thereto, of those five members, the governor shall appoint one from each congressional district and the remainder from the state at large. The council shall elect annually a chairperson, a vice-chairperson and a secretary for a term of one year or until their successors have been appointed and qualified. All members of the council shall serve until their successors have been appointed and qualified. Kansas state chartered credit unions regulated under the provisions of this act may submit annually to the governor, for consideration in making appointments to the credit union council, a list of persons having the prescribed qualifications for membership on the council. The council may adopt such rules and regulations governing the compilation of such list as may be necessary. ~~Vacancies on the council shall be filled for the unexpired term by appointment by the governor~~ *In the event of a vacancy on the council, the governor shall appoint a new member to fill the unexpired term. The mid-term appointment of a new council member to serve an unexpired term created by such a vacancy shall not be considered a full term for purposes of the two-term limit. Except as otherwise provided, no person shall serve more than two consecutive full three-year terms as a member of the council. No more than four members of the council shall be from the same political party.*

(b) ~~The terms of members who are serving on the council on the effective date of this act shall expire on March 15, of the year in which such member's term would have expired under the provisions of this section prior to amendment by this act. Thereafter Members shall be appointed for terms of three years and serve until their successors are appointed and qualified.~~

(c) Council meetings shall be on call of a majority of the council or the chairperson. The council shall hold one regular meeting during each quarter of the year, upon such dates and at such places as designated by the council, and may hold such other meetings as the council considers necessary. The majority of the council shall constitute a quorum for doing business. The council may adopt such rules as advisable for conducting business and, until otherwise changed or modified, the council shall abide by Robert's rules of order in conducting business.

(d) The council shall serve as an advisor to the administrator on issues and needs of credit unions.

Sec. 3. K.S.A. 17-2219 and 17-2232 are hereby repealed.

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

(Published in the Kansas Register April 26, 2018.)

### Substitute for SENATE BILL No. 423

AN ACT concerning education; relating to the instruction and financing thereof; Kansas school equity and enhancement act; making and concerning appropriations for the fiscal year ending June 30, 2019, for the department of education; amending K.S.A. 2017 Supp. 72-5132, 72-5133, 72-5143, 72-5145, 72-5148, 72-5149, 72-5150, 72-5151, 72-5155, 72-5170, 72-5171, 72-5173, 72-53,113, 72-53,116 and 72-5461 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 72-1171, 72-5144, 72-6463, 72-6464, 72-6465, 72-6466, 72-6467, 72-6468, 72-6469, 72-6470, 72-6471, 72-6472, 72-6473, 72-6474, 72-6475, 72-6477, 72-6478, 72-6479, 72-6480 and 72-6481.

WHEREAS, The educational interests of this state concern the areas of social emotional learning, kindergarten readiness, individual plans of study, graduation and postsecondary success; and

WHEREAS, In order to address such varied interests, the public education system in this state must provide support and services for students and their families, both in the classroom and in the community; and

WHEREAS, For school year 2018-2019, the legislature has made provision for instruction and support services for public school students in the classroom in excess of \$4.89 billion in an effort to update the school finance funding level and formula to account for student population and inflation, since the last time the Kansas supreme court found the provision of school finance to be acceptable; and

WHEREAS, The legislature acknowledges that support services in the community are also vital to student achievement; and

WHEREAS, For school year 2018-2019, the legislature has made provision for support services outside of the classroom in excess of \$188.6 million; and

WHEREAS, The support services for students outside of the classroom are provided through a myriad of state agencies and institutions, such as the state department of education, the department for children and families, the department of health and environment, the department of transportation, the office of the attorney general, the state board of regents, the six regents' universities, the state historical society and the state library; and

WHEREAS, The community support services that are provided address the needs of all students from birth to high school graduate through programs such as newborn screenings, infant and toddler services, pre-k programs, Kansas early head start, Kansas reading success, children's cabinet programs, parent education programs, communities in schools, vocational rehabilitation case services, independent living and life skills services, jobs for America's graduates and excel in career technical education.

Now, therefore:

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

Section 1.

#### DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (including official hospitality)  
(652-00-1000-0053).....\$15,000

*Provided*, That during the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated for the operating expenditures (including official hospitality) account for fiscal year 2019 by chapter 95 or 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency to implement the jobs for America's graduates-Kansas pilot program: *Provided further*, That such program shall select a total of 75 students for participation in the program with 25 students selected from the Wichita school district (U.S.D. no. 259), 25 students selected from the Topeka school district (U.S.D. no. 501) and 25 students selected from the Kansas City school district (U.S.D. no. 500): *And provided further*, That students shall be selected for participation in the program on or before September 20, 2018: *And provided further*, That the selected students shall enroll in and attend classes at schools operated by such student's resident school district for 1/2 of such student's total school attendance, and shall enroll in classes provided by a virtual school operated by the southeast Kansas education service center-Greenbush for the remaining 1/2 of such student's total school attendance: *And provided further*, That expenditures shall be made in an amount not to exceed \$15,000 to acquire laptop computer devices for use by students participating in such pilot program.

State foundation aid (652-00-1000-0820).....\$26,024,200  
Special education services aid (652-00-1000-0700).....\$32,400,363  
Supplemental state aid (652-00-1000-0840).....\$5,994,000  
ACT and workkeys assessments program.....\$2,800,000

*Provided*, That expenditures shall be made by the above agency from the ACT and workkeys assessments program account to provide the ACT college entrance exam and the three ACT workkeys assessments that are required to earn a national career readiness certificate to each student enrolled in grades nine through 12: *Provided further*, That no student enrolled in grades nine through 12 of any school district shall be required to pay any fees or costs to take such exam and assessments: *And provided further*, That in no event shall any school district be required to provide for more than one exam and three assessments per student: *And provided further*, That the state board of education may enter into any contracts that are necessary to promote statewide cost savings to administer such exams and assessments.

(continued)

Mentor teacher (652-00-1000-0440).....\$500,000  
 Mental health intervention team pilot program.....\$4,190,776

*Provided*, That expenditures shall be made by the above agency to implement the mental health intervention team pilot program so as to improve social-emotional wellness and outcomes for students by increasing schools' access to counselors, social workers and psychologists statewide: *Provided*, That school districts participating in such program shall enter into the necessary memorandums of understanding and other necessary agreements with participating community mental health centers and the appropriate state agencies to implement the pilot program: *Provided further*, That mental health intervention teams shall consist of school liaisons employed by the participating school district, and clinical therapists and case managers employed by the participating community mental health center: *And provided further*, That the following shall participate in the pilot program for fiscal year 2019: (1) 23 schools in the Wichita school district (U.S.D. no. 259); (2) 28 schools in the Topeka school district (U.S.D. no. 501); (3) 10 schools in the Kansas City school district (U.S.D. no. 500); (4) 5 schools in the Parsons school district (U.S.D. no. 503); (5) 4 schools in the Garden City school district (U.S.D. no. 457); and (6) 9 schools served by the central Kansas cooperative in education: *And provided further*, That on or before June 30, 2019, the director of the division of health care finance of the department of health and environment shall certify to the director of the budget and the director of the legislative research department the aggregate amount of expenditures for fiscal year 2019 for treatment and services for students provided under the mental health intervention team pilot program, or provided based on a referral from such program.

MHIT pilot program – online database .....\$2,500,000  
 MHIT school liaisons .....\$3,263,110

*Provided*, That expenditures shall be made by the above agency for mental health intervention team school liaisons employed by those school districts and education cooperatives participating in the mental health intervention team pilot program.

(b) During fiscal year 2019, upon certification by the commissioner of education that the necessary memorandums of understanding have been executed between the participating school districts and community mental health centers to implement the mental health intervention team pilot program, the director of accounts and reports shall transfer \$1,541,050 from the mental health intervention pilot program account in the state general fund of the department of education to the community mental health center improvement fund of the department for aging and disability services: *Provided*, That moneys transferred pursuant to this subsection shall be expended to provide treatment and services for students under the mental health intervention team pilot program who are uninsured or underinsured.

