

# Kansas Register

Ron Thornburgh, Secretary of State

Vol. 19, No. 12    March 23, 2000    Pages 369-414

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State of Kansas

Advisory Committee on Trauma

Notice of Meeting

The Advisory Committee on Trauma will meet from 10 a.m. to 3 p.m. Wednesday, April 5, at the Kansas Medical Society, 623 S.W. 10th Ave., Topeka. It is anticipated that a one-hour lunch break will take place beginning at noon. For further information, contact the KDHE Office of Local and Rural Health, (785) 296-1200.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 024953

State of Kansas

Board of Emergency Medical Services

Notice of Meeting

The Board of Emergency Medical Services will meet at 9 a.m. Friday, April 7, at the National Guard Armory, 2722 S.W. Topeka Blvd., Topeka. Committee meetings will begin at noon Thursday, April 6. Agenda items include office update, committee reports, legislative update, budget update, EMSC update, Rural Health Options Project update and an Investigation Committee planning session.

All meetings of the board are open to the public. For more information, contact the administrator at 109 S.W. 6th, Topeka, 66603, (785) 296-7296.

David Lake  
Administrator

Doc. No. 024946

State of Kansas

Board of Pharmacy

Notice of Meetings

The Kansas State Board of Pharmacy will conduct a regular board meeting Wednesday, March 29, and Thursday, March 30, at the University of Kansas School of Pharmacy, Malott Hall, Lawrence. Both meetings begin at 9 a.m. and are open to the public. For further information, call (785) 296-6504.

Larry Froelich  
Executive Director

Doc. No. 024957

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. 1999 Supp. 12-1675(b)(c)(d), and K.S.A. 75-4201(l) and 75-4209(a)(1)(B).

Effective 3-20-00 through 3-26-00	
Term	Rate
1-89 days	5.79%
3 months	5.88%
6 months	6.19%
9 months	6.30%
12 months	6.33%
18 months	6.49%
24 months	6.49%

Derl S. Treff  
Director of Investments

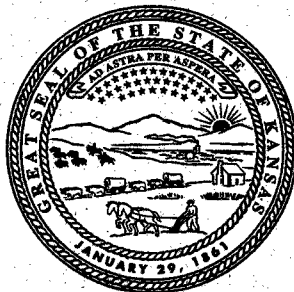
Doc. No. 024939

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Garden Level, Memorial Hall  
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State of Kansas

Attorney General

Notice of Available Grant Funding

Grant funds are available from the Federal Rape Prevention and Education Grant Program for fiscal year 2001. The purpose of this grant program is to decrease the incidence of sexual violence against females. There are two purposes of the funds: (1) coordination of community-based activities that promote attitudes, behaviors and environments that are conducive to the prevention of sexual violence against females, and (2) prevention programs focusing on the potential offenders of sexual violence through the implementation of interventions that change or reinforce attitudes, behaviors and environments.

Private or public nonprofit community-based organizations, units of local or state government, and schools are eligible to apply for these funds. Only one applicant per community will be considered.

To obtain an application, contact Lori Hutchings at (800) 828-9745 or (785) 368-7063. The postmark deadline for applications is Friday, May 12. Questions regarding the grant may be directed to Amy Bollig, Kansas Department of Health and Environment, (785) 291-3583. Applications also may also be accessed via the Internet at [www.ink.org/public/ksag](http://www.ink.org/public/ksag). This is to obtain a printed copy only. Applications cannot be submitted on-line.

Carla J. Stovall  
Attorney General

Doc. No. 024950

State of Kansas

Office of the Governor

Executive Order 00-04

WHEREAS, preventing and remediating pollution of the state's aquifers are important public policy objectives for the State of Kansas; and

WHEREAS, the equus beds aquifer is a precious and fragile natural resource relied upon by citizens throughout South Central Kansas; and

WHEREAS, scientific studies have found that many different sources of pollution, including but not limited to municipal sources, industrial sources, and agricultural sources, exist or may come to exist in the area of the equus beds aquifer; and

WHEREAS, the formulation of effective public policies to prevent and/or remediate pollution in the equus beds aquifer requires the identification and evaluation of each source of pollution or potential pollution so that appropriate prevention and/or remediation steps may be taken; and

WHEREAS, certain federal, state and local programs already are in place to prevent or remediate pollution of the equus beds aquifer that comes from certain sources; and

WHEREAS, effective protection of the state's aquifers can be accomplished only by cooperation and coordination among federal, state, local and private efforts;

NOW, THEREFORE, pursuant to the authority vested in me as Governor and chief executive of the State of Kan-

sas by Article 1, Sections 3 and 4, of the Constitution of the State of Kansas, I hereby order the Secretary of the Kansas Department of Health and Environment to identify all known sources of existing and potential pollution of the equus beds aquifer and to collect, compile and maintain a public reporting of information regarding such existing and potential pollution, including, but not limited to:

- (1) All known sources of such existing or potential pollution;
- (2) the location, nature and known extent of all such existing pollution;
- (3) each current or proposed program to regulate or prevent such existing or potential pollution and the federal, state or local agency having authority over such program;
- (4) each current or proposed program for remediation of such existing pollution and the federal, state or local agency having authority over such program; and
- (5) all current or proposed projects for remediation of such existing pollution and the estimated cost and potential sources of moneys for each project.

I HEREBY FURTHER ORDER the Secretary of the Kansas Department of Health and Environment to make available to the public, to the governor, to the legislature, and to local, state and federal agencies and policy makers the information compiled pursuant to this order, appropriately formatted or summarized, not later than February 1, 2001, and to update and maintain such information as appropriate to maintain its accuracy. The Secretary shall consider whether making such information accessible on the Internet is an appropriate and cost-effective method of making this information, and updates to this information, available to interested parties in a timely manner.

I HEREBY FURTHER ORDER the Secretary of the Kansas Department of Health and Environment to consult with appropriate state agencies and with appropriate federal, local, and private entities and institutions in compiling information pursuant to this order.

I HEREBY FURTHER ORDER all state executive branch officers and agencies, and call upon and request all federal, local, and private entities and institutions, to cooperate with the Secretary of the Kansas Department of Health and Environment in carrying out the requirements of this order.

I HEREBY FURTHER ORDER the Secretary of the Kansas Department of Health and Environment to make information compiled pursuant to this order available to the public in accordance with the Kansas open records act.

This document shall be filed with the Secretary of State as Executive Order No. 00-04 and shall become effective immediately.

Dated March 15, 2000.

Bill Graves  
Governor

Attest: Ron Thornburgh  
Secretary of State

Doc. No. 024948

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, Room 102, Landon State Office Building, 900 S.W. Jackson, 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 3, 2000

01337

Department of Wildlife and Parks—Agricultural Activities, Glen Elder Wildlife Area

01338

Kansas Racing and Gaming Commission—Digital Photo ID Card, Imaging System

01306

Fort Hays State University—Interior Signage

01319

Department of Transportation—Truck Mounted Core Drill

Tuesday, April 4, 2000

01311

Statewide—Medications, Unit Dose

Wednesday, April 5, 2000

01340

Fort Hays State University—Audio-Video Distribution Equipment

Thursday, April 6, 2000

A-8923

Department of Transportation—Reroof Sub-Area Shop, Leavenworth

A-8946

Pittsburg State University—Cleveland Plaza

A-8947

Pittsburg State University—Weede P.E. Building Improvements, Weede Hall

A-8959

Kansas State University—New Elevator, Dickens Hall

01343

Department of Wildlife and Parks—Regulatory Buoys, Various Locations

Wednesday, April 12, 2000

A-8971

Department of Wildlife and Parks—Campground Utility Improvement, Cheney State Park, Sedgwick County

01344

Kansas State University—Electronic Door Access Control System

Thursday, April 13, 2000

A-8809

University of Kansas—ADA Improvements, Nunemaker Hall

A-8838

Osawatomie State Hospital—Sewer Line Replacement

A-8968

Fort Hays State University—Parking Lot Improvements, Brooks Building

A-8979

Fort Hays State University—Roof Repairs, Beach Hall

Friday, April 28, 2000

01264

Kansas Highway Patrol, Kansas Bureau of Investigation, Department of Wildlife and Parks—Aircraft Insurance

\*\*\*\*\*

Request for Proposals

Monday, April 3, 2000

01313

Scanning Services for Kansas State University

01335

Consultant to Develop the Kansas Hazard Mitigation Plan for the Adjutant General's Department (Division of Emergency Management)

Tuesday, April 4, 2000

01328

Software Training Services for the Department of Administration, Division of Personnel Services

Monday, April 10, 2000

01310

Janitorial Services for the University of Kansas Medical Center, Kansas City

Tuesday, April 11, 2000

01236

Internal Customer Survey and Related Services for the Department of Transportation

Thursday, April 13, 2000

01312

Student System Implementation Analysis for the University of Kansas

Tuesday, April 18, 2000

01327

Furnish and Install Radio Control Operator Stations for the University of Kansas

Friday, April 21, 2000

01227

Credit Card Acceptance Program, Statewide

John T. Houlihan  
Director of Purchases

Doc. No. 024966

(Published in the Kansas Register March 23, 2000.)

**City of Overland Park, Kansas**

**Notice to Bidders**

Sealed bids for **151st Street Metcalf Avenue to Nall Avenue** will be received by the City of Overland Park, Kansas, at the office of the city clerk, City Hall, 8500 Santa Fe Drive, Overland Park, until 10:00 a.m. local time Tuesday, April 25. At that time all bids will be transferred to the City Council City Hall, where they will be publicly opened and read aloud. Any bid received after the designated time will be returned unopened. All bids to be submitted in sealed envelopes addressed to the city clerk of Overland Park, Kansas, and marked "Bid for: 151st Street Metcalf Avenue to Nall Avenue."

Copies of plans, specifications, bid documents and other contract documents are on file at the office of HTNB Corporation, 7450 W. 30th St., Suite 400, Overland Park, 66213. Contractors desiring the contract documents for use in preparing bids may obtain a set of such documents from HTNB Corporation, (913) 491-9333, upon payment of \$150, which amount is not refundable.

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

Should a bidder find "defects" as defined in paragraph GC-2 of the General Conditions, it shall follow the procedures outlined in paragraph GC-3 to bring the same to the attention of the city. Changes necessitated thereby shall be in the form of addenda issued by the consulting engineer. All bidders shall verify that they have considered all written addenda. Neither the city nor the consulting engineer shall be responsible for oral instructions. Any written addenda issued during the time of bidding shall be covered and included in the bid. There will be no clarifications or exceptions allowed on the bid. Bids are for a total bid package, total contract price.

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

No oral, telegraphic, facsimile or telephonic bids or alterations will be considered. The following items must be included in the sealed envelope with the bid:

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

CANCELLED

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

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

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

A pre-bid conference will be held at 10 a.m. Tuesday, April 18, in Conference Room No. 1 (first floor), Overland Park City Hall, 8500 Santa Fe Drive, Overland Park.

Mary Lou McCann  
Contract Specialist  
Public Works Department  
City of Overland Park, Kansas

Doc. No. 024971

(Editor's Note: The following opinions, which are published pursuant to K.S.A. 46-254, were inadvertently omitted from publication upon their filing with the Secretary of State's Office last year.)

**State of Kansas  
Governmental Ethics Commission**

**Opinion No. 1999-41**

Written September 16, 1999, to Micki Healy, City Administrator, Towanda.

This opinion is in response to your letter of September 8, 1999, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the local conflict of interest laws (K.S.A. 75-4301 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 75-4301 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

**Factual Statement**

We understand that you request this opinion in your capacity as the Towanda City Administrator. You have

*(continued)*

informed us that your City Attorney, Norman G. Manley, is also serving as the Butler County Attorney. You have explained that the City of Towanda is located in Butler County, Kansas and that the City and the County have recently entered into an agreement for road improvements. Mr. Manley drew up the agreement as the legal counsel for the County and conferred with you as the City Administrator. You are concerned that there could be future agreements where the City's and County's interests might diverge.

#### Question

May the Towanda City Attorney act as the attorney for Butler County?

#### Opinion

As a Towanda city employee, Mr. Manley is governed by the local level conflict of interest laws (K.S.A. 75-4301 *et seq.*). We have reviewed those laws and find nothing that would prohibit the scenario you have described. We suggest, however, that you contact the Attorney General's Office for further guidance as to whether the situation you have described raises ethical concerns for attorneys in general.

#### Opinion No. 1999-42

Written September 16, 1999, to Carl M. Anderson, Assistant Attorney General, Kansas Lottery, Topeka.

This opinion is in response to your letter of September 8, 1999, in which you request a reconsideration of Opinion 1998-01 from the Kansas Governmental Ethics Commission concerning the state level conflict of interest laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

#### Factual Statement

We understand that you request this reconsideration petition in your capacity as the Attorney for the Kansas Lottery. In your request for Opinion 1998-01, you explained that an employee had assisted in the preparation of a request for proposal (RFP) and questioned whether he could then accept employment with the contractor who was awarded the contract pursuant to that RFP. You have now provided us with additional information and explained that the contract at issue in Opinion 1998-01 was, in fact, let after a competitive bid process authorized by K.S.A. 74-8705(b). Based upon the new information you have provided, the Commission has granted your request for reconsideration.

#### Question

Do the prohibitions contained in K.S.A. 1998 Supp. 46-233(a)(2) apply to this contract?

#### Opinion

K.S.A. 1998 Supp. 46-233, which involves participation in the making of contracts, states in pertinent part:

"(a) (2) Except as otherwise provided in this subsection, whenever any individual has participated as a state officer or employee in the making of any contract with any person or business, such individual shall not accept employment with such person or business as an employee, independent contractor or subcontractor until two years

after performance of the contract is completed or until two years after the individual terminates employment as a state officer or employee, whichever is sooner. . . .

"(d) Subsections (a) and (b) shall not apply to the following:

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

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

Because the contract at issue was let pursuant to an advertised competitive bid process, the restrictions listed in subsection (a)(2), above, do not apply. Therefore, the employee involved in the the RFP would be able to accept employment with the contractor who received the contract.

#### Opinion No. 1999-43

Written October 21, 1999, to Dale Hershberger, Kansas Department of Transportation, Clay Center.

This opinion is in response to your letter dated October 8, 1999, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the State level governmental ethics laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

#### Factual Statement

We understand that you request this opinion in your capacity as an Area Engineer with the Kansas Department of Transportation (KDOT). You have explained that although you are not involved with the purchase of normal office supply items, you recently received an unsolicited sample of an engraved pen from the Amsterdam Printing & Litho Company of Amsterdam, New York. The stated value of this pen is one-dollar and twenty-nine cents (\$1.29).

