

Kansas Register

Ron Thornburgh, Secretary of State

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In this issue . . .

	Page
Legislative bills and resolutions introduced March 11-17	344
Wildlife and Parks Commission	
Notice of hearing on proposed administrative regulations	345
Kansas Insurance Department	
Notice of hearing on proposed administrative regulations	345
Kansas Development Finance Authority	
Notice of hearing on proposed revenue bonds	346
State Board of Pharmacy	
Notice of meetings	346
Department of Agriculture	
Request for comments on proposed special local need registrations.....	346
Attorney General	
Opinions 99-9 through 99-16	347
Department of Administration—Division of Purchases	
Notice to bidders for state purchases	348
Department of Administration	
Notice of hearing on proposed administrative regulations	349
Kansas Supreme Court	
Docket for April	351
Department of Health and Environment	
Request for comments on proposed municipal solid waste landfill permit.....	353
Request for comments on proposed air quality permit	353
Notice concerning Kansas water pollution control permits.....	354
Notice of hearing on proposed administrative regulations	356
Temporary Administrative Regulations	
Department of Administration.....	356
Kansas Insurance Department	358
Permanent Administrative Regulations	
Board of Examiners in Optometry	357
Department of Revenue	
Notice of available publications	359
Pooled Money Investment Board	
Notice of investment rates	360
Department of Transportation	
Notice to contractors	360
Notice of public auction	362
Notice of Bond Sale	
Reno County Public Building Commission	362
City of Park City.....	364
City of Overland Park	365
City of Overland Park	
Notice to bidders	363
Notice of Bond Redemption	
City of Kansas City.....	364
Governmental Ethics Commission	
Opinions 1999-5 through 1999-8.....	366
Index to administrative regulations	369

State of Kansas

Legislature

Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced March 11-17 by the 1999 Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, 300 S.W. 10th Ave., Topeka, 66612, (785) 296-4096.

House Bills

HB 2559, An act concerning the state treasurer; relating to municipal bond program fees; amending K.S.A. 10-506, 10-603 and 10-627 and repealing the existing sections, by Committee on Appropriations.

HB 2560, An act concerning the behavioral sciences regulatory board; relating to psychologists and masters level psychologists; amending K.S.A. 1998 Supp. 74-5311 and 74-5363 and repealing the existing sections, by Committee on Appropriations.

HB 2561, An act relating to motor vehicles; concerning certificates of title; amending K.S.A. 1998 Supp. 8-197 and 8-198 and repealing the existing sections; also repealing K.S.A. 8-1,136, by Committee on Federal and State Affairs.

HB 2562, An act concerning elections; enacting the Kansas clean money campaign reform act; amending K.S.A. 1998 Supp. 25-4148 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2563, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; postretirement benefit increase, by Committee on Appropriations.

House Concurrent Resolutions

HCR 5036, A proposition to amend section 1 of article 11 of the constitution of the state of Kansas.

HCR 5037, A proposition to amend section 2 of article 13 of the constitution of the state of Kansas, relating to banks.

HCR 5038, A concurrent resolution urging the United States Congress to further investigate mergers in agribusiness.

House Resolutions

* **HR 6014**, A resolution requiring the Attorney General to bring suit challenging the provisions of Section 656(b) of P.L. 104-208.

Senate Bills

SB 350, An act concerning the sale of medicines and drugs through vending machines; amending K.S.A. 65-650 and repealing the existing section, by Committee on Ways and Means.

SB 351, An act concerning legislative and congressional redistricting; relating to population data used; amending K.S.A. 11-304 and repealing the existing section, by Committee on Federal and State Affairs.

SB 352, An act concerning salaries and compensation for state officers and employees; amending K.S.A. 1998 Supp. 40-102, 46-137a, 46-137b, 75-3101, 75-3103, 75-3104, 75-3108, 75-3110 and 75-3111a and repealing the existing sections, by Committee on Ways and Means.

SB 353, An act concerning the workers compensation act; relating to occupational diseases; amending K.S.A. 44-5a01 and repealing the existing section, by Committee on Ways and Means.

SB 354, An act concerning the information network of Kansas, Inc.; relating to composition of such network's board; amending K.S.A. 74-9303 and repealing the existing section, by Committee on Ways and Means.

Senate Concurrent Resolutions

SCR 1614, A concurrent resolution concerning the plan of the United States census bureau to use statistical sampling in the decennial census.

Senate Resolutions

SR 1833, A resolution congratulating and commending the four bodies of the Scottish Rite Bodies in the Valley of Northeast Kansas on their centennial years.

SR 1834, A resolution congratulating and commending Captain William Hoggatt.

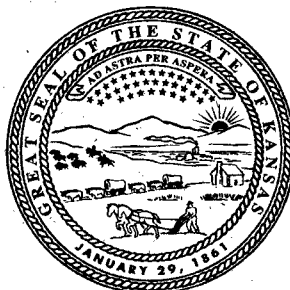
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State of Kansas

Wildlife and Parks Commission

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted by the Wildlife and Parks Commission at 7 p.m. Tuesday, April 27, at the Country Kitchen Convention Center, 3203 N. Vine, Hays, to consider the approval and adoption of a proposed regulation of the Kansas Department of Wildlife and Parks. The hearing on business of the Wildlife and Parks Commission will begin at 1:30 p.m. April 27 at the location listed above. The meeting will recess at 5 p.m., then resume at 7 p.m. at the same location for the regulatory hearing. There will be public comment periods at the beginning of the afternoon and evening meetings for any issues not on the agenda, and additional comment periods will be available during the meeting on agenda items. Old and new business also may be discussed at this time. If necessary to complete the hearing or other business matters, the commission will reconvene at 9 a.m. April 28 at the same location.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Cindy Baugh, commission secretary, at (316) 672-5911. Persons with a hearing impairment may call the TDD service at (800) 766-3777 to request special accommodations.

This 30-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed exempt regulation.

All interested parties may submit written comments prior to the hearing to the chairman of the commission, Kansas Department of Wildlife and Parks, Suite 502, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulation. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulation.

The exempt regulation that will be heard during the regulatory hearing portion of the meeting, in addition to other proposed regulations published for public notice in the February 25, 1999 Kansas Register, is as follows:

K.A.R. 115-25-8. This proposed exempt regulation establishes hunting unit boundaries, bag limit, application periods and season dates for the 1999 muzzleloader, archery and firearm seasons for elk. The regulation would expand the elk hunting unit beyond Fort Riley. The regulation also would increase available elk permits, and allot them among split seasons. A total of 75 antlerless-only elk permits and 10 any-elk permits would be made available. In addition, an unlimited number of hunt-on-your-own-land (HOYOL) antlerless-only elk permits would be made available. The expanded unit and seasons are in-

tended to provide increased flexibility to address elk that may disperse off the Fort.

Economic Impact Summary: It is anticipated that 120 elk permits may be authorized. Estimated revenue if these permits are issued would be \$9,110. Approximately 750 days of hunting activity may occur, thus providing economic benefit to businesses providing goods and services. To the extent the expanded unit, seasons and permits numbers help prevent dispersal of elk onto private land, and therefore help prevent occurrence of damage from dispersed elk, there may be some positive economic impact to the general public.

Copies of the complete text of the regulation and its economic impact statement may be obtained by contacting the chairman of the commission at the address above or by calling (785) 296-2281.

John R. Dykes
Chairman

Doc. No. 023606

State of Kansas

Kansas Insurance Department

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9 a.m. Wednesday, June 30, in the third floor conference room, Kansas Insurance Department, 420 S.W. 9th, Topeka, to consider the adoption of proposed changes in an existing rule and regulation.

This 60-day notice of the public hearing shall constitute a public comment period for purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit written comments prior to the hearing to Rebecca Sanders, Kansas Insurance Department, 420 S.W. 9th, Topeka, 66612-1678. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance by contacting Rebecca Sanders at (785) 296-7811.

Copies of the full text of the regulation and the economic impact statement may be obtained by contacting Rebecca Sanders. A summary of the proposed regulation and its economic impact follows.

K.A.R. 40-3-33. Fire and casualty insurance; basic property insurance; inspection; placement; procedures; requirements. The Kansas Insurance Department is proposing amendments to this regulation that would expand the basic coverage of the Fair Plan and change procedures to reflect the changes made to the Fair Plan. There would be no economic impact on companies or on the Insurance Department.

Kathleen Sebelius
Kansas Insurance Commissioner

Doc. No. 023620

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, April 8, in the conference room in the office of Kansas Development Finance Authority, Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, on the proposal for the Kansas Development Finance Authority to issue its Agricultural Development Revenue Bond for the project numbered below in the respective maximum principal amount. The bond will be issued to assist the respective borrower (who will be the owner and operator of the respective project) to finance the cost in the amount of the bond of acquiring the project or for the purpose of refunding a bond previously issued to finance the project. The project shall be located as shown:

Project No. 000413, Maximum Principal Amount: \$38,250.00. Owner/Operator: Randal L. Broxterman. Description: Acquisition of 80 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is located at the West Half of the Southwest Quarter, Section 33, Township 5, Range 11, Nemaha County, Kansas; approximately 4 miles south of Centralia, 2 miles west, 7 miles south and 2 miles west via county roads.

The bond, when issued, will be a limited obligation of the Kansas Development Finance Authority and will not constitute a general obligation or indebtedness of the State of Kansas or any political subdivision thereof, including the Authority, nor will it be an indebtedness for which the faith and credit and taxing powers of the State of Kansas are pledged. The bond will be payable solely from amounts received from the respective borrower, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bond when it shall become due.

All individuals who appear at the hearing will be given an opportunity to express their views, and all written comments previously filed with the Authority at its offices at Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603, will be considered. Additional information regarding the project may be obtained by contacting the Authority.

Any individual affected by the above-described project may, at or prior to the hearing, file a written request with the Authority that a local hearing be held on the proposal to issue a bond to finance said project. A local hearing, if requested, would be conducted in the county where the project in question is located.

Kenneth Frahm
President

Doc. No. 023607

State of Kansas

Board of Pharmacy

Notice of Meetings

The Kansas State Board of Pharmacy will meet Tuesday, April 6, and Wednesday, April 7, at the University of Kansas School of Pharmacy, Malott Hall, sixth floor, Lawrence. The meetings are open to the public. For further information, call (785) 296-4056.

Larry Froelich
Executive Director

Doc. No. 023619

State of Kansas

Department of Agriculture

Request for Comments on Proposed
Special Local Need Registrations

Notice is hereby given that Garrett's Agrivision, Inc., an agricultural consultant company, has requested on behalf of Kansas alfalfa growers a special local need registration (SLN), Section 24(c) FIFRA exemption, to allow use of Treflan® (trifluralin) at enhanced rates to provide for effective control of certain late season broadleaf weed pests. The problem weeds identified as being inadequately controlled with existing alternatives include Palmer Amaranth and Dodder. Of particular concern in Kansas are amaranth infestations that have become resistant/tolerant to other ALS (acetolactate synthase) and/or triazine herbicides.

In response to expressed need for an SLN, Dow AgroSciences LLC has submitted SLN applications for two different formulations of trifluralin: Treflan TR-10 (EPA Registration No. 62719-131) and Treflan HFP (EPA Registration No. 62719-250). Based upon the application materials provided, the Kansas Department of Agriculture is considering the possibility of approving registration of both products. Treflan HFP is labeled for chemigation application only.

The SLNs as requested for Kansas already exists in California, Utah, Idaho, Nevada, Washington and Oregon. Both products are currently registered in Kansas and are labeled for use in alfalfa. All food tolerances and supportive data needed to permit the requested use of these products have been issued.

Information submitted by the applicant is on file with the Kansas Department of Agriculture. Written comments, data or other evidence in support of or in opposition to the proposed registrations may be submitted by April 5 to John K. Stamer, Manager, Pesticide Program, KDA, 901 S. Kansas Ave., 7th Floor, Topeka, 66612-1281.

Alice A. Devine
Secretary of Agriculture

Doc. No. 023612

State of Kansas

Attorney General

Opinion 99-9

Public Health—Secretary of Health and Environment, Activities; Confined Feeding Facilities for Swine—Closure Plan; Demonstration of Financial Ability; Lagoon Closure Plan; Demonstration of Financial Ability. Clyde D. Graeber, Acting Secretary, Kansas Department of Health and Environment, Topeka, March 4, 1999.

A third party acting in a contractual capacity with a swine facility operator may provide financial assurance on behalf of the operator to cover the cost of closure of the swine facility or lagoon if the operator provides evidence satisfactory to the Kansas Department of Health and Environment (KDHE) that those closure costs will be accessible to the KDHE when needed. K.A.R. 28-18a-23 and 28-18a-24 set forth mechanisms to demonstrate financial assurance. Which mechanism is appropriate will depend on the particular circumstances of each facility and the parties involved. Although the regulations provide for self-insurance, self-insurance by a third party should only be allowed if the operator demonstrates to the satisfaction of the KDHE that adequate funds will be legally available and accessible to the KDHE in the event of closure. Cited herein: K.S.A. 1998 Supp. 65-1,179; 65-1,181; 65-1,182; 65-1,189; 65-1,190; K.A.R. 28-18a-23; 28-18a-24. DMV

Opinion 99-10

Constitution of the State of Kansas—Bill of Rights—Equal Rights; 1999 Senate Bill No. 288.

Constitution of the United States—Amendments; Rights and Immunities of Citizens—Citizenship; Privileges or Immunities; Equal Protection; 1999 Senate Bill No. 288. Senator Marge Petty, 18th District, Topeka, March 8, 1999.

The provisions of 1999 Senate Bill No. 288 do not violate the Free Speech Clause of the First Amendment to the United States Constitution or Section 11 of the Bill of Rights of the Kansas Constitution, nor do they violate the Equal Protection Clauses of the United States and Kansas Constitutions. Cited herein: 1999 Senate Bill No. 288; Kan. Const., Bill of Rights, §§ 1, 2, 11; U.S. Const., Amend. 1, 14. RDS

Opinion 99-11

Counties and County Officers—County Commissioners; Powers and Duties—Eligibility to Office of Commissioner; Prohibition on Holding City Office. Michael P. Dreiling, Liberal City Attorney, Liberal, March 8, 1999.

The position of Public Works Director of the City of Liberal is not a "city office" for purposes of K.S.A. 1998 Supp. 19-205 and, therefore, K.S.A. 1998 Supp. 19-205 does not preclude a member of the Board of County Commissioners from being employed in that position. Cited herein: K.S.A. 12-1010, 12-1011, 12-1014; K.S.A. 1998 Supp. 19-205. MF

Opinion 99-12

Intoxicating Liquors and Beverages—Certain Prohibited Acts and Penalties—Purchase or Consumption of Alcoholic Beverage by Minor; Penalty; Courts' Authority to Suspend Fine. J. Matthew Oleen, Morris County Attorney, Council Grove, March 10, 1999.

There is no statutory discretion that would allow a court to suspend the mandatory minimum fine for a person who has violated K.S.A. 1998 Supp. 41-727, making it unlawful for a person under 21 to possess alcoholic liquor or cereal malt beverages. Cited herein: K.S.A. 1998 Supp. 8-1567; K.S.A. 21-3102; K.S.A. 1998 Supp. 21-4503a; 21-4603d; 38-1663; 41-727. MF

Opinion 99-13

Elections—Primary Elections—Official Primary Election Ballots; Names Printed More Than Once on Ballot Prohibited; Election of Members of Local Boards of Education.

Elections—Official Ballots—Candidates' Names on Ballots; Name on Ballot More Than Once, When; Election of Members of Local Boards of Education. Ron Thornburgh, Secretary of State, Topeka, March 10, 1999.

The name of a person may be printed on the school election ballot as a candidate for both an at-large member position and a district member position. Cited herein: K.S.A. 1998 Supp. 25-213; K.S.A. 25-613; 25-2001; 25-2009; 25-2014; 25-2014a; 25-2015; 25-2021; 25-2116; 25-2601; 25-213 (Ensley 1983); 25-2113 (Ensley 1983); L. 1968, Ch. 59, §§ 1-44; L. 1968, Ch. 274, §§ 1-49; L. 1968, Ch. 406, § 8. RDS

Opinion 99-14

Schools—Miscellaneous Provisions—Early Retirement Incentive Programs; Establishment Authorized; Purposes. Tom Krueger, Counsel, Unified School District No. 253, Emporia, March 10, 1999.