Sec. 2. On and after July 1, 2018, K.S.A. 2017 Supp. 72-5132 is hereby amended to read as follows: 72-5132. As used in the Kansas school equity and enhancement act, K.S.A. 2017 Supp. 72-5131 et seq., and amendments thereto:

(a) "Adjusted enrollment" means the enrollment of a school district adjusted by adding the following weightings, if any, to the enrollment of a school district: At-risk student weighting; bilingual weighting; career technical education weighting; ~~declining enrollment weighting~~; high-density at-risk student weighting; high enrollment weighting; low enrollment weighting; school facilities weighting; ancillary school facilities weighting; cost-of-living weighting; special education and related services weighting; and transportation weighting.

(b) "Ancillary school facilities weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5158, and amendments thereto, on the basis of costs attributable to commencing operation of one or more new school facilities by such school districts.

(c) (1) "At-risk student" means a student who is eligible for free meals under the national school lunch act, and who is enrolled in a school district that maintains an approved at-risk student assistance program.

(2) The term "at-risk student" shall not include any student enrolled in any of the grades one through 12 who is in attendance less than full time, or any student who is over 19 years of age. The provisions of this paragraph shall not apply to any student who has an individualized education program.

(d) "At-risk student weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5151(a), and amendments thereto, on the basis of costs at-

tributable to the maintenance of at-risk educational programs by such school districts.

(e) "Base aid for student excellence" or "BASE aid" means an amount appropriated by the legislature in a fiscal year for the designated year. The amount of BASE aid shall be as follows:

- (1) For school year ~~2017-2018, \$4,006~~ 2018-2019, \$4,900;
- (2) for school year ~~2018-2019, \$4,128~~ 2019-2020, \$5,061;
- (3) for school year 2020-2021, \$5,222;
- (4) for school year 2021-2022, \$5,384;
- (5) for school year 2022-2023, \$5,545; and

~~(3)(6)~~ for school year ~~2019-2020~~ 2023-2024, and each school year thereafter, the BASE aid shall be the BASE aid amount for the immediately preceding school year plus an amount equal to the average percentage increase in the consumer price index for all urban consumers in the midwest region as published by the bureau of labor statistics of the United States department of labor during the three immediately preceding school years rounded to the nearest whole dollar amount.

(f) "Bilingual weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5150, and amendments thereto, on the basis of costs attributable to the maintenance of bilingual educational programs by such school districts.

(g) "Board" means the board of education of a school district.

(h) "Budget per student" means the general fund budget of a school district divided by the enrollment of the school district.

(i) "Categorical fund" means and includes the following funds of a school district: Adult education fund; adult supplementary education fund; at-risk education fund; bilingual education fund; career and post-secondary education fund; driver training fund; educational excellence grant program fund; extraordinary school program fund; food service fund; parent education program fund; preschool-aged at-risk education fund; professional development fund; special education fund; and summer program fund.

(j) "Cost-of-living weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5159, and amendments thereto, on the basis of costs attributable to the cost of living in such school districts.

(k) "Current school year" means the school year during which state foundation aid is determined by the state board under K.S.A. 2017 Supp. 72-5134, and amendments thereto.

~~(l) "Declining enrollment weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5160, and amendments thereto, on the basis of costs attributable to the declining enrollment of such school districts.~~

~~(m)(l)~~ "Enrollment" means:

(1) The number of students regularly enrolled in kindergarten and grades one through 12 in the school district on September 20 of the preceding school year plus the number of preschool-aged at-risk students regularly enrolled in the school district on September 20 of the current school year, except a student who is a foreign exchange student shall not be counted unless such student is regularly enrolled in the school district on September 20 and attending kindergarten or any of the grades one through 12 maintained by the school district for at least one semester or two quarters, or the equivalent thereof.

(2) If the enrollment in a school district in the preceding school year has decreased from enrollment in the second preceding school year, the enrollment of the school district in the current school year means the sum of:

(A) The enrollment in the second preceding school year, excluding students under paragraph (2)(B), minus enrollment in the preceding school year of preschool-aged at-risk students, if any, plus enrollment in the current school year of preschool-aged at-risk students, if any; and

(B) the adjusted enrollment in the second preceding school year of any students participating in the tax credit for low income students scholarship program pursuant to K.S.A. 2017 Supp. 72-4351 et seq., and amendments thereto, in the preceding school year, if any, plus the adjusted enrollment in the preceding school year of preschool-aged at-risk students who are participating in the tax credit for low income students scholarship program pursuant to K.S.A. 2017 Supp. 72-4351 et seq., and amendments thereto, in the current school year, if any.

(3) For any school district that has a military student, as that term is defined in K.S.A. 2017 Supp. 72-5139, and amendments thereto, enrolled in such district, and that received federal impact aid for the preceding school year, if the enrollment in such school district in the preceding school year has decreased from enrollment in the second preceding school year, the enrollment of the school district in the current school year means whichever is the greater of:

(A) The enrollment determined under ~~subsection (m) paragraph (2);~~ or  
 (B) the sum of the enrollment in the preceding school year of preschool-aged at-risk students, if any, and the arithmetic mean of the sum of:

(i) The enrollment of the school district in the preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any;

(ii) the enrollment in the second preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any; and

(iii) the enrollment in the third preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any.

~~(4)(A) For school year 2017-2018, the enrollment determined under paragraph (1), (2) or (3), except if the school district offers kindergarten on a full-time basis in such school year, students regularly enrolled in kindergarten in the school district in the preceding school year shall be counted as one student regardless of actual attendance during such preceding school year.~~

~~(B) For school year 2018-2019 and each school year thereafter, The enrollment determined under paragraph (1), (2) or (3), except if the school district begins to offer kindergarten on a full-time basis in such school year, students regularly enrolled in kindergarten in the school district in the preceding school year shall be counted as one student regardless of actual attendance during such preceding school year.~~

~~(m)(m) "February 20" has its usual meaning, except that in any year in which February 20 is not a day on which school is maintained, it means the first day after February 20 on which school is maintained.~~

~~(n)(n) "Federal impact aid" means an amount equal to the federally qualified percentage of the amount of moneys a school district receives in the current school year under the provisions of title I of public law 874 and congressional appropriations therefor, excluding amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program. The amount of federal impact aid shall be determined by the state board in accordance with terms and conditions imposed under the provisions of the public law and rules and regulations thereunder.~~

~~(o)(o) "General fund" means the fund of a school district from which operating expenses are paid and in which is deposited all amounts of state foundation aid provided under this act, payments under K.S.A. 2017 Supp. 72-528, and amendments thereto, payments of federal funds made available under the provisions of title I of public law 874, except amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program and such other moneys as are provided by law.~~

~~(p)(p) "General fund budget" means the amount budgeted for operating expenses in the general fund of a school district.~~

~~(q)(q) "High-density at-risk student weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5151(b), and amendments thereto, on the basis of costs attributable to the maintenance of at-risk educational programs by such school districts.~~

~~(r)(r) "High enrollment weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5149(b), and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such school districts.~~

~~(s)(s) "Juvenile detention facility" means the same as such term is defined in K.S.A. 2017 Supp. 72-1173, and amendments thereto.~~

~~(t)(t) "Local foundation aid" means the sum of the following amounts:~~

(1) *The amount of the proceeds from the tax levied under the authority of K.S.A. 2017 Supp. 72-5147, and amendments thereto, that is levied to finance that portion of the school district's local option budget that is required pursuant to K.S.A. 2017 Supp. 72-5143(a), and amendments thereto, and not financed from any other source provided by law;*

(2) *an amount equal to that portion of the school district's supplemental state aid determined pursuant to K.S.A. 2017 Supp. 72-5145, and amendments thereto, to equalize that portion of the school district's local option budget that is required pursuant to K.S.A. 2017 Supp. 72-5143(a), and amendments thereto, and not financed from any other source provided by law;*

(3) an amount equal to any unexpended and unencumbered balance remaining in the general fund of the school district, except moneys received by the school district and authorized to be expended for the purposes specified in K.S.A. 2017 Supp. 72-5168, and amendments thereto;

~~(4) an amount equal to any remaining proceeds from taxes levied under authority of K.S.A. 72-7056 and 72-7072, and amendments thereto, prior to their repeal;~~

~~(5) an amount equal to the amount deposited in the general fund in the current school year from moneys received in such school year by~~

the school district under the provisions of K.S.A. 2017 Supp. 72-3123(a), and amendments thereto;