#### Questions

I. Pursuant to K.S.A. 1998 Supp. 46-237a, may a state employee accept, on behalf of the State agency, a product sample sent by the company to the employee?

II. Are the prohibitions in K.S.A. 1998 Supp. 46-237a satisfied if a classified state employee destroys an unsolicited "gift" instead of returning the unsolicited gift to the donor?

#### Opinion

You have asked about the ability of classified employees to accept unsolicited gifts pursuant to K.S.A. 1998 Supp. 46-237a, which applies to the governor, the lieutenant governor, the governor's spouse, all classified employees, and those unclassified employees in the executive branch whose compensation is subject to approval by the governor pursuant to K.S.A. 75-2935b. It states in pertinent part:

"(b) No person subject to the provisions of this section shall solicit or accept any gift, economic opportunity, loan, gratuity, special discount or service provided because of such person's official position, except:

"(3) anything of value received by the person on behalf of the state that inures to the benefit of the state or that becomes the property of the state. . . ."

Pursuant to this statute, state employees are entirely prohibited from accepting gifts unless one of the enumerated exceptions applies. In the specific factual scenario you have detailed, the classified employee will be accepting the product sample on behalf of the state agency and not for the personal use of the employee. If the sample becomes the property of the State, the classified employee may accept the product sample on behalf of the state agency, so long as the agency does not license, inspect or regulate the company providing the sample. See K.S.A. 1998 Supp. 46-237(c) and Commission Opinion 97-23. The Commission would suggest, however, that in order to avoid the appearance of impropriety, the classified employee forward the product sample and the enclosed sales material to the person in charge of purchasing such items for the agency.

With regard to your second question, K.S.A. 1998 Supp. 46-237a prohibits the *acceptance* of any "gift, economic opportunity, loan, gratuity, special discount or service provided because of such person's official position," unless one of the enumerated exceptions applies. In a situation where a classified employee receives an unsolicited "gift" which does not fit into one of the enumerated exceptions, the employee may either forward the item back to the sender or promptly destroy the item. In either the case, the employee, for the employee's protection, should take appropriate measures to document that he or she did not "accept" the gift.

In conclusion, a classified employee may accept, on behalf of the agency, an unsolicited sample if the sample becomes the property of the state and is not retained for the exclusive use of the employee. If the unsolicited sample does not fit into one of the enumerated exceptions, the employee may either forward the item back to the sender or promptly destroy the item.

#### Opinion No. 1999-44

Written October 21, 1999, to Larry Fischer, Treasurer, Kansas Health Care Association Political Action Committee, Coffeyville.

This opinion is in response to your letter of September 16, 1999, in which you request an opinion from the Kansas Governmental Ethics Commission (GEC) concerning the Campaign Finance Act (K.S.A. 25-4142 *et seq.*). We note at the outset that the Commission's jurisdiction concerning your question is limited to the application of K.S.A. 25-4142 *et seq.* Thus, whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

#### Factual Statement

We understand that you request this opinion in your position as treasurer for the Kansas Health Care Association Political Action Committee. You have explained that your organization would like to reimburse an entity for lobbying expenditures and other legislative actions.

#### Question

I. May a political committee reimburse an entity for lobbying expenses or other legislative actions pursuant to the Campaign Finance Act (K.S.A. 25-4142 *et seq.*)?

#### Opinion

We have reviewed the Campaign Finance Act (K.S.A. 25-4142 *et seq.*) and no provision of the Act places restrictions on how a political committee spends its money.

#### Opinion No. 1999-45

Written October 21, 1999, to the Honorable Marti Crow, State Representative, Leavenworth.

This opinion is in response to your letter of September 14, 1999, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the State level governmental ethics laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

#### Factual Statement

We understand that you request this opinion in your capacity as a Kansas State Representative. You have explained that you are a member of the Board of Directors of the Northeast Kansas Mental Health and Guidance Center (NKMHGHC). The NKMHGHC receives funding through grants from the Juvenile Justice Authority (JJA) and appropriations from the Kansas Legislature. You have indicated that you do not receive compensation as a member of the Board of Directors. As a State Representative, you serve on the House Public Safety Finance Committee which considers funding for the JJA and makes recommendations to the House Appropriations Committee. In addition, you serve on the House Judiciary Committee which considers the structure and statutory framework for the JJA.

#### Question

May a State Representative participate in the discussion of, and vote on, matters which may affect an entity for which the Representative serves on the Board of Directors?

#### Opinion

In your capacity as a State Representative, you are governed by the state level conflict of interest laws (K.S.A. 46-215 *et seq.*). We have reviewed these laws, and K.S.A. 1998 Supp. 46-233 is the only section which might apply to the scenario you have described. It states in pertinent part:

"(a) (1) No state officer or employee shall in the capacity as such officer or employee be substantially involved in the preparation of or participate in the making of a contract with any person or business by which such officer or employee is employed or in whose business such officer or employee or any member of such officer's or employee's immediate family has a substantial interest . . .

"(b) No individual shall, while a legislator or within one year after the expiration of a term as legislator, be interested pecuniarily, either directly or indirectly, in any contract with the state, which contract is funded in whole or in part by any appropriation or is authorized by any law passed during such term, except that the prohibition of this subsection (b) shall not apply to any contract interest in relation to which a disclosure statement is filed as provided by K.S.A. 46-239, and amendments thereto."

This Commission has consistently held that the provisions of K.S.A. 1998 Supp. 46-233 apply to "contracts"  
(continued)

and not to general legislative determinations. (See Opinions 75-75, 76-09, 76-11, 78-03.) Therefore your actions in participating in the discussion of, and voting on, matters which may affect the NKMHC or the JJA are not prohibited by the State level conflict of interest laws. It should be noted, however, that pursuant to K.S.A. 1998 Supp. 46-233(b), if you have a direct or indirect monetary interest in any contract with the State which is funded in whole or in part by any appropriation passed during a term while you are a Representative, you must note your interest on your statement of substantial interests form pursuant to K.S.A. 46-239.

#### Opinion No. 1999-46

Written November 18, 1999, to William A. Taylor III, Cowley County Counselor, Winfield.

This opinion is in response to your letter of November 12, 1999, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the local conflict of interest laws (K.S.A. 75-4301 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 75-4301 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

#### Factual Statement

We understand that you request this opinion in your capacity as the Cowley County Counselor. You have informed us that a member of the Cowley County Planning Commission (Planning Board) is the brother of one of the Cowley County Commissioners. In addition, another member of the Planning Board is the brother-in-law of another member of the Cowley County Commission (Commission).

#### Question

Does the current membership of the Cowley County Planning Commission or the Cowley County Commission violate K.S.A. 75-4301 *et seq.*?

#### Opinion

As Cowley County employees, the members of the Planning Board and the Commission are governed by the local level conflict of interest laws (K.S.A. 75-4301 *et seq.*). We have reviewed those laws and find nothing that would prohibit the scenario you have described. The Commission would note, however, that an appearance of impropriety may arise under these circumstances.

#### Opinion No. 1999-47

Written November 18, 1999, to Carla J. Stovall, Attorney General, Topeka.

This opinion is in response to your letter dated November 12, 1999, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the State level governmental ethics laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

#### Factual Statement

We understand that you request this opinion in your capacity as Attorney General of the State of Kansas and on behalf of the Secretary of State, Ron Thornburgh. You have informed us that the Attorney General's office and the Secretary of State's office will be located in the historic Memorial Building once the renovation of the building is complete. You and Secretary Thornburgh would like to hold a public rededication ceremony that will educate the public about the history of this beautiful building and its original dedication in 1911. In order to defray the costs of publicizing the celebration, you would like to solicit donations from the individuals and companies that participated in the design and renovation of the building. You have informed us that none of the individuals you intend to solicit donations from have a special interest in the actions of the Attorney General or Secretary of State's offices.

#### Question

I. May the Attorney General and the Secretary of State of Kansas solicit donations for a public rededication ceremony of the Historic Memorial Building?

#### Opinion

In your positions as elected state officials, you are both unclassified state employees. Therefore, K.S.A. 46-237 and 46-236 apply to this issue. K.S.A. 46-237 states in pertinent part:

"(a) No state officer or employee . . . shall accept, or agree to accept any economic opportunity, [or] gift . . . having an aggregate value of \$40 or more in any calendar year from any one person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties."

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

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

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

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

Under these sections you may not solicit from any person known to have a special interest when you know or should know that a major purpose of the donor could be to influence you in the performance of your official duties. Absent a special interest or a major purpose to influence, you will be able to solicit for the agency.

#### Opinion No. 1999-48

Written December 16, 1999, to Dennis Harwick, Executive Director, Kansas Bar Association, Topeka.



This opinion is in response to Ron Smith's letter of October 27, 1999, in which he requests an opinion from the Kansas Governmental Ethics Commission concerning the lobbying provisions of the state level conflict of interest laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

#### Factual Statement

We understand Mr. Smith requested this opinion in his capacity as general counsel for the Kansas Bar Association. He advised us that numerous computer websites are appearing which offer political viewpoints and which urge people to "contact their legislators" about specific legislation or legislative ideas.

#### Questions

I. If a website offers political viewpoints and urges people to "contact their legislators" about specific legislation or legislative ideas, does that constitute lobbying?

II. If an individual spends more than \$100 per year maintaining a website which supports or opposes an identifiable legislative issue in the Kansas Legislature, must that person register as a lobbyist?

III. If such a site is maintained by a corporation or other business entity, who must register as a lobbyist if one is required?

#### Opinion

K.S.A. 46-225 is applicable to the first question. It defines lobbying in pertinent part as:

"(1) Promoting or opposing in any manner action or nonaction by the legislature on any legislative matter or the adoption or nonadoption of any rule and regulation by any state agency. . . ." (Emphasis added.)

K.A.R. 19-61-1 is also applicable to your question. It states in pertinent part:

"(a) . . . Legislative matters include any bills, resolutions, nominations, or other issues or proposals pending before the legislature or any committee, subcommittee, or council thereof. An issue or proposal is pending before any such body if it is being directly considered by such body or a member thereof even if not directly considered by it, or if it is an issue subject to continuing review by any such body. "(1) Any communication which is intended to advocate action or nonaction by the legislature on a legislative matter, including communications with other persons with the intent that such persons communicate with legislators in regard thereto, constitutes lobbying.

"(b) Exceptions. The communication of factual material which is not intended to promote or oppose action or non-action on a legislative matter and which is not accompanied by active advocacy does not constitute lobbying."

Pursuant to K.S.A. 46-225 and K.A.R. 19-61-1, if a website through specific communications promotes or opposes action or nonaction by the legislature it will constitute lobbying.

With respect to the second question, K.S.A. 46-222(a) applies. It defines "lobbyist" in part as:

"any person who makes expenditures in an aggregate amount of \$100 or more, exclusive of personal travel and subsistence expenses, in any calendar year for lobbying."

K.A.R. 19-60-3(c) defines "expenditure" in the following terms:

"(c) 'Expenditure' means a payment or a contract to pay for:

"(4) producing and disseminating mass media communication, letter-writing campaigns and similar transactions which explicitly promote or oppose a clearly identified legislative matter, or rule and regulation, and which urge or requests the recipient to communicate directly with state officers or employees regarding that matter."

Pursuant to K.S.A. 46-222(a) and K.A.R. 19-60-3(c), if the expenses of maintaining the portion of the website which relate to promoting or opposing action or nonaction by the legislature combined with the cost of any other lobbying expenses by the individual who owns or is responsible for the website meets or exceeds \$100.00 in value, that individual must register as a lobbyist.

In response to the third question, K.S.A. 46-223 defines a "person" as:

"an individual, proprietorship, partnership, limited partnership, association, trust, estate, business trust, group, or corporation, whether or not operated for profit, or a governmental agency unit, or subdivision."

If the website is owned or operated by a corporation or other business entity, and that entity spends \$100.00 or more in a calendar year on lobbying, it will be necessary for the entity to appoint an individual to register as its lobbyist. That individual will then report all lobbying expenditures on behalf of the entity.

In conclusion, websites which through specific communications, promote or oppose action or nonaction by the legislature constitute lobbying. If the expenses of maintaining the portion of the website which relates to promoting or opposing action or nonaction by the legislature combined with the cost of the other lobbying expenses by the individual who owns or is responsible for the website meets or exceeds \$100.00 in value, that individual must register as a lobbyist. Finally, if the website is owned or operated by a business entity, and that entity spends \$100.00 or more in a calendar year on lobbying, it will be necessary for the entity to appoint an individual to register as its lobbyist.

#### Opinion No. 1999-49

Written December 16, 1999, to all interested persons:

The Kansas Governmental Ethics Commission takes the opportunity to issue guidelines with respect to the filing of opinion requests pursuant to K.S.A. 46-254.

The Kansas Governmental Ethics Commission generally holds monthly Commission meetings on the third Thursday of each month. Due to the need to research and prepare answers to the questions presented, as well as to allow Commission members sufficient time to review opinion drafts, the Commission now establishes that opinion requests should be received in the Commission's office no later than 10 days prior to the Commission's next regularly scheduled meeting.

Persons with extenuating circumstances may petition the Commission in writing or via telephone requesting an earlier date for consideration of an opinion request.

#### Opinion No. 1999-50

Written December 16, 1999, to all interested persons.

(continued)

Pursuant to K.S.A. 46-254, the Kansas Governmental Ethics Commission takes the opportunity to issue its opinion on the interpretation of K.S.A. 46-237a(b) and (e) and the definition of "official position."

### Opinion

K.S.A. 46-237a states in pertinent part:

"(b) No person subject to the provisions of this section shall solicit or accept any gift, economic opportunity, loan, gratuity, special discount or service provided because of such person's official position. . . .

"(e) No person subject to the provisions of this section shall solicit or accept free or special discount tickets or access to entertainment or sporting events or activities such as plays, concerts, games, golf, exclusive swimming, hunting or fishing or other recreational activities when the free or special discount tickets or access are provided because of the person's official position."

The Commission now determines that the term "official position" refers to an individual's particular position with the State and does not apply generally to a person because they are a State employee. For guidance, the Commission notes that a gift or discount which is provided to all State employees is not being provided to a person because of his or her "official position." On the other hand, a gift or discount which is provided to all purchasing agents, for example, or all employees of a particular agency, will be deemed to be provided because of such persons' "official position."

### Opinion No. 1999-51

Written December 16, 1999, to Marvin E. Rainey, Rainey Rainey & Sutton, Overland Park.

