

Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

Attorney General

Notice of Available Grant Funding

Grant funds are available from the Federal Victims of Crime Act (VOCA) for federal fiscal year October 1, 1999 through September 30, 2000. The purpose of this grant program is to fund public and private not-for-profit agencies that provide direct assistance to crime victims. For the purposes of this grant program, a crime victim is a person who has suffered physical, sexual and emotional harm as a result of the commission of a crime. Direct services are defined as efforts that (1) respond to the emotional and physical needs of crime victims; (2) assist primary and secondary victims of crime to stabilize their lives after a victimization; (3) assist victims to understand and participate in the criminal justice system; and (4) provide victims of crime with a measure of safety such as boarding-up windows and replacing or repairing locks, etc.

Priority will be given to victims of sexual assault, spousal abuse and child abuse. Thus, a minimum of 10 percent of each federal fiscal year grant (30 percent total) will be allocated to each of these categories of crime victims. An additional 10 percent of each VOCA grant will be allocated to victims of violent crime (other than "priority"

category victims) who were "previously underserved." VOCA crime victim assistance grant funds can be used to enhance or expand services and cannot be used to supplant state and local funds that would otherwise be available for crime victim services.

There is a match requirement of a minimum of 20 percent cash or in-kind match of the total VOCA project (VOCA grant award plus match). The exception is the subrecipients that are Native American tribes/organizations located on reservations. Whether new or existing, their match requirement is 5 percent cash or in-kind match of the total VOCA project (VOCA grant award plus match).

Applications can be obtained by contacting the office of the Attorney General, 2nd Floor, Kansas Judicial Center, 301 S.W. 10th Ave., Topeka, 66612-1597, (785) 368-7063 or (800) 828-9745. Applications also may be accessed via the Internet at www.ink.org/public/ksag. This is to obtain a printed copy only. Applications cannot be submitted on-line.

All grant applications are to be postmarked by May 17. No applications will be accepted after that date.

Carla J. Stovall
Attorney General

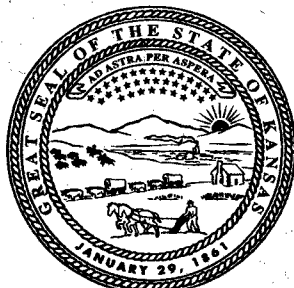
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State of Kansas

State Records Board

Notice of Meeting

The Kansas State Records Board will meet at 10 a.m. Thursday, April 15, at the Kansas History Center, 6425 S.W. 6th Ave., Topeka. The board will consider requests from state agencies submitting proposals for retention and disposition of noncurrent government records. In addition, general administrative matters and other business will be discussed.

Patricia A. Michaelis
State Archivist

Doc. No. 023646

State of Kansas

Kansas Insurance Department

Notice of Change in Pharmacy Network

Pursuant to K.S.A. 40-2,153, the Kansas Commissioner of Insurance is publishing notice that a change has occurred in a pharmacy network in the State of Kansas. Blue Cross/Blue Shield of Kansas City Pharmacy Network has notified the Insurance Department of the following additions to its pharmacy network:

Pharmacy Name	City	Effective Date
Countryside Pharmacy	Meriden	12/00/98
Saint Luke's South Pharmacy	Overland Park	12/00/98
Candlewood Health Mart Pharmacy	Manhattan	12/00/98
Oak Valley Price Chopper #199	Shawnee	2/9/99

Blue Cross/Blue Shield of Kansas City Pharmacy Network also has notified the department of the following terminations from its pharmacy network:

Pharmacy Name	City	Effective Date
Oscos Drug #2157	Topeka	2/12/99
Horst Pharmacy at Axtell	Newton	2/15/99
K-Mart Pharmacy #7117	Wichita	2/15/99
Super Food Barn Disc Phcy #4128	Wichita	2/16/99
Drug Emporium	Wichita	2/17/99
Super Food Barn Disc Phcy #4134	El Dorado	3/00/99
Super Food Barn Disc Phcy #4087	Wichita	3/00/99
Super Food Barn Disc Phcy #4089	Wichita	3/00/99
Super Food Barn Disc Phcy #4089	Topeka	3/00/99

In addition, Blue Cross/Blue Shield of Kansas City Pharmacy Network has notified the department of the following pharmacy address changes:

Pharmacy Name	Address	City	Eff. Date
From: Walgreens Drug Store #04557	5321 S.W. 22nd Pl.	Topeka	1/99
To: Walgreens Drug Store #00944	2121 S.W. Fairlawn	Topeka	
From: Walgreens Drug Store #04782	3600 S.W. Topeka Blvd.	Topeka	1/99
To: Walgreens Drug Store #01619	3696 S.W. Topeka Blvd.	Topeka	

Questions should be directed to Rebecca Sanders at the Kansas Insurance Department, (785) 296-3071.

Kathleen Sebelius
Kansas Insurance Commissioner

Doc. No. 023652

State of Kansas

Kansas Insurance Department

Notice of Change in Pharmacy Network

Pursuant to K.S.A. 40-2,153, the Kansas Commissioner of Insurance is publishing notice that a change has occurred in a pharmacy network in the State of Kansas. Aetna U.S. Healthcare Pharmacy Network has notified the Insurance Department of the following addition to its pharmacy network:

Pharmacy Name	City	Effective Date
Countryside Pharmacy	Meriden	2/24/99

In addition, Aetna U.S. Healthcare Pharmacy Network also has notified the department of the following terminations from its pharmacy network:

Pharmacy Name	City	Effective Date
Drug Emporium #4	Olathe	2/16/99
Bruce Smith Drug	Overland Park	2/25/99
Checkers Pharmacy	Wichita	2/25/99
Northside Family Center	Topeka	2/25/99
Pharmacare Prescriptions	Kansas City	2/25/99

Questions should be directed to Rebecca Sanders at the Kansas Insurance Department, (785) 296-3071.

Kathleen Sebelius
Kansas Insurance Commissioner

Doc. No. 023653

State of Kansas

Attorney General

Notice of Available Grant Funding

Grant funds are available from the Federal S.T.O.P. Violence Against Women Grant Program for federal fiscal year October 1, 1999 through September 30, 2000. The purpose of this grant program is to fund units of state or local government and private not-for-profit organizations in developing strategies and enhancing victim services in cases involving violent crimes against women.

The allocation of grant awards must reflect that 25 percent of each federal fiscal year grant will be allocated to each of the following areas: law enforcement, prosecution/courts, not-for-profit victim service providers and discretionary projects. Federal S.T.O.P. Violence Against Women Grant funds cannot be used to supplant state and local funds that would otherwise be available for targeting violent crimes against women.

Applications can be obtained by contacting the office of the Attorney General, 2nd Floor, Kansas Judicial Center, 301 S.W. 10th Ave., Topeka, 66612-1597, (785) 368-7063 or (800) 828-9745. Applications also may be accessed via the Internet at www.ink.org/public/ksag. This is to obtain a printed copy only. Applications cannot be submitted on-line.

All grant applications are to be postmarked by May 31. No applications will be accepted after that date.

Carla J. Stovall
Attorney General

Doc. No. 023651

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 4-5-99 through 4-11-99	Term	Rate
	1-89 days	4.87%
	3 months	4.46%
	6 months	4.59%
	9 months	4.73%
	12 months	4.84%
	18 months	5.01%
	24 months	5.02%

Derl S. Treff
Director of Investments

Doc. No. 023648

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, April 22, in the conference room of the Kansas Development Finance Authority, Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, on the proposal for the Kansas Development Finance Authority to issue approximately \$1,800,000 principal amount of Housing Development Revenue Bonds for Lom Vista Acquisitions, L.P. (the developer). The bonds will be issued, pursuant to K.S.A. 74-8901 et seq., to finance costs of acquisition and rehabilitation of Lom Vista Estates to be used for public housing purposes (the project). Lom Vista Estates will consist of 16 one-bedroom units, 36 two-bedroom units and 12 three-bedroom units located at 900 Melody Lane, Osawatomie, Miami County, Kansas.

The bonds, 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 the bonds constitute an indebtedness for which the faith and credit and taxing powers of the State of Kansas are pledged. The bonds will be payable solely from amounts received from the developer, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bonds when they 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.

Kenneth Frahm
President

Doc. No. 023660

State of Kansas

Department of Administration
Division of Architectural Services

Notice of Commencement of Negotiations
for Architectural/Developmental Services

Notice is hereby given of the commencement of negotiations for architectural/developmental services for the development of lake resorts at existing state parks and lakes. A request for proposals from potential resort developers is currently being assembled by the Division of Purchases and will be ready for distribution soon. This is a joint project between the Kansas Department of Commerce and Housing and the Department of Wildlife and Parks.

For further information and submission of expressions of interest, contact Fran Welch, Division of Purchases, Room 102N, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1286, (785) 296-2373, before 5 p.m. April 23.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 023662

State of Kansas

Social and Rehabilitation Services

Notice of Meetings

A series of public meetings will be conducted to receive comments and recommendations for the development of a Kansas state plan for child care policies. The public is invited to attend any of the following meetings:

- April 29 2 p.m. Topeka Staff Development Building, Room B
Topeka State Hospital grounds
4th and Oakley
- May 19 10 a.m. Manhattan Manhattan Public Library
629 Poyntz (Juliette and Poyntz)
- 2 p.m. Salina Salina SRS Office
901 Westchester Drive
Kansas Room
- 7 p.m. Hays Developmental Services of NW Kansas
Reed Center
1310 Walnut (use west door)
- May 20 10 a.m. Garden City Garden City SRS Office
1701 Palace Drive
- 5 p.m. Pratt Pratt SRS Office
802 S. Main
- May 21 10 a.m. Wichita Finney State Office Building
230 E. William, Room 3080
- June 8 10 a.m. Kansas City Kansas City SRS Office
400 State Ave.
fourth floor conference room
- 6:30 p.m. Emporia Emporia SRS Office
1701 Wheeler, conference room

Written comments also may be sent to Economic and Employment Support, Childhood Services, 6th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612, Attention: Jean Morgan.

Rochelle Chronister
Secretary of Social and
Rehabilitation Services

Doc. No. 023654

State of Kansas

Social and Rehabilitation Services

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 11 a.m. Tuesday, June 8, in the SRS board room, sixth floor, Docking State Office Building, 915 S.W. Harrison, Topeka, to consider the adoption of amendments to existing rules and regulations on a permanent basis effective July 2, 1999. Telephone conference will not be available.

This 60-day notice of the public hearing shall constitute a public comment period for the proposed regulations. All interested parties may submit written comments prior to or during the public hearing to Hope Burns, Office of the Secretary for SRS, Room 603-N, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views; however, it may be necessary to request each participant to limit any oral presentation to five minutes. The phrase "Federal Mandate" following an item indicates that the change is required by federal policy. Optional changes in regulations related to federal programs are subject to approval by the U.S. Department of Health and Human Services.

Copies of the regulations and the economic impact statement may be obtained by contacting Hope Burns at (785) 296-3969.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Hope Burns or by calling the Kansas Relay Center at (800) 766-3777. The adoption of the regulations will take place at 9 a.m. Wednesday, June 9, in the SRS executive conference room, 603-N, Docking State Office Building. Telephone conference will not be available.

A summary of the proposed regulations and the economic impact follows.

**Article 6.—MEDICAL ASSISTANCE PROGRAM
CLIENTS' ELIGIBILITY FOR PARTICIPATION**

30-6-59. Strikes. This regulation is being revoked as this requirement is no longer applicable in the medical assistance program.