In order to ensure that a unified school district remains within the authority conferred under K.S.A. 1998 Supp. 72-5395, it is advisable that the school district have in place some mechanism or procedure for establishing the penalty incurred under the Federal Insurance Contributions Act (FICA) or the Kansas Public Employees Retirement System (KPERS) by an employee who retires before the normal retirement age of 65 years. However, the existence of such a mechanism is not statutorily required. The fact that the early retirement incentive plan of a unified school district does not have such a mechanism in place does not, in and of itself, invalidate the plan. A person is deemed to reach "retirement age" when the person turns 65 years of age. While a person is entitled to receive a monthly old-age insurance benefit upon attaining the age of 62, the amount of the monthly benefit is reduced pursuant to a formula enacted by Congress. This reduction is the "penalty" referred to in K.S.A. 1998 Supp. 72-5395. The authority of the school district is limited to establishing an early retirement incentive program which reduces in whole or in part the penalty incurred under

(continued)

FICA or KPERS for retiring before the normal retirement age. A school district exceeds its statutory authority if it confers a benefit under an early retirement incentive program to an employee who has not incurred a penalty under FICA or KPERS for retiring early. An early retirement incentive plan which provides benefits on a sliding scale based solely on the age of the plan participants, resulting in a reduction of the benefits available to older plan participants, violates the Age Discrimination in Employment Act as amended by the Older Workers' Benefit Protection Act of 1990. Cited herein: K.S.A. 1998 Supp. 72-5395; 29 U.S.C.A. § 621; 29 U.S.C.A. § 623; 42 U.S.C.A. § 402; 42 U.S.C.A. § 415; 42 U.S.C.A. § 416; Pub. L. 101-433, 104 Stat. 978 (1990). RDS

Opinion 99-15

Elections—Independent and Other Nomination Certificates; Term of Office; Filling Vacancies—Validity of Nominations; Objections; Boards of Education; Voting Plan-B; Petition.

Elections—School District Elections—Candidate for Election; Petition; Elector; Voting Plan-B. Jill E. Chard, Wilson County Attorney, Fredonia, March 11, 1999.

If no timely objection regarding the nomination petition is filed with the county election officer, the nomination petition submitted by a person seeking to become a candidate for member of the board of education of a unified school district utilizing voting plan-B is deemed valid regardless whether the petition was signed by electors residing within the unified school district, but not in the district member position in which the person sought to be a candidate. Cited herein: K.S.A. 25-308; 25-1436; 25-2001; 25-2005; 25-2020; 25-2022a; 72-7901; 72-7903; 72-8003. RDS

Opinion 99-16

Election—Election Campaign Finance; General—Campaign Finance; Definitions; Expressly Advocate the Nomination, Election or Defeat of a Clearly Identified Candidate; Use of Term in 1999 Senate Bill No. 283. Senator Jim Barone, 13th District, Frontenac, March 16, 1999.

Use of the terms "expressly advocate the nomination, election or defeat of a clearly identified candidate" and "equal access" in 1999 Senate Bill No. 283 does not render the bill unconstitutionally vague. Cited herein: K.S.A. 25-4142; K.S.A. 1998 Supp. 25-4143; 25-4169a; 1999 S.B. 283; U.S. Const., Amend. I. JLM

Carla J. Stovall
Attorney General

Doc. No. 023618

State of Kansas

Department of Administration Division of Purchases

Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, Landon State Office Building, 900 S.W. Jackson, Room 102, Topeka, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 296-2377 for additional information:

Monday, April 5, 1999

33547

Division of Personnel Services—Outsourcing of record keeping systems and customer service for the State of Kansas Group Health Insurance Program

33589

Kansas Correctional Industries—Chemicals for the soap factory

Tuesday, April 6, 1999

33592

Department of Human Resources—Janitorial services, Kansas City

33594

University of Kansas—Fresh bagels

8867

Department of Social and Rehabilitation Services—Vending machines, various locations

Wednesday, April 7, 1999

33601

Wichita State University—Janitorial supplies

Thursday, April 8, 1999

33608

Department of Transportation—Crane service (District 2)

Friday, April 9, 1999

33607

State Corporation Commission—Abandoned well plugging, Excel Lease Project

Tuesday, April 13, 1999

A-8624

Department of Transportation—Reroof maintenance building, Plainville

A-8632

Department of Transportation—Reroof sub-area shop, Russell

33599

Kansas State University—Janitorial equipment

Wednesday, April 14, 1999

A-8692

Fort Hays State University—Interior modifications for ADA compliance, various halls

33600

Statewide—Air charter service

Thursday, April 15, 1999

A-8416

University of Kansas—Parking structure No. 2

Tuesday, April 20, 1999

A-8558 - Rebid

Kansas State University—HVAC modifications,
Derby Hall Food Center

A-8734

Department of Social and Rehabilitation Services—
Domestic water pipe replacement, area office, Chanute

A-8740

University of Kansas—Roof replacement, Miller
Scholarship Hall

Request for Proposals

Friday, April 9, 1999

33604

Rest area cleaning services, Solomon Park Rest Area,
for the Department of Transportation

33605

Rest area cleaning services, Ottawa Rest Area, for the
Department of Transportation

33606

Rest area cleaning services, Ellsworth Rest Area, for
the Department of Transportation

Thursday, April 15, 1999

33603

Research, statistical analysis and forecasting services
for Kansas State University

John T. Houlihan
Director of Purchases

Doc. No. 023613

State of Kansas

Department of Administration

**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 10:30 a.m. Tues-
day, May 25, in Room 108, Landon State Office Building,
900 S.W. Jackson, Topeka, to consider the adoption of
proposed rules and regulations of the Division of Ac-
counts and Reports, Department of Administration, on a
permanent basis.

This 60-day notice of the public hearing shall constitute
a public comment period for the purpose of receiving
written public comments on the proposed rules and reg-
ulations. All interested parties may submit written com-
ments prior to the hearing to the Secretary of Adminis-
tration, Room 263-E, State Capitol, 300 S.W. 10th Ave.,
Topeka, 66612. All interested parties will be given a rea-
sonable opportunity to present their views orally on the
adoption of the proposed regulations during the hearing.
In order to give all parties an opportunity to present their
views, it may be necessary to request each participant to
limit any oral presentation to five minutes.

Any individual with a disability may request accom-
modation in order to participate in the public hearing and
may request the proposed regulations and economic im-
pact statements in an accessible format. Requests for ac-
commodation should be made at least five working days

in advance of the hearing by contacting Faith Loretto at
(785) 296-6000 or (785) 296-4798 (TTY). Handicapped
parking is located at the south end of Landon State Office
Building, and the north entrance to the building is acces-
sible.

Summaries of the proposed regulations and their eco-
nomic impact follow.

K.A.R. 1-16-18, Subsistence allowance, rates. K.A.R. 1-
16-18 prescribes the amounts and method for computing
reimbursement for meal expenses and for reimbursement
or direct payment of lodging expenses incurred by state
employees while traveling on official state business. The
regulation sets forth maximum allowable costs for meals
and lodging for travel in-state, out-of-state, to designated
high-cost geographic areas, to international locations, and
for conference lodging qualified under K.A.R. 1-16-18a(e).

The proposed amendments to K.A.R. 1-16-18 decrease
the meals allowance for out-of-state, special designated
high-cost geographic areas from \$10.50 per quarter day
to \$9.50 per quarter day. No other category of meals al-
lowance is amended. Lodging expense limitations are
modestly increased for all categories of travel as follows.

Lodging Expense Limitations

Travel Destination	Current Rate	Proposed Rate
In-state	\$ 54.00	\$ 55.00
In-state, designated high-cost geographic areas	\$ 68.00	\$ 69.00
Out-of-state	\$ 81.00	\$ 83.00
Out-of-state, designated high-cost geographic areas	\$118.00	\$120.00
Out-of-state, special designated high-cost geographic areas	\$129.00	\$132.00
International travel	Actual	Actual
Conference lodging qualified under K.A.R. 1-16-18a(e)	Actual	Actual

The decrease of \$4.00 per day in the meals allowance
for out-of-state, special designated high-cost geographic
areas is expected to have a minimal impact on both state
agencies and state employees traveling on official state
business. The decrease in this category of meals
allowance is consistent with reductions by the federal
government in meals allowances for some of these areas.
No data is available to measure the number of state
officers and employees traveling to these specific
locations. However, the economic impact of the reduction
in meals allowance is expected to be minimal.

State agencies will bear the cost of the increases to the
lodging expense limitations and state employees
traveling on official state business will benefit from
establishment of limitations that more closely reflect the
actual cost of travel. Payment of lodging expenses
continues to be based on actual expenses incurred, per
receipts, rather than the payment of a daily per diem
allowance. Therefore, although lodging expense limits
are proposed to increase, payments will remain limited
to actual expenses incurred. Assuming that all lodging
expenses will increase to the new limitation levels (which
is not likely to occur), the proposed lodging limitations

(continued)

would increase the annual expenditures for payment of lodging expenses by approximately 1.8 percent given the present rate of travel. This represents an estimated statewide increase in expenditures of \$176,600. The increase includes \$62,000 from the state general fund and \$114,600 from other funds, including special revenue and federal funds. These expenditure increases would be incurred in FY 2000 and fiscal years thereafter. No economic impact on private citizens or consumers is expected.

K.A.R. 1-16-18a, Designated high cost geographic areas. K.A.R. 1-16-18a identifies high-cost geographic areas, which qualify for higher subsistence reimbursement rates pursuant to K.A.R. 1-16-18. K.A.R. 1-16-18a(e) is amended to allow the agency head or designee to approve reimbursement of actual lodging expenses for travel to qualified conferences. Currently, subsection (e)(1)(A) requires the agency head to review conference materials to determine if the conference qualifies for payment of actual lodging expenses. If so, under subsection (e)(1)(B), the agency head then must submit a request, prior to the date of travel, to the Secretary of Administration for approval. Therefore, the agency head decides if conferences qualify for payment of actual lodging expenses, but cannot formally approve payment at the actual rate. This formal, central approval process provides little or no added value, because the agency head ultimately is responsible for the prudent use of the agency's funds and for compliance with state law.

No changes in high-cost geographic areas are proposed. However, amendments to K.A.R. 1-18-1a eliminate the reference to international travel in subsection (c)(2)(PPP), because international travel is in a separate category from designated high-cost geographic areas and is reimbursed at actual costs. An additional amendment to K.A.R. 1-16-18a(e)(2) is proposed to clarify that travel for official state business related to the conference qualifies for the payment of actual lodging.

State agencies and employees traveling on official state business will benefit from the efficiencies gained from eliminating the centralized approval process for conference lodging. Although no measurable savings can be determined for the decentralization of the approval process, reducing the number of steps in the process will allow staff time to be redirected to more value-added activities. Some local units of government may use the state's subsistence rates as the basis for reimbursing their employees for travel expenses. However, this amendment will have no impact on local units' travel costs. No economic impact on private citizens or consumers is expected.

K.A.R. 1-18-1a, Mileage rates. K.A.R. 1-18-1a(a) prescribes reimbursement rates in four categories for employees' use of privately-owned conveyances on official business. The IRS has established an automobile reimbursement rate of \$.31 effective April 1, 1999. Although the recommended state rate is not required to match the allowable IRS rate, any reimbursement paid in excess of the IRS allowable rate will be a taxable benefit to the employee claiming reimbursement. Therefore, effective April 1, 1999, the amended regulation would

decrease the reimbursement rate for the use of privately owned conveyances as follows:

**Privately-owned Conveyance
Reimbursement Rates**

Privately-owned Conveyance	Current Mileage Rates	Proposed Mileage Rates
Motorcycle	\$.16	\$.15
Automobile	\$.32	\$.31
Airplane	\$.44	\$.43
Specially Equipped Vehicle for the Physically Disabled	\$.44	\$.43

The proposed amendment will affect state agencies and their employees who travel on official state business in privately-owned conveyances. However, the reimbursement policy within K.A.R. 1-18-1a significantly reduces the economic impact of a change in the privately-owned conveyance reimbursement rate. K.A.R. 1-18-1a provides that, when a state-owned or leased vehicle is available, employees who choose to use a privately-owned vehicle are to be reimbursed at the Central Motor Pool rate for compact cars. This reduced reimbursement rate would apply to most state employees who choose to use a privately-owned vehicle.

Statewide statistics are not maintained by the rate paid to reimburse mileage in privately-owned conveyances. Thus, an accurate estimate of decreased expenditures resulting from the proposed decrease in the privately-owned conveyance mileage rates cannot be provided. If it is assumed all FY 1999 expenditures for mileage reimbursement for privately-owned conveyances were paid at the rate of \$.32, the "best case" estimate of statewide decreased expenditures with the rate lowered to \$.31 is \$149,086 (\$58,339 SGF) in FY 2000. However, as noted above, an unknown amount of travel in private vehicles is reimbursed at the Central Motor Pool rate, and therefore, the actual decrease in expenditures will be considerably less than these estimates.

The decrease in mileage rates also avoids the work effort necessary to divide each reimbursement for travel in a privately-owned conveyance into non-taxable and taxable portions. This will be required if the state retains its current reimbursement schedule after April 1, 1999. Although there is no method to measure the associated work effort, it is not cost beneficial to process both taxable and non-taxable reimbursements to employees, particularly when the taxable portion would equal only \$.01 per mile and when the situation can be avoided by amending the rates.

The proposed decrease in privately-owned conveyance rates also would have an indeterminable economic impact on any governmental units within the State of Kansas that do not elect to establish their own mileage rates and alternatively use the state rates.

Copies of the proposed regulations and the associated economic impact statements may be obtained from the Division of Accounts and Reports, Room 351-S, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-2311.

Dan Stanley
Secretary of Administration

Doc. No. 023603

State of Kansas

**Office of Judicial Administration
Supreme Court Docket**

(Note: Dates and times of arguments are subject to change.)

Monday, April 12, 1999

9:00 a.m.

Case No.	Case Name	Attorneys	County
80,106 80,753	State of Kansas, Appellee, v. Frank F. Rucker, Jr., Appellant.	Carla J. Stovall, Attorney General Debra S. Peterson, Assistant District Attorney Elizabeth Seale Cateforis, Assistant Appellate Defender	Sedgwick
79,238	John T. and Kathryn M. Calver, Appellants, v. Mary L. Hinson and Gunter Exterminating Co., Appellees.	James R. Orr Daniel J. Markowitz Richard T. Merker	Johnson
82,272	City of Overland Park, Kansas, v. Allen A. Newell, <i>et al.</i> , Appellants, Dale F. Jenkins Revocable Trust, Appellee.	James B. Jackson Frank H. Jenkins, Jr.	Johnson
80,291	State of Kansas, Appellee, v. Freedom Thane Hazelton, Appellant.	Carla J. Stovall, Attorney General Robert Forer, County Attorney Jessica R. Kunen, Chief Appellate Defender	Labette
1:30 p.m.			
81,293	State of Kansas, Appellant, v. Billy Toothman, Appellee.	Carla J. Stovall, Attorney General Julie A. McKenna, County Attorney James D. Sweet	Saline
79,935	State of Kansas, Appellee, v. Jason Hudson, Appellant.	Carla J. Stovall, Attorney General Christina M. Trocheck, Assistant County Attorney	Saline
		Petition for Review	
		James Brent Getty, Assistant Appellate Defender	
81,035	State of Kansas, Appellee, v. Ramon N. Austin, Appellant.	Carla J. Stovall, Attorney General Robert Claus, County Attorney Jennifer C. Roth, Assistant Appellate Defender	Montgomery

Tuesday, April 13, 1999

9:00 a.m.

Case No.	Case Name	Attorneys	County
81,046	American Trust Administrators, Inc., Appellant, v. Kathleen Sebelius, Insurance Commissioner, State of Kansas, Appellee.	Justin T. Liby Rebecca A. Sanders	Shawnee
79,177	State of Kansas, Appellee, v. Edward Earnest Lasley, Appellant.	Carla J. Stovall, Attorney General Paul J. Morrison, District Attorney Janine Cox, Assistant Appellate Defender	Johnson
79,520	State of Kansas, Board of Regents, Univ. of Kansas Medical Center, Appellant, v. Ronald and Linda Skinner, Appellees.	Douglas G. Peterson Kirk D. Auston	Johnson

(continued)

80,804	Investcorp, L.P., <i>et al.</i> , Appellants, v. Simpson Investment Co., Appellee.	Mick Lerner John L. Vratil	Johnson
1:30 p.m.			
80,545	Darin Lee Huelsman, Appellee, v. Kansas Dept. of Revenue, Appellant.	William Rex Lorson James G. Keller	Saline
80,692	In the Matter of the Appeals of United Teleservices, Inc.	William E. Waters Benjamin J. Neill	Tax Appeal
81,188	City of Dodge City, Appellant, v. Russell Wetzal, Appellee.	Terry J. Malone Michael S. Holland	Ford

Wednesday, April 14, 1999

9:00 a.m.