~~(6) an amount equal to the amount deposited in the general fund in the current school year from moneys received in such school year by the school district pursuant to contracts made and entered into under authority of K.S.A. 2017 Supp. 72-3125, and amendments thereto;~~

~~(7) an amount equal to the amount credited to the general fund in the current school year from moneys distributed in such school year to the school district under the provisions of articles 17 and 34 of chapter 12 of the Kansas Statutes Annotated, and amendments thereto, and under the provisions of articles 42 and 51 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto;~~

~~(8) an amount equal to the amount of payments received by the school district under the provisions of K.S.A. 2017 Supp. 72-3423, and amendments thereto;~~

~~(9) an amount equal to the amount of any grant received by the school district under the provisions of K.S.A. 2017 Supp. 72-3425, and amendments thereto; and~~

~~(10) an amount equal to 70% of the federal impact aid of the school district.~~

~~(u)(u) "Low enrollment weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5149(a), and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such school districts.~~

~~(v)(v) "Operating expenses" means the total expenditures and lawful transfers from the general fund of a school district during a school year for all purposes, except expenditures for the purposes specified in K.S.A. 2017 Supp. 72-5168, and amendments thereto.~~

~~(w)(w) "Preceding school year" means the school year immediately before the current school year.~~

~~(x)(x) "Preschool-aged at-risk student" means an at-risk student who has attained the age of ~~four~~ three years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines governing the selection of students for participation in head start programs.~~

~~(y)(y) "Preschool-aged exceptional children" means exceptional children, except gifted children, who have attained the age of three years but are under the age of eligibility for attendance at kindergarten. The terms "exceptional children" and "gifted children" have the same meaning as those terms are defined in K.S.A. 2017 Supp. 72-3404, and amendments thereto.~~

~~(z)(z) "Psychiatric residential treatment facility" means the same as such term is defined in K.S.A. 2017 Supp. 72-1173, and amendments thereto.~~

~~(aa)(aa) "School district" means a school district organized under the laws of this state that is maintaining public school for a school term in accordance with the provisions of K.S.A. 2017 Supp. 72-3115, and amendments thereto.~~

~~(bb)(bb) "School facilities weighting" means an added component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5156, and amendments thereto, on the basis of costs attributable to commencing operation of one or more new school facilities by such school districts.~~

~~(cc)(cc) "School year" means the 12-month period ending June 30.~~

~~(dd)(dd) "September 20" has its usual meaning, except that in any year in which September 20 is not a day on which school is maintained, it means the first day after September 20 on which school is maintained.~~

~~(ee)(ee) "Special education and related services weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5157, and amendments thereto, on the basis of costs attributable to the maintenance of special education and related services by such school districts.~~

~~(ff)(ff) "State board" means the state board of education.~~

~~(gg)(gg) "State foundation aid" means the amount of aid distributed to a school district as determined by the state board pursuant to K.S.A. 2017 Supp. 72-5134, and amendments thereto.~~

~~(hh)(hh) (1) "Student" means any person who is regularly enrolled in a school district and attending kindergarten or any of the grades one through 12 maintained by the school district or who is regularly enrolled in a school district and attending kindergarten or any of the grades one through 12 in another school district in accordance with an agreement entered into under authority of K.S.A. 2017 Supp. 72-13,101, and amendments thereto, or who is regularly enrolled in a school district and attending special education services provided for preschool-aged exceptional children by the school district.~~

(continued)

(2) (A) Except as otherwise provided in this subsection, the following shall be counted as one student:

- (i) A student in attendance full-time; and
- (ii) a student enrolled in a school district and attending special education and related services, provided for by the school district.

(B) The following shall be counted as 1/2 student:

- (i) A student enrolled in a school district and attending special education and related services for preschool-aged exceptional children provided for by the school district; and
- (ii) a preschool-aged at-risk student enrolled in a school district and receiving services under an approved at-risk student assistance plan maintained by the school district.

(C) A student in attendance part-time shall be counted as that proportion of one student (to the nearest 1/10) that the student's attendance bears to full-time attendance.

(D) A student enrolled in and attending an institution of post-secondary education that is authorized under the laws of this state to award academic degrees shall be counted as one student if the student's postsecondary education enrollment and attendance together with the student's attendance in either of the grades 11 or 12 is at least 5/6 time, otherwise the student shall be counted as that proportion of one student (to the nearest 1/10) that the total time of the student's post-secondary education attendance and attendance in grades 11 or 12, as applicable, bears to full-time attendance.

(E) A student enrolled in and attending a technical college, a career technical education program of a community college or other approved career technical education program shall be counted as one student, if the student's career technical education attendance together with the student's attendance in any of grades nine through 12 is at least 5/6 time, otherwise the student shall be counted as that proportion of one student (to the nearest 1/10) that the total time of the student's career technical education attendance and attendance in any of grades nine through 12 bears to full-time attendance.

(F) A student enrolled in a school district and attending a non-virtual school and also attending a virtual school shall be counted as that proportion of one student (to the nearest 1/10) that the student's attendance at the non-virtual school bears to full-time attendance.

(G) A student enrolled in a school district and attending special education and related services provided for by the school district and also attending a virtual school shall be counted as that proportion of one student (to the nearest 1/10) that the student's attendance at the non-virtual school bears to full-time attendance.

(H) (i) Except as provided in clause (ii), a student enrolled in a school district who is not a resident of Kansas shall be counted as follows:

- (a) For school years ~~year 2017-2018 and~~ 2018-2019, one student;
- (b) for school-year years 2019-2020 and 2020-2021, 3/4 of a student; and

(c) for school year 2021-2022 and each school year thereafter, 1/2 of a student.

(ii) This subparagraph (H) shall not apply to:

- (a) A student whose parent or legal guardian is an employee of the school district where such student is enrolled; or
- (b) a student who attended public school in Kansas during school year 2016-2017 and who attended public school in Kansas during the immediately preceding school year.

(3) The following shall not be counted as a student:

- (A) An individual residing at the Flint Hills job corps center;
- (B) except as provided in ~~subsection (ii) paragraph (2)~~, an individual confined in and receiving educational services provided for by a school district at a juvenile detention facility; and

(C) an individual enrolled in a school district but housed, maintained and receiving educational services at a state institution or a psychiatric residential treatment facility.

(4) A student enrolled in virtual school pursuant to K.S.A. 72-3711 et seq., and amendments thereto, shall be counted in accordance with the provisions of K.S.A. 2017 Supp. 72-3715, and amendments thereto.

(jj)(ii) "Total foundation aid" means an amount equal to the product obtained by multiplying the BASE aid by the adjusted enrollment of a school district.

~~(kk)(j)~~ "Transportation weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5148, and amendments thereto, on the basis of costs attributable to the provision or furnishing of transportation.

~~(kk)~~ "Virtual school" means the same as such term is defined in K.S.A. 2017 Supp. 72-3712, and amendments thereto.

Sec. 3. On and after July 1, 2018, K.S.A. 2017 Supp. 72-5133 is hereby amended to read as follows: 72-5133. (a) The state school district finance fund, established by K.S.A. 1991 Supp. 72-7081, prior to its repeal, is hereby continued in existence and shall consist of: (1) All moneys credited to such fund under K.S.A. 2017 Supp. 72-6463 through 72-6481, prior to their expiration July 1, 2017; and (2) all amounts transferred to such fund under K.S.A. 2017 Supp. 72-5136, 72-5142, 72-5143, 72-5158, 72-5159 and 72-5160, and amendments thereto.

(b) The state school district finance fund shall be used for the purpose of school district finance and for no other governmental purpose. It is the intent of the legislature that the fund shall remain intact and inviolate for such purpose, and moneys in the fund shall not be subject to the provisions of K.S.A. 75-3722, 75-3725a and 75-3726a, and amendments thereto.

(c) Amounts in the state school district finance fund shall be allocated and distributed to school districts as a portion of state foundation aid provided for under this act.

Sec. 4. On and after July 1, 2018, K.S.A. 2017 Supp. 72-5143 is hereby amended to read as follows: 72-5143. (a) In each school year, the board of education of a school district ~~may shall~~ adopt, by resolution, a local option budget that does not exceed the state prescribed percentage equal to 15% of the school district's total foundation aid.