This opinion is in response to your letter of November 23, 1999, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the local conflict of interest laws (K.S.A. 75-4301 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 75-4301 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

### Factual Statement

We understand that you request this opinion in your capacity as the city attorney for the City of Shawnee, Kansas. You have informed us that Tim Roche is a member of the Shawnee City Council. Mr. Roche is also employed by Deffenbaugh Industries, Inc. (Deffenbaugh) which provides routine trash and solid waste disposal services to the City of Shawnee. Although the City Council is not involved in the preparation of the actual contract between the City and Deffenbaugh, the City Council is required to vote on the semi-monthly appropriation ordinances which include payments to Deffenbaugh, as well as payments to the individual members of the City Council.

### Questions

I. May a member of the city council vote on an appropriation ordinance which contains payments to an entity in which that member has a substantial interest?

### Opinion

In Mr. Roche's capacity as a Shawnee City Council member, he is governed by the local level conflict of in-

terest laws (K.S.A. 75-4301 *et seq.*). K.S.A. 75-4304 prohibits a local official from participating in his capacity as a local official in the making of contracts in which that official has a substantial interest. It states in pertinent part:

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

The absolute abstention requirement of K.S.A. 75-4304 is triggered only in situations where the local governmental officer, in the capacity as a governmental officer, makes or participates in the making of a contract with a person or business by which the officer is employed or in whose business the officer has a substantial interest. This Commission has consistently held that K.S.A. 75-4304 does not generally cover legislative decisions or administrative decisions such as those made by planning commissions, boards of zoning appeals, or city councils. (See Commission Opinion 1999-05, 1998-20 and 1994-38.) Because the approval of the appropriation ordinances are legislative in nature and do not involve the "making of a contract," K.S.A. 75-4304 does not prohibit Mr. Roche from voting on the appropriation ordinances containing payments to Deffenbaugh. We would note that while this City Council member is not prohibited from voting on these issues, the better course of action would be to abstain from voting so long as to avoid the appearance of impropriety.

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

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

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

Therefore, before voting on the appropriation ordinances containing payments to Deffenbaugh, Mr. Roche must file a statement of substantial interests form which discloses the nature of his interest in Deffenbaugh.

### Opinion No. 1999-52

Written December 16, 1999, to Connie Hubbell, Secretary of the Kansas Department on Aging, Topeka.

This opinion is in response to your letter dated December 9, 1999, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the State level governmental ethics laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

### Factual Statement

We understand that you request this opinion in your capacity as Secretary of the Kansas Department on Aging

(KDOA). You have explained that your agency will be participating in the Governor's Conference on Aging (the Conference) in June of 2000. In order to defray the costs of the conference, your agency would like to solicit exhibitors and sponsors. You envision having sixty (60) exhibitors who will pay \$250 for a large exhibit space and twelve (12) smaller exhibitors who will pay \$50 per exhibit space. In addition, your agency will solicit sponsors to host the Governor's reception, luncheons, breakfasts, breaks and concurrent sessions.

Anyone attending the conference will be required to pay a \$45.00 registration fee for one day or an \$85.00 registration fee for both days. Although this fee will be used in conjunction with the sponsors donations to pay for the expenses incurred with putting on the conference such as brochures, copying costs, facility rental costs, and travel expenses for speakers, it is possible that the KDOA will make a profit on this event and, therefore, a portion of the money received will inure to the benefit of the state.

Your agency will be mailing conference registration forms to a wide variety of persons and entities listed on a master data list. This list includes all of the eleven Area Agencies on Aging, various community mental health centers, hospitals, home health agencies, nursing homes, and other entities which may ultimately receive financial support from federal or state governments or from the KDOA.

#### Questions

I. May KDOA *unclassified* employees, on behalf of the agency, mail blank conference registration forms to persons and entities on the master data list?

II. May the KDOA accept registration fees from any person who wishes to attend the conference, regardless of the registrant's employment status?

III. May *unclassified* KDOA employees, on behalf of the agency, solicit and accept sponsorship money in excess of \$40 from sponsors who do *not* have a special interest in KDOA? IV. May *unclassified* KDOA employees, on behalf of the agency, solicit and accept money for exhibit booths?

#### Opinion

In answer to your first question, there are no statutes in the State level governmental ethics laws (K.S.A. 46-215 *et seq.*) which would prohibit the agency from sending blank conference registration forms to persons and entities on your master data list.

The remainder of your questions ask about the ability of unclassified employees to accept and solicit on behalf of the agency. K.S.A. 46-236 and K.S.A. 1998 Supp. 46-237 apply to this issue. K.S.A. 46-236 states in pertinent part:

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

K.S.A. 1998 Supp. 46-237 states in pertinent part:

"(a) No state officer or employee . . . shall accept, or agree to accept any economic opportunity, [or] gift . . . having an aggregate value of \$40 or more in any calendar year from any one person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to in-

fluence such person in the performance of their official duties or prospective official duties.

"(c) No person licensed, inspected or regulated by a state agency shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$40 or more in any calendar year to such agency or any state officer or employee, candidate for state office or state officer elect of that agency."

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

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

In answer to your second question, so long as all similarly situated participants to the conference are charged the same registration fee, KDOA may accept registration fees from any person who wishes to attend the conference, regardless of the registrant's employment status, because the registration fee is not an "economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service." See K.S.A. 46-236 and K.S.A. 1998 Supp. 46-237. With regard to your third question, pursuant to K.S.A. 46-236 and K.S.A. 1998 Supp. 46-237, unclassified KDOA employees may solicit and accept sponsorship money in excess of \$40 from sponsors who do *not* have a special interest in the KDOA and who are not licensed, inspected or regulated by the KDOA. These employees would be prohibited however, from soliciting sponsorship money in excess of \$40 from entities that do have a special interest in the KDOA or who are licensed, inspected or regulated by the KDOA.

Finally, pursuant to K.S.A. 46-236 and K.S.A. 1998 Supp. 46-237, so long as all participants to the conference are charged the same exhibitor fee for the same size exhibit space, KDOA may solicit and accept money for exhibit booths, because the exhibitor fee is not an "economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service."

In conclusion, the KDOA may send blank conference registration forms to persons and entities on your master data list; the KDOA may accept registration fees from any person who wishes to attend the conference, regardless of the registrant's employment status, so long as all similarly situated participants to the conference are charged the same registration fee; unclassified KDOA employees may solicit and accept sponsorship money in excess of \$40 from sponsors who do *not* have a special interest and who are not licensed, inspected or regulated by the KDOA; and finally, the KDOA may solicit and accept money for exhibit booths, so long as all participants to the conference are charged the same exhibitor fee for the same size exhibit space.

Daniel Severt  
Chairman

Doc. No. 024940

## State of Kansas

## Department of Transportation

## Request for Comments

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 00-02 by adding the following projects:

**Project C-3720-01**—Preliminary engineering for environmental study on Airport Road (Yoder Road) from 4th Street to US-50 in Hutchinson, Reno County

**Project K-6799-02**—Preliminary engineering for roadway reconstruction on US-69 from the Oklahoma/Kansas state line north to the Jct. US-166 in Cherokee County

**Project K-7888-01**—Preliminary engineering for grading and bridges on US-59 from the Franklin/Douglas county line north to 2L/4L divide in Douglas County

**Project K-7888-02**—Preliminary engineering for surfacing on US-59 from the Franklin/Douglas county line north to 2L/4L divide in Douglas County

**Project K-7889-01**—Preliminary engineering for grading and bridges on US-59 beginning at I-35 northeast of Ottawa, north to the Franklin/Douglas county line in Franklin County

**Project K-7889-02**—Preliminary engineering for surfacing on US-59 beginning at I-35 northeast of Ottawa, north to the Franklin/Douglas county line in Franklin County

**Project K-7890-01**—Preliminary engineering for grading, surfacing and bridges on US-69 from 1.2 km north of RS-1203, north to the Linn/Miami county line in Linn County

**Project K-7891-01**—Preliminary engineering for grading, surfacing and bridges on US-69 from .5 km south of RS-1204 (Green Valley Road) interchange, north to 1.2 km north of RS-1203 in Linn County

**Project K-7892-01**—Preliminary engineering for grading, surfacing and bridges on US-69 from 1.7 km south of the new south K-52 interchange, north to .5 km south of RS-1204 (Green Valley Road) interchange in Linn County

**Project K-7893-01**—Preliminary engineering for grading, surfacing and bridges on US-69 south of K-239 interchange, north to 1.7 km south of the new south K-52 interchange in Linn County

The amendment of the STIP requires a 30-day public comment period. To receive more information on any of these projects or to make comments on the STIP amendment, contact the Kansas Department of Transportation, Office of Engineering Support, 7th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568, (785) 296-7916, fax (785) 296-0723.

This information is available in alternative accessible formats. To obtain an alternative format, contact the

KDOT Office of Transportation Information, (785) 296-3585 (Voice/TTY).

The comment period regarding the STIP amendment will conclude April 24.

E. Dean Carlson  
Secretary of Transportation

Doc. No. 024943

(Published in the Kansas Register March 23, 2000.)

## Notice of Partial Redemption

## City of Kansas City, Kansas

Single Family Mortgage Revenue Bonds  
1980 Series A

Notice is hereby given that, pursuant to Section 3.01 of the Trust Indenture, \$415,000 principal amount of the bonds are being called for redemption on May 1, 2000, at the redemption price of 100 percent of the principal amount being redeemed plus accrued interest thereon to the redemption date. This notice was first published on Thursday, March 23, 2000, in the Kansas Register and The Bond Buyer.

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

## Bearer Bonds

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

Bearer bonds called in denominations of \$5,000 each:

2197 2348 2811 3000 3406 3850 4078 4173 5020 5266 6376 6640 7163

## Registered Bonds

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

Registered bonds called in the amount indicated

below all with the prefix "R":

520...\$5,000 610...\$5,000 612...\$5,000 665...\$5,000 675...\$330,000

Payment of the redemption price of the bonds to be redeemed will be made at Security Bank of Kansas City, 5800 Foxridge Drive, Mission, KS 66201. To avoid a 31 percent backup withholding required by the Interest and Dividend Tax Compliance Act of 1983, bondholders should submit certified taxpayer identification numbers on IRS Form W-9 when presenting their securities for redemption.

Notice is hereby given that on and after May 1, 2000, interest on the bonds hereby called for redemption shall cease to accrue.

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

Dated March 23, 2000.

Security Bank of Kansas City  
Kansas City, Kansas  
Trustee

Doc. No. 024941

## State of Kansas

**Persian Gulf War Health Initiative  
Advisory Board****Notice of Meeting**

The Kansas Persian Gulf War Health Initiative Advisory Board will meet at 12:30 p.m. Wednesday, March 29, in Room 234-N, State Capitol, 300 S.W. 10th Ave., Topeka. For further information, contact Dr. Lea Steele at (785) 296-3976.

Stoney Wages  
Executive Director

Doc. No. 024959

(Published in the Kansas Register March 23, 2000.)

**Statutory Notice of Bond Sale  
City of Overland Park, Kansas  
\$6,680,000****Internal Improvement Bonds  
Series 2000A****(General obligations payable  
from unlimited ad valorem taxes)****Sealed Bids**

Bids submitted in a sealed envelope marked "Bid for Series 2000A Bonds," will be received by the undersigned, Director of Finance, Budget and Administration of the City of Overland Park, Kansas, at City Hall, 8500 Santa Fe Drive, Overland Park, KS 66212, until 1 p.m. Monday, April 3, 2000, for the purchase of the city's \$6,680,000 principal amount of Internal Improvement Bonds, Series 2000A. All bids will be publicly opened at that time and will be considered and acted upon by the city council of the city at a regular meeting of the city council scheduled for 7:30 p.m. Monday, April 3, 2000. No oral, telephone, telefax or auction bids will be considered. No bid of less than the par value of the Series 2000A Bonds and accrued interest thereon to the date of delivery of the Series 2000A Bonds will be considered.

**Bond Details**

The Series 2000A Bonds will be issued in book entry form in the denomination of \$5,000 or any integral multiple thereof, will be dated April 1, 2000, will be issued in the principal amount of \$6,680,000 and will become due serially on September 1 in each of the years as follows:

**Maturity Schedule**

Maturity September 1	Principal Amount
2001	\$740,000
2002	730,000
2003	730,000
2004	730,000
2005	730,000
2006	605,000
2007	605,000
2008	605,000
2009	605,000
2010	600,000

The Series 2000A Bonds will bear interest from their date at rates to be determined when the Series 2000A Bonds are sold as herein provided, which interest will be payable semiannually on March 1 and September 1 in each year, commencing September 1, 2000.

**Good Faith Deposit**

A good faith deposit in the form of a certified or cashier's check or financial surety bond in the amount of \$133,600 must accompany each bid for the Series 2000A Bonds.

**Costs**

The city will pay the cost of printing the Series 2000A Bonds and the expense of all legal services, including the opinion of McDowell, Rice, Smith & Gaar, a Professional Corporation, bond counsel, approving the legality of the Series 2000A Bonds and the exclusion of the interest thereon (with specified minor exceptions) from federal and Kansas gross income taxes.

**Delivery and Payment**

The Series 2000A Bonds will be delivered to the successful bidder properly prepared, executed and registered without cost within approximately 30 days after the date of their award in New York, New York.

**Assessed Valuation and Indebtedness**

For the computation of the debt limitation relating to the Series 2000A Bonds, the assessed valuation of the taxable tangible property within the city as of December 31, 1999, was \$2,032,632,673. The total general obligation bonded indebtedness, including temporary notes of the city and the Series 2000A Bonds, as of the date of the Series 2000A Bonds, is \$71,065,000, which includes \$3,800,000 outstanding temporary notes that will be retired with a portion of the proceeds of the Series 2000A Bonds and excludes \$4,780,000 temporary notes dated April 27, 2000, a portion of the proceeds of which will be used to retire the outstanding notes.

**Additional Information**

A complete notice of bond sale, preliminary official statement and bid form approved by the city will be mailed to all interested parties. Additional information regarding the Series 2000A Bonds may be obtained from the financial advisor, Evensen Dodge Inc., 601 Second Ave. South, Suite 5100, Minneapolis, MN 55402, (612) 338-3535, Attention: Alicia Gage; and from the City of Overland Park, Kansas, 8500 Santa Fe Drive, Overland Park, KS 66212, (913) 895-6152, Attention: Kristy Cannon Stallings. Arrangements may be made with the financial advisor, Evensen Dodge Inc., to deliver a sealed bid for the Series 2000A Bonds to the city.

Dated March 23, 2000.