Case No.	Case Name	Attorneys	County
80,741	Jon F. Moran, M.D., Appellant, v. State of Kansas, <i>et al.</i> , Appellees.	Brant M. Laue Susan R. Schrag	Wyandotte
81,403	Thomas Gillick, Appellee, v. Brite Voice Systems, Inc., Appellant.	Richard D. Greene Eric B. Metz	Sedgwick
80,891	State of Kansas, Appellee, v. Jerome Cheeks, Appellant.	Carla J. Stovall, Attorney General Nick A. Tomasic, District Attorney Janine Cox, Asst. Appellate Defender	Wyandotte
81,374	State of Kansas, Appellant, v. Walter Matthew Slater, Appellee.	Carla J. Stovall, Attorney General Glenn R. Braun, Special Prosecutor Michael S. Holland	Ellis

1:30 p.m.

80,830	Shirley Treaster, Appellant, v. Dillon Companies, Inc. and Workers Compensation Fund, Appellees.	Andrew L. Oswald Scott J. Mann David G. Shriver	Work Comp
81,634	State of Kansas, Appellant, v. David Seabury, Sr., Appellee.	Carla J. Stovall, Attorney General Chris E. Biggs, County Attorney Linda M. Barnes-Pointer	Geary
81,350	State of Kansas, Appellee, v. Gregory Leonard Walls, Appellant.	Carla J. Stovall, Attorney General Joan M. Hamilton, District Attorney Sue Carpenter	Shawnee

Thursday, April 15, 1999

9:00 a.m.

82,266	Danisco Ingredients USA, Inc., Plaintiff, v. Kansas City Power & Light Company, Defendant.	C. Edward Peterson Michael A. Rump	Certified Question
81,828	Maria Monroe, Appellant, v. City of Topeka, <i>et al.</i> , Appellees.	Margie J. Phelps Ann L. Hoover	Shawnee
82,366	In the Matter of Barry G. Albin, Respondent.	Frank D. Diehl, Deputy Disciplinary Administrator J. Mikeal Hagerdon Barry G. Albin, Pro Se	Original

Friday, April 16, 1999

Summary Calendar—No Oral Argument
Pursuant to Supreme Court Rule 7.01(c)

78,370 State v. Michael Dean Wilkins 81,354 State v. Bobby J. Hammond

**Summary Disposition of Sentencing Appeals—No Oral Argument
Pursuant to Supreme Court Rule 7.041a**

80,407 State v. Marie M. Franklin	81,406 State v. Honor M. Cotton	81,648 State v. Aaron Taylor
80,927 Paul M. Moore v. State	81,562 State v. James Alger	81,684 Darrell A. Oliver, Jr. v. State
81,108 State v. Douglas C. Hiser	81,563/	81,686 State v. Anthony Twitty
81,166 State v. Clyde R. Williams, Jr.	81,565 State v. Miguel A. Lara	81,696 State v. Michael L. Shafer
81,311 Delbert A. Carter v. State	81,597 State v. Jon Arch Buchanan	81,743 State v. Vanessa Franklin
81,379 Kevin Giese v. State	81,600 State v. William J. Downs	81,753 State v. Billy Wilson, Jr.
81,405 Allen D. Hasse v. State	81,637 State v. Kenneth R. Carr	81,991 State v. Daniel W. Nevins

Carol G. Green
Clerk of the Appellate Courts

Doc. No. 023596

State of Kansas

**Department of Health
and Environment**

Request for Comments

The Kansas Department of Health and Environment has drafted an amended permit for the Rush County Municipal Solid Waste Landfill, located in the southeast quarter of Section 26, Township 19S, Range 18W, 7 miles south and 2 miles east of Rush Center. KDHE is providing public notice of its intent to issue an amended municipal solid waste landfill permit to Rush County. The amended permit references new landfill final closure elevations and a revised operating plan. The county recently made submittals that place this landfill in compliance with new state and federal regulations for small arid landfills, which became effective October 9, 1997. KDHE has drafted an amended permit to reflect these submittals.

A copy of the administrative record, which includes the draft permit and all information regarding this permit action, is available for public review until April 26 during normal business hours, Monday through Friday, at the following locations:

- Kansas Department of Health and Environment
Permits Section
Bureau of Waste Management
Forbes Field, Building 740
Topeka, 66620
Contact: Stacey Baalman
(785) 296-3970
- Rush County Courthouse
LaCrosse, 67548
Contact: Linda Bott, County Clerk
(785) 222-2731

Anyone wishing to comment on the draft permit information should submit written statements postmarked not later than April 26 to Stacey Baalman (KDHE). After consideration of all comments received, the director of the Division of Environment will make a final decision on whether to issue the amended permit. Notice of the decision will be given to anyone who submitted written comments during the comment period and to those who requested notice of the final permit decision.

Clyde D. Graeber
Acting Secretary of Health
and Environment

Doc. No. 023610

State of Kansas

**Department of Health
and Environment**

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Mid Continent Market Center has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to replace electric motors with gas-powered engines for gas compressors at the Yaggy Storage Field. Emissions of oxides of nitrogen, volatile organic compounds and carbon monoxide were evaluated during the permit review process.

Mid Continent Market Center, Topeka, owns and operates the stationary source located at S25-T22S-R7W, Reno County, at which the motor driven compressors will be replaced by compressors powered by natural-gas engines equipped with catalytic converters.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during review of the permit application is available for public inspection during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE south central district office, 130 S. Market, Wichita. To obtain or review the proposed permit and supporting documentation, contact Eugene Sallee, (785) 296-1575, at the KDHE central office, or David Butler, (316) 337-6020, at the KDHE south central district office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Eugene Sallee, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business April 26.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business April 26 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber
Acting Secretary of Health
and Environment

Doc. No. 023602

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, 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, draft permits have been prepared for discharges to the waters of the United States and the State of Kansas for the class of dischargers described below. The determinations for permit content are based on staff review, applying the appropriate standards, regulations and effluent limitations of the State of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization subject to certain conditions.

Public Notice No. KS-99-042/051

Name and Address of Applicant	Waterway	Type of Discharge
City of Burlington City Hall 220 Hudson St. Burlington, KS 66839	Neosho River	Treated domestic wastewater
Kansas Permit No. M-NE07-0002		Federal Permit No. KS0090417
Legal: NW¼, S35, T21S, R15E, Coffey County		

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. This permit retains the existing limitations for biochemical oxygen demand, total suspended solids and pH. Monitoring for weekday flow will be required. Also, monitoring for ammonia and fecal coliform will be required annually. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
City of Fulton City Hall Fulton, KS 66738	Little Osage River	Treated domestic wastewater
Kansas Permit No. M-MC12-0001		Federal Permit No. KS0081701
Legal: SE¼, S25, T23S, R24E, Bourbon County		

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. This permit retains the existing limitations for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and fecal coliform will be required annually. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
City Galesburg City Hall P.O. Box 65 Galesburg, KS 66740	Labette Creek via unnamed tributary	Treated domestic wastewater
Kansas Permit No. M-NE29-0002		Federal Permit No. KS0092193
Legal: SE¼, S31, T29S, R19E, Neosho County		

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. This permit retains the existing limitations for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and fecal coliform will be required

annually. In addition, phosphorus will be monitored quarterly. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
City of Herndon P.O. Box 98 Herndon, KS 67739	Beaver Creek	Treated domestic wastewater
Kansas Permit No. M-UR10-0001		Federal Permit No. KS0025551
Legal: SE¼, S3, T2S, R31W, Rawlins County		

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. This permit retains the existing limitations for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and fecal coliform will be required annually. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
City of Lane City Hall Lane, KS 66042	Marais des Cygnes River via Pottawatomie Creek	Treated domestic wastewater
Kansas Permit No. M-MC19-0001		Federal Permit No. KS0081515
Legal: SE¼, S27, T18S, R21E, Franklin County		

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. This permit retains the existing limitations for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and fecal coliform will be required annually. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
City of Minneapolis 218 N. Rock Minneapolis, KS 67467	Solomon River via Lindsey Creek via unnamed tributary	Treated domestic wastewater
Kansas Permit No. M-SO27-0002		Federal Permit No. KS0086304
Legal: SE¼, S7, T11S, R3W, Ottawa County		

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. This permit retains the existing limitations for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and fecal coliform will be required annually. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
City of Mulberry 722 Military Mulberry, KS 66756	Unnamed tributary to Cox Creek	Treated domestic wastewater
Kansas Permit No. M-MC27-0001		Federal Permit No. KS0087467
Legal: SE¼, S35, T28S, R25E, Crawford County		

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. This permit retains the existing limitations for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and fecal coliform will be required annually. Also, there is a schedule of compliance for the permittee to provide KDHE the name of a Class I certified operator to supervise the operation of this facility. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. This permit retains the existing limitations for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and fecal coliform will be required annually. Also, there is a schedule of compliance for the permittee to provide KDHE the name of a Class I certified operator to supervise the operation of this facility. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant
 City of Ottawa
 101 S. Hickory
 Ottawa, KS 66067

Waterway
 Marais des
 Cygnes River

Type of Discharge
 Treated domestic
 wastewater

Kansas Permit No. M-MC31-IO01 Federal Permit No. KS0038504
 Legal: NE¼, S36, T16S, R19E, Franklin County

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. This permit retains the existing limitations for biochemical oxygen demand, total suspended solids and pH. New limitations are established for ammonia, fecal coliform and total residual chlorine. Flow monitoring will continue to be required. A schedule of compliance is included requiring the permittee to upgrade the existing facility to meet the final fecal coliform and ammonia limits, and a separate schedule of compliance for improvements to the collection system and the peak flow basin. In addition, the permittee is required to conduct chronic whole effluent toxicity and heavy metals testing annually, and a priority pollutant scan will be required once during the life of the permit. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are water quality based.

Name and Address of Applicant
 City of Solomon
 116 W. Main
 P.O. Box 273
 Solomon, KS 67480

Waterway
 Solomon River

Type of Discharge
 Treated domestic
 wastewater

Kansas Permit No. M-SO39-OO01 Federal Permit No. KS0085979
 Legal: NW¼, S19, T13S, R1E, Dickinson County

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. This permit retains the existing limitations for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and fecal coliform will be required annually. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant
 Wilson County
 Commissioners
 Wilson County Sewer
 District #1
 Wilson County Courthouse
 600 Madison
 Fredonia, KS 66736

Waterway
 Neosho River
 via Village Creek
 via unnamed
 tributary

Type of Discharge
 Treated domestic

Facility Name: Wilson County S.D. #1 (Tulakes)
 Kansas Permit No. M-NE11-OO04 Federal Permit No. KS0084476
 Legal: SE¼, S15, T27S, R17E, Wilson County

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. This permit retains the existing limitations for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and fecal coliform will be required annually. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity will be provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: Existing controls meet KDHE requirements.

Name and Address of Applicant
 G & S Feeders, Inc.
 Roger Grizzell
 P.O. Box 527
 Macksville, KS 67557

Legal Description
 Section 24,
 T25S, R16W,
 Edwards County

Receiving Water
 Lower Arkansas
 River Basin

Kansas Permit No. A-ARED-C003 Federal Permit No. KS-0094919
 This is a new facility for 4,999 head (4,999 animal units) of beef cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity will be provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: Existing controls meet KDHE requirements. A livestock waste management plan shall be developed. Permeability tests shall be conducted on the retention structure. Wastewater applied to cropland shall be controlled to prevent runoff. Storage of wastewater from the feedlot shall be contained in the approved lagoon only.

Written comments on the draft permits must be submitted to the attention of Deena Endsley for agricultural permits or to the permit clerk for all other permits, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, J Street and 2 North, Forbes Field Building 283, Topeka, 66620. All comments post-marked or received on or before April 24, will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-99-042/051, KS-AG-99-28/29) and the name of applicant as listed when preparing your comments. If no objections are received during the public notice period, the Secretary of Health and Environment will issue the final determination. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61 (28-46-21 for UIC). Media coordination for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

The applications, proposed permits, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 283, Forbes Field, Topeka, from 8 a.m. to 5 p.m. Monday through Friday. These documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Clyde D. Graeber
 Acting Secretary of Health
 and Environment

Doc. No. 023611

Public Notice No. KS-AG-99-28/29

Name and Address of Applicant
 Glenwood Farms
 Glen Claasen
 12735 N.W. Buffalo Road
 Potwin, KS 67123

Legal Description
 NW/4 of Section
 32, T23S, R4E,
 Butler County

Receiving Water
 Maybranch
 (Whitewater)

Kansas Permit No. A-WABU-S025
 This is an existing facility for 740 head (316 animal units) of swine.

State of Kansas

Department of Health
and EnvironmentNotice of Hearing on Proposed
Administrative Regulations

The Kansas Department of Health and Environment, Office of Epidemiologic Services, will conduct a public hearing at 1:30 p.m. Friday, May 28, in Room 1052, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider amendments to K.A.R. 28-1-6. A summary of the proposed amendments and the economic impact follow.

Changes to 28-1-6 (requirements for isolation and quarantine of specific infectious and contagious diseases) are intended to update the regulation to correspond to current scientific and public health practices as follows:

Chickenpox: Allows infected individuals to return to school or work once lesions are crusted (no longer infectious), which in some cases may be shorter than six days.

Cholera: Drops requirement for taking precautions to avoid transmission until the infected person has had three negative stool cultures. Instead, precautions against transmission are maintained while the case is symptomatic and contacts are released from quarantine after five days but are not required to have two negative stool cultures.

Diphtheria: Adds a requirement for cultures of skin lesions when person has cutaneous diphtheria, and stipulates that cultures should not be taken until 24 hours after antibiotic therapy is discontinued. Indicates that close contacts need to be quarantined for seven, not five, days.

E.coli 0157:H7: Adds this organism to the list of disease-specific organisms. Its public health significance has received increasing acknowledgement as it is an organism that can cause severe illness in the very young or very old. The organism is easily transmitted from person to person and through contaminated food. Therefore, workers are excluded from food handling, patient care, or occupations involving the care of young children or the elderly until they have two negative stool cultures.

Meningococcal meningitis: Decreases by 24 hours the time a person must spend in respiratory isolation once antibiotics are started.

Pediculosis: Removes the clause that restricts students from entering school until they are nit free. There is no evidence that the requirement that children be nit free before they return to school decreases transmission. Rather, it is becoming increasingly clear that much transmission occurs in the community rather than in schools. Removal of the clause will decrease the risk that children miss many days of school for a relatively benign condition.

Pertussis: Decreases to five days (from one week) the time a person must be in respiratory isolation after initiation of antibiotic therapy.

Plague: Clarifies the length of time an infected person must be isolated before the risk of infecting others is decreased.

Psittacosis: Removes the requirement that a person must be in respiratory isolation as this is not a disease that is transmitted from person to person.

Streptococcal disease: Specifies that the 24-hour isolation period starts with the initiation of antibiotics, not at the end of antibiotic therapy.

Taeniasis and cysticercosis: Removes cysticercosis as it is not transmitted enterically.

Tinea capitis and corporis: The certification by a physician for continuing care is unnecessary.

Economic impact: There is no economic impact foreseen as a result of the amendments to this regulation.

The time between the publication of this notice and the scheduled hearing constitutes a 60-day public comment period for the purposes of receiving written public comments on the proposed regulatory action. All interested parties may submit written comments prior to the hearing to Gianfranco Pezzino, MD, Epidemiologic Services, Room 1051, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1290. All interested parties will be given a reasonable opportunity to present their views orally on the proposed regulatory action during the hearing. To give all parties an opportunity to present their views, it may be necessary to require each participant to limit any oral presentation to five minutes.

Copies of the proposed regulation and the economic impact statement may be obtained by contacting Gianfranco Pezzino, Epidemiologic Services, at (785) 296-1113. Questions pertaining to the proposed regulation also should be directed to Gianfranco Pezzino.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Gianfranco Pezzino.