~~(b) Subject to the limitations of subsection (a), in each school year, If the board of education of a school district desires local option budget authority above the amount required under subsection (a), the board may adopt, by resolution, a local option budget in an amount that does not exceed:~~

~~(1) The amount that the board was authorized to adopt under any resolution adopted pursuant to K.S.A. 2017 Supp. 72-6471, prior to its expiration; or~~

~~(2) the state-wide average for the preceding school year as determined by the state board pursuant to subsection (i) 27.5% of the school district's total foundation aid.~~ The adoption of a resolution pursuant to this section shall require a majority vote of the members of the board. Such resolution shall be effective upon adoption and shall require no other procedure, authorization or approval.

(c) If the board of a school district desires to increase its local option budget authority above the amount authorized under subsection (b), the board may adopt, by resolution, such budget in an amount not to exceed the state prescribed percentage. The adoption of a resolution pursuant to this subsection shall require a majority vote of the members of the board. The resolution shall be published at least once in a newspaper having general circulation in the school district. The resolution shall be published in substantial compliance with the following form:

Unified School District No. \_\_\_\_\_, \_\_\_\_\_ County, Kansas.

RESOLUTION

Be It Resolved that:

The board of education of the above-named school district shall be authorized to adopt a local option budget in each school year in an amount not to exceed \_\_\_\_% of the amount of total foundation aid. The local option budget authorized by this resolution may be adopted, unless a petition in opposition to the same, signed by not less than ~~5%~~ 10% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within ~~30~~ 40 days after publication of this resolution. If a petition is filed, the county election officer shall submit the question of whether adoption of the local option budget shall be authorized to the electors of the school district at an election called for the purpose or at the next general election, as is specified by the board of education of the school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of unified school district No. \_\_\_\_\_, \_\_\_\_\_ County, Kansas, on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Clerk of the board of education.

All of the blanks in the resolution shall be filled appropriately. If a sufficient petition is not filed, the board may adopt a local option budget. If a sufficient petition is filed, the board may notify the county election officer of the date of an election to be held to submit the question of whether adoption of a local option budget shall be authorized. Any such election shall be noticed, called and held in the manner provided by K.S.A. 10-120, and amendments thereto. If the board fails to notify the county election officer within 30 days after a sufficient petition is

filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board within the nine months following publication of the resolution.

(d) Unless specifically stated otherwise in the resolution, the authority to adopt a local option budget shall be continuous and permanent. ~~The board of any school district that is authorized to adopt a local option budget may choose not to adopt such a budget or may adopt a budget in an amount less than the amount authorized. If the board of any school district whose authority to adopt a local option budget is not continuous and permanent refrains from adopting a local option budget, the authority of such school district to adopt a local option budget shall not be extended by such refrainment beyond the period specified in the resolution authorizing adoption of such budget.~~

(e) The board of any school district may initiate procedures to renew or increase the authority to adopt a local option budget at any time during a school year after the tax levied pursuant to K.S.A. 2017 Supp. 72-5147, and amendments thereto, is certified to the county clerk under any existing authorization.

(f) (1) *Except as provided in paragraph (2), the board of any school district authorized to adopt a local option budget prior to July 1, 2017, under a resolution that authorized the adoption of such budget in accordance with the provisions of K.S.A. 2017 Supp. 72-6471, prior to its expiration July 1, 2017, may continue to operate under such resolution for the period of time specified in the resolution if such resolution adopted a local option budget equal to or greater than the amount required in subsection (a), or may abandon the resolution and operate under the provisions of this section. Any such school district shall operate under the provisions of this section after the period of time specified in any previously adopted resolution has expired.*

(2) *Any resolution adopted prior to July 1, 2017, pursuant to K.S.A. 72-6433(e)(2), prior to its repeal, that authorized the adoption of a local option budget and that was not subsequently submitted to and approved by a majority of the qualified electors of the school district voting at an election called and held thereon shall expire on June 30, 2018, and shall have no force and effect during school year 2018-2019 or any subsequent school year.*

(g) Any resolution adopted pursuant to this section may revoke or repeal any resolution previously adopted by the board. If the resolution does not revoke or repeal previously adopted resolutions, all resolutions that are in effect shall expire on the same date. The maximum amount of the local option budget of a school district under all resolutions in effect shall not exceed the state prescribed percentage in any school year.

(h) *For school year 2019-2020 and each school year thereafter, the board of any school district that desires to increase its local option budget authority for the immediately succeeding school year shall submit written notice of such intent to the state board by April 1 of the current school year. Such notice shall include the local option budget authority, expressed as a percentage of the school district's total foundation aid, to be adopted for the immediately succeeding school year. The board of a school district shall not adopt a local option budget in excess of the authority stated in a notice submitted pursuant to this subsection.*

(h)(i) (1) There is hereby established in each school district that adopts a local option budget a supplemental general fund, which shall consist of all amounts deposited therein or credited thereto according to law.

(2) (A) *Of the moneys deposited in or otherwise credited to the supplemental general fund of a school district pursuant to K.S.A. 2017 Supp. 72-5147, and amendments thereto, an amount that is proportional to that amount of such school district's total foundation aid attributable to the at-risk student weighting as compared to such district's total foundation aid shall be transferred to the at-risk education fund of such school district and shall be expended in accordance with K.S.A. 2017 Supp. 72-5153, and amendments thereto.*

(B) *Of the moneys deposited in or otherwise credited to the supplemental general fund of a school district pursuant to K.S.A. 2017 Supp. 72-5147, and amendments thereto, an amount that is proportional to that amount of such school district's total foundation aid attributable to the bilingual weighting as compared to such district's total foundation aid shall be transferred to the bilingual education fund of such school district and shall be expended in accordance with K.S.A. 2017 Supp. 72-3613, and amendments thereto.*

(3) Subject to the limitations imposed under ~~subsection (h)(3) paragraph (4)~~, amounts in the supplemental general fund may be expended for any purpose for which expenditures from the general fund are authorized or may be transferred to any categorical fund of the school district. Amounts in the supplemental general fund attributable to any percentage over 25% of total foundation aid determined for the current school year may be transferred to the capital improvements fund of the

school district and the capital outlay fund of the school district if such transfers are specified in the resolution authorizing the adoption of a local option budget in excess of 25%.

~~(3)(4)~~ Amounts in the supplemental general fund may not be expended for the purpose of making payments under any lease-purchase agreement involving the acquisition of land or buildings that is entered into pursuant to the provisions of K.S.A. 2017 Supp. 72-1149, and amendments thereto.

~~(4)(5) (A)~~ Except as provided in ~~subsection (h)(4)(B) subparagraph (B)~~, any unexpended moneys remaining in the supplemental general fund of a school district at the conclusion of any school year in which a local option budget is adopted shall be maintained in such fund.

(B) If the school district received supplemental state aid in the school year, the state board shall determine the ratio of the amount of supplemental general state aid received to the amount of the local option budget of the school district for the school year and multiply the total amount of the unexpended moneys remaining by such ratio. An amount equal to the amount of the product shall be transferred to the general fund of the school district or remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of any such remittance, the state treasurer shall deposit the same in the state treasury to the credit of the state school district finance fund.

~~(i)~~ Each year, the state board shall determine the statewide average percentage of local option budgets legally adopted by school districts for the preceding school year.

(j) The provisions of this section shall be subject to the provisions of K.S.A. 2017 Supp. 72-5144, and amendments thereto.

(k) As used in this section:

(1) "Authorized to adopt a local option budget" means that a school district has adopted a resolution pursuant to subsection (c).

(2) "State prescribed percentage" means ~~33%~~ 30.5% of the total foundation aid of the school district in the current school year.

(3) For purposes of determining the school district's local option budget under subsections (a), (b) and (c), "total foundation aid" means the same as such term is defined in K.S.A. 2017 Supp. 72-5132, and amendments thereto, except the state aid for special education and related services shall be divided by an amount equal to 85% of the BASE aid amount, and the resulting quotient shall be used in determining the school district's total foundation aid.

Sec. 5. On and after July 1, 2018, K.S.A. 2017 Supp. 72-5145 is hereby amended to read as follows: 72-5145. (a) In each school year, each school district that has adopted a local option budget is eligible to receive supplemental state aid. Except as provided by K.S.A. 2017 Supp. 72-5146, and amendments thereto, supplemental state aid shall be determined by the state board as provided in subsection (b).