City of Overland Park, Kansas  
By Kristy Cannon Stallings  
Director of Finance, Budget  
and Administration  
City Hall  
Overland Park, KS 66212

Doc. No. 024960

(Published in the Kansas Register March 23, 2000.)

**Summary Notice of Bond Sale**  
**City of Mulvane, Kansas**  
**\$662,475.40**

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

**Details of the Sale**

Subject to the terms and conditions of the complete official notice of bond sale dated as of March 6, 2000, of the City of Mulvane, Kansas, in connection with the city's General Obligation Internal Improvement Bonds, Series A, 2000, hereinafter described, sealed, written bids shall be received at the office of the city clerk at City Hall, 211 N. 2nd, Mulvane, Kansas, until 7 p.m. Monday, April 3, 2000, for the purchase of the bonds. All bids shall be publicly opened, read aloud and tabulated on said date and at said time and shall thereafter be immediately considered and acted upon by the city.

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 clerk 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 are in the aggregate principal amount of \$662,475.40, and shall bear a dated date of April 1, 2000. 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 the bonds maturing in any year, except that one bond maturing in the year 2001 shall be issued in a denomination that represents the odd amount of the bonds. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified in even multiples of 1/8th or 1/20th of 1 percent by the successful bidder for the bonds. The difference between the highest and lowest interest rate shall not exceed 2.5 percent. Certain of the bonds are subject to redemption prior to their respective maturities as set forth in the official notice of bond sale.

Interest on the bonds shall be payable semiannually on April 1 and October 1 of each year, commencing April 1, 2001, and the bonds shall mature serially on October 1 in each of the years and principal amounts as follows:

**Maturity Schedule**

Principal Amount	Maturity Date
\$17,475.40	2001
30,000.00	2002

35,000.00	2003
35,000.00	2004
35,000.00	2005
40,000.00	2006
40,000.00	2007
45,000.00	2008
45,000.00	2009
50,000.00	2010
50,000.00	2011
55,000.00	2012
60,000.00	2013
60,000.00	2014
65,000.00	2015

**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 paid 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 constitute general obligations of the city, and the full faith, credit and resources of the city will be pledged to the payment thereof. The bonds shall be payable as to both the principal of and the interest thereon, in part, from the collection of special assessment taxes that have been levied against certain real properties in the city. To the extent the proceeds of such special assessment taxes are insufficient, 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.

**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 before Friday, April 14, 2000, at such bank or trust company or other qualified depository in the State of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere shall be made at the expense of the successful bidder.

**Legal Opinion**

The bonds will be sold subject to the legal opinion of Triplett, Woolf & Garretson, LLC, Wichita, Kansas, bond counsel, whose fees will be paid by the city. 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.)

(Published in the Kansas Register March 23, 2000.)

**Financial Matters**

The city's current equalized assessed tangible valuation is as follows:

Assessed Valuation of Taxable Tangible Property	\$18,010,972
Taxable Value of Motor Vehicles	5,322,190
Assessed Tangible Valuation for Computation	
of Bonded Debt Limitations	\$23,333,162

K.S.A. 10-308 provides that the authorized and outstanding bonded indebtedness of any city shall not exceed 30 percent of the assessed valuation of the city. As of April 1, 2000, the city's gross outstanding debt, including the bonds, will be \$4,609,808.86. The total indebtedness, after statutory adjustments, as of April 1, 2000, including the bonds, will be \$2,861,183.12, which is 12.26 percent of the assessed valuation of the city.

**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 and 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**

Securities and Exchange Commission Rule 15c2-12, as amended effective July 3, 1995, provides that brokers, dealers and municipal securities dealers must comply with certain requirements before acting as an underwriter in a primary offering of municipal securities with an aggregate principal amount of \$1,000,000 or more.

The bonds described herein will be offered in a primary offering with an aggregate principal amount of less than \$1,000,000. Accordingly, in the opinion of bond counsel, the offering and sale of the bonds described herein does not constitute an offering as defined by the rule, and the requirements of the rule do not apply to brokers, dealers and municipal securities dealers acting as underwriters in connection with the bonds described herein.

**Additional Information**

For additional information regarding the city, the bonds and the public sale, interested parties are invited to request copies of the complete official notice of bond sale and the official bid form and the city's preliminary official statement for the bonds, all of which may be obtained from the city clerk at the address and telephone number shown below, or from the city's financial advisor, J.O. Davidson & Associates, Inc., 245 N. Waco, Suite 525, Wichita, KS 67201, (316) 265-9411.

City of Mulvane, Kansas  
 By Patty Gerwick  
 City Clerk  
 City Hall, 211 N. 2nd  
 Mulvane, KS 67110  
 (316) 777-1143

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

**\$3,595,000**

**Aggregate Principal Amount  
 General Obligation Bonds  
 Series 2000A (Non Taxable) and  
 Series 2000B (Subject to AMT)**

Subject to the terms and conditions of the complete official notice of sale dated March 21, 2000, of the City of Wichita, Kansas, in connection with the city's hereinafter described series of General Obligation Bonds, sealed, written bids for the purchase of each of the series of bonds shall be received at the office of the mayor, first floor, City Hall, 455 N. Main, Wichita, Kansas, until 10:30 a.m. Tuesday, April 4, 2000. All bids shall be publicly opened and read aloud on said date and at said time and place. The bids will be considered and the bonds will be awarded by the city council in the city council chambers, City Hall, at 11:30 a.m. April 4, 2000.

No oral or auction bid for the bonds shall be considered, and no bid for less than the entire principal amount of a series of bonds shall be considered. Bids will be accepted only on the official bid forms that have been prepared for these series of bonds, which may be obtained from the city's Department of Finance. Bids may be submitted by mail or delivered in person, but 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 series of bonds for which the bid is submitted.

**Description of the Bonds**

The General Obligation Bonds, Series 2000A will be issued in the aggregate principal amount of \$840,000; shall be issued as fully registered bonds in the denomination of \$5,000, or any integral multiple thereof not exceeding the principal amount maturing in each year; shall bear a dated date of April 1, 2000; and shall mature serially on March 1 in each of the years and principal amounts as follows:

**Maturity Schedule - Series 2000A Bonds**

Principal Amount	Maturity Date
\$65,000	2001
70,000	2002
75,000	2003
75,000	2004
80,000	2005
85,000	2006
90,000	2007
95,000	2008
100,000	2009
105,000	2010

The Series 2000A Bonds shall bear interest at the rates specified by the successful bidder, and interest shall be

*(continued)*

payable semiannually on September and March 1 of each year, commencing September 1, 2000.

The General Obligation Bonds, Series 2000B (Subject to AMT) will be issued in the aggregate principal amount of \$2,755,000; shall be issued as fully registered bonds in the denomination of \$5,000, or any integral multiple thereof not exceeding the principal amount maturing in each year; shall bear a dated date of April 1, 2000; and shall mature serially on March 1 in each of the years and principal amounts as follows:

**Maturity Schedule - Series 2000B  
(Subject to AMT)**

Principal Amount	Maturity Date
\$215,000	2001
225,000	2002
240,000	2003
250,000	2004
265,000	2005
280,000	2006
295,000	2007
310,000	2008
330,000	2009
345,000	2010

The Series 2000B (Subject to AMT) Bonds shall bear interest at the rates specified by the successful bidder, and interest shall be payable semiannually on September 1 and March 1 each year, commencing September 1, 2000.

**Form of Bonds**

Each series of bonds will be issued in book-entry-only form.

**Paying Agent and Bond Registrar; Payment of Principal and Interest**

The Chase Manhattan Bank, New York, New York, shall serve as bond registrar and paying agent for the bonds. The principal amount of and the interest on the bonds shall be paid by the paying agent from funds made available by the city by wire transfer of same day funds to Cede & Co., nominee for the Depository Trust Company, New York, New York (DTC). The transfer of principal and interest payments to the participants of DTC will be the responsibility of DTC, and the transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. Reference is made to the official notice of bond sale for additional information regarding payment of principal and interest to owners of the bonds.

**Redemption**

Certain of the bonds are subject to redemption as set forth in the official notice of bond sale.

**Delivery**

The bonds shall be delivered at the expense of the city on or about April 27, 2000. As a condition to delivery, the successful bidders shall be required to deposit the bonds with DTC. (Reference is made to the official notice of bond sale for additional information regarding delivery.)

**Legal Opinion**

Hinkle Elkouri Law Firm L.L.C., Wichita, Kansas. All fees and expenses of bond counsel shall be paid by the city. (Reference is made to the official notice of bond sale

and the city's preliminary official statement for additional information regarding legal matters.)

**Security**

The bonds and the interest thereon constitute general obligations of the city, and the full faith, credit and resources of the city will be pledged to the payment thereof. (Reference is made to the official notice of bond sale and the city's preliminary official statement for a further discussion of the security for the bonds.)

**Ratings**

The city's outstanding general obligation bonds issued since 1975 have been rated by Moody's Investors Service, Inc. and by Standard & Poor's Corporation. The most recent ratings given to the city's general obligation bonds (sold January 11, 2000) by such rating agencies were "Aa 2" and "AA." The city has applied to both of said rating services for ratings on the bonds described herein.

**Financial Matters**

The city's equalized assessed tangible valuation for computation of bonded debt limitations is \$2,213,539,199. The total outstanding general obligation bonded indebtedness of the city, at April 1, 2000, will be \$323,070,365. This amount includes the within described bonds and the following described pending indebtedness.

**Pending Indebtedness**

Concurrently with the public sale of the bonds described herein, the city will offer at public sale \$1,630,000 principal amount of General Obligation Airport Renewal and Improvement Temporary Notes, Series A, 2000, and General Obligation Airport Renewal and Improvement Temporary Notes, Series B, 2000 (Subject to AMT).

**Official Statement**

The city has authorized and directed preparation of a preliminary official statement in connection with the bonds. Said preliminary official statement is in a form "deemed final" by the city for purposes of Securities and Exchange Commission Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in the final official statement. Not later than seven business days after the date of the sale of the bonds, the city shall furnish the successful bidder with a reasonable number of copies of the final official statement, without cost.

**Continuing Disclosure**

The city has adopted an ordinance establishing a master undertaking to provide ongoing disclosure concerning the city in connection with its general obligation bonds for the benefit of owners of the bonds, as required under Section (b)(5)(i) of Securities and Exchange Commission Rule 15c2-12. A copy of that ordinance is included as an appendix to the official statement.

**Additional Information**

Copies of the official notice of sale, official bid forms and preliminary official statement may be obtained from the city's Department of Finance, City Hall, 12th Floor, 455 N. Main, Wichita, KS 67202-1679, contact: Kristi Mc-Minnville, Debt Coordinator, (316) 268-4143.

City of Wichita, Kansas  
By Pat Burnett, City Clerk

Doc. No. 024964



State of Kansas

**Office of Judicial Administration  
Supreme Court Docket**

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

**Monday, April 17, 2000**

**9:00 a.m.**

Case No.	Case Name	Attorneys	County
82,658	Kansas Enterprises, Inc., Appellant, v. Gerald C. Frantz, et al., Appellees.	Donald E. Hill Clarence D. Holeman	Shawnee
82,347	State of Kansas, Appellee, v. Edward B. Wilkinson, Appellant.	Carla J. Stovall, Atty. Gen. Debra S. Peterson, Asst. Dist. Atty. J. Brent Getty, Asst. Appellate Defender	Sedgwick
82,174	State of Kansas, Appellee, v. Victor R. Mitchell, Jr., Appellant.	Carla J. Stovall, Atty. Gen. Debra S. Peterson, Asst. Dist. Atty. Debra J. Wilson, Asst. Appellate Defender	Sedgwick
82,370	State of Kansas, Appellee, v. Jason R. Moler, Appellant.	Carla J. Stovall, Atty. Gen. Debra S. Peterson, Asst. Dist. Atty. Kirk C. Redmond, Asst. Appellate Defender	Sedgwick
<b>1:30 p.m.</b>			
80,469	Robin B. Moore, Appellee, v. St. Paul Mercury Insurance Co., Appellant.	Jacob S. Graybill Arthur S. Chalmers	Sedgwick Petition for Review
80,991	State of Kansas, Appellee, v. Ricardo Gomez Murillo, Appellant.	Carla J. Stovall, Atty. Gen. Joe E. Lee, County Atty. Rebecca E. Woodman, Asst. Appellate Defender	Lyon
81,748	State of Kansas, Appellee, v. Keyon Hadley, Appellant.	Carla J. Stovall, Atty. Gen. Robert Claus, County Atty. Benjamin C. Wood	Montgomery

**Tuesday, April 18, 2000**

**9:00 a.m.**

Case No.	Case Name	Attorneys	County
82,463	Michael R. Wilson, Appellant, v. Augusto Ramirez, M.D., et al., Appellees.	Carlton W. Kennard Wayne T. Stratton	Crawford
82,354	State of Kansas, <i>ex rel.</i> State Board of Healing Arts, Appellee, v. Stanley W. Beyrle, et al., Appellants.	Mark W. Stafford Stephen B. Plummer	Sedgwick
82,080	In the Matter of the Care and Treatment of Michael Todd Crane.	John C. Donham Paul J. Morrison, District Atty.	Johnson
83,019	State of Kansas, Appellant, v. Scott Baker, Appellee.	Carla J. Stovall, Atty. Gen. Julie A. McKenna, County Atty. Wm. Rex Lorton	Saline
<b>1:30 p.m.</b>			
81,826	Sarah Wood, et al., Appellants, v. Derry and Choon Groh, Appellees.	David R. Cooper Paul Hasty, Jr.	Lyon

(continued)

83,091	State of Kansas, Appellant, v. Karim Abdul Ismaili, Appellee.	Carla J. Stovall, Atty. Gen. Rick A. Fleming, Special Asst. Atty. Gen. Pedro L. Irigonegaray	Crawford
80,189 80,213	State of Kansas, Appellee, v. Frank J. Wilkins, Appellant.	Carla J. Stovall, Atty. Gen. Gary L. Foiles, County Atty. Nicholas M. St. Peter	Cowley Petition for Review

## Wednesday, April 19, 2000

9:00 a.m.