Clyde D. Graeber
Acting Secretary of Health
and Environment

Doc. No. 023604

State of Kansas

Department of Administration

Temporary Administrative
RegulationsArticle 18.—MAXIMUM ALLOWANCE FOR
MILEAGE FOR USE OF A PRIVATELY OWNED
CONVEYANCE FOR PUBLIC PURPOSES

1-18-1a. Mileage rates. (a) Subject to the provisions of subsection (d), each employee who has been authorized to use a privately owned conveyance to engage in official business for an agency shall be entitled to reimbursement for use of that conveyance at the following rates:

- (1) 15¢ per mile for the use of a privately owned motorcycle;
- (2) 31¢ per mile for the use of a privately owned automobile;

(3) 43¢ per mile for the use of a privately owned airplane; or

(4) 43¢ per mile for the use of a specially equipped vehicle for the physically disabled.

(b) In addition to the mileage allowance authorized under subsection (a) of this regulation, the employee may be reimbursed for the following expenses:

(1) Parking fees when on an official trip;

(2) toll road and toll bridge costs; and

(3) airplane landing and tie-down fees.

(c) When an employee travels by privately owned airplane, reimbursement may be made for one round trip in a privately owned automobile or taxi fare charged in travel under these conditions:

(1) Between the official station or domicile and the airport in the city in which the official station or domicile is located; and

(2) between the airport in the destination city and the place of official business.

(d) Exceptions to the mileage rates prescribed in subsection (a) shall be as follows.

(1) When a mode of transportation is available and is less costly than transportation by privately owned conveyance, mileage payments for use of a privately owned conveyance shall be limited to the cost of that other mode of transportation.

(2) An agency may pay a specified mileage rate that is lower than prescribed by subsection (a) when an employee's travel is not required by the agency and the employee is informed of the specified rate in advance of the travel.

(3) For employees of the state of Kansas only, any state employee choosing to use a privately owned automobile when a state-owned or leased vehicle, as defined by K.A.R. 1-17-1, is available for use shall be reimbursed at the central motor pool rate for compact cars, except under either of the following conditions:

(A) The employee's agency head or the agency head's designee determines that the use of a state-owned or leased vehicle would be more expensive than the use of the employee's privately owned automobile.

(B) The employee has a disability that requires the use of a privately owned vehicle that is specially equipped. This regulation shall take effect on and after April 1, 1999. (Authorized by and implementing K.S.A. 75-3203 and 75-3203a; effective May 1, 1979; amended, E-80-10, July 11, 1979; amended May 1, 1980; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended, T-83-19, July 1, 1982; amended May 1, 1983; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended, T-85-46, Dec. 19, 1984; amended, T-86-7, April 1, 1985; amended May 1, 1985; amended, T-86-7, May 1, 1985; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended, T-89-1, Jan. 7, 1988; amended Oct. 1, 1988; amended, T-1-2-28-90, March 1, 1990; amended April 23, 1990; amended, T-1-11-14-90, Nov. 14, 1990; amended Jan. 7, 1991; amended July 12, 1993; amended, T-1-6-28-95, June 28, 1995; amended Aug. 4, 1995; amended, T-1-7-1-96, July 1, 1996; amended Oct. 18, 1996; amended, T-1-7-1-97, July 1, 1997; amended Aug. 8, 1997; amended July 1, 1998; amended, T-1-3-18-99, April 1, 1999.)

Dan Stanley
Secretary of Administration

Doc. No. 023600

State of Kansas

Board of Examiners in Optometry

Permanent Administrative Regulations

Article 9.—TRADE NAMES

65-9-1. Use. No licensee, including any licensee who practices in a partnership, association, professional corporation, limited liability company, or other group practice, shall engage in the practice of optometry under a trade or assumed name until an application to use that name at a specific location or locations has been approved by the board. (Authorized by and implementing K.S.A. 1997 Supp. 65-1522; effective May 18, 1992; amended April 9, 1999.)

Article 10.—MAINTAINING AN OFFICE

65-10-2. Unlawfully maintaining an office. Except as authorized by the Kansas professional corporation act or the Kansas limited liability company act or through the lawful functioning of a professional partnership or association with other health care providers, an unlicensed person shall be deemed to be maintaining an office for the practice of optometry if either of the following conditions is met:

(a) That person bears any expense for this office by having entered into any rental arrangement, lease arrangement, or debt arrangement with a licensee regarding the licensee's practice whereby the cost or terms allow the unlicensed person to exert influence on the professional judgment or practice of the licensee.

(b) The licensee's office, location, or place of practice indicates or implies, by location, advertising, or otherwise, that the licensee is practicing as a part of or in association with the business of an unlicensed person. (Authorized by K.S.A. 74-1504(a)(6); implementing K.S.A. 65-1502; effective May 18, 1992; amended April 9, 1999.)

Article 11.—ADVERTISING

65-11-3. Associated advertising. Except when practicing as authorized by the Kansas professional corporation act, the Kansas limited liability company act, or through the lawful functioning of a professional partnership, or in association with other health care providers, all signs, advertising, and displays of any licensee shall be separate and distinct from those of any other person, firm, or corporation and shall not in any way suggest that the licensee is associated with any other person, firm, or corporation with which the licensee is not associated. (Authorized by K.S.A. 74-1504(a)(6); implementing K.S.A. 1997 Supp. 65-1517; effective May 18, 1992; amended April 9, 1999.)

Larry D. Stoppel
President

Doc. No. 023601

State of Kansas

Kansas Insurance Department

Temporary Administrative
Regulations

Article 4.—ACCIDENT AND HEALTH INSURANCE

40-4-35. Medicare supplement policies; minimum standards; requirements. Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 and appendices A, B, and C of the national association of insurance commissioners' "model regulation to implement the national association of insurance commissioners' medicare supplement insurance minimum standards model act," July 1998 edition, are hereby adopted by reference, subject to the following additions or exceptions:

(a) Section 3 is hereby amended to read as follows: "B. This regulation shall not apply to:

"(1) Individual policies or contracts issued pursuant to a conversion privilege under a policy or contract of group or individual insurance when the group or individual policy or contract includes provisions which are inconsistent with the requirements of this regulation."

(b) Section 3 is hereby amended by the addition of subsection C, which shall read: "This regulation shall supersede any other Kansas administrative regulation to the extent the regulation or any provision of it is inconsistent with or contrary to this regulation."

(c) Section 4(H) is not adopted by reference and is replaced with the following language: "'Insolvency' means that as an issuer, licensed to transact the business of insurance in this state, is unable to pay its obligations when they are due, or when its admitted assets do not exceed its liabilities plus the greater of:

"(1) any capital and surplus required by law for its organization; or

"(2) the total par of stated value of its authorized and issued capital stock.

"For the purposes of this subsection 'liabilities' shall include, but not be limited to, reserves required by statute or by insurance department general regulations or by specific requirement imposed by the commissioner upon a subject company at the time of admission or subsequent thereto."

(d) Section 7(A)(3) is hereby amended to read as follows: "Subject to the requirements of section 15B of this regulation or any applicable statutory requirements, premiums may be modified to correspond with such changes."

(e) Section 7(B)(2) is not adopted by reference and shall be replaced with the following language: "Coverage for all of the medicare part A inpatient hospital deductible amount."

(f) Section 8(A)(3) is hereby amended to read as follows: "Subject to the requirements of section 15B of this regulation or any applicable statutory requirements, premiums may be modified to correspond with such changes."

(g) Section 12(B)(1), (2) and (3) are not adopted by reference and shall be replaced with the following language: "Eligible persons. An eligible person is an individual described in any of the following paragraphs:

"(1) The individual is enrolled as an employee, retiree or dependent under an employee welfare benefit plan including federal or state that provides health benefits that supplement the benefits under medicare and the plan terminates or the plan ceases to provide some or all such supplemental health benefits to the individual; or the individual is enrolled as an employee, retiree or dependent under an employee welfare benefit plan including federal or state plans that is primary to medicare and the plan terminates or the plan ceases to provide some or all health benefits to the individual because the individual leaves the plan.

"(2) The individual is enrolled with a Medicare+Choice organization under a Medicare+Choice plan under part C of medicare, and any of the following circumstances apply:

"(A) The organization's or plan's certification [under this part] has been terminated or the organization has terminated or otherwise discontinued providing the plan in the area in which the individual resides;

"(B) The individual is no longer eligible to elect the plan because of a change in the individual's place of residence or other change in circumstances specified by the secretary, but not including termination of the individual's enrollment on the basis described in section 1851(g)(3)(B) of the federal Social Security Act (where the individual has not paid premiums on a timely basis or has engaged in disruptive behavior as specified in standards under section 1856), or the plan is terminated for all individuals within a residence area;

"(C) The individual demonstrates, in accordance with guidelines established by the secretary that:

"(i) The organization offering the plan substantially violated a material provision of the organization's contract under this part in relation to the individual, including the failure to provide an enrollee on a timely basis medically necessary care for which benefits are available under the plan or the failure to provide such covered care in accordance with applicable quality standards; or

"(ii) The organization, or agent or other entity acting on the organization's behalf, materially misrepresented the plan's provisions in marketing the plan to the individual; or

"(D) The individual meets such other exceptional conditions as the secretary may provide.

"(3)(a) The individual is enrolled with:

"(1) An eligible organization under a contract under section 1876 (medicare risk or cost);

"(2) A similar organization operating under demonstration project authority, effective for periods before April 1, 1999;

"(3) An organization under an agreement under section 1833(a)(1)(A) (health care prepayment plan); or

"(4) An organization under a medicare select policy; and

"(b) The enrollment ceases under the same circumstances that would permit discontinuance of an individual's election of coverage under section 12(B)(2)."

(h) Section 12(B)(6) is not adopted by reference and is replaced with the following language: "The individual upon first becoming enrolled in Medicare part B for benefits, enrolls in a Medicare+Choice plan, and disenrolls

from the plan by not later than twelve (12) months after the effective date of enrollment."

(i) Section 12(B)(7) is new and reads as follows: "An individual who loses eligibility for health benefits under Title XIX of the Social Security Act (Medicaid)."

(j) Section 12(C)(3) is amended to read as follows: "Section 12B(6) and (7) shall include any medicare supplement policy offered by any issuer."

(k) Section 15(B) is hereby amended by the addition of the following language: "An issuer shall not charge individuals who become eligible for medicare by reason of disability or End Stage Renal Disease (ESRD) after April 28, 1996, who were enrolled in any medicare supplement plan and who are under age 65, premium rates for any medicare supplement insurance benefit plan offered by the issuer that exceed the issuer's premium rates charged for such plan to individuals who are age 65. Individuals under age 65 who become eligible for medicare by reason of disability or End Stage Renal Disease (ESRD) prior to April 28, 1996 and who enrolled in any medicare supplement plan prior to October 28, 1996, shall be charged premium rates for any medicare supplement insurance benefit plan as follows:

"(1) On the insured's first policy anniversary date on or after April 29, 1999, premium rates which do not exceed the rate charged for such plan to medicare supplement insureds who are age 80.

"(2) On the insured's first policy anniversary date on or after April 29, 2000, premium rates for any medicare supplement insurance benefit plan that do not exceed the rate charged for such plan to medicare supplement insureds who are age 65."

(l) Section 15(C)(2) is hereby amended to read as follows: "With the approval of the commissioner, any issuer may offer up to three (3) additional policy forms or certificate forms of the same type for the same standard medicare supplement benefit plan. One additional form may be offered for each of the following cases:

"(a) The inclusion of new or innovative benefits;

"(b) The addition of either direct response or agent marketing methods; or

"(c) The addition of either guaranteed issue or underwritten coverage."

(m) Section 17(A)(5) is hereby amended to read as follows: "Any refund made pursuant to this section shall be paid directly to the applicant by the insurer in a timely manner. The notice shall be printed in not less than 10-point type and shall be printed in boldface type or in some other manner that distinguishes it from the print otherwise appearing in the policy."

(n) Section 17(C) is hereby amended by the addition of the following:

"(5) Issuers shall provide a description of policy provisions relating to renewability, cancellation, or continuation of coverage, including any reservation of rights to change premium.

"(6) The amount of premium for this policy. The premiums for the policy or certificate shall be shown separately from the premiums for any optional or supplemental riders.

"(7) The name and address of the insurance agent, or the employee of the insurer who assumes responsibility for completing the outline."

(o) Section 18(E) is hereby amended by the deletion of paragraphs (1) and (2), relating to preexisting conditions, in their entirety.

(p) An issuer shall not apply more stringent underwriting standards to individuals under the age of 65 who are applying for medicare supplement coverage outside of their open enrollment period than would be applied to individuals over the age of 65 who are applying for coverage outside of their open enrollment period.

(q) This regulation shall become effective April 29, 1999. (Authorized by K.S.A. 40-103, K.S.A. 1998 Supp. 40-2221; implementing K.S.A. 1998 Supp. 40-2221; effective May 1, 1982; amended May 1, 1984; amended May 1, 1986; effective, T-40-12-16-88, Dec. 16, 1988; amended, T-40-3-31-89, March 31, 1989; amended June 5, 1989; amended Oct. 15, 1990; amended April 1, 1992; amended May 24, 1996; amended, T-40-3-18-99, April 29, 1999.)

Kathleen Sebelius
Kansas Insurance Commissioner

Doc. No. 023599

State of Kansas

Department of Revenue

Notice of Available Publications

Listed below are the publication numbers and subjects of all the Private Letter Rulings, Opinion Letters, Revenue Rulings, Memorandums, Property Valuation Division Directives, Q&A's, Information Guides and Notices published by the Department of Revenue in January and February 1999. Copies can be obtained by accessing the Policy Information Library located on the Internet at the following address: www.ink.org/public/kdor, or by calling the Office of Policy and Research at (785) 296-3081.

Private Letter Rulings

P-1998-223	Sales tax and nonprofit hospitals
P-1998-224	Exemption for equipment leased to radio stations
P-1998-225	Sales tax exemption on manufacturing machinery and equipment
P-1998-226	Sales tax clarification on various transactions
P-1999-01	Sales tax on various medical equipment
P-1999-02	Taxes paid to another state
P-1999-03	Sales tax exempt/fund raising by youth organizations
P-1999-04	Sales tax on new recycling business
P-1999-05	Sales tax on drain cleaning services
P-1999-06	Sales tax exemption on water project purchases
P-1999-07	Non-prescription drugs
P-1999-08	Sales tax on school fund raisers
P-1999-09	Qualified business facility employee
P-1999-10	Definition of hand tools
P-1999-11	Sales tax exemption on testing dye and developer
P-1999-12	Sales tax and PTA's
P-1999-13	Customer representative voice and data communication services

(continued)

- P-1999-14 Residential repair and remodeling services exemption
- P-1999-15 Sales tax on photographer sitting fee
- P-1999-16 Not for profit organizations
- P-1999-17 Definition of educational institutions
- P-1999-18 Taxability of hearing aids, batteries and warranties
- P-1999-19 Exemption for electricity furnished through one meter
- P-1999-20 Internet, pay per view, video games and cable services provided to guests by hotels
- P-1999-21 Underground cable installation
- P-1999-22 Religious organization exemption
- P-1999-23 Wastewater hauling
- P-1999-24 Taxable service performed in another state
- P-1999-25 Sales tax on Internet access fee
- P-1999-26 Sales tax on residential/commercial landscaping services
- P-1999-27 Nonprofit hospital exemption
- P-1999-28 Nonprofit organizations
- P-1999-29 Political subdivisions providing utility services
- P-1999-30 Food purchased for meals to indigent and homeless individuals
- P-1999-31 Rental of medical equipment
- P-1999-32 Kansas agent, no place of business in the state
- P-1999-33 Purchase of utility production equipment by a political subdivision
- P-1999-34 Fund raising for nonprofit organization
- P-1999-35 Demolishing an existing building and replacing the building
- P-1999-36 Addition of machinery and other improvements to an existing grain elevator
- P-1999-37 Fund raisers
- P-1999-38 Sales tax on membership dues

Opinion Letters

- O-1999-01 Senior center fund raisers
- O-1999-02 Local sales tax charged on auto sales
- O-1999-03 Air compressor purchased by a manufacturer
- O-1999-04 Nexus

Revenue Rulings

- 92-1998-01 Gross value of gas for use in calculation of the mineral severance tax

Notices No new publications

Memorandums No new publications

Property Valuation Division Directives No new publications

Q & A's
Corporate Income Tax Subchapter S Corporations/ filing methods

Information Guides No new publications

Karla Pierce
Secretary of Revenue

Doc. No. 023609

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. 1998 Supp. 12-1675(b)(c)(d), and K.S.A. 75-4201(l) and 75-4209(a)(1)(B).