Economic Impact: This change is not expected to have any discernible economic impact.

30-6-86. Poverty level and low income Medicare beneficiaries; determined eligibles. This regulation is being amended to add a new coverage group consisting of persons whose income is between 135 percent and 175 percent of the federal poverty income guidelines. Coverage is limited to payment of the portion of the Medicare Part B premium attributable to the inclusion of home health costs.

Federal Mandate: This change is required by Section 4732 of the Balanced Budget Act of 1997.

Economic Impact: This expanded coverage is federally funded at 100 percent and the state allotment for FY 99,

which includes this new coverage, totals \$3.020 million (no state general fund expenditures).

Bearer of Cost: None.

Affected Parties:

1. This change will have a minimal impact on SRS staff.
2. This change will benefit approximately 100 consumers by providing coverage of a portion of their Medicare Part B premium.

Other Methods: No other methods were considered as this change is federally mandated.

30-6-103. Determined eligibles; protected income levels. This regulation is being amended to add a new standard for low income Medicare beneficiaries who meet the requirements of K.A.R. 30-6-86 that ranges from 135 percent to 175 percent of the official federal poverty income guidelines.

Federal Mandate: This change is required by Section 4732 of the Balanced Budget Act of 1997.

Economic Impact: See the economic impact statement for K.A.R. 30-6-86.

**Article 14.—CHILDREN'S HEALTH
INSURANCE PROGRAM**

30-14-30. Applicable income. This regulation is being amended to allow for a standard deduction of 25 percent of gross earned income for income producing costs in self-employment situations.

Economic Impact: This change is not expected to have any discernible economic impact.

Article 2.—GENERAL

30-2-16. Permanency planning goals for title IV-E of the federal social security act. The Adoption Assistance and Child Welfare Act of 1980 requires that states establish by law or in regulation the maximum number of children who, at any one time during a fiscal year, will remain in foster care after having been in such care for two or more years and a description of steps that will be taken to achieve the goal. This regulation also ties in with the Adoption and Safe Families Act (ASFA) for establishing permanency for children who have been in the foster care system 15 of the 22 months of being in state custody. The number was changed to reflect current data that will be used to meet ASFA requirements.

Economic Impact: None.

Bear of Costs: None.

Affected Parties: None.

Rochelle Chronister
Secretary of Social and
Rehabilitation Services

Doc. No. 023656

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.

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 an engineering report and schedule to bring this facility into consistent compliance with the effluent requirements of this 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 technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Shawnee Hills General Partnership 2135 Potomac Topeka, KS 66611	Shunganunga Creek via unnamed tributary	Treated domestic wastewater
Kansas Permit No. C-KS72-0011		Federal Permit No. KS0119903
Legal: SE¼, S34, T12S, R15E, Shawnee 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. The proposed permit includes limits 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 an operator-in-training (OIT) to begin the process to become a KDHE-certified wastewater treatment plant operator. 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 Wathena P.O. Box 27 Wathena, KS 66090	Missouri River	Treated domestic wastewater
Kansas Permit No. M-MO23-0001		Federal Permit No. KS0026158
Legal: NW¼, S34, T3S, R22E, Doniphan 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. 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 Willis City Hall P.O. Box 367 Willis, KS 66435	Middle fork Wolf River via Hazel Creek	Treated domestic wastewater
Kansas Permit No. M-MO31-0001		Federal Permit No. KS0092037
Legal: SW¼, S3, T4S, R17E, Brown 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 have within one year a KDHE-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.

Public Notice No. KS-99-061/066

Name and Address of Applicant	Waterway	Type of Discharge
Bradford Acres Jerry and Peggy Baze P.O. Box 467 Pittsburg, KS 66762	Spring Creek via Cow Creek via unnamed tributary	Treated domestic wastewater
Kansas Permit No. C-NE67-0001		Federal Permit No. KS0082392
Legal: NE¼, S19, T31S, R25E, Cherokee 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. 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 Chanute P.O. Box 907 Chanute, KS 66720	Neosho River via Turkey Creek via unnamed tributary	Treated processed wastewater
Facility Name: Chanute Diesel Power Plant No. 3		
Kansas Permit No. I-NE11-CO01		Federal Permit No. KS0082597
Legal: SW¼, S5, T28S, R18E, Neosho County		

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating processed wastewater. This is a peaking power plant which generates electricity by internal combustion engines using diesel fuel or natural gas. Municipal water used in cooling towers is discharged as cooling tower blowdown to Turkey Creek via an unnamed tributary and an earthen pond. The proposed permit includes limits for zinc and pH. Monitoring for sulfate and weekly flow will be required. In addition, the permittee is required to conduct acute whole effluent toxicity tests 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 water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
City of Osborne Clerk's Office 128 N. 1st Osborne, KS 67473	South fork Solomon River	Treated domestic wastewater
Kansas Permit No. M-SO29-0002		Federal Permit No. KS0092398
Legal: NE¼, S20, T7S, R12W, Osborne County		

Public Notice No. KS-ND-99-004/006

Name and Address of Applicant	Legal Description	Receiving Water
Forest View Ministries 1942 Massachusetts Lawrence, KS 66046	SE¼, S30, T13S, R20E, Douglas County	Nonoverflowing
Kansas Permit No. C-KS31-NO06		

Facility Name: Forest View Ministries

Facility Description: The proposed action is to issue a new permit for the operation of a new wastewater treatment facility. This facility is a two-cell wastewater treatment lagoon system. Discharge of wastewater from this facility to surface waters of the State of Kansas is prohibited by this permit. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Legal Description	Receiving Water
City of Herington P.O. Box 31 Herington, KS 67449	NW¼, S31, T15S, R6E, Morris County	Nonoverflowing

Kansas Permit No. I-SH17-NP02

Facility Name: Herington Regional Airport

Facility Description: The proposed action is to issue a new permit for the operation of a new wastewater treatment facility. This facility is a one-cell lagoon used to treat domestic wastewater. Discharge of wastewater from this facility to surface waters of the State of Kansas is prohibited by this permit. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Legal Description	Receiving Water
Kansas Dept. of Wildlife and Parks 900 S.W. Jackson, Suite 502 Topeka, KS 66612	NW¼, S3, T18S, R15E, Osage County	Nonoverflowing

Kansas Permit No. M-MC23-NO08

Facility Name: Eisenhower State Park Wastewater Lagoons

Facility Description: The proposed action is to issue a new permit for the operation of a new wastewater treatment facility. This facility is a two-cell wastewater treatment lagoon system. Discharge of wastewater from this facility to surface waters of the State of Kansas is prohibited by this permit. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f).

Public Notice No. KS-AG-99-32/35

Name and Address of Applicant	Legal Description	Receiving Water
Joe Bruna 2624 26th Road Hanover, KS 66945	NW¼ of Section 29, T1S, R5E, Washington County	Big Blue River

Kansas Permit No. A-BBWS-SO47

This is a new permit for improvements to an existing facility for 1,590 head (471 animal units) of swine.

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	Legal Description	Receiving Water
Maple Creek Farms, LLC, Roberts Site P.O. Box 718 Leoti, KS 67861	NE¼ of Section 31, T20S, R38W, Wichita County	Upper Arkansas River Basin

Kansas Permit No. A-UAWH-H001 Federal Permit No. KS-0094951

This is a new facility for 21,600 head (8,640 animal units) of swine.

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: Controls to be constructed will meet KDHE requirements. Permeability tests shall be conducted on each of the retention structures. Within six months of permit issuance, the owner/operator of the facility shall provide KDHE with a listing of the on-site dewatering equipment. The anaerobic lagoons shall be

prefilled to a minimum of 50% of the required biological volume. The facility shall be constructed, operated and maintained in compliance with H.B. 2950.

Name and Address of Applicant	Legal Description	Receiving Water
Valley Pork Ranch Robert Wietharn 1919 Kiowa Road Clay Center, KS 67432	SE¼ of Section 34, T7S, R2E, Clay County	Republican River

Kansas Permit No. A-LRCY-S050

This is a modified permit for revision of an existing finisher facility for 2,600 head (1,040 animal units) of swine to a 3,136 head (999.4 animal units) farrow to finish facility.

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: A livestock waste management plan for the facility shall be developed.

Name and Address of Applicant	Legal Description	Receiving Water
Hays Feeders, LLC P.O. Box 310 Hays, KS 67601	N/2 & NW/4 of Section 11 & 12, T13S, R19W, Ellis County	Smoky Hill River Basin

Kansas Permit No. A-SHEL-C002 Federal Permit No. KS-0036730

This is a new permit for an existing facility under new ownership for 30,000 head (30,000 animal units) of 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: A livestock waste management plan for the facility shall be developed.

Written comments on the draft permits must be submitted to the attention of Dena 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 May 8 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-99-061/066, KS-ND-99-004/006, KS-AG-99-32/35) and the name of applicant as listed when preparing 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 application, 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. The documents are available upon request at the copying cost assessed by KDHE. Additional

(continued)

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. 023668

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed modification to an air quality operating permit. Conoco, Inc. Wichita Products Terminal has applied for a Class II operating permit modification in accordance with the provisions of K.A.R. 28-19-544. Emissions of volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Conoco, Inc. Wichita Products Terminal, Ponca City, Oklahoma, owns and operates a petroleum loading terminal located at 8001 Oak Knoll Road, Wichita.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the Wichita-Sedgwick County Department of Community Health, 1900 E. 9th, Wichita. To obtain or review the proposed permit and supporting documentation, contact David A. Peter, (785) 296-1615, at the KDHE central office, or Randy Owen, (316) 268-8448, at the Wichita-Sedgwick County Department of Community Health. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to David A. Peter, 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 May 10.

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 May 10 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber
Acting Secretary of Health
Environment

Doc. No. 023667

State of Kansas

Commission on Veterans' Affairs

Notice of Meeting

The Kansas Commission on Veterans' Affairs will meet at 1 p.m. Friday, April 16, in the Eisenhower Auditorium at the Kansas Soldiers' Home, Fort Dodge. The public is invited to attend.

Don A. Myer
Executive Director

Doc. No. 023659

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. The Burlington Northern and Santa Fe Railway Company has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of volatile organic compounds (VOCs) and oxides of sulfur (SOx) were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

The Burlington Northern and Santa Fe Railway Company, Topeka, owns and operates a locomotive and railcar repair facility located at 1001 N.E. Atchison, Topeka.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the Shawnee County Health Agency, 1615 W. 8th, Topeka. To obtain or review the proposed permit and supporting documentation, contact David A. Peter, (785) 296-1615, at the KDHE central office, or Ed Kalas, (785) 368-2059, at the Shawnee County Health Agency. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to David A. Peter, 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 May 10.

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 May 10 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber
Acting Secretary of Health
and Environment

Doc. No. 023666

State of Kansas

Criminal Justice Coordinating Council**Notice of Meeting**

The Kansas Criminal Justice Coordinating Council will meet from 10 a.m. to noon Monday, April 12, in the Court of Appeals Courtroom, second floor, Kansas Judicial Center, 301 S.W. 10th Ave., Topeka.