Case No.	Case Name	Attorneys	County
83,264	Richard J. Schall, Appellant, v. Wichita State University, Appellee.	Sean M. Dwyer Wm. Scott Hesse	Sedgwick
81,943	State of Kansas, Appellee, v. Walter A. Jenkins, Appellant.	Carla J. Stovall, Atty. Gen. Nick A. Tomasic, Dist. Atty. Ralph J. DeZago	Wyandotte
82,678	State of Kansas, Appellee, v. Charles R. Robbins, Appellant.	Carla J. Stovall, Atty. Gen. Nick A. Tomasic, Dist. Atty. Barry G. Albin	Wyandotte
81,642	State of Kansas, Appellee, v. Derek L. Bedford, Appellant.	Carla J. Stovall, Atty. Gen. Nick A. Tomasic, Dist. Atty. Mary D. Curtis, Asst. Appellate Defender	Wyandotte

1:30 p.m.

83,955	In the Matter of David R. Platt, Respondent.	Edward G. Collister, Jr. Thomas D. Haney Hon. David R. Platt, Pro Se	Original
82,996	Kansas City Renaissance Festival Corp., Appellee, v. City of Bonner Springs, Appellant.	Cynthia L. Reams-Martin Kenton E. Snow Joseph P. Perry	Wyandotte
82,372	State of Kansas, Appellant, v. Lexie Renee Mason, a/k/a Barker, Appellee.	Carla J. Stovall, Atty. Gen. Lawrence M. Wright, County Atty. Karen A. Eager, Asst. Appellate Defender	Franklin

## Thursday, April 20, 2000

9:00 a.m.

Case No.	Case Name	Attorneys	County
84,677	In the Matter of Boyd W. Howard II, Respondent.	Edwin A. Van Petten, Deputy Disc. Admin. John W. Lehecka; Boyd W. Howard II, Pro Se	Original
83,897	In the Matter of Thomas Caleb Boone, Respondent.	Frank D. Diehl, Deputy Disc. Admin. William A. Hensley Thomas Caleb Boone, Pro Se	Original
83,887	In the Matter of Kent A. Roth, Respondent.	Edwin A. Van Petten, Deputy Disc. Admin. William K. Rork Kent A. Roth, Pro Se	Original

Friday, April 21, 2000

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

82,071 State v. Nicholas Perez      82,121 State v. Ronnell Golston      82,412 State v. Douglas K. Pichon

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

83,027 State v. James Allen Owens	83,319 State v. Timothy Warren	83,592 State v. Stephen D. Holmes
83,156 State v. Theodore W. Herl	83,374 State v. Timothy B. Smith	83,600 State v. Scott A. Griswold
83,218/ State v. Christopher Chad	83,376 State v. Anthony Eugene	83,721 State v. Steven Eric Lowe, Jr.
83,219/ Phillips	Reed	83,736 State v. Lewis Grant Gibson
83,220	83,425 State v. Jerome L. Ryan	84,108 State v. Karena Dawn Hickles
83,224 State v. Jess Aleman, Jr.	83,488 State v. Ollis E. Whitley	

Carol G. Green  
Clerk of the Appellate Courts

Doc. No. 024942

## State of Kansas

### State Corporation Commission

#### Notice of Motor Carrier Hearings

The following motor carriers have filed various applications and are scheduled for hearing at 9:30 a.m. April 11 before the commission at its offices, 1500 S.W. Arrowhead Road, Topeka, as indicated below. All applications listed herein are for statewide authority unless otherwise stated. This list does not include cases that have been continued from earlier assigned hearing dates for which parties of record have received notice.

Requests to inspect and copy the notices provided to the parties and questions in regard to these hearings should be addressed to the State Corporation Commission, Transportation Division, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (785) 271-3225 or 271-3151. The presiding officer for these matters is Paula Lentz, Assistant General Counsel, (785) 271-3279. Anyone needing special accommodations should give notice to the commission 10 days prior to the scheduled hearing date.

Attention should be directed to Kansas Administrative Regulation 82-1-228, "Rules of Practice and Procedure Before the Commission."

#### Applications for Certificate of Public Service:

**CBC II, Inc., dba CBC Express**, 1827 E. 1450 Road, Lawrence, KS 66044; MC ID No. 150805; General commodities (except household goods).

**Ron Cox, dba D & R Services**, 220 S. Broadway, Taloga, OK 73667; MC ID No. 158350; General commodities (except explosives, household goods and hazardous materials).

**Michael A. Firley, dba M & K Trucking**, 1022 N. Hersey, Beloit, KS 67420; MC ID No. 158415; General commodities (except household goods).

**John Goddard, dba Goddard Equipment**, Route 1, Box 162, Penokee, KS 67659; MC ID No. 158461; General commodities (except explosives, household goods and hazardous materials).

**Martin Gomez, dba Martin Gomez Trucking**, 2905 E. Trail #35, Dodge City, KS 67801; MC ID No. 158466; General commodities (except explosives, household goods and hazardous materials).

**Fred Housholder, dba H & H Trucking**, St. John Addition, Coolidge, KS 67836; MC ID No. 158463; General commodities (except explosives, household goods and hazardous materials).

**Samantha A. Kemp, dba Kemp Trucking**, 1218 W. 2nd, Liberal, KS 67901; MC ID No. 158432; General commodities (except household goods and hazardous materials).

**Charles Koehn, dba Charles Koehn Trucking**, 5305 Q Road, Ingalls, KS 67853; MC ID No. 158431; General commodities (except explosives, household goods and hazardous materials).

**Eric Moden, dba Moden Farms**, 706 Barclay, WaKeeney, KS 67672; MC ID No. 145136; General commodities (except household goods).

**Mark T. Pfeifer, dba Anthony Auto**, 731 N. L.L. and G, Anthony, KS 67003; MC ID No. 158465; Jim Forsyth, Attorney; Wrecked, disabled, repossessed and replacement vehicles.

**Rome Corporation, dba Western Well Service**, 1023 Reservation Road, Hays, KS 67601; MC ID No. 158459; Salt water.

**Ronald D. Schmidt, dba Ron Schmidt Trucking**, Route 1, Box 65, Greensburg, KS 67054; MC ID No. 158383; William Barker, Attorney; General commodities (except household goods and hazardous materials).

**Star Transport, L.L.C.**, 10777 Barkley, #220, Overland Park, KS 66211; MC ID No. 158464; General commodities (except household goods).

**Transportation Specialists, Inc.**, 9825 E. Harry, Wichita, KS 67207; MC ID No. 158462; General commodities (except explosives, household goods and hazardous materials).

**Lee Waggoner**, 202 N. Market, Billings, OK 74630; MC ID No. 158391; General commodities (except explosives, household goods and hazardous materials).

**Pete Wall, dba Wall Trucking**, HCR 3, Box 11, Lakin, KS 67860; MC ID No. 158298; General commodities (except explosives, household goods and hazardous materials).

**Wicked Trucking, Inc.**, 807 S. Elizabeth, Wichita, KS 67213; MC ID No. 158460; Joseph Weiler, Attorney; General commodities (except Classes A and B explosives and household goods).

Jacquelyn S. Miller  
Administrator  
Transportation Division

Doc. No. 024965

State of Kansas

**Office of Judicial Administration  
Court of Appeals Docket**

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

Kansas Court of Appeals  
Neosho County Courthouse  
102 S. Lincoln Ave.  
Chanute, Kansas

Before Brazil, C.J.; Gernon, J.; and Jack A. Murphy, D.J., assigned.

Tuesday, April 11, 2000

1:30 p.m.

Case No.	Case Name	Attorneys	County
83,639	Joyce Stover, Appellant, v. Superior Industries International, Inc., Appellee, and Patricia Gladson, Appellant, v. Superior Industries International, Inc., Appellee.	Kala Spigarelli John I. O'Connor Jeremiah J. Morgan	Crawford
83,697	Flossie Winterscheid and Donald Winterscheid, Appellants, v. City of Virgil, Appellee.	Karen K. McIlvain Michael C. Helbert	Greenwood
83,358	Ruth M. Warner and Timothy Carty, Appellees, v. David A. Krause and Geralyn Krause, Appellants.	Ron D. Martinek Vernon L. Jarboe	Coffey
83,636	State of Kansas, Appellee, v. Clinton Carl Bone, Appellant.	Attorney General Bret A. Heim, Special Asst. C.A. Forrest E. Short	Allen
83,386	Gordon L. Raspberry and Deborah Raspberry, Appellees, v. Midwest Tower Systems, Inc., Appellant.	Harvey Sorenson Jeffrey A. Chubb Mark J. Bredemeier John N. Sherman	Montgomery

Wednesday, April 12, 2000

9:00 a.m.

83,827	Edward M. Crouch, Appellee, v. American Family Mutual Insurance Company, Appellant.	Larry Markle James R. McCabria	Montgomery
81,594	State of Kansas, Appellee, v. Rory D. Oliver, Appellant.	Attorney General John L. Swarts III Jessica R. Kunen, Chief A.D. Debra J. Wilson, Asst. A.D.	Bourbon
84,009	Kelly Gillette and Irene Gillette, Husband and Wife; Darrell E. Preston and Beverly C. Preston, Husband and Wife; Larry D. Albers; Carl R. Wood and Judy K. Wood, Husband and Wife, Appellants, v. Joint Board of Zoning Appeals of Crawford County, Kansas, and Merle Lloyd, d/b/a Lloyd's Loads, LLC, Appellees.	Charles Gentry David W. Hauber	Crawford

82,904	David McCarley, Appellant, v. Brehan M. Harvill, Appellee.	Patrick C. Smith Stephen B. Angermayer	Crawford
82,520	State of Kansas, Appellee, v. Eldon E. Kee, Jr., Appellant.	Attorney General Kyle G. Smith, Asst. A.G. Edward W. Dosh	Woodson
<b>Summary Calendar—No Oral Argument</b>			
82,789	State of Kansas, Appellee, v. Aundre R. Cante, Appellant.	Attorney General Thomas Alongi, Asst. C.A. Hertry O. Boaten	Geary
82,869	State of Kansas, Appellee, v. Milo A. Jones, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Lesley A. McFadden, Asst. D.A. Bradley P. Sylvester	Sedgwick
82,917	Danny Ray Grantom, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Brent Getty, Asst. A.D. Attorney General Lois K. Malin, Asst. C.A.	Finney
83,033	State of Kansas, Appellee, v. Mark R. Thomas, a/k/a Jimmy Wilson, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A. Jessica R. Kunen, Chief A.D. Brent Getty, Asst. A.D.	Sedgwick
83,371	State of Kansas, Appellee, v. Todd R. Ames, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A. G. Craig Robinson	Sedgwick
83,717	State of Kansas, Appellee, v. Michael Capell, Appellant.	Attorney General District Attorney Jessica R. Kunen, Chief A.D.	Wyandotte
83,213	State of Kansas, Appellee, v. Geno Edmonds, Appellant.	Attorney General Stephen B. Chapman, Asst. D.A. John Jenab Alice A. Craig	Wyandotte
82,915	State of Kansas, Appellee, v. Alicia L. Brumback, Appellant.	Attorney General John L. Swarts III Jessica R. Kunen, Chief A.D. Craig Durham, Asst. A.D.	Bourbon
83,025	Linda Clay Domingues, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General Don L. Scott, C.A.	Seward
83,153 83,154	State of Kansas, Appellee, v. Russell Cartwright Harris, Sr., Appellant.	Attorney General County Attorney Roger L. Gossard	Montgomery
83,410	In the Matter of the Marriage of Keith McKinney, Appellant, and Sarah McKinney (Meyer), Appellee.	Keith McKinney, pro se Eric A. Commer	Sedgwick
83,587	Dan Martinez, Appellant, v. Bryan Riley and Secretary of State Ron Thornburgh, Appellees.	Dan Martinez, pro se Wm. Scott Hesse, Asst. A.G. Gilbert L. Guthrie	Shawnee
84,191	State of Kansas, Appellee, v. Roy Johnson, Appellant.	Attorney General Chris Biggs, C.A. Ronald L. Hodgson	Geary

(continued)

82,156	State of Kansas, Appellee, v. Brandice Epperson, Appellant.	Attorney General Brenda M. Jordan, Asst. C.A. Jessica R. Kunen, Chief A.D. Brent Getty, Asst. A.D.	Riley
83,310 83,311	State of Kansas, Appellee, v. Tony A. Washington, Appellant.	Attorney General Don L. Scott, C.A. Jessica R. Kunen, Chief A.D. Cory D. Riddle, Asst. A.D.	Seward

**Kansas Court of Appeals  
Old Sedgwick County Courthouse  
510 N. Main, 3rd Floor  
Wichita, Kansas**

Before Rulon, P.J.; Green, J.; and Wahl, S.J.

Tuesday, April 11, 2000

9:00 a.m.

Case No.	Case Name	Attorneys	County
81,092	State of Kansas, Appellee, v. Billy Joe Barker, Jr., Appellant.	Attorney General Mary Ann Shirley, C.A. Jessica R. Kunen, Chief A.D. Karen Eager, Asst. A.D.	Greenwood
82,833	State of Kansas, Appellee, v. Quarron M.L. Young, Appellant.	Attorney General Ty Kaufman, C.A. Jessica R. Kunen, Chief A.D. Patrick H. Dunn, Asst. A.D.	McPherson
82,159	State of Kansas, Appellee, v. Roy E. Burdg, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. David Lowden, Asst. D.A. Jessica R. Kunen, Chief A.D. Patrick H. Dunn, Asst. A.D.	Sedgwick
82,819	State of Kansas, Appellee, v. Leo D. Grahma, Jr., Appellant.	Attorney General Debra S. Peterson, Asst. D.A. David Lowden, Asst. D.A. Jessica R. Kunen, Chief A.D. Steven R. Zinn, Asst. A.D.	Sedgwick
1:30 p.m.			
83,474	Steven E. Anderson, Appellee, v. Employers Mutual Casualty Insurance Company, Appellant.	Norman G. Manley J. Steven Pigg Steve R. Fabert	Butler
82,960	City of Wichita, Appellee, v. John M. Pulliam, Appellant.	Sharon L. Dickgrafe Stephen M. Joseph	Sedgwick
82,860	In the Matter of the Marriage of Rita D. Buetow, Appellant, and Kevin W. Buetow, Appellee.	Kiehl Rathbun Bruce E. Borders	Butler
84,192	Paula K. Stiner, Appellee, v. Estate of Holly Jo Mitchek, Deceased; David Calvert, Administrator of the Estate of Holly Jo Mitchek, Appellees. (Allstate Insurance Company, Proposed Intervenor), Appellant.	Gerald W. Scott Stanford J. Smith, Jr. Richard F. Modin	Sedgwick

Wednesday, April 12, 2000

9:00 a.m.