Effective 3-22-99 through 3-28-99

Term	Rate
1-89 days	4.78%
3 months	4.45%
6 months	4.66%
9 months	4.70%
12 months	4.81%
18 months	5.00%
24 months	5.04%

Derl S. Treff
Director of Investments

Doc. No. 023595

State of Kansas

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the Bureau of Construction and Maintenance, KDOT, Topeka, or at the Capitol Plaza Hotel, Topeka, until 2 p.m. April 21, and then publicly opened:

District One—Northeast

Atchison—3-C-3417-01—County road 1.2 miles (1.9 kilometers) west and 2 miles (3.2 kilometers) south of Huron, 0.3 mile (0.5 kilometer), grading and bridge. (Federal Funds)

Atchison—3 C-3449-01—County road 2 miles (3.2 kilometers) west and 2 miles (3.2 kilometers) south of Huron, 0.18 mile (0.3 kilometer), grading and bridge. (Federal Funds)

Brown—7 C-3506-01—County road 0.2 mile (0.3 kilometer) north and 0.2 kilometer west of Padonia, 0.2 mile (0.32 kilometer), grading, bridge and surfacing. (Federal Funds)

Douglas—23 U-1705-01—Monterey Way from Harvard Road to 15th Street in Lawrence, 0.5 mile (0.8 kilometer), grading and surfacing. (Federal Funds)

Douglas—56-23 K-5486-01—U.S. 56, 9th Street east to 3rd Street in Baldwin City, 0.5 mile (0.8 kilometer), grading and surfacing. (State Funds)

Leavenworth—52 C-3327-01—County road 1.1 miles (1.7 kilometers) south and 0.8 mile (1.25 kilometers) west of Lansing, 0.12 mile (0.2 kilometer), grading and bridge. (Federal Funds)

Marshall—9-58 K-7106-01—K-9 Robidoux Creek, bridge repair. (State Funds)

Wabaunsee—99 C-3459-01—County road 3.5 miles (5.6 kilometers) west and 1 mile (1.6 kilometers) south of Ma-

ple Hill, 0.09 mile (0.16 kilometer), grading and bridge. (Federal Funds)

Riley—24-81 K-5647-01—U.S. 24, Phiel Creek Bridge 0.6 mile (1 kilometer) southeast of the north junction of K-13, bridge replacement. (Federal Funds)

Wyandotte—70-105 K-7351-01—I-70 Lewis and Clark Viaduct westbound to U.S. 24, signing. (State Funds)

District Two—Northcentral

Chase—177-9 K-6590-01—K-177 culvert 3.5 miles (5.7 kilometers) north of the north city limits of Matfield Green, bridge repair. (State Funds)

Dickinson—21 C-3471-01—County road 1.5 mile (2.4 kilometers) east and 4.1 miles (6.6 kilometers) north of Woodbine, 0.06 mile (0.1 kilometer), grading, bridge and surfacing. (Federal Funds)

Jewell—45 C-3340-01—County road, 0.5 mile (0.8 kilometer) south and 5 miles (8 kilometers) east of Iona, 0.19 mile (0.32 kilometer), grading and culvert. (Federal Funds)

Jewell—14-45 K-7114-01—K-14 Middle Buffalo Creek 1.2 miles (2 kilometers) north of K-28, bridge repair. (State Funds)

McPherson—59 C-3508-01—County road 3.5 miles (5.6 kilometers) east of Mound Ridge, 0.24 mile (0.38 kilometer), grading, bridge and surfacing. (Federal Funds)

Saline—85 C-3378-01—County road 5.5 miles (8.9 kilometers) south and 3.5 miles (5.6 kilometers) west of Gypsum, 0.15 mile (0.24 kilometer), grading and bridge. (Federal Funds)

Saline—85 C-3379-01—County road 1.2 miles (1.9 kilometers) east of Bridgeport, 0.09 mile (0.16 kilometer), grading and bridge. (Federal Funds)

District Three—Northwest

Sherman—70-91 K-6028-01—Various locations on I-70 in Sherman County, guard fence. (State Funds)

District Four—Southeast

Allen—1 C-3515-01—County road 1.6 miles (2.6 kilometers) south and 6.4 miles (10.3 kilometers) east of Humboldt, 0.2 mile (0.3 kilometer), grading and bridge. (Federal Funds)

Crawford—19 C-3468-01—County road 5 miles (8 kilometers) south and 12 miles (19.3 kilometers) west of the junction of K-57 and K-7, 0.10 mile (0.16 kilometer), grading, bridge and surfacing. (Federal Funds)

Elk—25 C-3473-01—County road 0.5 mile (0.8 kilometer) north and 0.8 mile east of Howard at Snake Creek, 0.14 mile (0.22 kilometer), grading and bridge. (Federal Funds)

Franklin—30 C-3474-01—County road 3.5 miles (5.6 kilometers) north of Ottawa at Taury Creek, 0.19 mile (0.31 kilometer), grading and bridge. (Federal Funds)

Labette—50 C-3480-01—County road 9 miles (14.5 kilometers) east and 1 mile (1.6 kilometers) north of the junction of U.S. 59 and U.S. 160, 0.15 mile (0.24 kilometer), grading and bridge. (Federal Funds)

Montgomery—63 C-3540-01—County road 0.5 mile (0.8 kilometer) north of Lehunt, 0.20 mile (0.32 kilometer), grading, bridge and surfacing. (Federal Funds)

Neosho—67 C-3545-01—Drum Creek on county road 1 mile (1.6 kilometers) east and 1.5 miles (2.4 kilometers) north of the southwest corner of Neosho County, 0.012 mile (0.02 kilometer), grading and bridge. (Federal Funds)

Greenwood—96-37 K-3292-05—K-96, 3.6 miles (5.8 kilometers) east of the Butler-Greenwood county line east 0.5 mile (0.8 kilometer), grading and surfacing. (State Funds)

Wilson—47-103 K-5648-01—K-47, Little Cedar Creek and Big Cedar Creek, bridge replacement. (Federal Funds)

District Five—Southcentral

Cowley—18 C-3461-01—County road 5.1 miles (8.2 kilometers) east of Wilmont 0.09 mile (0.16 kilometer), grading and bridge. (Federal Funds)

Harvey—40 C-3313-01—West edge of Halstead then north 0.3 mile (0.5 kilometer), grading and bridge. (Federal Funds)

Reno—78 C-3553-01—County road 9 miles (14.5 kilometers) west and 0.8 mile (1.3 kilometers) north of Nickerson, 0.16 mile (0.26 kilometer), grading, bridge and surfacing. (Federal Funds)

Sedgwick—87 N-0094-01—Central Avenue from West Street to McLean in Wichita, 1 mile (1.6 kilometers), grading and surfacing. (Federal Funds)

District Six—Southwest

Meade—60 C-3483-01—County road 12.2 miles (19.6 kilometers) east and 13 miles (20.6 kilometers) south of Meade, 0.10 mile (0.16 kilometer), grading and bridge. (Federal Funds)

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

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid approval package will make the bid nonresponsive and not eligible for award consideration.

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

E. Dean Carlson
Secretary of Transportation

Doc. No. 023614

(Published in the Kansas Register March 25, 1999.)

**Summary Notice of Bond Sale
\$1,000,000
Reno County, Kansas
Public Building Commission
Revenue Bonds, Series 1999-A**

(Special obligation bonds payable from a certain trust estate, including rental payments received pursuant to a certain lease with option to purchase)

Sealed Bids

Subject to the notice of bond sale dated March 12, 1999, sealed bids will be received by the secretary of the Reno County, Kansas Public Building Commission (the issuer), on behalf of the Public Building Commission at 206 W. First Ave., Hutchinson, KS 67501-5245, until 1:30 p.m. April 1, 1999, for the purchase of \$1,000,000 principal amount of Public Building Commission Revenue Bonds, Series 1999-A. No bid of less than 98 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated April 15, 1999, and will become due in principal installments on April 1 in the years as follows:

Year	Principal Amount
2000	\$25,000
2001	50,000
2002	50,000
2003	55,000
2004	55,000
2005	60,000
2006	65,000
2007	65,000
2008	70,000
2009	75,000
2010	80,000
2011	80,000
2012	85,000
2013	90,000
2014	5,000

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 April 1, 2000.

Optional Book-Entry-Only System

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

Paying Agent and Bond Registrar

Central Bank & Trust, Hutchinson, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial

surety bond in the amount of \$20,000 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about April 15, 1999, at DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1998 is \$420,946,255. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, plus the obligation represented by the bonds and the lease with option to purchase underlying such bonds.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the secretary, (316) 694-2929, fax (316) 694-2928; or from Gilmore & Bell, bond counsel, (316) 267-2091, fax (316) 262-6523.

Dated March 12, 1999.

Reno County, Kansas
Public Building Commission

Doc. No. 023617

State of Kansas

Department of Transportation

Notice of Public Auction

The Kansas Secretary of Transportation will offer for sale at public auction at site at 11 a.m. May 14 the following tract of land and buildings located on the west side of US-69 at 2202 S. Main in the City of Fort Scott, Bourbon County, Kansas, described as follows:

All of Lots 1, 3, 5, 7, 4, 6 and 8, Block 4, lying south of the southerly right of way line of the Missouri Pacific Railroad (now abandoned) and all of Lot 7, Block 3, lying south of the Missouri Pacific Railroad (now abandoned), in Madison Square Addition to the City of Fort Scott, and the east 621 feet of the north 10 acres of the Southeast Quarter of the Northeast Quarter South of the Missouri Pacific Railroad (now abandoned) in Section 6, Township 26 South, Range 25 East, Bourbon County.

The Kansas Department of Transportation ensures the acceptance of any bid pursuant to this notice will be without discrimination on the grounds of sex, race, color, religion, physical handicap or national origin.

Terms of the Sale

Certified or cashier's check for 10 percent of the purchase price the day of the sale. The balance of the purchase price will be paid by certified or cashier's check on or before August 12, 1999. Make check(s) payable to Kansas Department of Transportation. The successful bidder will receive a bill of sale on the day of sale and a general warranty deed along with title insurance when the balance is paid in full. The Secretary of Transportation will pay the total amount due for the title insurance. If the balance of the purchase price is not paid on or before August 12, 1999, then the 10 percent down payment will be forfeited to the seller.

The seller reserves the right to reject any and all bids (a minimum acceptable bid has been established) and is not responsible for accidents. For additional information, contact Fred Terry, Bureau of Right of Way, (785) 296-3501.

E. Dean Carlson
Secretary of Transportation

Doc. No. 023605

(Published in the Kansas Register March 25, 1999.)

City of Overland Park, Kansas**Notice to Bidders**

Sealed bids for **Quivira Road (135th Street to 143rd Street), KDOT Project No. 46 N-0103-01**, will be received by the City of Overland Park, Kansas, at the office of the City Clerk, City Hall, 8500 Santa Fe Drive, Overland Park, Kansas, until 2 p.m. local time on Tuesday, April 20, 1999. At that time, all sealed bids will be transferred to the City Council Chamber, City Hall, where they will be publicly opened and read aloud. Any bid received after the designated closing time will be returned unopened.

All bids shall be submitted in sealed envelopes addressed to the City Clerk of Overland Park, Kansas, and marked "Bid for: Quivira Road (135th Street to 143rd Street), KDOT Project No. 46 N-0103-01." Copies of plans, specifications, bid documents and other contract documents are on file at the office of George Butler Associates, Inc., 8207 Melrose Drive, Lenexa, KS 66214. Contractors desiring the contract documents for use in preparing bids may obtain a set of such documents from George Butler Associates, Inc. upon payment of \$200, which amount is not refundable.

Contractors should read and be fully familiar with all contract documents before submitting a bid. In submitting a bid, the bidder warrants that it has read the contract documents and is fully familiar therewith and that it has visited the site of the work to fully inform itself as to all existing conditions and limitations and shall include in its bid a sum to cover the cost of all items of the work.

Should a bidder find "defects" as defined in paragraph GC-2 of the General Conditions, it shall follow the procedures outlined in paragraph GC-3 to bring same to the attention of the city. Changes necessitated thereby shall be in the form of addenda issued by the consulting engineer.

All bidders shall verify that they have considered all written addenda. Neither the city nor the consulting engineer shall be responsible for oral instructions.

Any written addenda issued during the time of bidding shall be covered and included in the bid. There will be no clarifications or exceptions allowed on the bid. Bids are for a total bid package, total contract price.

Bids shall be made upon the form provided in ink or typewritten. Numbers shall be stated both in writing and in figures; the signature shall be long hand; and the complete form shall be without alteration or erasure. On alternate items for which a bid is not submitted, a written indication of "no bid" on the bid form is required.

No oral, telegraphic, facsimile or telephonic bids or alterations will be considered.

The following items must be included in the sealed envelope with the bid:

- a. Bid
- b. 5% Bid Security—Bid Bond, Cashier's Check or Certified Check (see below)
- c. Signed Documents (KDOT Certifications)
 - Certifications Regarding Noncollusion & History of Debarment
 - Certifications—Federal—Lobbying
 - Required Contract Provision Certification—Contractual Services with Current Legislator or Legislator's Firm

Each bidder shall file with its bid a bid bond, a cashier's check or a certified check drawn on any acceptable bank, made payable to the City of Overland Park, Kansas, in an amount of not less than 5 percent of the total bid, which shall be retained by the City of Overland Park until a contract for the project has been executed. Bid bonds will be returned to the unsuccessful bidders, with the exception of the second qualifying bidder, at such time as their bids are rejected. The bid deposit of the successful bidder and the second qualifying bidder will be returned when satisfactory bonds in an amount equal to 100 percent of the contract amount, required insurance certificates and other required documents shall have been furnished and the contract documents have been executed.

In the event the successful bidder is unable to execute the contract, for whatever reason, the city may exercise its legal prerogatives, including, but not limited to, enforcement of its rights as to the bid security.

The city reserves the right to accept or reject any and all bids and to waive any technicalities or irregularities therein. Bids may be modified or withdrawn by written request of the bidder received in the office of the city clerk prior to the time and date for bid opening; provided, however, that no bidder may withdraw its bid for a period of 30 days from the date set for the opening thereof. All bidders agree that rejection shall create no liability on the part of the city because of such rejection, and the filing of any bid in response to this invitation shall constitute an agreement of the bidder to these conditions.

A pre-bid conference will be held at 9 a.m. April 9 at the Overland Park City Hall, Conference Room 1.

City of Overland Park, Kansas

Doc. No. 023615

(Published in the Kansas Register March 25, 1999.)

NOTICE OF PARTIAL REDEMPTION

**CITY OF KANSAS CITY, KANSAS
Single Family Mortgage Revenue Bonds, 1980 Series A**

NOTICE IS HEREBY GIVEN that, pursuant to Section 3.01 of the Trust Indenture, \$525,000 principal amount of the Bonds are being called for redemption on May 1, 1999 at the redemption price of 100% of the principal amount being redeemed plus accrued interest thereon to the redemption date. This Notice was first published on Thursday, March 25, 1999 in the Kansas Register and The Bond Buyer.

The certificate numbers of the bonds to be partially or fully redeemed in the amounts described below are as follows:

BEARER BONDS

Due May 1, 2012 (*CUSIP Number 484770 BL5)

Bearer Bonds called in denominations of \$5,000 each

2235	2562	2825	3002	3176	3362	3855	4239	4660
4758	5072	5610	6348	6392	6843	7162	7473	

Coupons due May 1, 1999 should be presented in the normal manner. Coupons due November 1, 1999 and all subsequent coupons must be attached to bonds called for redemption.

REGISTERED BONDS

Due May 1, 2012 (*CUSIP Number 484770 BL5)

Registered Bonds called in the amount indicated below:

R283.....\$5,000	R367.....\$5,000	R652.....\$5,000	R664.....\$10,000
R669.....\$415,000			

Payment of the redemption price of the bonds to be redeemed will be made at Security Bank of Kansas City, One Security Plaza, Kansas City, Kansas 66101. To avoid a 31% backup withholding required by the Interest and Dividend Tax Compliance Act of 1983, bondholders should submit Certified Taxpayer Identification Numbers on IRS Form W-9 when presenting their securities for redemption.

Notice is hereby given that on and after May 1, 1999, interest on the bonds hereby called for redemption shall cease to accrue.

SECURITY BANK OF KANSAS CITY, KANSAS CITY, KANSAS, Trustee

Dated: March 25, 1999

**The CUSIP number is included solely for the convenience of the Bondholders. Neither the Issuer nor the Trustee shall be responsible for the selection or the use of the CUSIP number, nor is any representation made as to its correctness on the securities or as indicated on any redemption notice.*

Doc. No. 023597

(Published in the Kansas Register March 25, 1999.)