Barbara S. Tombs
Executive Director

Doc. No. 023661

State of Kansas

**Department of Health
and Environment****Request for Comments**

The Kansas Department of Health and Environment has drafted a permit for the McPherson Area Solid Waste Utility to operate a municipal solid waste transfer station. The station will be located in the Southeast ¼ of Section 23, Township 19S, Range 3W, 17th Avenue, McPherson. KDHE is providing public notice of its intent to issue a municipal solid waste transfer station permit to McPherson Area Solid Waste Utility, which recently made submittals that will place this proposed municipal solid waste transfer station in compliance with state regulations for solid waste processing facilities. KDHE has drafted a 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 May 10 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: Joe Cronin
(785) 296-1667

McPherson County Clerk's Office
Courthouse Basement
McPherson, 67460
Contact: Susan Meng
(316) 241-3656

Anyone wishing to comment on the draft permit information should submit written statements postmarked not later than May 10 to Ken Powell (KDHE). After consideration of all comments received, the director of the Division of Environment will make a final decision on whether to issue the 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. 023665

State of Kansas

Secretary of State**Usury Rate for April**

Pursuant to the provisions of K.S.A. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate (except where the note or contract for deed permits adjustment of the interest rate, the term of the loan or the amortization schedule) executed during the period of April 1, 1999 through April 30, 1999, is 8.63 percent.

Ron Thornburgh
Secretary of State

Doc. No. 023657

State of Kansas

Legislature**Legislative Bills and Resolutions Introduced**

The following numbers and titles of bills and resolutions were introduced March 25-31 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 2570, An act concerning organization of public safety agencies; establishing the task force on consolidation of public safety agencies, by Committee on Appropriations.

HB 2571, An act enacting the Kansas child welfare reform act; prescribing certain duties and responsibilities for the secretary of social and rehabilitation services and the department of social and rehabilitation services; providing for certain studies and reports; establishing the joint legislative committee for foster care—adoption advocates and the division of foster care—adoption advocates with the legislative branch of state government; prescribing certain functions and duties therefor, by Committee on Appropriations.

Senate Bills

SB 357, An act concerning abortion; amending K.S.A. 1998 Supp. 65-6701, 65-6703, 65-6712 and 65-6721 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 358, An act concerning the Kansas public employees retirement system and systems thereunder; relating to cost-of-living adjustments; employer contribution rates; amending K.S.A. 20-2605 and K.S.A. 1998 Supp. 74-4920 and 74-4967 and repealing the existing sections, by Committee on Ways and Means.

Senate Resolutions

SR 1842, A resolution congratulating and commending the Andale High School girls basketball team and Coach Mark Kershen for winning the 1999 Class 4A state basketball championship.

SR 1843, A resolution congratulating and commending the Garden Plain High School boys basketball team and Coach Jerry Gerber for winning the 1999 Class 2A state basketball championship.

SR 1844, A resolution congratulating and commending the Meade High School Scholars Bowl team.

SR 1845, A resolution congratulating and commending Tyler Grosser for outstanding volunteer service.

SR 1846, A resolution in memory of Marvin R. Webb.

SR 1847, A resolution congratulating and commending Josh Barcus.

SR 1848, A resolution congratulating and commending the 1999 Kansas Master Teachers.

Doc. No. 023649

State of Kansas

Secretary of State

Executive Appointments

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. A complete listing of Kansas state agencies, boards and commissions are included in the Kansas Directory, published by the Secretary of State. The directory also is available on the Secretary of State's website at www.ksos.org. The following appointments, which are effective immediately unless otherwise specified, were recently filed with the Secretary of State:

Agriculture Advisory Board

Gary Beachner, 901 Leawood Ave., Parsons, 67357. Term expires January 11, 2003. Succeeds Carl Meyer.

Betty A. Corbin, 5079 S.W. Fulton Road, Towanda, 67144. Term expires January 11, 2003. Succeeds Nadine Griffin.

Stephen L. Mangan, P.O. Box 631, Tribune, 67879. Term expires January 11, 2003. Reappointed.

Elizabeth M. Perkins, Route 2, Box 47, Howard, 67349. Term expires January 11, 2003. Reappointed.

Galen G. Swenson, 3072 W. Crawford St., Salina, 67401. Term expires January 11, 2003. Succeeds Charles Elsea.

State Building Advisory Commission

D. L. Smith, 1405 S.W. 41st, Topeka, 66609. Term expires December 31, 2002. Reappointed.

Robert J. Bernica, 1631 Lakeside Drive, Topeka, 66604. Term expires December 31, 2002. Reappointed.

Governmental Ethics Commission

Diane Gaede, 2110 Lawrence Road, Manhattan, 66502. Term expires January 31, 2001. Reappointed.

Information Technology Executive Council

(Terms expire September 4, 2000)

Charles Q. Chandler, 105 N. Main, Wichita, 67202.

Rochelle Chroniser, Secretary of Social and Rehabilitation Services, 6th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612.

Jo Hunt, 818 S. Kansas Ave., Topeka, 66601.

David L. Larrick, 3217 E. Spilman Road, New Cambria, 67470.

Pamela J. Madl, 1100 Massachusetts, Lawrence, 66044

Karla J. Pierce, Secretary of Revenue, 2nd Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612.

John R. Wine, State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, 66604.

Kansas Law Enforcement Training Commission

Sam F. Breshears, 12610 Donahoo Road, Kansas City, KS 66109. Term expires July 1, 2000. Succeeds Allen Bachelor.

Southeast Kansas Regional Library System

Lonna Hill, Box 113, Greeley, 66033. Term expires June 30, 2001. Succeeds Joan Rockers.

Zenith Lindamood, Route 1, Box 306, Virgil, 66870. Term expires June 30, 2002. Succeeds Melinda Hall.

Elaine Stewart, 1746 Road 11, Moline, 67353. Term expires June 30, 2002. Succeeds Sidnia Young.

State Board of Mortuary Arts

Darel Olliff, P.O. Box 563, Phillipsburg, 67661. Term expires July 31, 2001. Reappointed.

Stephen C. Ryan, 2313 Melrose Lane, Salina, 67401. Term expires July 31, 2002. Reappointed.

State Board of Nursing

Diane Reed, Route 1, Box 81, Jamestown, 66948. Term expires June 30, 2000. Succeeds Alice Bell, resigned.

Ron Thornburgh
Secretary of State

Doc. No. 023674

(Published in the Kansas Register April 8, 1999.)

City of Wichita, Kansas

Notice to Bidders

The City of Wichita will receive bids at the Purchasing Office, 455 N. Main, 12th Floor, Wichita, 67201, until 10 a.m. Friday, May 14, for the following project:

(KDOT Project No. 87N-0080-01)
(Index Code 706408)

Paving

Constructing Meridian Avenue from 53.706 M north of north line of Maple to 53.439 M north of north line of Caroline and from 31.601 M south of south line of St. Louis to 5.287 M south of south line of St. Louis (north of Maple to south of Central)

Plans and specifications for this project will be available April 14. Requests for the bid documents and plans should be directed to Kansas Blue Print, (316) 264-9344, or Carolyn Swoboda, (316) 268-4488. Other questions should be directed to the respective design engineer, (316) 268-4501.

All bids received will thereafter be publicly opened, read aloud and considered by the Board of Bids and Contracts. All work is to be done under the direction and supervision of the city manager and according to plans and specifications on file in the office of the city engineer. Bidders are required to enclose a bid bond in the amount of 5 percent with each bid as a guarantee of good faith. The Wichita City Council reserves the right to reject any and all bids.

The successful bidder may contact Sandy Frerichs at (316) 268-4499 or Carolyn Swoboda at (316) 268-4488 for extra sets of plans/specs.

Carolyn Swoboda
Administrative Aide
City of Wichita—Engineering

Doc. No. 023663

State of Kansas

Department of Transportation

Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consulting engineering firms for the projects listed below. Responses must be received by 5 p.m. April 28 for the consulting engineering firm to be considered. Seven signed copies of the response should be mailed to Neil Rusch, P.E., Assistant to the Director, Division of Engineering and Design, KDOT, Room 1084-West, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568. Responses shall be limited to four pages.

From the firms expressing interest, the Consultant Selection Committee will select a list of the most highly qualified (not less than three, not more than five) and invite them to attend an individual interview conference. At this time, the consulting firms can more thoroughly discuss their experience related to the type of project at hand and will be expected to discuss, in some detail, their approach to this project and the personnel to be assigned to the project. Firms not selected to be short listed will be notified by letter.

The Consultant Negotiating Committee, appointed by the Secretary of Transportation, will conduct the discussions with the firms invited to the individual interview conferences. The committee will select the firm to perform the professional services required for completing the advertised project. After the selection of this firm, the remaining firms will be notified by letter of the outcome.

The scope of professional services includes providing for the discovery phase on the following project. The discovery phase is intended to provide information about the projects that might impact their cost, scope or schedule. At the completion of the discovery phase, KDOT will determine whether to proceed with the design services.

Project No. 96-68 K-7422-01, Ness County
Project No. 4-83 K-7424-01, Rush County

The scope of improvement for Project No. 96-68 K-7422-01 is to provide for the replacement of the North Fork Walnut Creek Bridge (032) and North Fork Walnut Creek Drainage Bridge (033), west of US-283. The bridge design plans will be provided by KDOT. The project is scheduled for plan completion in fiscal year 2005, and the construction estimate is \$2,294,000. The scope of improvement for Project No. 4-83 K-7424-01 is to provide for the replacement of the Big Timber Creek Bridge (007) 4.1 miles southeast of the Ness County line. The project is scheduled for plan completion in fiscal year 2005, and the construction estimate is \$740,000.

Project No. 400-29 K-7450-01, Ford County
Project No. 160-17 K-7392-01, Comanche County

The scope of improvement for Project No. 400-29 K-7450-01 is to provide for the replacement of the Arkansas River Drainage Bridge (015) in Dodge City. The project is scheduled for plan completion in fiscal year 2005, and the construction estimate is \$558,000. The scope of improvement for Project No. 160-17 K-7392-01 is to provide for the replacement of the Kiowa Creek Bridge (002) and the Cavalry Creek Bridge (003), east of the Clark County line. The project is scheduled for plan completion in fiscal year 2004, and the construction estimate is \$2,958,000.

Project No. 160-4 K-7448-01, Barber County
Project No. 44-96 K-7434-01, Sumner County

The scope of improvement for Project No. 160-4 K-7448-01 is to provide for the replacement of the Bitter Creek Bridge (004)

and Cedar Creek Bridge (006), west of US-281. The bridge plans will be provided by KDOT. The project is scheduled for plan completion in fiscal year 2005, and the construction estimate is \$1,920,000. The scope of improvement for Project No. 44-96 K-7434-01 is to provide for the replacement of the Fall Creek Bridge (089), east of Harper County. The project is scheduled for plan completion in fiscal year 2005, and the construction estimate is \$697,000.

Project No. 70-21 K-7440-01, Dickinson County
Project No. 4-64 K-7425-01, Morris County

The scope of improvement is to provide for the replacement of Bridge (026) over a local road, 3.4 miles east of K-43. The project is scheduled for plan completion in fiscal year 2005 and the construction estimate is \$524,000. The scope of improvement for Project No. 4-64 K-7425-01 is for the replacement of the Clark Creek Drainage Bridge (010), 3.1 miles east of US-77. The project is scheduled for plan completion in fiscal year 2005, and the construction estimate is \$395,000.