Case No.	Case Name	Attorneys	County
83,713	In the Interest of W.A.A. and R.M.A., Minor Children Under Age 18.	Roger Batt Timothy Henderson Gwendolen B. Mason	Sedgwick
83,538	Debra K. Musfelt, Appellant, v. American Family Insurance Company and Kenneth Musfelt, Appellees.	Tish Morrical Debra Egli James Norman R. Kelly	Saline
83,075	Donald W. Rowell, Jr., Appellant, v. State of Kansas, Appellee.	Michael S. Holland Attorney General Mary A. McDonald, C.A.	Harvey
83,448	State of Kansas, Appellee, v. Randall L. Hager, Appellant.	Attorney General Joe Shepack, C.A. Michael S. Holland II	Ellsworth
<b>Summary Calendar—No Oral Argument</b>			
82,220	Dale M.L. Denney, Appellant, v. State of Kansas, Appellee.	Roger L. Falk Attorney General Debra S. Peterson, Asst. D.A. Elizabeth Rogers, Asst. D.A.	Sedgwick
82,870	State of Kansas, Appellee, v. Ricky W. Alvis, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A. Jessica R. Kunen, Chief A.D. Rick Kittel, Asst. A.D.	Sedgwick
83,352	State of Kansas, Appellee, v. Guillermo A. Funes, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Lesley A. McFadden, Asst. D.A. Jessica R. Kunen, Chief A.D. Jennifer C. Roth, Asst. A.D.	Sedgwick
84,104	In the Interest of A.C.M., Minor Child Under 18 Years of Age.	Becky C. Hurtig Timothy Henderson Gwendolen B. Mason	Sedgwick
84,208	In the Matter of J.L.R., Respondent.	Denise L. Everhart Cheryl L. Whelan, Asst. D.A.	Shawnee
82,269	State of Kansas, Appellee, v. Mandy M. Simmons, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. David Lowden, Asst. D.A. Stephen T. Ariagno	Sedgwick
82,937	Cadlerock Joint Venture, L.P., Appellee, v. Daniel Phillippi, Cheryl Phillippi, Appellants, and Capitol Federal Savings & Loan Assn., Appellee.	David S. Wooding Lawrence J. Logback Scott C. Palecki	Sedgwick
83,200	In the Interest of: W.G., dob: 02/09/82 J.W.G., dob: 03/07/84 T.R.W., dob: 08/11/90 L.M.W., dob: 03/13/92 Children Under 18 Years of Age.	Richard L. Dickson William R. Griffith Gwendolen B. Mason	Sedgwick

(continued)

83,442	Eddie Bradley, Appellant, v. St. Francis Regional Medical Center, Inc., Appellee.	Thomas M. Warner, Jr. Edward D. Heath, Jr.	Work Comp
83,754	Frank Swanson, Appellant, v. State of Kansas, Appellee.	Chris R. Davis Attorney General Brenda Taylor Mader, Asst. D.A.	Shawnee
82,362	State of Kansas, Appellee, v. Clinton E. Grier, Appellant.	Attorney General Keith E. Schroeder, Deputy C.A. Jessica R. Kunen, Chief A.D. Steven R. Zinn, Deputy A.D.	Reno
82,807	State of Kansas, Appellee, v. Charles R. McGhee, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Elizabeth Reimer, Asst. D.A. Jessica R. Kunen, Chief A.D. Niki Christopher, Asst. A.D.	Sedgwick
82,948	State of Kansas, Appellee, v. George T. Carreiro, Jr., Appellant.	Attorney General Keith E. Schroeder, C.A. Jessica R. Kunen, Chief A.D. Kathryn B. Wall, Asst. A.D.	Reno
83,946	In the Matter of the Marriage of Richard E. Stephenson, Jr., Appellant, and Lisa M. Stephenson, Appellee.	Henry H. Blase Barry L. Arbuckle	Sedgwick
83,980	Nestor Weigand, Jr., Appellant, v. Continental Western Insurance Company, Appellee.	Jeffrey E. Goering James A. Walker E. Craig Kenneth	Sedgwick
82,544	State of Kansas, Appellee, v. Oscar E. Burnett, Appellant.	Attorney General County Attorney Jessica R. Kunen, Chief A.D. James Brent Getty, Asst. A.D.	Atchison
82,393	State of Kansas, Appellee, v. Nathan L. Hickert, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D. James Brent Getty, Asst. A.D.	Sedgwick
82,337	State of Kansas, Appellee, v. James Thompson, Appellant.	Attorney General County Attorney Jessica R. Kunen, Chief A.D. James Brent Getty, Asst. A.D.	Saline

**Kansas Court of Appeals  
Sedgwick County Courthouse  
Courtroom 11-1  
525 N. Main  
Wichita, Kansas**

Before Lewis, P.J.; Rogg, S.J.; and John J. Bukaty, Jr., D.J., assigned.

Tuesday, April 11, 2000

1:30 p.m.

Case No.	Case Name	Attorneys	County
82,701	State of Kansas, Appellee, v. Justin D. Law, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Elizabeth Reimer, Asst. D.A. Jessica R. Kunen, Chief A.D.	Sedgwick



83,131	State of Kansas, Appellee, v. Linda S. Allison, Appellant.	Attorney General Thomas R. Stanton, Asst. C.A. Jessica R. Kunen, Chief A.D. Cory Riddle, Asst. A.D.	Saline
82,532	State of Kansas, Appellee, v. Phoukhan Mounivong, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Elizabeth Reimer, Asst. D.A. Jessica R. Kunen, Chief A.D. Janine Cox, Asst. A.D.	Sedgwick
1:30 p.m.			
83,432	State of Kansas, Appellee, v. Robert L. Hollumn, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A. Jessica R. Kunen, Chief A.D. Steven R. Zinn, Asst. A.D.	Sedgwick
80,993	State of Kansas, Appellee, v. Dan L. Roberts, Appellant.	Attorney General Keith E. Schroeder, Deputy D.A. Jessica R. Kunen, Chief A.D. Craig Durham, Asst. A.D.	Reno
84,215	State of Kansas, Appellant, v. Chance S. Sherman, Appellee.	Attorney General Matt Treaster, C.A. Michael S. Holland	Rice
Wednesday, April 12, 2000			
9:00 a.m.			
Case No.	Case Name	Attorneys	County
83,206	Barbara Bishop, Appellant, v. The Board of County Commissioners of the County of Logan, Kansas, Appellee, and Barbara Bishop, a/k/a Barbara Bishop Stoller, Appellant, v. The Board of County Commissioners of the County of Logan, Kansas; <i>et al</i> , Appellees,	Stephen P. Weier Richard L. Friedeman Donald F. Hoffman	Logan
83,268 83,349	Joyce M. Mattucci, Appellee, v. Western Staff Services and Hobby Lobby Stores, Inc., Appellant, and Travelers Insurance Company and CNA Insurance Companies, Appellant.	Stephen J. Jones William L. Townsley III Lyndon W. Vix	Work Comp
82,946	In the Matter of the Marriage of Barbara L. Clark, Appellee, and Russell G. Clark, Jr., Appellant.	Lucy L. Herlocker Geary N. Gorup	Sedgwick
1:30 p.m.			
83,428	George Thomas, Appellee, v. Robert Hannigan, <i>et al.</i> , Appellants.	Sam S. Kepfield Jon D. Graves	Reno
84,124	In the Interest of: C.D.G., dob: 10/29/87 S.S.G., dob: 01/04/89 K.R.G., dob: 03/08/90 M.L.W., dob: 08/17/97 Children Under Eighteen Years of Age.	Michael Lazzo Timothy Henderson Gwendolen B. Mason	Sedgwick

(continued)

## Summary Calendar—No Oral Argument

80,641	State of Kansas, Appellee, v. Curtis Edwards III, Appellant.	Attorney General Jan Satterfield, C.A. Jessica R. Kunen, Chief A.D. Jennifer C. Roth, Asst. A.D.	Butler
82,321	State of Kansas, Appellee, v. Lee Cooper, Appellant.	Attorney General Thomas R. Stanton, Asst. C.A. Jessica R. Kunen, Chief A.D. Karen Eager, Asst. A.D.	Saline
82,452	State of Kansas, Appellee, v. Jason S. Riggs, Appellant.	Attorney General Vernon E. Buck, Asst. C.A. Jessica R. Kunen, Chief A.D. Karen Eager, Asst. A.D.	Lyon
84,013	In the Interest of: J.D.S., dob: 02/02/88 A.D.S., dob: 01/25/89 A.D.S., dob: 01/25/89 N.S.S., dob: 04/12/90 T.L.S., dob: 09/16/91 S.L.R., dob: 04/04/95	Roger Batt Christopher J. Vinduska	Sedgwick
83,292	Billy Wayne Birmingham, Jr., Appellee, v. Deffenbaugh Disposal Services, and ITT Hartford Insurance (SRS), Appellants.	James E. Martin Steven C. Alberg	Work Comp
83,557	In the Matter of the Marriage of Cynthia D. Loburgio, Appellant, and Michael F. Loburgio, Appellee.	Jeff Lee McVey Steven E. Johnson	Barton
82,813	In the Matter of the Marriage of Carolyn E. Rowe, Appellee, and Kenneth F. Rowe, Appellant.	Robert L. Farmer James L. Wisler	Allen
83,354 83,355	State of Kansas, Appellee, v. James J. Ellis, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A. Roger L. Falk Gary W. Owens	Sedgwick
83,454	Lindemuth, Inc., v. Judy Robb and Judy Robb, Appellee, v. D.S.K., Inc., d/b/a Mr. D's North, Appellant, Lindemuth, Inc., Intervenor, Appellee.	James P. Davidson Frank M. Rice William R. Vincent	Shawnee
83,467	State of Kansas, Appellee, v. Ronnie Lee Powers, Appellant.	Attorney General William E. Kennedy III, C.A. Jessica R. Kunen, Chief A.D. Rick Kittel, Asst. A.D.	Riley
83,593	State of Kansas, Appellee, v. Steven Denell Blackmon, Appellee.	Attorney General Thomas J. Drees, C.A. Gene F. Anderson	Ellis
84,218	In the Matter of S.R.L., Respondent, dob: 10/28/82.	Gregory D. Keith Debra S. Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A.	Sedgwick

82,531	State of Kansas, Appellee, v. Anthony Joe Gulley, Appellant.	Attorney General Frederick L. Meier II, Deputy C.A. Jessica R. Kunen, Chief A.D. Kirk C. Redmond, Asst. A.D.	Franklin
82,935 82,936	State of Kansas, <i>ex rel.</i> , Secretary, Dept. of Social & Rehabilitation Services, Appellant Lisa D. Hill and Teauana S. Gunby and Adrian D. Gunby, by and through their Next Friend, Lisa D. Hill, v. Charles L. Gunby, Appellee.	Randy M. Barker Charles Gunby	Shawnee

**Kansas Court of Appeals  
233 General Education Building  
Johnson County Community College  
12345 College Blvd., College & Quivera  
Overland Park, Kansas**

**Before Marquardt, P.J.; Beier, J.; and John W. White, D.J., assigned.**

**Tuesday, April 11, 2000**

**10:00 a.m.**

Case No.	Case Name	Attorneys	County
83,085	Matthew Fowler, Appellant, v. Criticare Home Health Services, Appellee.	Sally A. Howard Michael E. Riling	Douglas
83,415	Philip J. Springer, Appellee, v. Sunshine Biscuits, Inc., and Industrial Indemnity Co., Appellants, and Kansas Workers Compensation Fund.	Dennis L. Horner Gary R. Terrill	Work Comp
83,531	In the Matter of the Estate of Sol Felman, Deceased.	William H. Meyer James E. Kelley, Jr. Martin L. Rosemann	Johnson
<b>1:30 p.m.</b>			
84,305	State of Kansas, Appellant, v. Gary M. Hurst, Appellee.	Attorney General Stephen M. Howe, Asst. D.A. John C. Donham	Johnson
83,696	Stacy Liljegen, Appellant, v. Allstate Insurance Co., an Illinois Corporation, Appellee.	Jean Ann Wells Paul Hasty, Jr.	Johnson
83,445	Johnson County Bank, Appellant, v. Joseph F. Ross, Bonnie J. Ross and Jackson National Life Insurance Company, Appellees.	Scott J. Bloch Bradley R. Finkeldei Yvonne M. Worlen	Johnson
83,269	Benjamin W. Stark, <i>et al.</i> , Appellants, v. Mercantile Bank, N.A., Successor in Interest to the Johnson County National Bank and Trust Company, and Nations Bank, N.A., Successor in Interest to Boatmen's Bank, N.A., Appellees.	John J. Bengé Eric G. Azhrfd	Johnson
83,383	Remington Investments, Inc., Appellee, v. Applebee's International, Inc., Appellant.	Keith J. Shuttleworth Brian D. Martin Michael J. Thompson	Johnson

(continued)

Kansas Court of Appeals  
Johnson County Courthouse  
Division 10 Courtroom  
100 N. Kansas Ave.  
Olathe, Kansas

Before Marquardt, P.J.; Beier, J.; and John W. White, D.J., assigned.

Wednesday, April 12 2000

9:00 a.m.