**Summary Notice of Bond Sale
City of Park City, Kansas**

\$300,000

General Obligation Bonds, Series 1999-1

(General obligation bonds payable from unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated March 23, 1999, sealed bids will be received by the clerk of the City of Park City, Kansas (the issuer), on behalf of the governing body at City Hall, 6110 N. Hydraulic, Wichita, KS 67219, until noon April 6, 1999, for the purchase of \$300,000 principal amount of General Obligation Bonds, Series 1999-1. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated April 1, 1999, and will become due on April 1 in the years as follows:

Year	Principal Amount
2000	\$15,000
2001	15,000
2002	15,000
2003	15,000

2004	20,000
2005	20,000
2006	20,000
2007	20,000
2008	20,000
2009	20,000
2010	20,000
2011	25,000
2012	25,000
2013	25,000
2014	25,000

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 October 1, 1999.

Optional Book-Entry-Only System

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

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$6,000 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about April 15, 1999, at DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1998 is \$22,432,632. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold but excluding temporary notes to be retired in conjunction therewith, is \$3,695,000.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (316) 744-2026, or from the financial advisor, Froggatte & Herndon Capital Corporation, 320 N. Main, Suite 200, Wichita, KS 67202, Attention: Theron L. Froggatte, (316) 264-6300.

Dated March 23, 1999.

City of Park City, Kansas

Doc. No. 023616

(Published in the Kansas Register March 25, 1999.)

**Statutory Notice of Bond Sale
City of Overland Park, Kansas
\$12,550,000
Internal Improvement Bonds
Series 1999A**

**(General obligations payable from
unlimited ad valorem taxes)**

Sealed Bids

Bids, submitted in a sealed envelope marked "Bid for Series 1999A Bonds," will be received by the undersigned, Director of Finance, Budget and Administration of the City of Overland Park, Kansas, at City Hall, 8500 Santa Fe Drive, Overland Park, KS 66212, until 1 p.m. Wednesday, April 7, 1999, for the purchase of the city's \$12,550,000 principal amount of Internal Improvement Bonds, Series 1999A. All bids will be publicly opened at that time and will be considered, and acted upon by the city council at a special meeting of the city council scheduled for 7:15 p.m. Wednesday, April 7, 1999. No oral, telephone, telefax or auction bids will be considered. No bid of less than the par value of the Series 1999A Bonds and accrued interest thereon to the date of delivery of the Series 1999A Bonds will be considered.

Bond Details

The Series 1999A Bonds will be issued in book entry form in the denomination of \$5,000 or any integral multiple thereof; will be dated April 15, 1999; will be issued in the principal amount of \$12,550,000; and will become due serially on September 1 in each of the years as follows:

Maturity Schedule

Maturity September 1	Principal Amount
2000	\$1,400,000
2001	1,375,000
2002	1,375,000
2003	1,375,000
2004	1,375,000
2005	1,150,000
2006	1,125,000
2007	1,125,000
2008	1,125,000
2009	1,125,000

The Series 1999A Bonds will bear interest from their date at rates to be determined when the Series 1999A Bonds are sold as herein provided, which interest will be payable semiannually on March 1 and September 1 in each year, commencing September 1, 1999.

Good Faith Deposit

A good faith deposit in the form of a certified or cashier's check or financial surety bond in the amount of \$251,000 must accompany each bid for the Series 1999A Bonds.

Costs

The city will pay the cost of printing the Series 1999A Bonds and the expense of all legal services, including the opinion of McDowell, Rice, Smith & Gaar, a Professional

Corporation, bond counsel, approving the legality of the Series 1999A Bonds and the exclusion of the interest thereon (with specified minor exceptions) from federal and Kansas gross income taxes.

Delivery and Payment

The Series 1999A Bonds will be delivered to the successful bidder properly prepared, executed and registered without cost within approximately three weeks after the date of their award at such bank or trust company in the continental United States as may be specified by the successful bidder and is acceptable to the city.

Assessed Valuation and Indebtedness

For the computation of the debt limitation relating to the Series 1999A Bonds, the assessed valuation of the taxable tangible property within the city as of December 31, 1998, was \$1,833,325,332. The total general obligation bonded indebtedness as of the date of the Series 1999A Bonds is \$70,270,000, including temporary notes of the city and the Series 1999A Bonds. Temporary notes in the principal amount of \$11,800,000 will be retired out of the proceeds of the Series 1999A bonds and other available funds of the city. \$3,800,000 Municipal Temporary Notes, Series 1999, dated April 29, 1999, and \$2,045,000 Internal Improvement Refunding Bonds, Series 1999B, dated April 15, 1999, are being sold simultaneously with the Series 1999A Bonds. (The city has reserved the right to increase or decrease the principal amount of the Series 1999B Bonds in an amount not to exceed \$25,000 in total.) A portion of the proceeds of the Series 1999B Bonds will be used to advance refund \$1,955,000 principal amount of the city's outstanding Internal Improvement Bonds, Series 1992-B, dated November 1, 1992.

Additional Information

A complete notice of bond sale, preliminary official statement and bid forms approved by the city will be mailed to all interested parties. Additional information regarding the Series 1999A Bonds, the Series 1999B Bonds and the notes may be obtained from the financial advisor, Evensen Dodge, Inc., 601 Second Ave. South, Suite 5100, Minneapolis, MN 55402, (612) 338-3535, Attention: Christy Myers; and from the City of Overland Park, Kansas, 8500 Santa Fe Drive, Overland Park, KS 66212, (913) 895-6154, Attention: David Scott. Arrangements may be made with the financial advisor, Evensen Dodge, Inc., to deliver a sealed bid for the Series 1999A Bonds, the Series 1999B Bonds or the notes to the city.

City of Overland Park, Kansas
By: Kristy Cannon
Director of Finance, Budget
and Administration
City Hall
Overland Park, KS 66212
(913) 895-6152

Doc. No. 023608

State of Kansas

Governmental Ethics Commission

Opinion 1999-5

Written March 4, 1999, to Thomas J. Drees, Trego County Attorney, WaKeeney.

This opinion is in response to your letter of February 22, 1999, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the local conflict of interest laws (K.S.A. 75-4301 *et seq.*). We note at the outset that the commission's jurisdiction is limited to the application of K.S.A. 75-4301 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand that you request this opinion in your capacity as the Trego County Attorney. You have informed us that Arlene Eveleigh is a Trego County Commissioner, and that she and her husband own a 40-acre tract of land in Trego County. You have explained that the Eveleighs are interested in developing a portion of this land into a housing development. Under the current Trego County sanitation code, there is a two-acre minimum lot requirement for the installation of a private wastewater system. The Trego County Commission is scheduled to vote on an amendment to the sanitation code which would eliminate the lot size restriction for the installation of a private wastewater system. The Eveleighs' currently proposed housing development plan calls for more than twice the number of houses that could be developed under existing law. In addition, you have pointed out that Ms. Eveleigh has filed a statement of substantial interests which recognizes that she owns the land in question, although it does not state the Eveleighs' intention of developing this land.

Question

Pursuant to the local level conflict of interest laws, may Ms. Eveleigh participate and vote on this amendment to the sanitation code?

Opinion

In her capacity as a Trego County Commissioner, Ms. Eveleigh is governed by the local level conflict of interest laws (K.S.A. 75-4301 *et seq.*). Two sections of the local conflict of interests law must be reviewed to answer your question. K.S.A. 75-4304 prohibits a local official from participating in the making of contracts in which that official has a substantial interest. It states in pertinent part:

(a) No local governmental officer or employee shall, in the capacity of such an officer or employee, make or participate in the making of a contract with any person or business by which the officer or employee is employed or in whose business the officer or employee has a substantial interest.

(b) No person or business shall enter into any contract where any local governmental officer or employee, acting in that capacity, is a signatory to or a participant in the making of the contract and is employed by or has a substantial interest in the person or business.

(c) A local governmental officer or employee does not make or participate in the making of a contract if the of-

ficer or employee abstains from any action in regard to the contract.

(d) This section shall not apply to the following:

(1) Contracts let after competitive bidding has been advertised for by published notice; and

(2) contracts for property or services for which the price or rate is fixed by law.

K.S.A. 75-4305 requires disclosure of actions other than contracts which affect a local government official's private business interests. It states:

(a) Any local governmental officer or employee who has not filed a disclosure of substantial interests shall, before acting upon any matter which will affect any business in which the officer or employee has a substantial interest, file a written report of the nature of the interest with the county election officer of the county in which is located all or the largest geographical part of the officer's or employee's governmental subdivision.

(b) A local governmental officer or employee does not pass or act upon any matter if the officer or employee abstains from any action in regard to the matter.

The absolute abstention requirement of K.S.A. 75-4304 is triggered only in contractual situations. This commission has consistently held that K.S.A. 75-4304 does not generally cover legislative decisions or administrative decisions such as those made by planning commissions, board of zoning appeals, or city councils dealing with rezoning applications (See Commission Opinion 1998-20 and 1994-38.)

Thus, K.S.A. 75-4305 is the section that generally applies to the type of situations you describe. Under that section, Ms. Eveleigh must file a written disclosure of substantial interests which details the nature of the proposed housing development for her land affected by this change, prior to taking any action upon any matter which will affect that interest.

Finally, we would note that, while Ms. Eveleigh may legally participate and vote on the sanitation amendment once an appropriate statement of substantial interest has been filed, the better course of action would be to abstain from voting so as to avoid the appearance of impropriety.

Opinion 1999-6

Written March 4, 1999, to Thomas P. Yearsley, Kansas City, Kansas.

This opinion is in response to your letter of January 26, 1999, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the local conflict of interest laws (K.S.A. 75-4301 *et seq.*). We note at the outset that the commission's jurisdiction is limited to the application of K.S.A. 75-4301 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand that you request this opinion in your capacity as a candidate for the 3rd district seat on the Board of Public Utilities (BPU) in Kansas City, Kansas. You have informed us that you are employed by the Black & Veatch Corporation, which is an engineering and consulting firm which deals regularly with the BPU. You ex-

plained that your duties with Black & Veatch include providing consulting services to utility clients in Michigan, Indiana, Ohio and Kentucky. You have also informed us that you have previously stated your intention to abstain from any BPU board actions involving Black & Veatch.

Question

Is it a violation of the local level conflict of interest laws for you to sit on the Board of Public Utilities if elected?

Opinion

As a board member for the BPU, you would be governed by the local level conflict of interest laws (K.S.A. 75-4301 *et seq.*). Two sections of the local conflict of interests law must be reviewed to answer your question. K.S.A. 75-4304 prohibits a local official from participating in the making of any contract in which that official has a substantial interest. It states in pertinent part:

(a) No local governmental officer or employee shall, in the capacity of such an officer or employee, make or participate in the making of a contract with any person or business by which the officer or employee is employed. . . .

(b) No person or business shall enter into any contract where any local governmental officer or employee, acting in that capacity, is a signatory to or a participant in the making of the contract and is employed by or has a substantial interest in the person or business.

(c) A local governmental officer or employee does not make or participate in the making of a contract if the officer or employee abstains from any action in regard to the contract.

(d) This section shall not apply to the following:

(1) Contracts let after competitive bidding has been advertised for by published notice; and

(2) contracts for property or services for which the price or rate is fixed by law.

K.S.A. 75-4305 requires disclosure of actions other than contracts which affect a local government official's private business interests. It states:

(a) Any local governmental officer or employee who has not filed a disclosure of substantial interests shall, before acting upon any matter which will affect any business in which the officer or employee has a substantial interest, file a written report of the nature of the interest with the county election officer of the county in which is located all or the largest geographical part of the officer's or employee's governmental subdivision.

(b) A local governmental officer or employee does not pass or act upon any matter if the officer or employee abstains from any action in regard to the matter.

The absolute abstention requirement of K.S.A. 75-4304 is triggered only in contractual situations. If the BPU were to negotiate a contract with Black & Veatch for engineering services, you would be required to abstain from participation in the making of, or voting on, that contract, pursuant to K.S.A. 75-4304. In addition, under K.S.A. 75-4305, so long as you have filed a disclosure statement with the county election officer, you may participate and vote on non-contractual matters involving Black & Veatch.

We would note that while you may legally participate and vote on non-contractual issues involving Black & Veatch, your stated intention of abstaining from such ac-

tions would avoid the appearance of impropriety and therefore would be the better practice.

Opinion 1999-7

Written March 4, 1999, to James M. Hays, Superintendent, Kansas Veterans' Home, Winfield.

This opinion is in response to your letter dated January 19, 1999, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the state level governmental ethics laws (K.S.A. 46-215 *et seq.*). We note at the outset that the commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand that you request this opinion in your capacity as superintendent of the Kansas Veterans' Home (KVA), which is a division of the Kansas Commission on Veterans' Affairs (KCVA). You have explained that a new state veterans' home was established in Winfield in 1998. In your position as superintendent, you commonly speak about this new veterans' home to groups who have a common interest, and inevitably you are approached by individuals and organizations wishing to provide support. You have explained that this support takes the form of monetary contributions for specific projects and memorial donations, as well as assorted items that can be used by the home.

Question

I. May the superintendent of the Kansas Veterans' Home accept or solicit donations for the commission?

Opinion

Your acceptance of unsolicited gifts for the KCVA or KVH is covered by K.S.A. 1998 Supp. 46-237(c), which states:

No person licensed, inspected or regulated by a state agency shall offer, pay, give or make any economic opportunity, gift . . . or service having an aggregate value of \$40 or more in any calendar year to such agency or any state officer or employee . . . of that agency.

Therefore, so long as you do not accept gifts from persons licensed, inspected or regulated by your agency, you may accept the unsolicited gifts on behalf of the KCVA or the KVH.

K.S.A. 1998 Supp. 46-236 applies when you attempt to solicit funds for your agency. It states in pertinent part:

No state officer or employee . . . shall solicit any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service from any person known to have a special interest, under circumstances where such officer [or] employee . . . knows or should know that a major purpose of the donor in granting the same could be to influence the performance of the official duties or prospective official duties of such officer [or] employee

K.S.A. 46-228 defines "special interest" in the following manner:

(continued)

"Special interest" means an interest of any person as herein defined (1) concerning action or non-action by the legislature on any legislative matter affecting such person as distinct from affect upon the people of the state as a whole, or (2) in the action or non-action of any state agency or state officer or employee upon any matter affecting such person as distinct from affect upon the people of the state as a whole.

Under this section you may not solicit any economic opportunity, gift, special discount, etc., from any person known to have a special interest when you know or should know that a major purpose of the donor in granting that gift or discount could be to influence you in the performance of your official duties. Absent the special interest or a major purpose to influence, you will be able to solicit gifts for the agency.

In conclusion, so long as you do not accept gifts from persons licensed, inspected or regulated by your agency, you may accept gifts for the agency. In addition, so long as you do not solicit any economic opportunity, gift, special discount, etc., from any person known to have a special interest when you know or should know that a major purpose of the donor in granting that gift could be to influence you in the performance of your official duties, you may solicit and accept donations for the agency.

Opinion 1999-8

Written March 4, 1999, to Dean L. Walrod, Kansas Department on Aging, Topeka.

This opinion is in response to your letter of February 1, 1999, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the state level conflict of interest laws (K.S.A. 46-215 *et seq.*). We note at the outset that the commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand you request this opinion in your capacity as an Office Assistant IV with the Kansas Department on Aging (KDOA). You advise us that you are interested in taking a part-time position outside of state government with a local nursing home. You have explained that your duties with the KDOA include preparing data entry forms regarding payment schedules and rates, providing and transmitting provider rate letters and other general office work consistent with a Rate Setting Assistant position. You have informed us that you do not have any responsibility for the licensing, regulation or inspection of nursing facilities; you are not in a position that recommends, refers or evaluates individuals

for nursing facility placement; nor do you have any responsibility for negotiating or awarding contracts to nursing facilities. Further, you have discussed your part-time position with the KDOA and they have agreed to remove you from any tasks which might relate to this nursing facility or any of the facilities owned by the same chain.

Your new part-time position with a local nursing facility will be as a receptionist. In general, you will greet visitors, process resident meal tickets, and process maintenance and housekeeping work orders.

Question

May you, as a Rate Setting Assistant with the KDOA, accept a part-time position with a local nursing home?