(b) The state board shall:

~~(1)(A) For school year 2017-2018, determine the amount of the assessed valuation per student in the preceding school year of each school district; and~~

~~(B) for school year 2018-2019 and each school year thereafter, Determine the average assessed valuation per student of each school district by adding the assessed valuation per student for each of the three immediately preceding school years and dividing the resulting sum by three;~~

(2) rank the school districts from low to high on the basis of the amounts of assessed valuation per student determined under subsection (b)(1);

(3) identify the amount of the assessed valuation per student located at the 81.2 percentile of the amounts ranked under subsection (b)(2);

(4) divide the assessed valuation per student of the school district as determined under subsection (b)(1) by the amount identified under subsection (b)(3); and

(5) (A) if the quotient obtained under subsection (b)(4) equals or exceeds one, the school district shall not receive supplemental state aid; or

(B) if the quotient obtained under subsection (b)(4) is less than one, subtract the quotient obtained under subsection (b)(4) from one, and multiply the difference by the amount of the local option budget of the school district for the immediately preceding school year. The resulting product is the amount of supplemental state aid the school district is to receive for the school year.

(c) Payments of supplemental state aid shall be distributed to school districts on the dates prescribed by the state board. The state board shall certify to the director of accounts and reports the amount due each school district, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the

(continued)



school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the supplemental general fund of the school district to be used for the purposes of such fund.

(d) For the purposes of determining the total amount of state moneys paid to school districts, all moneys appropriated as supplemental state aid shall be deemed to be state moneys for educational and support services for school districts.

Sec. 6. On and after July 1, 2018, K.S.A. 2017 Supp. 72-5148 is hereby amended to read as follows: 72-5148. (a) (1) The transportation weighting of each school district shall be determined by the state board as follows:

(1) Determine the total expenditures of the school district during the preceding school year from all funds for transporting students of public and nonpublic schools on regular school routes;

(2) determine the sum of: (A) The number of students who were included in the enrollment of the school district in the preceding school year who resided less than 2½ miles by the usually traveled road from the school building such students attended and for whom transportation was made available by the school district; and (B) the number of nonresident students who were included in the enrollment of the school district for the preceding school year and for whom transportation was made available by the school district;

(3) determine the number of students who were included in the enrollment of the district in the preceding school year who resided 2½ miles or more by the usually traveled road from the school building such students attended and for whom transportation was made available by the school district;

(4) multiply the number of students determined under subsection (a)(3) by 2.8;

(5) divide the amount determined under subsection (a)(2) by the product obtained under subsection (a)(4);

(6) add one to the quotient obtained under subsection (a)(5);

(7) multiply the sum obtained under subsection (a)(6) by the amount determined under subsection (a)(3);

(8) divide the amount determined under subsection (a)(1) by the product obtained under subsection (a)(7). The resulting quotient is the per-student cost of transportation;

(9) on a density-cost graph, plot the per-student cost of transportation for each school district;

(10) construct a curve of best fit for the points so plotted;

(11) locate the index of density for the school district on the base line of the density-cost graph and from the point on the curve of best fit directly above this point of index of density follow a line parallel to the base line to the point of intersection with the vertical line, which point is the formula per-student cost of transportation of the school district;

(12) divide the formula per-student cost of transportation of the school district by the BASE aid; and

(13) multiply the quotient obtained under subsection (a)(12) by the number of students who are included in the enrollment of the school district, are residing 2½ miles or more by the usually traveled road to the school building they attend, and for whom transportation is being made available by, and at the expense of, the district.

(A) Divide the BASE aid amount for the current school year by the BASE aid amount for school year 2018-2019;

(B) multiply the number of transported students by the per capita allowance that corresponds to the density figure for the school district as determined in subsection (a)(2);

(C) multiply the product obtained under subsection (a)(1)(B) by 1.00;

(D) multiply the product obtained under subsection (a)(1)(C) by the quotient obtained under subsection (a)(1)(A);

(E) divide the product obtained under subsection (a)(1)(D) by the current year BASE amount. The result is the transportation weighting of the school district.

(2) The per capita allowance shall be determined using the following chart:

Density Figure Range	Per Capita Allowance
0.000-0.059	\$1,620
0.060-0.069	\$1,580
0.070-0.079	\$1,540
0.080-0.089	\$1,500
0.090-0.099	\$1,480
0.100-0.109	\$1,450
0.110-0.119	\$1,430
0.120-0.129	\$1,410
0.130-0.139	\$1,390
0.140-0.149	\$1,370

0.150-0.159	\$1,350
0.160-0.169	\$1,340
0.170-0.179	\$1,320
0.180-0.199	\$1,300
0.200-0.209	\$1,290
0.210-0.219	\$1,270
0.220-0.239	\$1,250
0.240-0.269	\$1,230
0.270-0.289	\$1,210
0.290-0.319	\$1,190
0.320-0.349	\$1,170
0.350-0.389	\$1,150
0.390-0.429	\$1,130
0.430-0.469	\$1,110
0.470-0.519	\$1,090
0.520-0.579	\$1,070
0.580-0.639	\$1,050
0.640-0.709	\$1,030
0.710-0.789	\$1,010
0.790-0.879	\$990
0.880-0.989	\$970
0.990-1.109	\$950
1.110-1.249	\$930
1.250-1.399	\$910
1.400-1.589	\$890
1.590-1.799	\$870
1.800-2.039	\$850
2.040-2.319	\$830
2.320-2.659	\$810
2.660-3.049	\$790
3.050-3.509	\$770
3.510-4.049	\$750
4.050-4.699	\$730
4.700-5.469	\$710
5.470-6.399	\$690
6.400-7.519	\$670
7.520-8.879	\$650
8.880-10.549	\$630
10.550-12.589	\$610
12.590-15.129	\$590
15.130-18.289	\$570
18.290 +	\$550

(b) (1) For school years 2017-2018 through 2020-2021, the transportation weighting of the school district shall be either the product determined under subsection (a)(13) (a)(1)(E), or that portion of such school district's general state aid for school year 2016-2017 that was attributable to the school district's transportation weighting, whichever is greater.

(2) For school year 2021-2022, and each school year thereafter, the transportation weighting of the school district shall be the product determined under subsection (a)(13) (a)(1)(E).

(3) In no event shall the transportation weighting of the school district result in the portion of such school district's state foundation aid attributable to the transportation weighting being in excess of 110% of such school district's total expenditures from all funds for transporting students for the immediately preceding school year.

(c) For the purpose of providing accurate and reliable data on student transportation, the state board is authorized to adopt rules and regulations prescribing procedures that school districts shall follow in reporting pertinent information, including uniform reporting of expenditures for transportation.

(d) As used in this section:

(1) "Curve of best fit" means the curve on a density-cost graph drawn so the sum of the distances squared from such line to each of the points plotted on the graph is the least possible.

(2) "Density-cost graph" means a drawing having: (A) A horizontal or base line divided into equal intervals of density, beginning with zero on the left; and (B) a scale for per-student cost of transportation to be shown on a line perpendicular to the base line at the left end thereof, such scale to begin with zero dollars at the base line ascending by equal per-student cost intervals.

(3) "Index of density" means the number of students who are included in the enrollment of a school district in the current school year, are residing the designated distance or more by the usually traveled road from the school building they attend, and for whom transporta-

tion is being made available on regular school routes by the school district, divided by the number of square miles of territory in the school district. "Density figure" means the area of the school district in square miles divided by the number of transported students.

(2) "Transported students" means the number of students who were included in the enrollment of the school district in the preceding year who resided 2½ miles or more by the usually traveled road from the school building such students attended and for whom transportation was made available.