Case No.	Case Name	Attorneys	County
83,233 83,234	State of Kansas, Appellee, v. Steven Ford, Appellant.	Attorney General Arthur E. Rhodes, Asst. D.A. Jessica R. Kunen, Chief A.D. Kathryn B. Wall, Asst. A.D.	Wyandotte
82,608	State of Kansas, Appellee, v. Mack J. Robinson, Appellant.	Attorney General Linda E. Monroe, Asst. D.A. Jessica R. Kunen, Chief A.D. Patrick H. Dunn, Asst. A.D.	Wyandotte
82,599	State of Kansas, Appellee, v. Rolando D. Wheeler, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D. Craig Durham, Asst. A.D.	Johnson
<b>Summary Calendar—No Oral Argument</b>			
82,748	State of Kansas, Appellee, v. George Headley, Jr., Appellant.	Attorney General Mary Ann Shirley, C.A. Jessica R. Kunen, Chief A.D. Kathryn B. Wall, Asst. A.D.	Greenwood
82,871	State of Kansas, Appellee, v. Minh Van Ha, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D. Craig Durham, Asst. A.D.	Johnson
83,000	Terry Thomas Reeves, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Steven R. Zinn, Deputy A.D. Attorney General Douglas P. Witteman, C.A.	Coffey
83,094	State of Kansas, Appellee, v. Jackson Kind, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Ralph J. DeZago	Johnson
83,166	City of Overland Park, KS, Appellee, v. Frederick H. Pryor, Appellant.	Tammy W. Miller J.R. Russell	Johnson
84,103	Southwestern Bell Yellow Pages, Inc., Appellant, v. Joseph Vaught, d/b/a Kaw Valley Industrial Painting, Appellee.	David E. Caviness O.P. Peterson, Jr.	Wyandotte
82,650	State of Kansas, Appellee, v. Michael Patrick, Appellant.	Attorney General Terra D. Morehead, Asst. D.A. Jessica R. Kunen, Chief A.D. Steven R. Zinn, Deputy A.D.	Wyandotte

82,897	State of Kansas, Appellee, v. Jacob Daniel Foy, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D. Cory D. Riddle, Asst. A.D.	Johnson
83,122	Johnell Baskin, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Brent Getty, Asst. A.D. Attorney General Christopher L. Schneider, Asst. D.A.	Wyandotte
83,395	Vivian Ruth Stroud, Appellant, v. Bourbon County and Kansas Workers Risk Coop for Counties and Kansas Workers Compensation Fund, Appellees.	Timothy A. Toth John David Jurcyk Robert V. Talkington	Work Comp
83,561	State of Kansas, Appellee, v. Deon Nolan Hale, Appellant.	Attorney General Angela M. Wilson, Asst. D.A. Jessica R. Kunen, Chief A.D. Janine Cox, Asst. A.D.	Douglas
83,634	State of Kansas, Appellee, v. LaVanna A. Helm, Appellant.	Attorney General Wendy A. Wussow, Asst. C.A. Marc H. Berry	McPherson
83,451	Durand K. Dickerson, Appellant, v. Leavitt Rentals, Paul Leavitt, Deborah Leavitt, Appellees.	Durand K. Dickerson, pro se G. Ronald Bates, Jr.	Leavenworth
84,019	Julia Andrews, Appellant, v. Louis Novello, Appellee.	Chris Miller Leo L. Logan	Wyandotte

**Kansas Court of Appeals  
Court of Appeals Courtroom  
Kansas Judicial Center  
301 S.W. 10th Ave.  
Topeka, Kansas**

**Before Knudson, P.J.; Pierron, J.; and Robert G. Jones, D.J., retired, assigned.**

**Tuesday, April 11, 2000**

**9:30 a.m.**

Case No.	Case Name	Attorneys	County
83,123	State of Kansas, Appellee, v. Wayne Tyrone Ingram, Appellant.	Attorney General Barry R. Wilkerson, Asst. C.A. Jessica R. Kunen, Chief A.D. Debra J. Wilson, Asst. A.D.	Riley
82,375	State of Kansas, Appellee, v. Ronald Renard Nash, Appellant.	Attorney General Joe E. Lee, C.A. Jessica R. Kunen, Chief A.D. Craig Durham, Asst. A.D.	Lyon
81,952	State of Kansas, Appellee, v. James E. Donahue, Appellant.	Attorney General Mary E. Mattivi, Asst. C.A. Jessica R. Kunen, Chief A.D. Peter Maharry, Asst. A.D.	Jackson
84,079	In the Matter of the Parentage of A.L.T.	David J. Brown Thomas E. Gleason, Jr.	Franklin
83,771	Patricia A. Hanser, Appellee, v. Sirloin Stockade and Crum & Forster Commercial Insurance, Appellants.	Jeff K. Cooper Donald J. Fritschie	Work Comp

(continued)

1:30 p.m.

84,085	Williams Gas Pipelines Central, Inc., v. The State Corporation Commission of the State of Kansas, Appellee.	Kevin M. Fowler John McNish Jay V. Allen	Shawnee
84,280	State of Kansas, Appellee, v. John E. Schmelzle II, Appellee.	Attorney General Rex L. Lane, Asst. C.A. Robert D. Campbell	Atchison
83,985	Keith Keeling, Individually, and as Representative of the Estate of Janie Keeling, Deceased, Clarissa Keeling, DeWayne Keeling, Donell Keeling and Carlos Keeling, by and through their Father, Keith Keeling, Appellants, v. Bill Schwalm, Appellee.	Roger D. Fincher Curtis J. Waugh	Jackson
81,729 82,602	State of Kansas, Appellee, v. Donna J. Hake, Appellant, and State of Kansas, Appellee, v. Clifford P. Hake, Appellant.	Attorney General Eric W. Godderz, C.A. Lawrence P. Ireland	Osage
83,009	John G. Badgley, Appellant, v. Driver Control Bureau, Department of Vehicles, Department of Revenue, State of Kansas, Appellee.	Charles D. McAtee James G. Keller	Shawnee
<b>Summary Calendar—No Oral Argument</b>			
81,318	Terry Walling, Appellant, v. Charles Simmons, <i>et al.</i> , Appellees.	Michael G. Highland Jeffrey L. Cowger	Leavenworth
82,410	Loren Martinez, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. James Brent Getty, Asst. A.D. Attorney General William T. Stetzer, Asst. C.A.	Ford
82,836	Dureal D. Campbell, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Craig Durham, Asst. A.D. Attorney General Brenda M. Jordan, Asst. C.A.	Riley
83,315	State of Kansas, Appellee, v. Carlos Casas Bernal, Appellant.	Attorney General John S. Sutherland, C.A. Jessica R. Kunen, Chief A.D. Kathryn B. Wall, Asst. A.D.	Linn
83,337 83,338 83,339	State of Kansas, Appellee, v. Gary L. Baker, Appellant.	Attorney General John W. Withee, Asst. D.A. Jessica R. Kunen, Chief A.D. Kathryn Wall, Asst. A.D.	Shawnee
83,594	Ana M. Baeza, Appellee, v. National Beef Packing Co., and Lumbermen's Underwriting Alliance, Appellants.	Lawrence M. Gurney Shirla R. McQueen	Work Comp
84,068 84,069	In the Interest of Q.S.D.	Robert D. Campbell Gerald R. Kuckelman	Atchison

82,439	State of Kansas, Appellee, v. Elbert E. Costello, Appellant.	Attorney General Julie McKenna, C.A. Jessica R. Kunen, Chief A.D. Craig Durham, Asst. A.D.	Saline
82,769	Michael Loggins, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Brent Getty, Asst. A.D. Attorney General Tamara S. Hicks, Asst. C.A.	Finney
82,916	State of Kansas, Appellee, v. Patrick Depew, Appellant.	Attorney General Rod Ludwig, C.A. Jessica R. Kunen, Chief A.D. Rebecca E. Woodman, Asst. A.D.	Mitchell
83,215	State of Kansas, Appellee, v. Larry Wayne Feathers, Appellant.	Attorney General Brenda M. Jordan, Asst. C.A. Jessica R. Kunen, Chief A.D. Jennifer C. Roth, Asst. A.D.	Riley
83,508	State of Kansas, Appellee, v. Eva Biarda, Appellee.	Attorney General Vernon E. Buck, Asst. C.A. Steven L. Davis	Lyon
83,712	Elton D. Garrett, Appellant, v. Sheryl Sawyer, Appellee.	Elton D. Garrett, pro se Jeffrey L. Cowger	Leavenworth
83,741	Michael Mitchell, Appellant, v. Charles Simmons, et al., Appellees.	Michael Mitchell, pro se Robert E. Wasinger	Ellsworth
84,307	State of Kansas, Appellant, v. Aaron Christopher Weber, Appellee.	Attorney General James A. Brown, Asst. D.A. John J. Ambrosio Kathleen A. Downey	Shawnee

Carol G. Green  
Clerk of the Appellate Courts

Doc. No. 024945

State of Kansas

**Attorney General**

**Permanent Administrative  
Regulations**

**Article 6.—FIREARM PERMITS**

**16-6-1. Training in the handling of firearms.** (a) A firearm permit shall not be granted unless, within six months before submission of the application for the permit, the applicant has met the following requirements:

(1) Satisfactorily completed a minimum of 16 clock hours of education and training in the areas listed in K.A.R. 16-5-4(a)(5)(A) from a certified firearms trainer who is other than the applicant;

(2) passed the written examination specified in K.A.R. 16-5-4(a)(5)(B); and

(3) satisfied the course of fire requirement specified in K.A.R. 16-5-4(a)(5)(C).

(b)(1) A firearm permit shall not be renewed unless, within 12 months before expiration of the permit, the applicant has met the following requirements:

(A) Satisfactorily completed a minimum of two clock hours of training in any of the areas listed in K.A.R. 16-5-4(a)(5)(A) from a certified firearms trainer who is other than the applicant; and

(B) satisfied the course of fire requirement in K.A.R. 16-5-4(a)(5)(C).

(2) On and after January 1, 2001, a firearm permit shall not be renewed unless, within each of the two calendar years before expiration of the permit, the applicant has met the following requirements:

(A) Satisfactorily completed a minimum of two clock hours of training in any of the areas listed in K.A.R. 16-5-4(a)(5)(A) by a certified firearms trainer who is other than the applicant; and

(B) satisfied the course of fire requirement specified in K.A.R. 16-5-4(a)(5)(C).

(c) Firearm permits shall be granted only for the firearm or firearms for which the applicant has satisfactorily completed a course of fire from a firearms trainer as specified in K.A.R. 16-5-4(a)(5)(C).

(d) The holder of a firearm permit shall notify the attorney general through the Kansas bureau of investigation within 72 hours of any change of or additional firearm that the permit holder intends to carry. The permit holder shall qualify with this firearm by successfully completing a course of fire as specified in K.A.R. 16-5-4(a)(5)(C) within 30 days of changing or adding a firearm. (Authorized by K.S.A. 1999 Supp. 75-7b17, K.S.A. 75-7b18; implementing K.S.A. 1999 Supp. 75-7b17; effective May 1, 1982; amended April 12, 1996; amended Nov. 6, 1998; amended April 7, 2000.)

Carla J. Stovall  
Attorney General

Doc. No. 024947

## State of Kansas

## Wildlife and Parks Commission

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted by the Wildlife and Parks Commission at 7 p.m. Thursday, April 27, at the Leavenworth County 4-H Building, 104 4-H Road, Leavenworth, to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife and Parks.

A workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m. April 27 at the location listed above. The meeting will recess at 5 p.m., then resume at 7 p.m. at the same location for the regulatory hearing. There will be public comment periods at the beginning of the afternoon and evening meetings for any issues not on the agenda, and additional comment periods will be available during the meeting on agenda items. Old and new business also may be discussed at this time. If necessary to complete the hearing or other business matters, the commission will reconvene at 9 a.m. April 28 at the same location.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed 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 Sheila Kemmis, commission secretary, at (316) 672-5911. Persons with a hearing impairment may call the TDD service at 1-800-766-3777 to request special accommodations.

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

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

The exempt regulations that will be heard during the regulatory hearing portion of the meeting are as follows:

**K.A.R. 115-25-1.** This proposed exempt regulation establishes hunting seasons and bag limits for upland birds. Proposed changes to the regulation would create a two-day youth hunting season for pheasant and quail the first weekend of November for individuals 16 years or younger. Bag limits would be one-half of the regular season limits. Youth would be accompanied by adults over 21, but not more than one adult per youth would be allowed to participate.

**Economic Impact Summary:** The new youth season may lead to some additional sales of hunting licenses to participating youth who are already 16 years of age, but

the number of additional sales is too speculative to quantify. Persons under 16 are not required to purchase a hunting license.

**K.A.R. 115-25-5.** This proposed exempt regulation establishes hunting unit boundaries, bag limits, application periods and season dates for the 2000 fall firearm and archery wild turkey season. The proposed regulation makes no substantive changes from the 2000 fall turkey seasons. The public hearing for this regulation was originally-scheduled for March 16, 2000, but was rescheduled due to cancellation of that commission meeting.

**Economic Impact Summary:** It is anticipated that a total of 4,000 fall turkey hunting permits of all types will be issued, which would create \$79,800 in revenue. The department estimates over 20,000 days of hunting activity would occur, thus providing economic benefit to businesses providing goods and services.

**K.A.R. 115-25-7.** This proposed exempt regulation establishes hunting units, bag limits, application periods, and season dates for the 2000 firearm and archery antelope seasons. Unlimited archery permits are proposed for the archery unit, and 80 permits are proposed for each of the two firearm units. The public hearing for this regulation was originally scheduled for March 16, 2000, but was rescheduled due to cancellation of that commission meeting.

**Economic Impact Summary:** It is anticipated that 310 antelope permits may be authorized, which would generate \$11,000 in revenue. Approximately 775 days of hunting activity may occur, thus providing economic benefit to businesses providing goods and services.

**K.A.R. 115-25-8.** This proposed exempt regulation establishes hunting units, bag limits, application periods, and season dates for the 2000-2001 elk seasons. The regulation would allow elk permits to be used during muzzleloader, archery or firearm seasons. However, only 20 antlerless-only elk permits would be valid for use at a single time on Fort Riley. In addition, unlimited hunt-on-your-own-land antlerless-only elk permits would be authorized for the established unit.

**Economic Impact Summary:** It is estimated that a total of 85 elk permits may be authorized. Estimated revenue if these permits are issued would be \$7500. Approximately 500 days of hunting activity may occur, thus providing economic benefit to businesses providing goods and services.

**K.A.R. 115-25-9.** This proposed exempt regulation establishes hunting bag limits, application periods and season dates for the 2000 firearm and archery deer seasons. Among other proposed changes, the regulation would lengthen the firearms deer season by establishing a 14-day antlerless-only season in January, which would result in more deer being taken by hunters and a higher harvest of female deer. The proposed regulation also would establish a new two-day season on September 30 and October 1 for youth and people with disabilities. The public hearing for this regulation was originally scheduled for March 16, 2000, but was rescheduled due to cancellation of that commission meeting.

**Economic Impact Summary:** It is anticipated that 180,000 deer hunting permits and game tags will be authorized, with estimated revenue of \$4,000,000. Approx-



imately 700,000 days of hunting activity by 100,000 hunters are anticipated, which, based on survey estimates, may generate \$51 million of economic benefit to businesses providing goods and services.

Copies of the complete text of the regulations and their respective economic impact statements may be obtained by contacting the chairman of the commission at the address above or by calling (785) 296-2281.

John R. Dykes  
Chairman

Doc. No. 024967

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. Cargill, Inc. has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of particulate matter less than 10 microns in diameter (PM<sub>10</sub>) 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.

Cargill, Inc., Salina, owns and operates a grain elevator located at 1112 N. Halstead, Salina.

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 KDHE North Central District Office, 2501 Market Place, Suite D, Salina. To obtain or review the proposed permit and supporting documentation, contact Eugene Sallee, (785) 296-1575, at the KDHE central office, or Joan Ratzlaff, (785) 827-9639, at the KDHE North Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Eugene Sallee, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received not later than the close of business April 24.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business April 24 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 024961

State of Kansas

Continuing Legal Education Commission

Notice of Meeting

The Kansas Continuing Legal Education Commission will meet at noon Friday, March 31, at 400 S. Kansas Ave., Suite 202, Topeka. For further information, call (785) 357-6510.