Opinion

The two statutes which apply to this situation are K.S.A. 46-286(a), which involves participation in the licensing and regulation of outside organizations, and K.S.A. 46-241, which involves the use of confidential information. K.S.A. 46-286(a) states:

No state officer or employee in the officer's or employee's official capacity, shall participate directly in the licensure, inspection or administration or enforcement of any regulation of or in any contract with any outside organization with which the officer or employee holds a position.

You have stated that you will not be involved directly in the licensure, inspection or administration or enforcement of any regulation involving the local nursing home, and, therefore, your acceptance of a part-time position with this nursing home will not violate this statute.

Finally, K.S.A. 46-241 should be considered. It states:

No state officer or employee shall disclose or use confidential information acquired in the course of his or her official duties in order to further his or her own economic interest or those of any other person.

This section is self-explanatory. Confidential information obtained during your official duties with the state may not be used for your financial gain or the financial gain of another.

In conclusion, it is not a violation of the state governmental ethics laws for you to accept employment with a local nursing home, so long as you do not participate directly in the licensure, inspection or administration or enforcement of any regulation with regard to that nursing home. Finally, confidential information obtained during official state duties may not be used for your financial gain or the financial gain of any other person.

Diane Gaede
Chairwoman

Doc. No. 023598

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 index to the 1997 Volumes of the *Kansas Administrative Regulations* and the 1998 Supplement to the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-2-46	Amended	V. 17, p. 1369
1-2-77	New	V. 17, p. 1370
1-5-9	Amended	V. 17, p. 1370
1-5-10	Amended	V. 17, p. 1370
1-5-14	Amended	V. 17, p. 1370
1-5-15	Amended	V. 17, p. 1370
1-6-22a	Amended	V. 17, p. 1371
1-6-30	Amended	V. 17, p. 1371
1-9-23	Amended	V. 17, p. 1371
1-9-25	Amended	V. 17, p. 1372
1-9-26	Amended	V. 17, p. 1375
1-10-6	Amended	V. 17, p. 1376
1-16-18	Amended	V. 17, p. 945
1-16-18a	Amended	V. 17, p. 946
1-18-1a	Amended	V. 17, p. 947
1-39-1 through 1-39-4	New	V. 17, p. 1678

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-7-213	Amended	V. 17, p. 171
4-7-213a	New	V. 17, p. 171
4-20-11	Amended (T)	V. 18, p. 13
4-20-15	New (T)	V. 18, p. 11
4-21-1 through 4-21-6	New (T)	V. 18, p. 11-13

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-34-1	Revoked	V. 17, p. 1679
7-39-1	New	V. 17, p. 1679

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Reg. No.	Action	Register
9-7-10	Amended	V. 17, p. 364
9-10-33 through 9-10-39	New	V. 17, p. 364, 365
9-20-4	New	V. 18, p. 161

AGENCY 11: STATE CONSERVATION COMMISSION

Reg. No.	Action	Register
11-9-1 through 11-9-10	New	V. 18, p. 79, 80

AGENCY 16: ATTORNEY GENERAL

Reg. No.	Action	Register
16-1-7	New	V. 17, p. 1620
16-2-1	Revoked	V. 17, p. 1620
16-2-1a	New	V. 17, p. 1620
16-3-1	Amended	V. 17, p. 1620
16-5-1	Amended	V. 17, p. 1621
16-6-1	Amended	V. 17, p. 1621

16-6-3 New V. 17, p. 1621

AGENCY 25: DEPARTMENT OF AGRICULTURE (KANSAS STATE GRAIN INSPECTION)

Reg. No.	Action	Register
25-5-1	New	V. 18, p. 53

AGENCY 26: DEPARTMENT ON AGING

Reg. No.	Action	Register
26-1-2	Amended	V. 18, p. 188
26-1-9	New	V. 18, p. 188

AGENCY 27: STATE CORPORATION COMMISSION (KANSAS ENERGY OFFICE)

Reg. No.	Action	Register
27-2-1	Revoked	V. 18, p. 231

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-1-4	Amended	V. 17, p. 1505
28-1-13	Amended	V. 17, p. 461
28-1-25	Revoked	V. 18, p. 105
28-4-525 through 28-4-529	Revoked	V. 17, p. 1149
28-18-1 through 28-18-4	Amended	V. 17, p. 1971-1974
28-18-5 through 28-18-15	New	V. 17, p. 1974-1977
28-18a-1 through 28-18a-32	New	V. 17, p. 1977-1994
28-19-50	Revoked	V. 18, p. 50
28-19-52	Revoked	V. 18, p. 50
28-19-70	Amended	V. 17, p. 588
28-19-201	Amended	V. 18, p. 106
28-19-202	Amended	V. 17, p. 122
28-19-517	Amended	V. 17, p. 144
28-19-546	Amended	V. 17, p. 144
28-19-561	Amended	V. 17, p. 144
28-19-562	Amended	V. 17, p. 145
28-19-563	Amended	V. 17, p. 146
28-19-564	New	V. 17, p. 589
28-19-650	New	V. 18, p. 50
28-29-12	Amended	V. 17, p. 1026
28-29-25d	New	V. 17, p. 1931
28-29-27	Amended	V. 17, p. 1026
28-29-98	Amended	V. 17, p. 1087
28-29-108	Amended	V. 17, p. 1027
28-29-109	New	V. 17, p. 1031
28-36-30	Amended	V. 17, p. 1679
28-52-2	New	V. 17, p. 168
28-52-3	New	V. 17, p. 168
28-52-4	New	V. 17, p. 168
28-68-3	Amended	V. 17, p. 547
28-70-1	New	V. 17, p. 168
28-70-2	New	V. 17, p. 168
28-70-3	New	V. 17, p. 169
28-71-1 through 28-71-12	New	V. 17, p. 959-964

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-2-12	Amended	V. 18, p. 271
30-4-39	Amended	V. 17, p. 932
30-4-50	Amended	V. 17, p. 933
30-4-52	Amended	V. 17, p. 933
30-4-54	Amended	V. 17, p. 933
30-4-55	Amended	V. 17, p. 934
30-4-64	Amended	V. 18, p. 271
30-4-70	Amended	V. 17, p. 935
30-4-110	Amended	V. 17, p. 936
30-4-111	Amended	V. 17, p. 1837
30-4-140	Amended	V. 17, p. 938
30-5-64	Amended	V. 17, p. 1838
30-5-70	Amended	V. 17, p. 1376
30-5-78	Amended	V. 17, p. 1378
30-5-82	Amended	V. 17, p. 1839
30-5-82a	Amended	V. 17, p. 1840

30-5-88	Amended	V. 17, p. 938
30-5-118	Amended	V. 17, p. 1840
30-5-118a	Amended	V. 17, p. 1841
30-5-118b	New	V. 17, p. 1842
30-5-300	Amended	V. 17, p. 300
30-5-310	New	V. 17, p. 302
30-6-35	Amended	V. 17, p. 1580
30-6-36	Amended	V. 17, p. 1580
30-6-41	Amended	V. 17, p. 1581
30-6-52	Amended	V. 17, p. 939
30-6-54	Amended	V. 17, p. 940
30-6-65	Amended	V. 17, p. 940
30-6-70	Amended	V. 17, p. 941
30-6-77	Amended	V. 17, p. 1581
30-6-103	Amended	V. 17, p. 941
30-6-111	Amended	V. 17, p. 1844
30-6-112	Amended	V. 17, p. 943
30-10-1a	Amended	V. 17, p. 1845
30-10-2	Amended	V. 17, p. 1847
30-10-14	Amended	V. 17, p. 1168
30-10-15a	Amended	V. 17, p. 1848
30-10-15b	Amended	V. 17, p. 1850
30-10-17	Amended	V. 17, p. 1850
30-10-18	Amended	V. 17, p. 1852
30-10-25	Amended	V. 17, p. 1854
30-10-26	Amended	V. 17, p. 1855
30-10-28	Amended	V. 17, p. 1856
30-10-209	Amended	V. 17, p. 1168
30-14-1	New	V. 17, p. 1583
30-14-2	New	V. 17, p. 1583
30-14-3	New	V. 17, p. 1583
30-14-20 through 30-14-31	New	V. 17, p. 1584-1586
30-14-50	New	V. 17, p. 1586
30-63-1	Amended	V. 17, p. 1378
30-63-10	Amended	V. 17, p. 1378
30-63-13	Amended	V. 17, p. 1379
30-63-20 through 30-63-25	Amended	V. 17, p. 1380-1382
30-63-28	Amended	V. 17, p. 1383
30-63-30	Amended	V. 17, p. 1383
30-64-12	Amended	V. 17, p. 1384
30-64-22	Amended	V. 17, p. 1384
30-64-23	Amended	V. 17, p. 1385
30-64-24	Amended	V. 17, p. 1385
30-64-25	Amended	V. 17, p. 1386
30-64-27	Amended	V. 17, p. 1386
30-64-28	Amended	V. 17, p. 1386
30-64-29	Amended	V. 17, p. 1387
30-64-31	Amended	V. 17, p. 1387
30-64-32	Amended	V. 17, p. 1387

AGENCY 39: KANSAS TURNPIKE AUTHORITY

Reg. No.	Action	Register
39-1-1	Amended	V. 17, p. 1935
39-1-8	Revoked	V. 17, p. 1935
39-1-9	Amended	V. 17, p. 1935
39-1-14	Revoked	V. 17, p. 1936
39-1-19	Amended	V. 17, p. 1936
39-3-1 through 39-3-8	Revoked	V. 17, p. 1936
39-5-1	Revoked	V. 17, p. 1936
39-6-1	Revoked	V. 17, p. 1936
39-6-2	Revoked	V. 17, p. 1936

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-35	Revoked	V. 17, p. 1837
40-1-45	New	V. 17, p. 1211
40-2-25	Amended	V. 17, p. 1546
40-4-34	Amended	V. 18, p. 124
40-4-36	Amended	V. 17, p. 689
40-5-10	Amended	V. 17, p. 1578
40-9-118	Amended	V. 17, p. 1033
40-15b-1	Amended	V. 17, p. 1547

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-1-103	Amended (T)	V. 18, p. 131
44-12-601	Amended	V. 17, p. 424

(continued)

AGENCY 45: KANSAS PAROLE BOARD

Reg. No.	Action	Register
45-9-2	Amended	V. 17, p. 143

AGENCY 47: DEPARTMENT OF HEALTH AND ENVIRONMENT (MINED-LAND CONSERVATION AND RECLAMATION)

Reg. No.	Action	Register
47-2-53	Amended	V. 17, p. 1108
47-2-75	Amended	V. 17, p. 1108
47-3-42	Amended	V. 17, p. 1109
47-5-5a	Amended	V. 17, p. 1110
47-6-4	Amended	V. 17, p. 1112
47-6-6	Amended	V. 17, p. 1112
47-6-8	Amended	V. 17, p. 1113
47-7-2	Amended	V. 17, p. 1113
47-8-9	Amended	V. 17, p. 1113
47-9-1	Amended	V. 17, p. 1114
47-16-6	Amended	V. 17, p. 1117
47-16-9	Amended	V. 17, p. 1117
47-16-10	Amended	V. 17, p. 1117
47-16-11	Amended	V. 17, p. 1117

AGENCY 48: DEPARTMENT OF HUMAN RESOURCES—EMPLOYMENT SECURITY BOARD OF REVIEW

Reg. No.	Action	Register
48-1-4	Amended	V. 17, p. 628

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS COMPENSATION.

Reg. No.	Action	Register
51-1-22	Revoked	V. 17, p. 628
51-2-4	Amended	V. 17, p. 628
51-2-5	Amended	V. 17, p. 629
51-3-1	Amended	V. 17, p. 629
51-3-5	Amended	V. 17, p. 629
51-3-5a	Amended	V. 17, p. 629
51-3-6	Amended	V. 17, p. 630
51-3-8	Amended	V. 17, p. 630
51-3-17	Revoked	V. 17, p. 631
51-4-1	Revoked	V. 17, p. 631
51-7-5	Revoked	V. 17, p. 631
51-7-6	Revoked	V. 17, p. 631
51-7-8	Amended	V. 17, p. 631
51-8-2		
through		
51-8-7	Revoked	V. 17, p. 631
51-8-9	Revoked	V. 17, p. 631
51-8-10	Revoked	V. 17, p. 631
51-9-5	Amended	V. 17, p. 632
51-9-10	Amended	V. 17, p. 632
51-9-11	Amended	V. 17, p. 632
51-9-12	New	V. 17, p. 632
51-9-13	New	V. 17, p. 633
51-9-14	New	V. 17, p. 634
51-10-6	Amended	V. 17, p. 634
51-12-2	New	V. 17, p. 635
51-13-1	Amended	V. 17, p. 635
51-15-2	Amended	V. 17, p. 635
51-17-2	New	V. 17, p. 635
51-18-2	Amended	V. 17, p. 636
51-18-3		
through		
51-18-6	New	V. 17, p. 637
51-19-1	Amended	V. 17, p. 637
51-21-1	Amended	V. 17, p. 637
51-24-1	Amended	V. 17, p. 637
51-24-2	Revoked	V. 17, p. 637
51-24-7	Revoked	V. 17, p. 637

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-3-101	Amended	V. 18, p. 51
60-3-106	Amended	V. 18, p. 51
60-3-106a	Amended	V. 17, p. 357
60-3-107	Amended	V. 17, p. 357
60-3-112	New	V. 17, p. 357
60-4-101	Amended	V. 17, p. 358
60-7-101	Amended	V. 18, p. 52
60-7-109	New	V. 17, p. 358
60-7-110	New	V. 17, p. 358
60-8-101	Amended	V. 17, p. 358

60-9-105	Amended	V. 17, p. 358
60-9-106	Amended	V. 17, p. 359
60-9-107	Amended	V. 17, p. 360
60-11-119	Amended	V. 17, p. 361
60-11-120	New	V. 17, p. 361
60-11-121	New	V. 17, p. 361
60-15-101		
through		
60-15-104	Amended	V.17, p. 1321-1323
60-16-101	Amended	V. 17, p. 796
60-16-102	Amended	V. 17, p. 796

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-4-3	Amended	V. 17, p. 1270

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-1	Amended	V. 17, p. 102
66-7-2	Amended	V. 18, p. 79
66-10-1	Amended	V. 17, p. 102

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-1b	Amended	V. 17, p. 1107
68-2-20	Amended	V. 17, p. 1167
68-2-22	New	V. 18, p. 81
68-7-12	Amended	V. 17, p. 170
68-11-1	Amended	V. 18, p. 81
68-20-10a	New	V. 18, p. 81
68-20-15a	Amended	V. 18, p. 82
68-20-16	Amended	V. 17, p. 1107
68-20-17	Amended	V. 18, p. 83
68-20-19	Amended	V. 18, p. 83

AGENCY 69: BOARD OF COSMETOLOGY

Reg. No.	Action	Register
69-11-1	Amended	V. 17, p. 1622

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-3-7	New	V. 18, p. 104
71-6-1		
through		
71-6-6	New	V. 18, p. 104, 105

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-2-7	Amended	V. 17, p. 1415
74-4-1	Amended	V. 17, p. 1415
74-4-4	Amended	V. 17, p. 1415
74-4-7	Amended	V. 17, p. 1415
74-4-8	Amended	V. 17, p. 1416
74-4-9	Amended	V. 17, p. 1416
74-4-10	Amended	V. 17, p. 1416
74-5-2	Amended	V. 17, p. 1932
74-5-103	Amended	V. 17, p. 1933
74-5-104	Amended	V. 17, p. 1934
74-5-202	Amended	V. 17, p. 1417
74-5-203	Amended	V. 17, p. 1417
74-5-301	Amended	V. 17, p. 1417
74-5-404	New	V. 17, p. 1934
74-5-406	Amended	V. 17, p. 1417
74-5-407	Amended	V. 17, p. 1418
74-6-2	Amended	V. 17, p. 1418
74-11-6		
through		
74-11-14	Amended	V. 17, p. 1418-142

AGENCY 75: CONSUMER CREDIT COMMISSIONER

Reg. No.	Action	Register
75-6-24	Amended	V. 17, p. 738

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-1-221a	New	V. 18, p. 231
82-1-221b	New	V. 18, p. 232
82-1-228	Amended	V. 18, p. 232
82-1-235	Amended	V. 18, p. 233
82-3-101	Amended	V. 18, p. 273
82-3-401b	New	V. 18, p. 276