Sec. 7. On and after July 1, 2018, K.S.A. 2017 Supp. 72-5149 is hereby amended to read as follows: 72-5149. (a) The low enrollment weighting of each school district shall be determined by the state board as follows:

(1) For school districts with an enrollment of fewer than 100 students, multiply the enrollment of the school district by 1.014331. The resulting product is the low enrollment weighting of the school district;

(2) for school districts with an enrollment of at least 100 students, but fewer than 300 students:

(A) Subtract 100 from the enrollment of the school district;

(B) multiply the difference obtained under subsection (a)(2)(A) by 9.655;

(C) subtract the product obtained under subsection (a)(2)(B) from 7,337;

(D) divide the difference obtained under subsection (a)(2)(C) by 3,642.4;

(E) subtract one from the quotient obtained under subsection (a)(2)(D); and

(F) multiply the difference obtained under subsection (a)(2)(E) by the enrollment of the school district. The resulting product is the low enrollment weighting of the school district;

(3) for school districts with an enrollment of at least 300 students, but fewer than 1,622 students:

(A) Subtract 300 from the enrollment of the school district;

(B) multiply the difference obtained under subsection (a)(3)(A) by 1.2375;

(C) subtract the product obtained under subsection (a)(3)(B) from 5,406;

(D) divide the difference obtained under subsection (a)(3)(C) by 3,642.4;

(E) subtract one from the quotient obtained under subsection (a)(3)(D); and

(F) multiply the difference obtained under subsection (a)(3)(E) by the enrollment of the school district. The resulting product is the low enrollment weighting of the school district.

(b) For school districts with an enrollment of at least 1,622 students, multiply the enrollment of the school district by 0.03504. The resulting product is the high enrollment weighting of the school district.

Sec. 8. K.S.A. 2017 Supp. 72-5150 is hereby amended to read as follows: 72-5150. The bilingual weighting of each school district shall be determined by the state board as follows:

(a) Determine the full-time equivalent enrollment in approved programs of bilingual education during the preceding school year and multiply such enrollment by 0.395;

(b) determine the number of students enrolled in approved programs of bilingual education during the preceding school year and multiply such enrollment by 0.185; and

(c) the bilingual weighting shall be either the amount determined under subsection (a) or (b), whichever is greater.

Sec. 9. On and after July 1, 2018, K.S.A. 2017 Supp. 72-5151 is hereby amended to read as follows: 72-5151. (a) The at-risk student weighting of each school district shall be determined by the state board as follows:

(1) Determine the number of at-risk students included in the enrollment of the school district; and

(2) for a school district with an enrollment that consists of 10% or more at-risk students, multiply the number determined under subsection (a)(1) by 0.484. The resulting sum is the at-risk student weighting of the school district; or

(3) for a school district with an enrollment that consists of less than 10% at-risk students, multiply the number of students equal to 10% of such school district's enrollment by 0.484. The resulting sum is the at-risk student weighting of the school district. A school district whose at-risk student weighting is determined pursuant to this paragraph shall submit a report to the state board in such form and manner as required by the state board that identifies those students enrolled in such school district who are receiving at-risk program services and the criteria each such student satisfies in order to receive at-risk program services. The

state board shall adopt rules and regulations that establish the criteria for eligibility for at-risk program services. The provisions of this paragraph shall only apply to those school districts that offer instruction in kindergarten and grades one through 12.

(b) Except as provided in subsection (b)(4), the high-density at-risk student weighting of each school district shall be determined by the state board as follows:

(1) (A) If the enrollment of the school district is at least 35% at-risk students, but less than 50% at-risk students:

(i) Subtract 35% from the percentage of at-risk students included in the enrollment of the school district;

(ii) multiply the difference determined under subsection (b)(1)(A)(i) by 0.7; and

(iii) multiply the product determined under subsection (b)(1)(A)(ii) by the number of at-risk students included in the enrollment of the school district; or

(B) If the enrollment of the school district is 50% or more at-risk students, multiply the number of at-risk students included in the enrollment of the school district by 0.105; or

(2) (A) if the enrollment of a school in the school district is at least 35% at-risk students, but less than 50% at-risk students:

(i) Subtract 35% from the percentage of at-risk students included in the enrollment of such school;

(ii) multiply the difference determined under subsection (b)(2)(A)(i) by 0.7; and

(iii) multiply the product determined under subsection (b)(2)(A)(ii) by the number of at-risk students included in the enrollment of such school; or

(B) if the enrollment of a school in the school district is 50% or more at-risk students, multiply the number of at-risk students included in the enrollment of such school by 0.105; and

(C) add the products determined under subsections (b)(2)(A)(iii) and (b)(2)(B) for each such school in the school district, respectively.

(3) The high-density at-risk weighting of the school district shall be the greater of the product determined under subsection (b)(1) or the sum determined under subsection (b)(2)(C).

(4) Commencing in school year 2018-2019, school districts that qualify to receive the high-density at-risk weighting pursuant to this section shall spend any money attributable to the school district's high-density at-risk weighting on the at-risk best practices developed by the state board pursuant to K.S.A. 2017 Supp. 72-5153(d), and amendments thereto. If a school district that qualifies for the high-density at-risk weighting does not spend such money on such best practices, the state board shall notify the school district that it shall either spend such money on such best practices or shall show improvement within five years of notification. Improvement shall include, but not be limited to, the following: (A) The percentage of students at grade level on state math and English language arts assessments; (B) the percentage of students that are college and career ready on state math and English language arts assessments; (C) the average composite ACT score; or (D) the four-year graduation rate. If a school district does not spend such money on such best practices and does not show improvement within five years, the school district shall not qualify to receive the high-density at-risk weighting in the succeeding school year.

(5) The provisions of this subsection shall expire on July 1, 2019 2020.

Sec. 10. K.S.A. 2017 Supp. 72-5155 is hereby amended to read as follows: 72-5155. ~~(a)~~ The career technical education weighting of each school district shall be determined by the state board by multiplying the full-time equivalent enrollment in approved career technical education programs during the preceding school year by 0.5. The resulting product is the career technical education weighting of the school district.

~~(b) The provisions of this section shall expire on July 1, 2019.~~

Sec. 11. On and after July 1, 2018, K.S.A. 2017 Supp. 72-5170 is hereby amended to read as follows: 72-5170. (a) (1) In order to accomplish the mission for Kansas education, the state board shall design and adopt a school district accreditation system based upon improvement in performance that equals or exceeds the educational goal set forth in K.S.A. 2017 Supp. 72-3218(c), and amendments thereto, and is measurable. The state board shall hold all school districts accountable to the Kansas can outcomes, or any successor outcomes established by the state board, through the Kansas education systems accreditation rules and regulations, or any successor accreditation system adopted by the state board. The state board shall establish rigorous accountability measures in the areas of social emotional *(continued)*

learning, kindergarten readiness, individual plans of study, graduation and postsecondary success. The state board also shall ensure that all school districts and the public schools operated by such districts have programs and initiatives in place for providing those educational capacities set forth in K.S.A. 2017 Supp. 72-3218(c), and amendments thereto. On or before January 15, 2018, and each January 15 thereafter, the state board shall prepare and submit a report on the school district accreditation system to the governor and the legislature.

(2) The accountability measures established pursuant to paragraph (1) shall be applied both at the district level and at the school level. Such accountability measures shall be reported by the state board for each school district and each school by publication on the internet website of the state department of education. Each school district also shall report such accountability measures for such school district and each school operated by such district by publication on such school district's internet website.

(3) If a school district is not fully accredited and a corrective action plan is required by the state board, such corrective action plan, and any subsequent reports prepared by the state board regarding the progress of such school district in implementing and executing such corrective action plan, shall be published on the state department of education's internet website and such school district's internet website.

(4) If a school district is not accredited, the superintendent, or the superintendent's designee, shall appear before the committee on education of the house of representatives and the committee on education of the senate during the regular legislative session that occurs during the same school year in which such school district is not accredited. Such school district shall provide a report to such committees on the challenges and obstacles that are preventing such school district from becoming accredited.

(b) The state board shall establish curriculum standards that reflect high academic standards for the core academic areas of mathematics, science, reading, writing and social studies. The curriculum standards shall be reviewed at least every seven years. Nothing in this subsection shall be construed in any manner so as to impinge upon any school district's authority to determine its own curriculum.

(c) The state board shall provide for statewide assessments in the core academic areas of mathematics, science, reading, writing and social studies. The board shall ensure compatibility between the statewide assessments and the curriculum standards established pursuant to subsection (b). Such assessments shall be administered at three grade levels, as determined by the state board. The state board shall determine performance levels on the statewide assessments, the achievement of which represents high academic standards in the academic area at the grade level to which the assessment applies. The state board should specify high academic standards both for individual performance and school performance on the assessments.

(d) Each school year, on such date as specified by the state board, each school district shall submit the Kansas education system accreditation report to the state board in such form and manner as prescribed by the state board.