Project No. 99-56 K-7443-01
Project No. 130-56 K-7445-01, Lyon County
Project No. 50-9 K-7709-01, Chase County

The scope of improvement for Project No. 99-56 K-7443-01 is to provide for the replacement of the Elm Creek Bridge (056), 4.1 miles north of US-56. The bridge plans will be provided by KDOT. The project is scheduled for plan completion in fiscal year 2005 and the construction estimate is \$949,000. The scope of improvement for Project No. 130-56 K-7445-01 is to provide for the replacement of the Neosho River Bridge (057), 7.6 miles south of I-35. The bridge plans will be provided by KDOT. The project is scheduled for plan completion in fiscal year 2005, and the construction estimate is \$2,990,000. The scope of improvement for Project No. 50-9 K-7709-01 is to provide for the pavement replacement through Strong City to provide for a center left-turn lane. The survey has been completed by KDOT and plan sheets are available in GEO PAK. The project is scheduled for plan completion in September 2001, and the construction estimate is \$740,000.

Project No. 139-79 K-7446-01, Republic County
Project No. 77-81 K-7441-01, Riley County

The scope of improvement for Project No. 139-79 K-7446-01 is to provide for the replacement of the south fork of the Mill Creek Bridge (027), 0.5 miles south of US-36. The project is scheduled for plan completion in fiscal year 2005, and the construction estimate is \$562,000. The scope of improvement for Project No. 77-81 K-7441-01 is to provide for the replacement of the Fancy Creek Bridge (015), 2.1 miles north of K-16. The bridge plans will be completed by KDOT. The project is scheduled for plan completion in fiscal year 2005 and the construction estimate is \$3,085,000.

Project No. 56-46 K-7436-01, Johnson County
Project No. 68-61 K-7439-01, Miami County

The scope of improvement for Project No. 56-46 K-7436-01 is to provide for the replacement of the Martin Creek Bridge (081), 1.7 miles east of Douglas County. The project is scheduled for plan completion in fiscal year 2005 and the construction estimate is \$578,000. The scope of improvement for Project No. 68-61 K-7439-01 is to provide for the replacement of the South Wea Creek Bridge (044), 0.7 miles west of US-69. The project is scheduled for plan completion in fiscal year 2005, and the construction estimate is \$406,000.

Project No. 169-105 K-7449-01, Wyandotte County

The scope of improvement is to provide for the replacement of the US-169 Bridge (073) over the Union Pacific Railroad, 0.2 miles north of K-132. The project is scheduled for plan completion

(continued)

tion in fiscal year 2005, and the construction estimate is \$4,838,000.

- Project No. 59-2 K-7437-01
- Project No. 31-2 K-7376-01, Anderson County
- Project No. 39-67 K-7433-01, Neosho County

The scope of improvement for Project No. 59-2 K-7437-01 is to provide for the replacement of the South Fork Pottawatomie Creek Drainage Bridge (002), 0.9 miles north of the south junction of US-169. The project is scheduled for plan completion in fiscal year 2005 and the construction estimate is \$925,000. The scope of improvement for Project No. 31-2 K-7376-01 is to provide for the replacement of the North Fork Osage River Drainage Bridge (033), 1.3 miles east of US-59. The project is scheduled for plan completion in fiscal year 2003, and the construction estimate is \$498,000. The scope of improvement for Project No. 39-67 K-7433-01 is to provide for the replacement of the K-39 Bridge (015) over the BN-SF Railroad, 1.6 miles east of US-169. The bridge plans will be provided by KDOT. The project is scheduled for plan completion in fiscal year 2005, and the construction estimate is \$3,198,000.

It is KDOT's policy to use the following criteria as the basis for selection of the consulting engineering firms:

1. Size and professional qualifications;
2. Experience of staff;
3. Location of firm with respect to proposed project;
4. Work load of firm; and
5. Firm's performance record.

E. Dean Carlson
Secretary of Transportation

Doc. No. 023623

(Published in the Kansas Register April 8, 1999.)

**Summary Notice of Bond Sale
City of Colby, Kansas
\$340,000**

**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 April 6, 1999, sealed bids will be received by the clerk of the City of Colby, Kansas (the issuer), on behalf of the governing body at 585 N. Franklin, Colby, KS 67701, until 3 p.m. April 20, 1999, for the purchase of \$340,000 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 15, 1999, and will become due on April 1 in the years as follows:

Year	Principal Amount
2000	\$ 30,000
2001	30,000
2002	30,000
2003	30,000
2004	35,000

2005	35,000
2006	35,000
2007	35,000
2008	40,000
2009	40,000

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 \$6,800 (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 30, 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 \$31,876,610. 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 \$2,050,000.

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 city clerk, Beverly J. Stiebert, 585 N. Franklin, Colby, KS 67701, (785) 462-4400; or from the financial advisor, Froggatte & Herndon Capital Corporation, 320 N. Main, Wichita, KS 67202, Attention: Theron L. Froggatte, President, (316) 264-6300.

Dated April 6, 1999.

City of Colby, Kansas

Doc. No. 023670

(Published in the Kansas Register April 8, 1999.)

**Summary Notice of Bond Sale
City of Abilene, Kansas
\$270,000**

General Obligation Bonds, Series 1999

(General obligation bonds payable from unlimited ad valorem taxes)

Sealed Bids

Subject to and as described in the notice of bond sale dated April 2, 1999, sealed bids will be received by the city clerk of the City of Abilene, Kansas (the issuer), on behalf of the governing body at 419 Broadway, Abilene, KS 67410, until 11 a.m. Monday, April 19, 1999, for the purchase of \$270,000 principal amount of General Obligation Bonds, Series 1999. No bid of less than the entire par value of the bonds and accrued interest 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 March 1 in the years as follows:

Year	Principal Amount
2001	\$15,000
2002	25,000
2003	25,000
2004	30,000
2005	30,000
2006	30,000
2007	35,000
2008	40,000
2009	40,000

The bonds will bear interest from that date at rates to be determined when the bonds are sold as provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning September 1, 2000.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States or a financial surety bond in a form that complies with the requirements set forth in the notice of sale in the amount of \$5,400 (2 percent of the principal amount of the bonds).

Delivery

The bonds will be issued as book-entry only securities. 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 26, 1999, at the offices of the Depository Trust Company, New York, New York.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1998 is \$35,908,638. The total general obligation indebtedness of

the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$7,254,162.75. General obligation temporary notes of the issuer in the amount of \$360,162.75 will be retired from the proceeds of the bonds and other funds.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Logan Riley Carson & Kaup, L.C., Overland Park, 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 city clerk, (785) 263-2550, or from bond counsel, Logan Riley Carson & Kaup, L.C., 9200 Indian Creek Parkway, Suite 230, Overland Park, KS 66210, (913) 661-0399.

Dated April 2, 1999.

City of Abilene, Kansas
By Doris Arneson
City Hall, 419 Broadway
Abilene, KS 67410

Doc. No. 023669

(Published in the Kansas Register April 8, 1999.)

**Summary Notice of Bond Sale
City of Augusta, Kansas
\$1,360,000**

**General Obligation Internal Improvement Bonds
Series A, 1999**

(General obligation bonds payable from unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated April 5, 1999, sealed bids will be received by the clerk of the City of Augusta, Kansas (the issuer), on behalf of the governing body at City Hall, 6th and School, P.O. Box 489, Augusta, KS 67010, until 5 p.m. April 19, 1999, for the purchase of \$1,360,000 principal amount of General Obligation Internal Improvement Bonds, Series A, 1999. 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 15, 1999, and will become due on September 1 in the years as follows:

Year	Principal Amount
2000	\$ 70,000
2001	100,000
2002	100,000
2003	110,000
2004	115,000
2005	120,000

(continued)

(Published in the Kansas Register April 8, 1999.)

2006	130,000
2007	130,000
2008	135,000
2009	140,000
2010	40,000
2011	40,000
2012	40,000
2013	45,000
2014	45,000

Summary Notice of Bond Sale
City of Andover, Kansas
\$3,036,580

General Obligation Internal Improvement Bonds
(General obligation bonds payable from
unlimited ad valorem taxes)

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

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 \$27,200 (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 29, 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 \$40,271,941. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$6,899,000.

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) 775-4510, or from the financial advisor, Cooper Malone McClain, Inc., 7701 E. Kellogg, Suite 700, Wichita, KS 67207, Attention: Dave Malone, (316) 685-5777.

Dated April 5, 1999.

City of Augusta, Kansas

Details of the Sale

Subject to the terms and conditions of the complete official notice of bond sale dated March 30, 1999, of the City of Andover, Kansas, in connection with the city's General Obligation Internal Improvement Bonds, Series B, 1999, hereinafter described, sealed, written bids shall be received at the office of the city administrator at City Hall, 909 N. Andover Road, Andover, KS 67007, until 2 p.m. Tuesday, April 27, 1999, for the purchase of the bonds. All bids shall be publicly opened, read aloud and tabulated by city staff on said date and at said time, and shall thereafter be considered and acted upon by the governing body of the city at its regular meeting at 7 p.m. on said date.

No oral or auction bids for the bonds shall be considered, and no bids for less than the entire amount of the bonds shall be considered.

Bids shall be accepted only on the official bid form that has been prepared for the public bidding on these bonds, which may be obtained from the city or the city's financial advisor. Bids may be submitted by mail or delivered in person, and must be received at the place and not later than the date and time hereinbefore specified. Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located within the United States and made payable to the order of the city, or in the form of a financial surety bond payable to the order of the city and meeting requirements therefor as set forth in the official notice of bond sale, and shall be in an amount equal to 2 percent of the principal amount of the bonds.

Details of the Bonds

The bonds to be sold will be in an aggregate principal amount of \$3,036,580. The bonds shall be issued as fully registered bonds in the denomination of \$5,000 or any integral multiple thereof not exceeding the principal amount of bonds maturing on the respective principal payment dates, except that one bond maturing in the initial year of maturity shall be in the denomination of \$6,580. The bonds shall bear a dated date of May 1, 1999. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds.

Interest on the bonds shall be payable semiannually on May 1 and November 1 in each year, commencing May 1, 2000, and the bonds shall mature serially on November 1 in each of the years and principal amounts as follows:

Principal Amount	Year of Maturity
\$ 76,580	2000
155,000	2001
160,000	2002
170,000	2003

175,000	2004
185,000	2005
195,000	2006
205,000	2007
210,000	2008
220,000	2009
235,000	2010
245,000	2011
255,000	2012
270,000	2013
280,000	2014

Redemption of Bonds

Certain of the bonds are subject to optional redemption prior to their maturities as set forth in the official notice of bond sale. Additionally, a bidder may elect to have all or a portion of the bonds shown in the above maturity schedule issued as term bonds, which would be subject to mandatory redemption requirements. (Reference is made to the official notice of bond sale for complete details regarding redemption of the bonds.)

Payment of Principal and Interest

The Kansas State Treasurer shall serve as the bond registrar and paying agent for the bonds, and the principal of the bonds shall be payable upon surrender at the paying agent's principal offices in the City of Topeka, Kansas. Interest shall be paid by the mailing of a check or draft of the paying agent to the registered owners of the bonds.

Security for the Bonds

The bonds and the interest thereon shall constitute general obligations of the city, and the full faith, credit and resources of the city shall be pledged to the payment thereof. The city is obligated to levy ad valorem taxes without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city for the purpose of paying the bonds and the interest thereon. (Reference is made to the official notice of bond sale and the preliminary official statement for a further discussion of security for the bonds.)

Delivery of the Bonds

The bonds, duly printed, executed and registered, shall be furnished and delivered at the expense of the city to the successful bidder, or at its direction, on or about Friday, May 14, 1999. (Reference is made to the official notice of bond sale for full details regarding delivery of the bonds.)