82-3-408	Amended	V. 18, p. 276
82-3-800		
through		
82-3-804	New	V. 17, p. 362, 363
82-3-900		
through		
82-3-908	New	V. 18, p. 276, 277
82-4-1	Amended	V. 17, p. 1887
82-4-3	Amended	V. 17, p. 1888
82-4-6d	Amended	V. 17, p. 1888
82-4-20	Amended	V. 17, p. 1889
82-4-21	Amended	V. 17, p. 1889
82-4-22	Amended	V. 17, p. 1890
82-4-23	Amended	V. 17, p. 1890
82-4-24a	Amended	V. 17, p. 1890
82-4-26	Amended	V. 17, p. 1890
82-4-27	Amended	V. 17, p. 1891
82-4-27a	Amended	V. 17, p. 1891
82-4-27c	Amended	V. 17, p. 1892
82-4-27e	Amended	V. 17, p. 1892
82-4-27f	Amended	V. 17, p. 1893
82-4-27g	Amended	V. 17, p. 1893
82-4-28	Amended	V. 17, p. 1893
82-24-28a	Amended	V. 17, p. 1894
82-4-28b	Amended	V. 17, p. 1894
82-4-29a	Amended	V. 17, p. 1894
82-4-30a	Amended	V. 17, p. 1894
82-4-30b	Revoked	V. 17, p. 1895
82-4-31	Amended	V. 17, p. 1895
82-4-32	Amended	V. 17, p. 1895
82-4-33	Amended	V. 17, p. 1895
82-4-35a	Amended	V. 17, p. 1895
82-4-37	Amended	V. 17, p. 1895
82-4-42	Amended	V. 17, p. 1896
82-4-46	Amended	V. 17, p. 1896
82-4-48	Amended	V. 17, p. 1896
82-4-48a	New	V. 17, p. 1896
82-4-49c	Amended	V. 17, p. 1897
82-4-53	Amended	V. 17, p. 1897
82-4-54	Amended	V. 17, p. 1897
82-4-55	Amended	V. 17, p. 1897
82-4-56a	Amended	V. 17, p. 1898
82-4-57	Amended	V. 17, p. 1898
82-4-58a	Revoked	V. 17, p. 1898
82-4-58b	Revoked	V. 17, p. 1898
82-4-58c	Revoked	V. 17, p. 1899
82-4-58d	Amended	V. 17, p. 1899
82-4-59	Revoked	V. 17, p. 1899
82-4-62	Amended	V. 17, p. 1899
82-4-63	Amended	V. 17, p. 1899
82-4-64	Revoked	V. 17, p. 1899
82-4-65	Amended	V. 17, p. 1899
82-4-67	Revoked	V. 17, p. 1899
82-4-68	Amended	V. 17, p. 1899
82-4-69	Amended	V. 17, p. 1900
82-4-85	Amended	V. 17, p. 1900
82-11-3	Amended	V. 18, p. 234
82-11-4	Amended	V. 18, p. 234
82-11-9	Amended	V. 18, p. 238
82-11-10	Amended	V. 18, p. 239
82-11-11	New	V. 18, p. 239
82-12-2	Amended	V. 18, p. 239

AGENCY 86: KANSAS REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-5	Amended	V. 17, p. 246

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-2-1	Amended	V. 17, p. 1087
88-3-1	Amended	V. 17, p. 1087
88-3-2	Amended	V. 17, p. 1087
88-3-5	Revoked	V. 17, p. 1088
88-3-9	Amended	V. 17, p. 208
88-3-11	Amended	V. 17, p. 1088
88-3-13	New	V. 17, p. 1088

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-5-1	Amended	V. 17, p. 1802
91-5-1a	Amended	V. 17, p. 1802
91-5-2	Revoked	V. 17, p. 1803
91-5-4	Amended	V. 17, p. 1803
91-5-8	Revoked	V. 17, p. 1803

91-5-9	Amended	V. 17, p. 1803
91-5-10	Revoked	V. 17, p. 1803
91-5-11	Revoked	V. 17, p. 1803
91-5-13	Amended	V. 17, p. 1803

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-19-1a	Revoked	V. 17, p. 949
92-19-1b	New	V. 17, p. 949
92-19-3	Amended	V. 17, p. 949
92-19-8	Revoked	V. 17, p. 950
92-19-13	Revoked	V. 17, p. 950
92-19-13a	New	V. 17, p. 950
92-19-16	Revoked	V. 17, p. 950
92-19-18	Revoked	V. 17, p. 950
92-19-18a	New	V. 17, p. 950
92-19-19	Revoked	V. 17, p. 950
92-19-25a	Revoked	V. 17, p. 951
92-19-25b	New	V. 17, p. 951
92-19-27a	Revoked	V. 17, p. 952
92-19-30	Amended	V. 17, p. 952
92-19-32	Revoked	V. 17, p. 954
92-19-34	Revoked	V. 17, p. 954
92-19-35	Revoked	V. 17, p. 954
92-19-39	Revoked	V. 17, p. 954
92-19-49	Revoked	V. 17, p. 954
92-19-49a	New	V. 17, p. 954
92-19-66a	Revoked	V. 17, p. 956
92-19-66b	Amended	V. 17, p. 956
92-19-66d	Revoked	V. 17, p. 957
92-19-66e	New	V. 17, p. 957
92-19-68	Revoked	V. 17, p. 959
92-19-78	Revoked	V. 17, p. 959
92-21-18	Revoked	V. 17, p. 959
92-21-21	Revoked	V. 17, p. 959

AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION

Reg. No.	Action	Register
93-3-1 through 93-3-4	Revoked	V. 17, p. 948
93-4-1	Revoked	V. 17, p. 948
93-4-2 through 93-4-6	New	V. 17, p. 948, 949

AGENCY 99: DEPARTMENT OF AGRICULTURE—DIVISION OF WEIGHTS AND MEASURES

Reg. No.	Action	Register
99-25-1	Amended	V. 18, p. 189
99-25-2	Revoked	V. 17, p. 209
99-25-4 through 99-25-8	New	V. 17, p. 209, 210
99-27-1 through 99-27-5	New	V. 17, p. 210-212
99-30-5	Amended	V. 17, p. 212
99-30-6	Amended	V. 17, p. 212
99-31-5	Amended	V. 17, p. 212
99-31-6	Amended	V. 17, p. 213
99-40-7	New	V. 17, p. 213

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-1	Amended	V. 17, p. 509
100-15-1	Amended	V. 16, p. 1176
100-22-1	Amended	V. 17, p. 1644
100-23-1	Amended	V. 17, p. 299
100-24-1	Amended	V. 17, p. 1644

100-24-2	New	V. 17, p. 1644
100-29-3a	New	V. 17, p. 1323
100-29-7	Amended	V. 17, p. 510
100-49-4	Amended	V. 17, p. 510
100-54-1	Amended	V. 17, p. 1969
100-54-2	Amended	V. 17, p. 1969
100-54-3	Amended	V. 17, p. 1969
100-54-4	Amended	V. 17, p. 510
100-54-5	Amended	V. 17, p. 1969
100-54-6	Amended	V. 17, p. 1970
100-54-8	Amended	V. 17, p. 1970
100-54-9	Amended	V. 17, p. 1970
100-55-4	Amended	V. 17, p. 510
100-55-10	Revoked	V. 17, p. 510
100-60-1	Amended	V. 17, p. 510
100-69-5	Amended	V. 17, p. 510

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-1	Amended	V. 17, p. 1799
102-1-8	Amended	V. 17, p. 1800
102-1-12	Amended	V. 17, p. 1800
102-3-7	Revoked	V. 17, p. 426
102-3-7a	New	V. 17, p. 426
102-4-7a	New	V. 17, p. 318
102-5-7	Revoked	V. 17, p. 427
102-5-7a	New	V. 17, p. 427

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-2	New	V. 17, p. 462

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery can be found in the Vol. 17, No. 53, December 31, 1998 issue of the Kansas Register. The Kansas Lottery regulations listed below were published after December 31, 1998.

Reg. No.	Action	Register
111-1-5	Amended	V. 18, p. 54
111-2-43 through 111-2-65	Revoked	V. 18, p. 330
111-2-67 through 111-2-71	Revoked	V. 18, p. 330, 331
111-2-74	Revoked	V. 18, p. 331
111-2-75	Revoked	V. 18, p. 331
111-2-76	Revoked	V. 18, p. 331
111-2-80	New	V. 18, p. 54
111-2-81	New	V. 18, p. 14
111-2-82	New	V. 18, p. 55
111-2-83	New	V. 18, p. 55
111-2-84	New	V. 18, p. 55
111-2-85	New	V. 18, p. 125
111-2-86	New	V. 18, p. 125
111-2-87	New	V. 18, p. 331
111-3-14	Amended	V. 18, p. 331
111-3-21	Amended	V. 18, p. 332
111-3-22	Amended	V. 18, p. 332
111-4-1364 through 111-4-1380	New	V. 18, p. 14-19
111-4-1381 through 111-4-1396	New	V. 18, p. 55-59
111-4-1397 through 111-4-1412	New	V. 18, p. 125-129

111-4-1413 through 111-4-1430	New	V. 18, p. 332-336
111-5-24	Amended	V. 18, p. 130
111-5-28	Amended	V. 18, p. 130
111-5-75	New	V. 18, p. 59
111-7-134	Amended	V. 18, p. 336
111-9-97 through 111-9-102	New	V. 18, p. 337

AGENCY 112: KANSAS RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-4-1	Amended	V. 17, p. 511
112-4-22	Amended	V. 17, p. 512
112-4-22a	New	V. 17, p. 512
112-4-23	Amended	V. 17, p. 590
112-7-7	Amended	V. 17, p. 512
112-10-8	Amended	V. 17, p. 1968
112-12-9	Amended	V. 17, p. 213
112-16-11	Amended	V. 17, p. 590
112-18-21	Amended	V. 17, p. 60

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

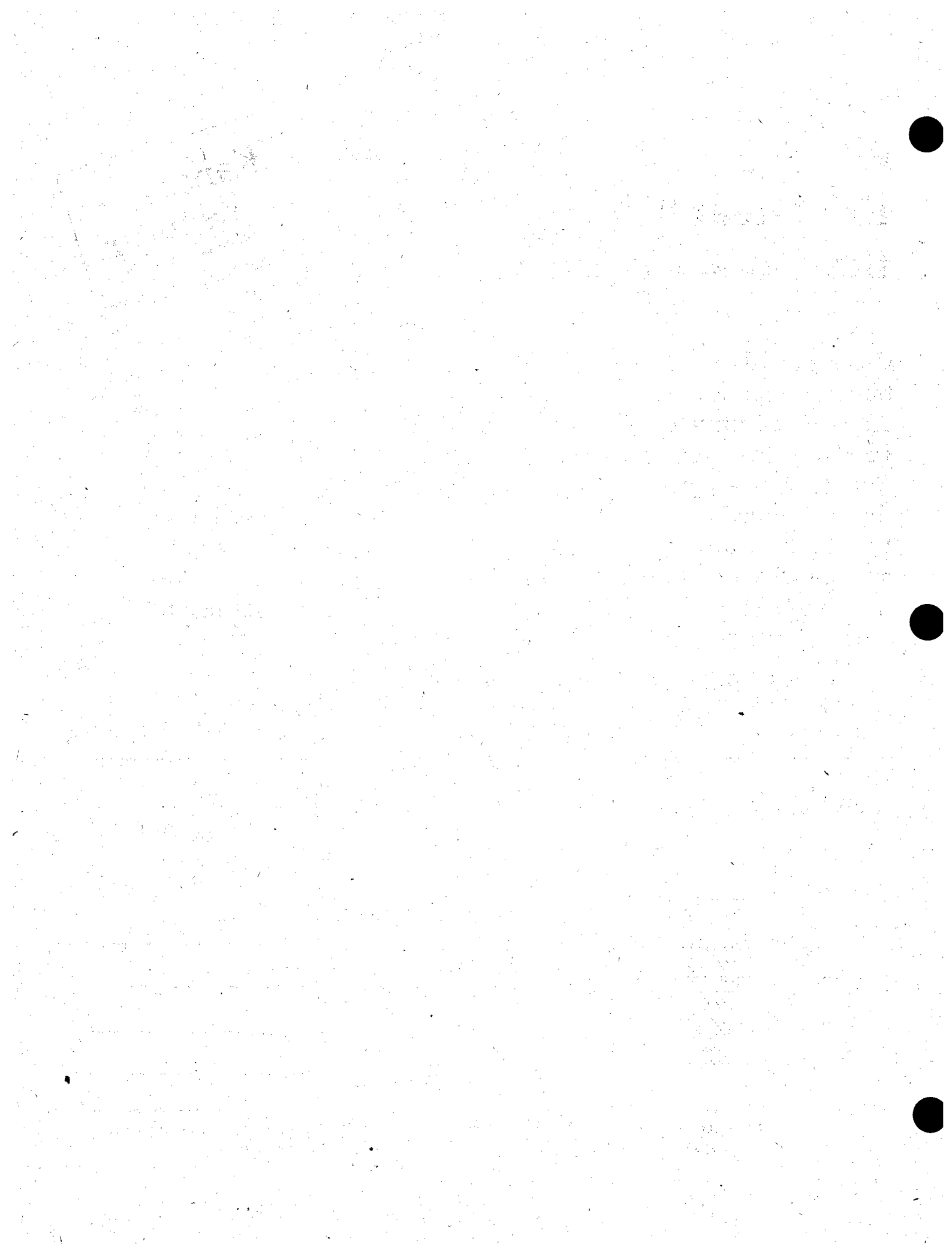
Reg. No.	Action	Register
115-2-3	Amended	V. 17, p. 462
115-2-6	New	V. 17, p. 462
115-4-1	Amended	V. 17, p. 463
115-4-7	Amended	V. 17, p. 464
115-17-1	Amended	V. 17, p. 1707
115-17-2	Amended	V. 17, p. 1707
115-17-4	Amended	V. 17, p. 1708
115-17-5	Amended	V. 17, p. 1708
115-17-6	Amended	V. 17, p. 1708
115-17-14	Amended	V. 17, p. 1709
115-18-12	Amended	V. 17, p. 1086
115-18-13	Amended	V. 17, p. 1414
115-20-2	Amended	V. 17, p. 1709
115-35-1	New	V. 17, p. 1710

AGENCY 117: REAL ESTATE APPRAISAL BOARD

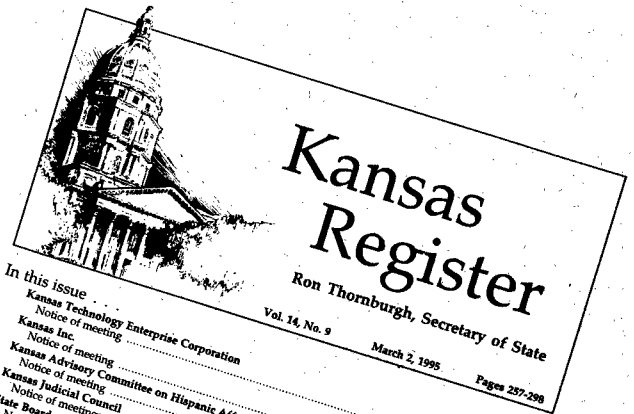
Reg. No.	Action	Register
117-2-1	Amended	V. 18, p. 294
117-2-2	Amended	V. 18, p. 295
117-3-1	Amended	V. 18, p. 296
117-3-2	Amended	V. 18, p. 296
117-4-1	Amended	V. 18, p. 297
117-4-2	Amended	V. 18, p. 298
117-5-1	Amended	V. 17, p. 465
117-5-2	New	V. 17, p. 465
117-5-3	New	V. 17, p. 465
117-6-3	Amended	V. 17, p. 1706
117-8-1	Amended	V. 17, p. 1167
117-8-2	New	V. 17, p. 1707

AGENCY 118: KANSAS STATE HISTORICAL SOCIETY

Reg. No.	Action	Register
118-1-1 through 118-1-4	Amended	V. 17, p. 1547, 1548
118-3-1 through 118-3-16	New	V. 17, p. 1549-1553



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In this issue		Page
Kansas Technology Enterprise Corporation	Notice of meeting	259
Kansas Inc.	Notice of meeting	259
Kansas Advisory Committee on Hispanic Affairs	Notice of meeting	259
Kansas Judicial Council	Notice of meetings	259
State Board of Indigents' Defense Services	Notice of meeting	259
Real Estate Appraisal Board	Notice of hearing on proposed administrative regulations	260
State Emergency Response Commission	Notice of meeting	260
Legislative bills introduced February 16-22	Notice of meeting	261
Kansas Law Enforcement Training Commission	Notice of meeting	261
Social and Rehabilitation Services	Request for proposals	261

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