(e) Whenever the state board determines that a school district has failed either to meet the accreditation requirements established by rules and regulations or standards adopted by the state board or provide curriculum based on state standards and courses required by state law, the state board shall so notify the school district. Such notice shall specify the accreditation requirements that the school district has failed to meet and the curriculum that it has failed to provide. Upon receipt of such notice, the board of education of such school district is encouraged to reallocate the resources of the school district to remedy all deficiencies identified by the state board.

(f) Each school in every school district shall establish a school site council composed of the principal and representatives of teachers and other school personnel, parents of students attending the school, the business community and other community groups. School site councils shall be responsible for providing advice and counsel in evaluating state, school district, and school site performance goals and objectives and in determining the methods that should be employed at the school site to meet these goals and objectives. Site councils may make recommendations and proposals to the school board regarding budgetary items and school district matters, including, but not limited to, identifying and implementing the best practices for developing efficient and effective administrative and management functions. Site councils also may help school boards analyze the unique environment of schools, enhance the efficiency and maximize limited resources, including outsourcing arrangements and cooperative opportunities as a means to address limited budgets.

Sec. 12. On and after July 1, 2018, K.S.A. 2017 Supp. 72-5171 is hereby amended to read as follows: 72-5171. (a) On or before January 15 of each year, the state department of education shall prepare and submit reports on school district funding for each school district to the governor and the legislature.

(b) Each report shall contain the information described in subsection (c) for the school district in terms of actual dollar amounts for the second and immediately preceding school years and budgeted dollar amounts for the current school year.

(c) Each report shall contain the following information for the school district:

(1) Full-time equivalent enrollment;

(2) demographic information, including, but not limited to, gender, race, ethnicity, students who are economically disadvantaged, migrants, English language learners and students with disabilities;

(3) total general and supplemental general funds, including a showing of funding provided by federal sources, state sources and local sources, and total funds per student;

(4) total capital outlay funds, including a showing of such funding provided by federal sources, state sources and local sources, and capital outlay funds per student;

(5) total bond and interest funds, including a showing of such funding provided by federal sources, state sources and local sources, and bond and interest funds per student;

(6) total of all other funds not described in paragraphs (3), (4) and (5), excluding fund transfers, including a showing of such funding provided by federal sources, state sources and local sources, and total funds per student;

(7) total funds per student of all funds described in paragraphs (3) through (6);

(8) general fund moneys attributable to the following:

(A) BASE aid;

(B) high enrollment weighting;

(C) low enrollment weighting;

(D) school facilities weighting;

(E) transportation weighting;

(F) at-risk student weighting;

(G) preschool-aged at-risk student weighting;

(H) high-density at-risk student weighting;

(I) career technical education weighting;

(J) special education and related services weighting;

(K) bilingual weighting;

(L) ancillary school facilities weighting;

(M) cost-of-living weighting;

(N) declining enrollment weighting; and

(O) virtual school state aid;

(9) total expenditures on the following:

(A) At-risk education programs and services;

(B) preschool-aged at-risk education programs and services;

(C) bilingual education programs and services;

(D) career and technical education programs and services;

(E) special education and related services; and

(F) virtual school programs and services; and

(10) total expenditures from the special retirement contributions fund;

(11) expenditures and fund transfers from the supplemental general fund for those programs and services set forth in paragraph (9) and any other accounting category for which there is an expenditure or transfer from such fund; and

(12) general obligation bond indebtedness.

(d) The state board shall provide uniform guidelines for what constitutes total expenditures for the programs and services listed under subsection (c)(9).

Sec. 13. On and after July 1, 2018, K.S.A. 2017 Supp. 72-5173 is hereby amended to read as follows: 72-5173. The legislative post audit committee shall direct the legislative division of post audit to conduct the following performance audits in the fiscal year specified:

(a) A performance audit of transportation services funding. The audit should include a comparison of the amount of transportation services funding school districts receive to the cost of providing transportation services. This performance audit shall be conducted during fiscal year 2018, and the final audit report shall be submitted to the legislature on or before January 15, 2018.

(b) A performance audit of at-risk education funding. The audit should evaluate the method of counting students for at-risk education funding, the level of the at-risk student weighting and high-density

at-risk student weighting under the act and how school districts are expending moneys provided for at-risk education. This performance audit shall be conducted during fiscal year 2020, and the final audit report shall be submitted to the legislature on or before January 15, 2020.

(c) A performance audit of bilingual education funding. The audit should evaluate the method of counting students for bilingual education funding, the level of the bilingual weighting under the act and how school districts are expending moneys provided for bilingual education. This performance audit shall be conducted during fiscal year ~~2023~~ 2022, and the final audit report shall be submitted to the legislature on or before January 15, ~~2023~~ 2022.

(d) A study of statewide virtual school programs administered in other states. The study shall include, but not be limited to, the following:

(1) The aggregate cost incurred by each state administering a virtual school program, and the cost incurred by individual school districts or schools within each state;

(2) the resources necessary for the implementation of each virtual school program, including, but not limited to, personnel, equipment, software and facility usage;

(3) the scope of each virtual school program; and

(4) the effectiveness of each virtual school program with respect to student performance and outcomes.

The audit shall be conducted during fiscal year ~~2024~~ 2023, and the final audit report shall be submitted to the legislature on or before January 15, ~~2024~~ 2023.

(e) (1) A performance audit to provide a reasonable estimate of the cost of providing educational opportunities for every public school student in Kansas to achieve the performance outcome standards adopted by the state board of education. This performance audit shall be conducted ~~three~~ two times as follows:

(A) During ~~fiscal year 2019~~, and the final report submitted to the legislature on or before January 15, ~~2019~~;

~~(B) during fiscal year 2022 2021, and the final report submitted to the legislature on or before January 15, 2022 2021; and~~

~~(C)(B) during fiscal year 2025 2024, and the final report submitted to the legislature on or before January 15, 2025 2024.~~

(2) Each performance audit required under this subsection shall:

(A) Include reasonable estimates of the costs of providing specialized education services as required by law, including, but not limited to, ~~special education and related services~~, bilingual education and at-risk programs; and

(B) account for other factors which may contribute to variations in costs incurred by school districts, including, but not limited to, total district enrollment and geographic location within the state.

(3) In conducting each performance audit required under this subsection:

(A) Any examination of historical data and expenditures shall correct any recognized inadequacy of such data or expenditure through a statistically valid method of extrapolation; and

(B) subject to the limitations of the division of legislative post audit budget and appropriations therefor, the legislative post auditor may enter into contracts with consultants as the post auditor deems necessary.

~~(f) A performance audit to identify best practices in successful schools. The audit should include a comparison of the educational methods and other practices of demographically similar school districts that achieve significantly different student outcomes based on performance outcome standards adopted by the state board of education. This performance audit shall be conducted during fiscal year 2021, and the final audit report shall be submitted to the legislature on or before January 15, 2021. The audit shall be conducted a second time during fiscal year 2026, and the final audit report shall be submitted to the legislature on or before January 15, 2026 provide a reasonable estimate of the costs of providing special education and related services, including, but not limited to, other factors which may contribute to variations in costs incurred by school districts. This performance audit shall be conducted during fiscal year 2019, and the final audit report shall be submitted to the legislature on or before January 15, 2019.~~

Sec. 14. On and after July 1, 2018, K.S.A. 2017 Supp. 72-53,113 is hereby amended to read as follows: 72-53,113. (a) The board of education of any school district may make an annual tax levy at a mill rate not to exceed the statutorily prescribed mill rate upon the taxable tangible property in the school district for the purposes specified in this act and, with respect to any redevelopment district established prior to July 1, 2017, pursuant to K.S.A. 12-1771, and amendments thereto, for the purpose of paying a portion of the principal and interest on bonds issued

by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district. No levy shall be made under this act until a resolution is adopted by the board of education in the following form:

Unified School District No. \_\_\_\_\_,  
\_\_\_\_\_ County, Kansas.