Legal Opinion

The bonds will be sold subject to the legal opinion of Hinkle, Eberhart & Elkouri, L.L.C., Wichita, Kansas, bond counsel, whose fees will be paid by the city. Bond counsel's approving legal opinion as to the validity of the bonds will be printed on the bonds and delivered to the successful bidder upon delivery of the bonds. (Reference is made to the official notice of bond sale for a discussion of tax exemption and other legal matters.)

Financial Matters

The city's equalized assessed tangible valuation for computation of bonded debt limitations for calendar year 1999 is \$39,548,473. On May 1, 1999, the city's outstanding general obligation bonded indebtedness, including the

bonds described herein, will be \$13,150,580,000, and its outstanding temporary note indebtedness will be \$6,765,000, for a total indebtedness of \$19,915,580. This amount includes \$2,475,000 of outstanding temporary notes, which will be paid and redeemed from the proceeds of the bonds described herein and other available funds.

Pending Debt

The city anticipates issuing an additional \$2,575,000 of temporary notes by April 30, 1999, and an additional \$1,050,000 of renewal temporary notes on May 14, 1999. The renewal temporary notes will refund \$940,000 of the total temporary note indebtedness described in the foregoing paragraph.

Official Statement

The city has prepared a preliminary official statement relating to the bonds, copies of which may be obtained from the city or the city's financial advisor. The preliminary official statement is in a form "deemed final" by the city for the purpose of Securities Exchange Commission Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in the final official statement. Upon the sale of the bonds, the city shall furnish the successful bidder with a reasonable number of copies of the final official statement, without additional cost, upon request. Copies of the final official statement in excess of a reasonable number may be ordered by the successful bidder at its expense.

Continuing Disclosure

The city will adopt a resolution establishing an undertaking to provide ongoing disclosure concerning the city in connection with and for the benefit of owners of the bonds, pursuant to Section (b)(5)(i) of Securities and Exchange Commission Rule 15c2-12. A copy of the resolution is included as an appendix to the preliminary official statement.

Additional Information

For additional information regarding the city, the bonds and the sale, interested parties are invited to request copies of the complete official notice of bond sale and official bid form and the city's preliminary official statement for the bonds, all of which may be obtained from the undersigned or from the city's financial advisor, J.O. Davidson & Associates, Inc., 245 N. Waco, Suite 525, Wichita, KS 67202, (316) 265-9411, Attention: Jerry D. Rayl.

Jeffrey K. Bridges, Jr.
 Clerk/Administrator, City Hall
 909 N. Andover Road, P.O. Box 295
 Andover, KS 67007
 (316) 733-1303

Doc. No. 023664

State of Kansas

Department of Administration

Public Notice

Under requirements of K.S.A. 1998 Supp. 65-34,117 (c), records of the Division of Accounts and Reports show the unobligated balances are \$3,562,882.01 in the underground petroleum storage tank release trust fund and \$2,326,892.38 in the aboveground petroleum storage tank release trust fund at March 31, 1999.

Dan Stanley
Secretary of Administration

Doc. No. 023658

State of Kansas

Department of Agriculture

Permanent Administrative
Regulations

Article 20.—CHEMIGATION

4-20-11. Civil penalties. (a) The process for issuance and processing civil penalties shall follow the procedure established in K.A.R. 4-13-60 through 4-13-65, except for all of the following:

(1) The provision of K.A.R. 4-13-62(b) shall be replaced by the provisions of subsection (b) below.

(2) All references to the terms "state and federal pesticide laws" or "pesticide law" contained in K.A.R. 4-13-60 through 4-13-65 shall be replaced by the term "the Kansas chemigation safety law" as the context requires.

(3) All references to the term "pesticide business licensee" shall be replaced by the term "person" or "swine facility," as the context requires.

(b) The amount proposed for each civil penalty shall be within the ranges listed below:

(1) For each violation of K.S.A. 2-3305, and amendments thereto, the proposed civil penalty shall be not less than \$100 or more than \$5,000.

(2) For each violation of K.S.A. 2-3308(a)(2), (a)(3), or (a)(4), and amendments thereto, the proposed civil penalty shall be not less than \$100 or more than \$5,000.

(3) For each violation of K.S.A. 2-3313(a) or (b) or of 2-3313(f) or (i), and amendments thereto, the proposed civil penalty shall not be less than \$100 or more than \$5,000.

(4) For each violation of K.S.A. 2-3308, and amendments thereto, not covered in paragraph (b)(2) above, the proposed civil penalty shall be not less than \$100 or more than \$1,000.

(5) For each violation of K.S.A. 2-3313 not covered in paragraph (b)(3) above, the proposed civil penalty shall be not less than \$100 or more than \$1,000.

(6) For each application of swine waste in violation of K.S.A. 2-3318, and amendments thereto, the proposed civil penalty shall be not less than \$100 or more than \$5,000.

(c) For each second or subsequent occurrence of a violation for which a civil penalty has been assessed within a three-year period, the civil penalty assessed for the subsequent violation shall be the maximum amount for the category listed. (Authorized by K.S.A. 1998 Supp. 2-3305

and K.S.A. 2-3309; implementing K.S.A. 2-3317; effective March 26, 1990; amended, T-4-12-29-98, Jan. 1, 1999; amended April 23, 1999.)

4-20-15. Agronomic application rates. The agronomic application rate for swine waste shall be the amount of waste required for plant nutrition and for the holding capacity of the surfaces or soils to which swine waste is applied, as determined by sound agronomic methods. Sound agronomic application rates shall be determined in consultation with Kansas state university. Sound agronomic methods may include the rate derived from completion of the worksheet and calculations from the form prescribed by the secretary of agriculture in K.A.R. 4-21-1. (Authorized by K.S.A. 1998 Supp. 2-3305 and 2-3309; K.S.A. 1998 Supp. 2-3318 and 65-1,182; implementing K.S.A. 1998 Supp. 2-3318 and 65-1,182; effective, T-4-12-29-98, Jan. 1, 1999; effective April 23, 1999.)

Article 21.—NUTRIENT UTILIZATION PLANS

4-21-1. "Nutrient utilization plan" defined; amendments to the plan. (a) A swine facility that has an animal unit capacity of 1,000 or more swine and whose manure or wastewater is applied to land shall prepare a nutrient utilization plan for review by the secretary of agriculture. The plan shall be on a form prescribed by the secretary and shall be a plan that forecasts nutrient management from the date of submission through the next five years. The plan shall be updated annually and made available to the secretary of agriculture upon request. The form required to be completed pursuant to this subsection is the "nutrient utilization plan worksheet" dated December 15, 1998, which is adopted by reference.

(b) Whenever the term "waste" is referred to in these regulations, it shall mean swine manure, swine wastewater, or swine manure and swine wastewater mixed together.

(c) Changes in conditions that warrant amendments requiring the secretary's approval to a facility's plan shall include any of the following:

(1) Additional land to which waste will be applied is not described in an approved plan.

(2) A procedure will be used that is not described in an approved plan.

(3) Land described in an approved plan is no longer available for nutrient application.

(4) A phosphorus soil test result exceeds the phosphorus holding capacity of the soil as follows:

(A) When the average annual rainfall is less than or equal to 22 inches, all of the field has a slope of five percent or less, and the soil test result using the Bray or the Mehlich testing method for phosphorus ("P") for the field exceeds 200 ppm or exceeds 76 ppm of "P" using the Olsen testing method;

(B) when the average annual rainfall is less than or equal to 22 inches, any part of the field has a slope of greater than five percent, and the soil test result using the Bray or the Mehlich testing method for "P" exceeds 150 ppm or exceeds 57 ppm of "P" using the Olsen testing method;

(C) when the average annual rainfall is greater than 22 inches but less than 30 inches, the slope for all of the field

is less than five percent, and the soil test result using the Bray or Mehlich testing method for "P" for the field exceeds 150 ppm or exceeds 57 ppm of "P" using the Olsen testing method;

(D) when the average annual rainfall is greater than 22 inches but less than or equal to 30 inches, the slope of any part of the field is greater than five percent, and the soil test result using the Bray or Mehlich testing method for "P" for the field exceeds 100 ppm or exceeds 38 ppm of "P" using the Olsen testing method; or

(E) when the average annual rainfall is greater than 30 inches, the slope of any part of the field is greater than five percent, and the soil test result using the Bray or Mehlich testing method for "P" for the field exceeds 100 ppm or exceeds 38 ppm of "P" using the Olsen testing method.

(d) Swine facilities required by law to prepare nutrient utilization plans shall submit any other amendments necessary to facilitate approval as requested by the secretary of agriculture.

(e) Any amendment described in subsection (c) or subsection (d) of this regulation to the plan shall be submitted to the secretary of agriculture and approved by the secretary before the application of swine waste. (Authorized by K.S.A. 1998 Supp. 2-3305 and 2-3309; implementing K.S.A. 1998 Supp. 2-3318 and 65-1,182; effective, T-4-12-29-98, Jan. 1, 1999; effective April 23, 1999.)

4-21-2. "Field" defined. A field is defined, for purposes of preparation of a nutrient utilization plan, as an expanse of land devoted to one particular crop or tillage condition at a time and managed uniformly. A field shall also be the area identified by section, township, and range and outlined on a site map contained in a filed nutrient utilization plan approved by the secretary of agriculture. (Authorized by K.S.A. 1998 Supp. 2-3305 and 2-3309; implementing K.S.A. 1998 Supp. 2-3318 and 65-1,182; effective, T-4-12-29-98, Jan. 1, 1999; effective April 23, 1999.)

4-21-3. Soil samples. (a)(1) All soil samples taken by a swine facility required to complete a nutrient utilization plan shall be composite samples and shall be representative, at the time they are taken, of the soils and of the nutrient values in the field from which the samples are taken. A swine facility required to complete a nutrient utilization plan shall assure that the samples taken to complete a nutrient utilization plan are taken in accordance with this regulation.

(2) A representative number of cores, with each core taken to a depth of 24 inches, shall be collected for each field. Two composite samples shall be made from the cores collected for each field. One composite sample shall consist of the top six inches of the cores for each field. The other sample shall be the remaining six to 24 inches of the cores for each field. Phosphorus, copper, nitrate-N, chloride, and zinc shall be tested from the combined top six inches of the cores taken from a field. Nitrate-N and chloride shall be tested from the combined six to 24 inches of the cores taken from a field. The core composite portions of any sample, when mixed together, shall represent the field at the depth from the cores.

(b) Soil samples required by this regulation shall be taken no less than immediately prior to any application

of swine waste, but are not required to be taken more frequently than annually. The person who takes a soil sample to comply with these regulations shall certify that the sample is representative of the soil and of the nutrient values of the field being tested.

(c) A copy of the certification of each composite soil sample and the laboratory results for each sample shall be maintained in the office of the swine facility and made available to the secretary of agriculture or designee upon inspection. The certification, at minimum, shall show the date the sample was taken, the numbers of cores taken from each field, the approximate locations in the field from which cores were taken, the depth or depths of the cores that constitute the sample, the name of the person who took the sample, and the date the sample was delivered to a laboratory. The certification required by this regulation shall be on a form prescribed by the secretary.

(d) Samples shall be taken by the secretary of agriculture or designee when, at that individual's discretion, an inspection requires a sample. Each sample shall be taken by the secretary of agriculture or designee to be tested as required by this regulation and by K.A.R. 4-21-4. A composite soil sample taken by the secretary of agriculture or designee shall be presumed to be representative of the soil and nutrient values sampled. Whether a sample is representative shall be within the sole discretion of the secretary of agriculture, and the secretary's determination of whether a sample is representative shall be final. (Authorized by K.S.A. 1998 Supp. 2-3305 and 2-3309; implementing K.S.A. 1998 Supp. 2-3318 and 65-1,182; effective, T-4-12-29-98, Jan. 1, 1999; effective April 23, 1999.)