#### RESOLUTION

Be It Resolved that:

The above-named school board shall be authorized to make an annual tax levy in an amount not to exceed \_\_\_\_\_ mills upon the taxable tangible property in the school district for the purpose of acquisition, construction, reconstruction, repair, remodeling, additions to, furnishing, maintaining and equipping of school district property and equipment necessary for school district purposes, including: (1) Computer software; (2) performance uniforms; (3) housing and boarding pupils enrolled in an area vocational school operated under the board; (4) architectural expenses; (5) building sites; (6) undertaking and maintenance of asbestos control projects; (7) school buses; ~~and (8) utility expenses; (9) property and casualty insurance; and (10) other fixed assets,~~ and with respect to any redevelopment district established prior to July 1, 2017, pursuant to K.S.A. 12-1771, and amendments thereto, for the purpose of paying a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district. The tax levy authorized by this resolution may be made, unless a petition in opposition to the same, signed by not less than 10% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 40 calendar days after the last publication of this resolution. In the event a petition is filed, the county election officer shall submit the question of whether the tax levy shall be authorized to the electors in the school district at an election called for that purpose or at the next general election, as is specified by the board of education of the above school district.

#### CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. \_\_\_\_\_, \_\_\_\_\_ County, Kansas, on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Clerk of the board of education.

All of the blanks in the above resolution shall be appropriately filled. The blank preceding the word "mills" shall be filled with a specific number. The resolution shall be published once a week for two consecutive weeks in a newspaper having general circulation in the school district. If no petition as specified above is filed in accordance with the provisions of the resolution, the board of education may make the tax levy specified in the resolution. If a petition is filed as provided in the resolution, the board of education may notify the county election officer of the date of an election to be held to submit the question of whether the tax levy shall be authorized. If the board of education fails to notify the county election officer within 60 calendar days after a petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board of education within the nine months following the first publication of the resolution.

(b) As used in this act:

(1) "Unconditionally authorized to make a capital outlay tax levy" means that the school district has adopted a resolution under this section, has published the same, and either that the resolution was not protested or that it was protested and an election has been held by which the tax levy specified in the resolution was approved;

(2) "statutorily prescribed mill rate" means: (A) Eight mills; (B) the mill levy rate in excess of eight mills if the resolution fixing such rate was approved at an election prior to the effective date of this act; or (C) the mill levy rate in excess of eight mills if no petition or no sufficient petition was filed in protest to a resolution fixing such rate in excess of eight mills and the protest period for filing such petition has expired;

(3) "asbestos control project" means any activity which is necessary or incidental to the control of asbestos-containing material in buildings of school districts and includes, but not by way of limitation, any activity undertaken for the removal or encapsulation of asbestos-containing material, for any remodeling, renovation, replacement, rehabilitation or other restoration necessitated by such removal or encapsulation, for con-

(continued)

ducting inspections, reinspections and periodic surveillance of buildings, performing response actions, and developing, implementing and updating operations and maintenance programs and management plans;

(4) "asbestos" means the asbestiform varieties of chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonitegrunerite), anthophyllite, tremolite, and actinolite; and

(5) "asbestos-containing material" means any material or product which contains more than 1% asbestos.

Sec. 15. On and after July 1, 2018, K.S.A. 2017 Supp. 72-53,116 is hereby amended to read as follows: 72-53,116. (a) Any moneys in the capital outlay fund of any school district and any moneys received from issuance of bonds under K.S.A. 2017 Supp. 72-53,117 or 72-53,122, and amendments thereto, may be used for the purpose of the acquisition, construction, reconstruction, repair, remodeling, additions to, furnishing, maintaining and equipping of school district property and equipment necessary for school district purposes, including: (1) Computer software; (2) performance uniforms; (3) housing and boarding pupils enrolled in an area vocational school operated under the board of education; (4) architectural expenses; (5) building sites; (6) undertaking and maintenance of asbestos control projects; (7) school buses; and (8) utility expenses; (9) property and casualty insurance; and (10) other fixed assets.

(b) The board of education of any school district is hereby authorized to invest any portion of the capital outlay fund of the school district which is not currently needed in investments authorized by K.S.A. 12-1675, and amendments thereto, in the manner prescribed therein, or may invest the same in direct obligations of the United States government maturing or redeemable at par and accrued interest within three years from date of purchase, the principal and interest whereof is guaranteed by the government of the United States. All interest received on any such investment shall upon receipt thereof be credited to the capital outlay fund.

Sec. 16. On and after July 1, 2018, K.S.A. 2017 Supp. 72-5461 is hereby amended to read as follows: 72-5461. (a) Upon receiving an application under K.S.A. 2017 Supp. 72-5460, and amendments thereto, the state board of education shall review the application and examine the evidence furnished in support of the application.

(b) (1) Commencing in school year 2017-2018, the state board of education shall not approve any application submitted during the current school year if such approval would result in the aggregate amount of all general obligation bonds approved by the state board for such school year exceeding the aggregate principal amount of all general obligation bonds retired in the immediately preceding school year *adjusted for inflation pursuant to paragraph (4). For any application submitted during the current school year in excess of \$175,000,000, the state board shall apply only an amount of \$175,000,000 of such application when determining whether the aggregate principal amount of all general obligation bonds retired in the immediately preceding school year has been exceeded.* In determining whether to approve an application, the state board shall prioritize applications in accordance with the priorities set forth as follows in order of highest priority to lowest priority:

(A) Safety of the current facility and disability access to such facility as demonstrated by a state fire marshal report, an inspection under

the Americans with disabilities act, 42 U.S.C. § 12101 et seq., or other similar evaluation;

(B) enrollment growth and imminent overcrowding as demonstrated by successive increases in enrollment of the school district in the immediately preceding three school years;

(C) impact on the delivery of educational services as demonstrated by restrictive inflexible design or limitations on installation of technology; and

(D) energy usage and other operational inefficiencies as demonstrated by a district-wide energy usage analysis, district-wide architectural analysis or other similar evaluation.

(2) The state board shall not consider a school district's eligibility for capital improvement state aid, or the amount of capital improvement state aid a school district would be eligible to receive, in determining whether to approve such district's application.

(3) The provisions of subsection (b)(1) shall not apply to school districts that have not issued any general obligation bonds in the 25 years prior to the current school year.

(4) *The state board shall adjust the aggregate principal amount of all general obligation bonds retired in the immediately preceding school year by adding an amount equal to the five-year compounded percentage increase in the producer price index industry data for new school building construction as published by the bureau of labor statistics of the United States department of labor for the five immediately preceding school years.*

(c) After reviewing the application and examining the supportive evidence, the state board of education shall issue an order either granting or denying the application. If the application is approved, the applicant board of education shall request the county election officer to hold an election to vote upon the question of issuing the increased amount of bonds in the manner provided by law.

(d) Any application that is denied pursuant to subsection (b) may be tentatively approved by the state board of education for the immediately succeeding school year. The amount of general obligation bonds approved in any such application shall be counted first towards the aggregate amount of all general obligation bonds approved by the state board for such school year.

(e) Commencing in school year 2017-2018, the state board of education shall determine the aggregate principal amount of general obligation bonds retired in the immediately preceding school year.

(f) The provisions of subsections (b), (d) and (e) shall expire on June 30, 2022.

Sec. 17. K.S.A. 2017 Supp. 72-5150 and 72-5155 are hereby repealed.

Sec. 18. On and after July 1, 2018, K.S.A. 2017 Supp. 72-1171, 72-5132, 72-5133, 72-5143, 72-5144, 72-5145, 72-5148, 72-5149, 72-5151, 72-5170, 72-5171, 72-5173, 72-53,113, 72-53,116, 72-5461, 72-6463, 72-6464, 72-6465, 72-6466, 72-6467, 72-6468, 72-6469, 72-6470, 72-6471, 72-6472, 72-6473, 72-6474, 72-6475, 72-6477, 72-6478, 72-6479, 72-6480 and 72-6481 are hereby repealed.

Sec. 19. This act shall take effect and be in force from and after its publication in the Kansas register.

**INDEX TO ADMINISTRATIVE REGULATIONS**

This index lists in numerical order the new, amended, and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2009 Volumes of the *Kansas Administrative Regulations* and the 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
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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
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9-25-14	Revoked	V. 36, p. 1237
9-25-15	Revoked	V. 36, p. 1237

**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
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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**

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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
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28-35-177a	Amended	V. 37, p. 331
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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
68-7-12a	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

## 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
111-5-80	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. 135
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
111-401-117	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

**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, 271

**Kansas Register**  
**Secretary of State**  
**1st Floor, Memorial Hall**  
**120 SW 10th Ave.**  
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