4-21-4. Soil tests. The composite soil samples from each field tested shall be analyzed for the following nutrients in the manner prescribed by this regulation.

(a) The test for nitrate-N shall follow the directions in chapter five of the north central regional research publication no. 221 (revised January 1998), "recommended chemical soil test procedures for the north central region," on pages 17 through 19.

(b) The test for phosphorus shall follow the directions in chapter six of the north central regional research publication no. 221 (revised January 1998), "recommended chemical soil test procedures for the north central region," on pages 21 through 26. Calcareous soils shall follow the directions for the Olsen phosphorus test on pages 25 through 26. For non-calcareous soils, the test shall follow the directions for either the Bray test, on pages 21 through 22, or the Mehlich test, on pages 23-24. Calcareous soils are defined as soils having a pH above 7.0 that effervesces when a drop of six moles of hydrochloric acid is placed on it.

(c) The test for copper shall follow the directions for diethylenetriaminepentaacetic acid (DTPA) extraction in chapter nine of the north central regional research publication no. 221 (revised January 1998), "recommended chemical soil test procedures for the north central region," on pages 41 through 42.

(d) The test for chlorides shall follow the directions for the mercury (II) thiocyanate method in the north central regional research publication no. 221 (revised January

(continued)

1998), "recommended chemical soil test procedures for the north central region," on pages 49 through 50.

(e) The test for zinc shall follow the directions for DTPA extraction in chapter nine of the north central regional research publication no. 221 (revised January 1998), "recommended chemical soil test procedures for the north central region" on pages 41 through 42.

(f) The authorized representative for the laboratory at which the sample was tested shall certify that the sample was tested according to the procedure set forth in this regulation and that the results of the test are an accurate test of the sample. The laboratory's certification shall show the date the sample was received, the date the sample was analyzed, the signature of the laboratory's authorized representative, and the results of the analysis for each chemical in each sample analyzed. (Authorized by K.S.A. 1998 Supp. 2-3305 and 2-3309; implementing K.S.A. 1998 Supp. 2-3318 and 65-1,182; effective, T-4-12-29-98, Jan. 1, 1999; effective April 23, 1999.)

4-21-5. Agreements to apply swine waste. All agreements for the application of swine waste on land owned by a person or persons other than the swine facility that is required to prepare a nutrient utilization plan shall be in writing. (Authorized by K.S.A. 1998 Supp. 2-3305 and 2-3309; implementing K.S.A. 1998 Supp. 2-3318 and 65-1,182; effective, T-4-12-29-98, Jan. 1, 1999; effective April 23, 1999.)

4-21-6. Record keeping. (a) A swine facility that is required to prepare a nutrient utilization plan shall keep records required by the law for the five years immediately preceding the date of the then-current inspection or for the years the swine facility operates after the effective date of this regulation. A swine facility shall not be required to keep records required by the law for more than five past years.

(b) Book values that are generally recognized as based on sound agronomic calculations may be substituted for actual values in preparing a nutrient utilization plan except for soil samples and for the tests results of soil samples. Actual values shall be used for soil samples and for the test results of soil samples if the swine facility is in existence at the time of the sampling and if the date of the sample is on or after the effective date of this regulation.

(c) All records required to be kept by the act, by K.A.R. 4-21-1 et seq., and K.A.R. 4-20-15 shall be made available to the secretary of agriculture upon request. (Authorized by K.S.A. 1998 Supp. 2-3305 and 2-3309; implementing K.S.A. 1998 Supp. 2-3318 and 65-1,182; effective, T-4-12-29-98, Jan. 1, 1999; effective April 23, 1999.)

Alice A. Devine
Secretary of Agriculture

Doc. No. 023672

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 19, 1999

33610

Statewide—Cushman repair parts

Tuesday, April 20, 1999

8902

Pittsburg State University—Furnish and install plastic laminate and/or wood lockers

Wednesday, April 21, 1999

74

Department of Transportation—Traffic signs

Thursday, April 22, 1999

33624

Department of Transportation—Bituminous plant mixture (District 6)

33626

Kansas Department of Wildlife and Parks—Agricultural activities (Tuttle Creek)

Tuesday, April 27, 1999

A-8528

Department of Administration—Service drive replacement, Docking State Office Building

A-8623 (A)

Kansas Department of Wildlife and Parks—Water and sewer extensions, new office building, Glen Elder State Park

Wednesday, May 5, 1999

A-8113 Revised

Kansas State University—Jardine roofs, various buildings

A-8194 Revised—Rebid

Kansas State University—Reroofing Administration Wing, Pittman Food Service Building

A-8623

Kansas Department of Wildlife and Parks—New office building, Glen Elder State Park

A-8765

Lansing Correctional Facility—Roof replacement—"B" cellhouse and laundry

A-8767

Lansing Correctional Facility—Roof replacement, New Administration Building, Support Service

Thursday, May 6, 1999

A-8372

Department of Human Resources—HVAC modifications, Job Service Center

33621

Kansas State University—Food service, Salina

Monday, May 10, 1999

8901

Kansas Highway Patrol—Truck axle scales

Request for Proposals

Tuesday, April 20, 1999

33622

Financing for the Blanket Financing Program for the Kansas Department of Administration

Wednesday, April 21, 1999

8888

New engine-driven generators for Larned State Hospital

Thursday, April 22, 1999

8889

New high pressure steam boiler for Larned State Hospital

John T. Houlihan
Director of Purchases

Doc. No. 023673

State of Kansas

Secretary of State

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

In Testimony Whereof, I have hereunto subscribed my name and affixed my official seal.

Ron Thornburgh
Secretary of State

(Published in the Kansas Register April 8, 1999.)

HOUSE BILL No. 2230

AN ACT authorizing the secretary of the department of social and rehabilitation services to convey certain land.

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

Section 1. (a) The secretary of the department of social and rehabilitation services is authorized to convey, without consideration, to the Miami county mental health center the following described state property located in Miami county, Kansas, containing 12.34 acres more or less:

A tract of land, in the Northeast Quarter of the Southwest Quarter of Section 1, Township 18 South, Range 22 East of the Sixth Principal Meridian, being more particularly described as follows:

Beginning at the Northwest corner of the Northeast Quarter of the Southwest Quarter of Section 1, Township 18 South, Range 22 East of the Sixth Principal Meridian;

THENCE South 01 degrees 43 minutes 24 seconds East for a distance of 229.70 feet, deed & measured, along the West line of the Northeast Quarter of said Quarter Section to the True Point of Beginning, said point being on the right of way line of Highway 169;

THENCE South 78 degrees 05 minutes 00 seconds East for a distance of 284.50 feet, deed & measured, along said Highway right of way;

THENCE South 57 degrees 38 minutes East for a distance of 509.2 feet, by deed, South 57 degrees 23 minutes 21 seconds East for a distance of 509.24 feet, measured, along said right of way;

THENCE South 23 degrees 16 minutes West, by deed, South 23 degrees 24 minutes 45 seconds West for a distance of 825.79 feet, measured, along said right of way to a point on the South line of the Northeast Quarter of said Southwest Quarter;

THENCE South 89 degrees 30 minutes 17 seconds West for a distance of 346.30 feet, deed & measured, along said South line to the Southwest corner of the Northeast Quarter of said Quarter Section;

THENCE North 01 degrees 43 minutes 24 seconds West for a distance of 1094.48 feet along the West line of the Northeast Quarter of said Quarter Section to the TRUE POINT OF BEGINNING;

Together with and subject to covenants, easements and restrictions of record.

(b) The deed conveying the real estate described under subsection (a) shall be approved by the attorney general and shall be executed by the secretary of the department of social and rehabilitation services.

(c) The conveyance authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a, and amendments thereto.

Sec. 2. (a) The secretary of social and rehabilitation services is authorized to convey, without consideration, to the city of Osawatomie, Kansas, the following described state property located in Miami county, Kansas, containing less than one acre:

All that part of the East one-half of the Southwest 1/4 Section of Section 1, Township 18 South, Range 22 East of the 6th P.M., Miami County, Kansas and being more particularly described as follows: Beginning at the Northwest corner of the East one-half of said Southwest 1/4, thence North 89°20'00" East along the North line of said Southwest 1/4, 250.00 feet; thence South 2°10'00" East parallel with the West line of said East 1/2 of said Southwest 1/4, 96.40 feet to the North line of Highway No. 279; thence along said North line North 69°46'43" West (Measured) North 70°09'00" West (Deed) 270.29 feet to the point of beginning. CONTAINS: 12,046.05 sq. ft. = 0.28 acres.

(b) The deed conveying the real estate described under subsection (a) shall be approved by the attorney general and shall be executed by the secretary of the department of social and rehabilitation services.

(c) The conveyance authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a, and amendments thereto.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 8, 1999.)

SENATE BILL No. 241

AN ACT concerning banks and trusts companies; relating to mortgage business and mortgage loans; amending K.S.A. 1998 Supp. 9-2201, 9-2202, 9-2203, 9-2204, 9-2205, 9-2206, 9-2207, 9-2208, and 9-2209 and repealing the existing sections.

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

Section 1. K.S.A. 1998 Supp. 9-2201 is hereby amended to read as follows: 9-2201. As used in this act:

(a) "Bona fide office" means a registrant's physical office which meets all of the following requirements:

- (1) The office is located in this state;
- (2) the office is not located in a personal residence;
- (3) the office has regular hours of operation;
- (4) the office is accessible to the public;
- (5) the office serves as an office for the transaction of mortgage business;
- (6) the office is staffed by the registrant or an employee of the registrant;
- (7) the office is separate from any office of another registrant; and
- (8) the office contains the books and records of the registrant or copies of the books and records.

(b) "Commissioner" means the Kansas state bank commissioner.

(c) "Employee" means any individual:

- (1) Who is employed solely by a registrant or applicant, and who is not acting as an independent contractor;
- (2) who conducts mortgage business activities only in the name of the registrant or applicant; and
- (3) whose conduct of mortgage business is the responsibility of the registrant or applicant.

(d) "Mortgage business" means engaging in, or holding out to the public as willing to engage in, for compensation or gain, or in the expectation of compensation or gain, directly or indirectly, the business of making, originating, servicing, soliciting, placing, negotiating, acquiring, selling, or arranging for others, or offering to solicit, place, negotiate, acquire,

(continued)

sell or arrange for others, five or more mortgage loans in a calendar year the primary market.

(e) "Mortgage loan" means a loan made to a natural person which is secured by a first or second mortgage or other similar instrument or document, and which creates a first lien on a one-to-four family dwelling, located in this state, occupied or intended to be occupied for residential purposes by the owner, including the renewal or refinancing of such a loan.

(f) "Person" means any individual, sole proprietorship, corporation, partnership, trust, association, joint venture, pool syndicate, unincorporated organization or other form of entity, however organized.

(g) "Primary market" means the market wherein mortgage loans are originated between a lender and a borrower, whether or not through a mortgage broker or other means.

(h) "Promotional items" means pens, pencils, hats and other such novelty items.

(i) "Registrant" means any individual or other entity who holds a valid certificate of registration to conduct mortgage business in this state.

Sec. 2. K.S.A. 1998 Supp. 9-2202 is hereby amended to read as follows: 9-2202. The following are exempt from the registration requirements of this act:

(a) Any bank, bank holding company, savings bank, trust company, savings and loan association, building and loan association, industrial loan company or credit union or any other financial institution regulated by an agency of the United States or of any state;

(b) any entity directly or indirectly regulated by an agency of the United States or of Kansas any state which is a subsidiary or affiliate of any entity listed in subsection (a) if 25% or more of such entity's common stock is owned by any entity listed in subsection (a);

(c) any person who is registered with the Kansas securities commissioner as a loan broker pursuant to K.S.A. 50-1001 et seq. and amendments thereto or who is licensed by the Kansas consumer credit commissioner as a supervised lender pursuant to K.S.A. 16a-2-301 et seq. and amendments thereto; and

(d) the United States of America, the state of Kansas, any other state, or any agency or instrumentality of any governmental entity; and

(e) a registrant's employee.

Sec. 3. K.S.A. 1998 Supp. 9-2203 is hereby amended to read as follows: 9-2203. On and after November 1, 1996, no person shall conduct mortgage business in Kansas unless registered with the office of the state bank commissioner pursuant to this act. It shall be unlawful for any person to engage in or to advertise, publish or otherwise hold out to the public that such person is engaged in the mortgage business without first being registered with the commissioner as required by this act. Any such individual or member or officer of any such corporation or other entity violating this section shall be guilty of a misdemeanor, and upon conviction shall be punished by a definite term of confinement in the county jail which shall be fixed by the court and shall not exceed one year, or a fine not exceeding \$5,000 or both.

Sec. 4. K.S.A. 1998 Supp. 9-2204 is hereby amended to read as follows: 9-2204. (a) Any person required to register pursuant to this act shall submit to the commissioner an application for registration on forms prescribed and provided by the commissioner. The application shall contain information the commissioner deems necessary to adequately identify:

(1) The location and nature of the business to be conducted;

(2) the identity, character and qualifications of an individual applicant;

(3) the identity, character and qualifications of the officers and directors, partners and employees of the entity, if the applicant is a partnership, corporation or other business entity;

(4) the name under which the applicant intends to conduct business; and

(5) other information the commissioner requires to evaluate the financial responsibility and condition, character, qualifications and fitness of the applicant and compliance with the provisions of this act.

(b) Each application for registration shall be accompanied by a non-refundable fee of not less than \$100, which may be increased by rules and regulations pursuant to K.S.A. 1998 Supp. 9-2209.

(c) An application for registration shall be approved, and a non-assignable certificate of registration shall be issued to the applicant by the commissioner provided:

(1) The commissioner has received the complete application and fee required by this section; and

(2) the commissioner determines the financial responsibility and condition, character, qualifications and fitness of the applicant warrants a belief that the business of the applicant will be conducted competently, honestly, fairly and within the purposes of this act in accordance with all applicable state and federal laws.

Sec. 5. K.S.A. 1998 Supp. 9-2205 is hereby amended to read as follows: 9-2205. (a) A certificate of registration shall become effective as of the date specified on the face of the original certificate and is effective for one year.

(b) The registration shall be renewed annually in each odd-numbered year by filing with the commissioner, at least 30 days prior to the expiration of the registration, a renewal application, containing information the commissioner requires to determine the existence of material changes from the information contained in the applicant's original registration application or prior renewal applications.

(c) Each renewal application shall be accompanied by a non-refundable fee which shall be established by rules and regulations pursuant to K.S.A. 1998 Supp. 9-2209 and amendments thereto.

(d) Any renewal application received by the commissioner after the expiration date of the registrant's current certificate shall be treated as an original application and be subject to all reporting and fee requirements contained in K.S.A. 1998 Supp. 9-2204 and amendments thereto.

Sec. 6. K.S.A. 1998 Supp. 9-2206 is hereby amended to read as follows: 9-2206. If the commissioner notifies the applicant, in writing, that any application has been denied, or the commissioner fails to issue a certificate of registration within 60 days or grant a renewal within 30 days after a filed application is deemed complete by the commissioner, the applicant may make written request for an appeal on the issue of the applicant's registration or renewal qualifications. The commissioner shall conduct a hearing in accordance with the Kansas administrative procedure act.

Sec. 7. K.S.A. 1998 Supp. 9-2207 is hereby amended to read as follows: 9-2207. (a) The commissioner may deny, suspend or, revoke, or refuse to renew the registration of a mortgage business issued pursuant to this act, if the commissioner finds, after notice and opportunity for a hearing conducted in accordance with the provisions of the administrative procedures act, that:

(1) (a) The applicant or registrant has repeatedly or willfully violated any section of this act or any rule and regulation or order lawfully made pursuant to this act;

(2) (b) facts or conditions exist which would have justified the denial of the registration or renewal had these facts or conditions existed or been known to exist at the time the application for registration or renewal was made;

(3) (c) the applicant or registrant has filed with the commissioner any document or statement containing any false representation of a material fact or fails to state a material fact; or

(4) (d) the applicant or registrant has been convicted, within 10 years before the date of an application, renewal or review of any crime involving fraud, dishonesty or deceit;

(b) The commissioner shall not revoke a registration until the registrant is provided written notice of the facts or conduct the commissioner believes to form the basis for the proposed revocation and of the registrant's right to request a hearing in accordance with the Kansas administrative procedure act.

(e) the applicant or registrant has engaged in or is engaging in deceptive business practices;

(f) the applicant or registrant has been the subject of any disciplinary action by this agency or any other state or federal regulatory agency; or

(g) a final judgment has been entered against the applicant or registrant in a civil action and the commissioner finds, based upon the conduct on which the judgment is based, that registration of such person would be contrary to the public interest.

Sec. 8. K.S.A. 1998 Supp. 9-2208 is hereby amended to read as follows: 9-2208. (a) Every certificate of registration shall be properly displayed in a prominent place within the registrant's place of business in a way that reasonably assures recognition by customers and members of the general public who enter the registrant's place of business.

(b) Prior to entering into any contract for the provision of services or prior to the registrant receiving any compensation or promise of compensation for a mortgage loan the registrant shall acquire from the customer a signed acknowledgment that contains only the following items:

- (1) The name and address of the mortgage business;
 - (2) the name and position of the individual presenting the acknowledgment to the customer for a signature;
 - (3) a statement in at least 10 point boldface letters which reads "[name of the registrant] is a mortgage business registered with the Kansas Office of the State Bank Commissioner in accordance with the laws of the state of Kansas. This registration does not represent an endorsement or recommendation of the registrant's products or services by the Office of the State Bank Commissioner. As a consumer, you may submit a complaint or inquiry about this mortgage business by delivering a written statement to the Office of the State Bank Commissioner, 700 Jackson, Suite 300, Topeka, Kansas 66603"; and
 - (4) an original signature of the customer(s) and the date such signature(s) was attached containing such information as the commissioner may prescribe by rule and regulation.
- (c) The registrant shall identify that such registrant is registered under this act in all advertising or solicitations directed to Kansas residents, including internet solicitations. For the purpose of this subsection, "advertising" does not include business cards or promotional items.
- (d) No registrant shall conduct mortgage business in this state using any name other than the name or names stated on the certificate of registration.

Sec. 9. K.S.A. 1998 Supp. 9-2209 is hereby amended to read as follows: 9-2209. The commissioner may exercise the following powers:

- (a) Adopt rules and regulations as necessary to carry out the intent and purpose of this act;
- (b) make investigations and examinations of the registrant's operations, books and records as the commissioner deems necessary for:
 - (1) Determining the adequacy or acceptability of any application for registration;
 - (2) pursuing a complaint or information which forms reasonable grounds for belief that an investigation or examination is necessary or advisable for more complete protection of the interests of the public the protection of the public;
- (c) charge reasonable costs of investigation or examination to be paid by the registrant under investigation or examination;
- (d) order any registrant to cease any activity or practice which the commissioner deems to be deceptive, dishonest, violative of state or federal law or unduly harmful to the interests of the public; and
- (e) exchange any information regarding the administration of this act with any agency of the United States or any state which regulates the registrant or administers statutes, rules and regulations or programs related to mortgage loans; and
- (f) disclose to any person or entity that an applicant's or registrant's certificate of registration has been denied, suspended, revoked or refused renewal.

New Sec. 10. (a) Each applicant or registrant who maintains a bona fide office shall comply with at least one of the following:

- (1) Submit written evidence which establishes, to the commissioner's satisfaction, that the applicant or registrant is approved as a mortgagee by:
 - (A) The federal department of housing and urban development;
 - (B) the federal national mortgage association; or
 - (C) the federal home loan mortgage corporation.
- (2) (A) File with the commissioner a surety bond or irrevocable letter of credit in the amount of \$25,000, in a form acceptable to the commissioner, issued by an insurance company or financial institution authorized to conduct business in this state, securing the applicant's or registrant's faithful performance of all duties and obligations of a registrant meeting the following requirements:
 - (i) The bond or letter of credit shall be payable to the office of the state bank commissioner;
 - (ii) the terms of the bond or irrevocable letter of credit shall provide that it may not be terminated without 30 days prior written notice to the commissioner; and
 - (iii) the bond or irrevocable letter of credit shall be available for the recovery of expenses, fines and fees levied by the commissioner under this act, and for losses or damages which are incurred by any borrower or consumer as a result of the applicant's or registrant's failure to comply with the requirements of this act; and
- (B) submit evidence that establishes, to the commissioner's satisfaction, that the applicant or registrant shall at all times maintain not less than \$10,000 in liquid assets acceptable to the commissioner.

(3) Submit evidence that establishes, to the commissioner's satisfaction, that the applicant or registrant shall at all times maintain a minimum net worth of \$100,000. Evidence of net worth shall include the submission of a balance sheet accompanied by a written statement by an independent certified public accountant attesting that the balance sheet has been reviewed in accordance with generally accepted accounting principles.

(b) Each applicant or registrant who does not maintain a bona fide office shall comply with both of the following:

(1) File with the commissioner a surety bond or irrevocable letter of credit in the amount of \$100,000, in a form acceptable to the commissioner, issued by an insurance company or financial institution authorized to conduct business in this state, securing the applicant's or registrant's faithful performance of all duties and obligations of a registrant.

(A) The bond or letter of credit shall be payable to the office of the state bank commissioner.

(B) The terms of the bond or irrevocable letter of credit shall provide that it may not be terminated without 30 days prior written notice to the commissioner.

(C) The bond or irrevocable letter of credit shall be available for the recovery of expenses, fines and fees levied by the commissioner under this act, and for losses or damages which are incurred by any borrower or consumer as a result of the applicant's or registrant's failure to comply with the requirements of this act.

(2) Submit evidence that establishes, to the commissioner's satisfaction, that the applicant or registrant shall at all times maintain a minimum net worth of \$50,000. Evidence of net worth shall include the submission of a balance sheet accompanied by a written statement by an independent certified public accountant attesting that the balance sheet has been reviewed in accordance with generally accepted accounting principles.

New Sec. 11. Except for those persons meeting the requirements of K.S.A. 1998 Supp. 9-2202 and amendments thereto, a registrant shall not pay compensation to, contract with or employ as an independent contractor any person engaged in mortgage business who does not hold a valid certificate of registration.

New Sec. 12. (a) Within three business days of receipt a registrant shall deposit all fees and money received from a borrower prior to the time a loan is consummated in an escrow account in a bank, savings bank, savings and loan association or credit union incorporated under the laws of this state, or organized under the laws of the United States or another state and which has a main or branch office in this state.

(b) For each borrower the registrant shall maintain a separate record of all money received for any service performed or to be performed, including any payment to a third party, setting forth:

- (1) The date the money was received;
- (2) the amount of money received;
- (3) the date the money was deposited in the escrow account; and
- (4) the date, description, and justification for each disbursement.

(c) Upon the request of a borrower, a copy of the record required by subsection (b) shall be provided to the borrower:

- (1) Within five business days of consummation of the loan; or
- (2) within five business days of receipt of written notice of the borrower's intention to withdraw from the loan transaction.

New Sec. 13. All original documents provided to the registrant by the borrower or at the expense of the borrower, including any appraisals, are the property of the borrower and at the borrower's request, shall be returned to the borrower without further expense if the loan is not consummated.

New Sec. 14. (a) A registrant shall provide written notice to the commissioner within 10 business days of the occurrence of any of the following events:

- (1) A change in the registrant's main office address;
- (2) the opening, closing or relocation of any branch office of the registrant located in this state;
- (3) a change in the registrant's name or legal entity status; or
- (4) the addition of an officer, partner or director to the registrant's business.

(b) The commissioner may request additional information concerning any written notice received pursuant to subsection (a).

New Sec. 15. (a) A registrant shall keep for at least 25 months copies of all deposit receipts, canceled checks, trust account records, required federal and state disclosures and other relevant documents or correspon-

(continued)

denance received or prepared by the registrant in connection with a loan or loan application. If the loan is not serviced by a registrant, the retention period commences on the date the loan is closed or, if the loan is not closed, the date of the loan application. If the loan is serviced by a registrant, the retention period commences on the date the loan is paid in full or the date the registrant ceases to service the loan.

(b) All books, records and any other documents held by the registrant shall be made available for examination and inspection by the commissioner or the commissioner's designee. Certified copies of all records not kept within this state shall be delivered to the commissioner within three business days of the date such documents are requested.

New Sec. 16. Examination reports and correspondence regarding the reports made by the commissioner or the commissioner's examiners are confidential, except that the commissioner may release examination reports and correspondence regarding the reports in connection with a disciplinary proceeding conducted by the commissioner, a liquidation proceeding or a criminal investigation or proceeding. Additionally, the commissioner may furnish to federal or other state regulatory agencies or any officer or examiner thereof, a copy of any or all examination reports and correspondence regarding the reports made by the commissioner or the commissioner's examiners.

New Sec. 17. (a) If the commissioner determines after notice and opportunity for a hearing pursuant to the Kansas administrative procedure act that any registrant has engaged, is engaging or is about to engage in any act or practice constituting a violation of any provision of this act or any rule and regulation or order hereunder, the commissioner by order may require any or all of the following:

- (1) That the registrant cease and desist from the unlawful act or practice;
- (2) that the registrant pay a fine not to exceed \$5,000 per incident for the unlawful act or practice; or
- (3) that the registrant take such affirmative action as in the judgment of the commissioner will carry out the purposes of this act.

(b) If the commissioner makes written findings of fact that the public interest will be irreparably harmed by delay in issuing an order under subsection (a), the commissioner may issue an emergency cease and desist order.

(1) Such emergency order, even when not an order within the meaning of K.S.A. 77-502, and amendments thereto, shall be subject to the same procedures as an emergency order issued under K.S.A. 77-536, and amendments thereto.

(2) Upon the entry of such an emergency order, the commissioner shall promptly notify the registrant subject to the order that it has been entered, of the reasons, and that a hearing will be held upon written request by the registrant.

(3) If the registrant requests a hearing, or in the absence of any request, if the commissioner determines that a hearing should be held, the matter will be set for a hearing which shall be conducted in accordance with the provisions of the Kansas administrative procedure act. Upon completion of the hearing the commissioner shall by written findings of fact and conclusions of law vacate, modify or make permanent the emergency order.

(4) If no hearing is requested and none is ordered by the commissioner, the emergency order will remain in effect until it is modified or vacated by the commissioner.

New Sec. 18. Whenever it appears to the commissioner that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this act or any rule and regulation or order hereunder, the commissioner may bring an action in any court of competent jurisdiction to enjoin the acts or practices and to enforce compliance with this act or any rule and regulation or order hereunder. Upon a proper showing, a permanent or temporary injunction, restraining order, restitution, writ of mandamus or other equitable relief shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. The commissioner shall not be required to post a bond.

New Sec. 19. The provisions of K.S.A. 1998 Supp. 9-2201 through 9-2210, and amendments thereto, and sections 10 through 19, shall be known and may be cited as the Kansas mortgage business act.

Sec. 20. K.S.A. 1998 Supp. 9-2201, 9-2202, 9-2203, 9-2204, 9-2205, 9-2206, 9-2207, 9-2208, and 9-2209 are hereby repealed.

Sec. 21. This act shall take effect and be in force from and after its publication in the Kansas register.

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the index to the 1997 Volumes of the *Kansas Administrative Regulations* and the 1998 Supplement to the *Kansas Administrative Regulations*.

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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
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1-16-18	Amended	V. 17, p. 945
1-16-18a	Amended	V. 17, p. 946
1-18-1a	Amended (T)	V. 18, p. 356
1-39-1 through 1-39-4	New	V. 17, p. 1678

AGENCY 4: DEPARTMENT OF AGRICULTURE

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4-7-213a	New	V. 17, p. 171
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AGENCY 7: SECRETARY OF STATE

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7-39-1	New	V. 17, p. 1679

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16-3-1	Amended	V. 17, p. 1620
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AGENCY 26: DEPARTMENT ON AGING

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44-1-103	Amended (T)	V. 18, p. 131
44-1-103	Amended	V. 18, p. 390
44-12-601	Amended	V. 17, p. 424

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		
51-8-7 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
65-9-1	Amended	V. 18, p. 357
65-10-2	Amended	V. 18, p. 357
65-11-3	Amended	V. 18, p. 357

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

(continued)

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
99-40-47	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

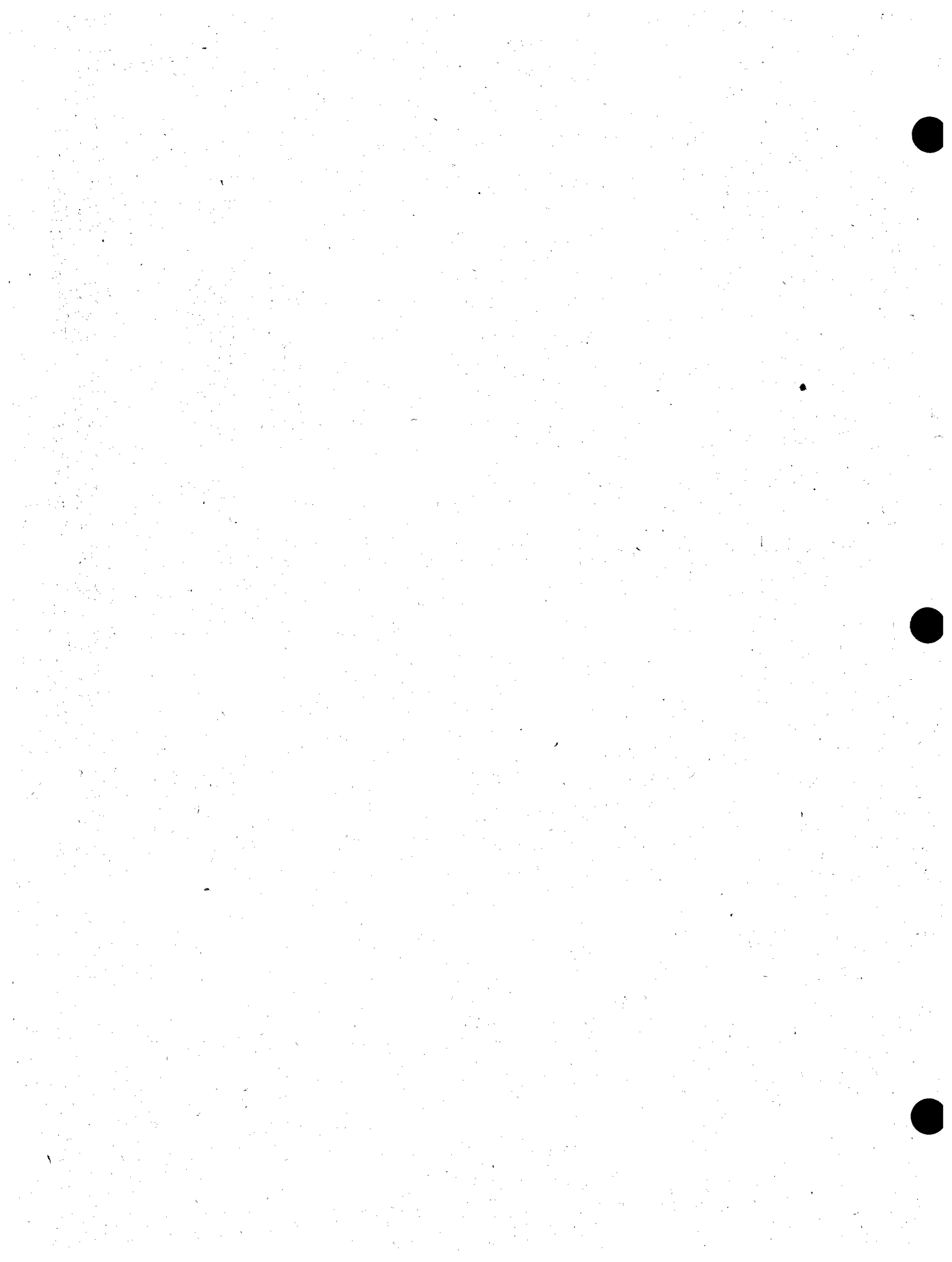
115-17-14	Amended	V. 17, p. 1709
115-18-12	Amended	V. 17, p. 1086
115-18-13	Amended	V. 17, p. 1414
115-20-2	Amended	V. 17, p. 1709
115-35-1	New	V. 17, p. 1710

AGENCY 117: REAL ESTATE APPRAISAL BOARD

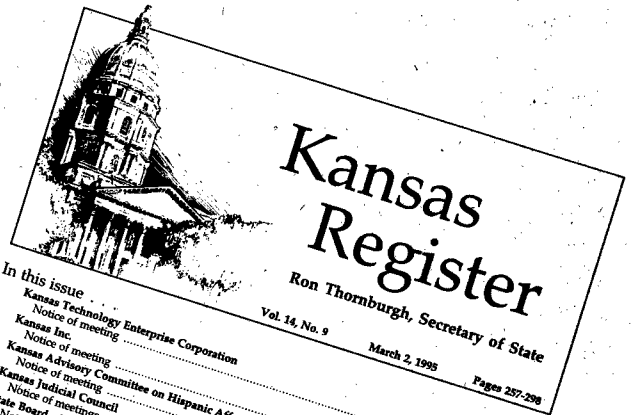
Reg. No.	Action	Register
117-2-1	Amended	V. 18, p. 294
117-2-2	Amended	V. 18, p. 295
117-3-1	Amended	V. 18, p. 296
117-3-2	Amended	V. 18, p. 296
117-4-1	Amended	V. 18, p. 297
117-4-2	Amended	V. 18, p. 298
117-5-1	Amended	V. 17, p. 465
117-5-2	New	V. 17, p. 465
117-5-3	New	V. 17, p. 465
117-6-3	Amended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