Shelley Sutton  
Executive Director

Doc. No. 024958

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. Kanab Pipe Line Operating Partnership, L.P. 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.

Kanab Pipe Line Operating Partnership, L.P., Wichita, owns and operates a refined petroleum products pipeline breakout station located at 1624 Sunset Road, El Dorado.

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 KDHE South Central District Office, 130 S. Market, sixth floor, Wichita. To obtain or review the proposed permit and supporting documentation, contact Rasha Allen, (785) 296-1693, at the KDHE central office, or David Butler, (316) 337-6020, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Rasha Allen, 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 not later than the close of business April 24.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business April 24 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 024962

## 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 Class I operating permit. The Anthony Municipal Power Plant (City of Anthony) has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 *et seq.* The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

The Anthony Municipal Power Plant (City of Anthony) owns and operates a municipal power plant located in Section 2, Township 34 South, Range 7 West, approximately 2.5 miles south of Anthony.

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 KDHE South Central District Office, 130 S. Market, sixth floor, Wichita, for a period of 45 days from the date of publication of this notice. To obtain or review the proposed permit and supporting documentation, contact Alan Brooks, (785) 296-6281, at the KDHE central office, or Dave Butler, (316) 337-6020, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Alan Brooks, 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 not later than the close of business May 8.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business May 8 in order for the Secretary of Health and Environment to consider the request.

The United States Environmental Protection Agency has a 45-day review period, until May 8, within which to object to the proposed Class I operating permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA within 60 days after the expiration of the 45-day review period to review the permit. Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such pe-

riod. Contact Gary Schlicht, EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th, Kansas City, KS 66101, (913) 551-7097, to determine when the 60-day petition period commences.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 024952

## State of Kansas

Department of Health  
and Environment

## Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding two proposed air quality permits. Kincaid Equipment Manufacturing has applied for a construction permit in accordance with the provisions of K.A.R. 28-19-300 and a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. 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.

Kincaid Equipment Manufacturing, Haven, owns and operates a seed research equipment manufacturing facility located at 210 W. First St., Box 400, Haven, at which the new paint line is to be installed.

A copy of the proposed permits, permit applications, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE South Central District Office, 130 S. Market, sixth floor, Wichita. To obtain or review the proposed permits and supporting documentation, contact Rasha Allen, (785) 296-1693, at the KDHE central office, or David Butler, (316) 337-6020, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permits to Rasha Allen, 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 not later than the close of business April 24.

A person may request a public hearing be held on the proposed permits. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business April 24 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 024956

## 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 Class I operating permit. The Garnett Municipal Power Plant (City of Garnett) has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 *et seq.* The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance. This Class I permit also modifies conditions specified in KDHE correspondence dated December 5, 1980.

The Garnett Municipal Power Plant (City of Garnett) owns and operates a municipal power plant located at 1513 S. Walnut, Garnett.

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 KDHE Southeast District Office, 1500 W. 7th, Chanute, for a period of 45 days from the date of publication of this notice. To obtain or review the proposed permit and supporting documentation, contact Alan Brooks, (785) 296-6281, at the KDHE central office, or Lynelle Stranghoner, (316) 431-2390, at the KDHE Southeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Alan Brooks, 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 not later than the close of business May 8.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business May 8 in order for the Secretary of Health and Environment to consider the request.

The United States Environmental Protection Agency has a 45-day review period, until May 8, within which to object to the proposed Class I operating permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA within 60 days after the expiration of the 45-day review period to review the permit. Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such pe-

riod. Contact Gary Schlicht, EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th, Kansas City, KS 66101, (913) 551-7097, to determine when the 60-day petition period commences.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 024955

## State of Kansas

**Department of Health  
and Environment**

**Request for Comments**

The Kansas Department of Health and Environment is soliciting comments regarding a proposed Class I air quality operating permit. UtiliCorp United, Inc. has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 *et seq.* The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

UtiliCorp United, Inc., Kansas City, Missouri, owns and operates an electrical power plant located at Kansas Highway 96 and N.W. 50th Ave., Great Bend, Kansas.

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 KDHE Northwest District Office, 2301 E. 13th, Hays, for a period of 45 days from the date of publication of this notice. To obtain or review the proposed permit and supporting documentation, contact Alan Brooks, (785) 296-6281, at the KDHE central office, or Richard A. Robinson, (785) 625-5663, at the KDHE Northwest District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Alan Brooks, 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 not later than the close of business May 8.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business May 8 in order for the Secretary of Health and Environment to consider the request.

The United States Environmental Protection Agency has a 45-day review period, until May 8, within which to object to the proposed Class I operating permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA within 60 days after the ex-

*(continued)*

piration of the 45-day review period to review the permit. Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Gary Schlicht, EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th, Kansas City, KS 66101, (913) 551-7097, to determine when the 60-day petition period commences.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 024954

State of Kansas

Department of Health  
and Environment

Notice Concerning Kansas  
Water Pollution Control Permits

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 15, 28-18a-1 through 32, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared and/or permit applications have been received for discharges to the waters of the United States and the State of Kansas for the class of discharges 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.

All Kansas Department of Health and Environment district office addresses and telephone numbers are listed below.

Public Notice No. KS-AG-00-078/080  
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Roger Kohman 161 Penn Ave. Scott City, KS 67871	NE/4 of Section 31, T20S, R32W, Scott County	Upper Arkansas River Basin

Kansas Permit No. A-UASC-C024 Federal Permit No. KS-0095621

This is a permit renewal and name change for an existing facility for 3,400 head (3,400 animal units) of cattle weighing more than 700 pounds.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity/treatment 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
Gary Ewing Route 4, Box 182 Great Bend, KS 67530	SE/4 of Section 6, T19S, R13W, Barton County	Arkansas River Basin

Kansas Permit No. A-UABT-S006

This is a permit renewal for an existing facility for a maximum of 216 head (21.6 animal units) of swine weighing less than 55 pounds each and for a maximum of 134 head (53.6 animal units) of swine weighing over 55 pounds each.

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 and submitted to the department by December 29, 2000. The approved plan will become part of the permit. A permeability test shall be conducted for the earthen wastewater storage structure.

Name and Address of Applicant	Legal Description	Receiving Water
Crumbaker Pork, LLC Route 4, PO Box 3 Beloit KS 67420	E/2 of Section 24, T15S, R4W, and the N/2 & SW/4 of Section 19, T15S, R3W, Saline County.	Saline River Basin

Kansas Permit No. A-SASA-H001 Federal Permit No. KS-0038041

This is a permit modification for downsizing an existing facility from 12,000 head (4,800 animal units) of swine weighing greater than 55 pounds each to 8,140 head (3,256 animal units) of swine weighing greater than 55 pounds and 4,540 head (454 animal units) of swine weighing less than 55 pounds.

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: The facility shall be operated and maintained in compliance with the applicable requirements of K.S.A. 65-171d, K.S.A. 65-1,178 through 1,199 and K.S.A. 2-3,318 *et seq.*

Public Notice No. KS-00-052/064

Name and Address of Applicant	Waterway	Type of Discharge
Andover, City of P.O. Box 295 Andover, KS 67002	Walnut River via Four Mile Creek	Treated Domestic Wastewater

Kansas Permit No. M-WA01-0003 Federal Permit No. KS0092720  
Legal: SW/4, S33, T27S, R3E, Butler Co.

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, ammonia, fecal coliform, dissolved oxygen, and pH. Monitoring for effluent flow also will be required. In addition, the permittee is required to conduct a Chronic Whole Effluent Toxicity Test and a Priority Pollutant Scan. 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
Douglass, City of 322 S. Forrest P.O. Box 412 Douglass, KS 67039	Walnut River via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-WA07-0002 Federal Permit No. KS0081078  
Legal: NE/4, S29, T29S, R4E, Butler Co.

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, total residual chlorine and fecal coliform also will be required annually. Included in this permit is a schedule of compliance requiring the permittee to make necessary improvements to achieve compliance with its NPDES permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Holton, City of City Hall 430 Pennsylvania Ave. Holton, KS 66436	Elk Creek	Treated Domestic Wastewater
Kansas Permit No. M-KS23-0001		Federal Permit No. KS0025542

Legal: NE¼, S3, T7S, R15E, Jackson Co.

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, temperature, total residual chlorine, effluent flow, and fecal coliform also will be required. Included in this permit is a schedule of compliance requiring the permittee to make necessary improvements to achieve compliance with its NPDES permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Shawnee County Parks & Recreation Dept. 3137 S.E. 29th St. Topeka, KS 66605	Kansas River via Soldier Creek via Indian Creek	Treated Domestic Wastewater
Kansas Permit No. M-KS72-0006		Federal Permit No. KS0117561

Legal: NE¼, S5, T11S, R16E, Shawnee Co.

Facility Location: 300 N.E. 43rd St., Topeka, KS 66617

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 also will be required. 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
Wamego, City of P.O. Box 86 Wamego, KS 66547	Kansas River	Treated Domestic Wastewater
Kansas Permit No. M-KS74-0002		Federal Permit No. KS0092266

Legal: NW¼, S10, T10S, R10E, Pottawatomie Co.

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, fecal coliform, and pH. Monitoring for ammonia and effluent flow also will be required. 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
Wellsville, City of 411 Main St. P.O. Box 455 Wellsville, KS 66092	Walnut Creek	Treated Domestic Wastewater
Kansas Permit No. M-MC48-0002		Federal Permit No. KS0024651

Legal: SW¼, S28, T15S, R21E, Franklin Co.

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, fecal coliform, total residual chlorine, and dissolved oxygen also will be required. Included in this permit is a schedule of compliance requiring the permittee to make necessary improvements to achieve compliance with its NPDES permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Hunt Midwest Mining, Inc. P.O. Box 12659 Kansas City, MO 64116	Bull Creek via South Wea Creek via North Wea Creek via Unnamed Tributary	Wash water, Pit Dewatering & Stormwater

Facility Name: Crawford Quarry  
Kansas Permit No. I-MC56-PO01  
Legal: NW¼, S30, T16S, R24E, Miami Co.

Facility Description: The proposed action is to reissue an existing permit for the discharge of pit water and wash water from this facility. This facility is engaged in the quarrying, crushing and washing of limestone rock. This quarry only operates as needed, to supply the demand for crushing rock. Even though the wash water is recycled, a discharge of pit water and/or treated wash water from a two-cell settling pond, may occur intermittently. The proposed permit includes limits on 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 water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Hunt Midwest Mining, Inc. P.O. Box 12659 Kansas City, MO 64116	Kansas River via Kill Creek	Wash water, Pit Dewatering & Stormwater
Kansas Permit No. I-KS12-PO01		Federal Permit No. KS0087947

Facility Name: Sunflower Quarry  
Legal: W½, S9, T13S, R22E, Johnson Co.

Facility Description: The proposed action is to modify and reissue an existing permit for the discharge of pit water and wash water from this facility. The permit modification is due to the facility changing from nonwashing to washing. This facility is engaged in a limestone quarrying operation with some washing. Stormwater run-off and pit dewatering discharges are treated by three settling ponds in series. Wash water is treated by a fourth and final settling pond before being released. The proposed permit includes limits on 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 water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Larned Municipal Power Plant P.O. Box 70 Larned, KS 67550	Arkansas River via Pawnee River via Storm Sewer	Processed Wastewater
Kansas Permit No. I-UA25-PO01		Federal Permit No. KS0079693

Facility Location: 215 Main /S32, T21S, R16W, Larned, Pawnee Co., Kansas

Facility Description: The proposed action is to reissue an existing permit for the discharge of processed wastewater from this facility. This facility is a standby electrical generating station used for peaking and emergency power. Wastewater from the facility consists of cooling tower blowdown, water softener regenerate, evaporator blow-down and floor drain discharge. The facility is normally operated during the months of May and September each year. The proposed permit includes limits on total suspended solids, oil and grease, total residual chlorine, and pH. Monitoring for temperature, effluent flow, sulfates, chlorides, nitrates, and nitrites also will be required. In addition, the permittee is required to conduct a chronic whole effluent toxicity test and a priority pollutant scan. The permit requirements are pursuant to the Kansas Surface Water Quality

(continued)

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
Modine Manufacturing Company 1500 DeKoven Ave. Racine, WI 53403	Neosho River via Cottonwood River via Unnamed Tributary	Processed Wastewater

Kansas Permit No. I-NE24-CO01      Federal Permit No. KS0084484

Legal: S8, T19S, R11E, Lyon Co.

Facility Location: 1401 Industrial Road, Emporia, Kansas

Facility Description: The proposed action is to reissue an existing permit for the discharge of noncontact cooling water from this facility. This facility manufactures light duty radiators and replacement radiators. Untreated city water is used as noncontact cooling water in the facility and discharged. The proposed permit includes limits on pH. Monitoring for temperature, effluent flow, and total residual chlorine also will be required. 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
N.R. Hamm Quarry, Inc. P.O. Box 17 Perry, KS 66073	Smoky Hill River via Terrapin Lake via Swenson Creek via Unnamed Tributary	Pit Dewatering & Uncontaminated Stormwater

Facility Name: Diehl Quarry #45

Kansas Permit No. I-SH08-PO02      Federal Permit No. KS0083674

Legal: NW¼, S25, T13S, R3E, Dickinson Co.

Facility Description: The proposed action is to reissue an existing permit for the discharge wastewater from pit dewatering operations at this facility. This facility is a limestone quarrying and crushing operation with no washing. Monitoring of the effluent will not be required unless there is a significant change in the quality or quantity of the subject discharged. 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
N. R. Hamm Quarry, Inc. P.O. Box 17 Perry, KS 66073	Kansas River via Muddy Creek via Elm Creek via Unnamed Tributary	Wash water & Stormwater

Facility Name: Grantville Quarry #77

Kansas Permit No. I-KS86-PO01      Federal Permit No. KS0117463

Legal: SE¼, S16, T11S, R17E, Jefferson Co.

Facility Description: The proposed action is to modify and reissue an existing permit for the discharge of stormwater and wash water from this facility. The modification is due to the facility changing from nonwashing to washing status. This facility is engaged in a limestone quarry operation with some washing. Any discharge is from a settling pond that receives wash water and stormwater runoff. The proposed permit includes limits on 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 water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Sabetha, Power Plant 100 N. First St. Sabetha, KS 66534	Pony Creek via Municipal Storm Sewer	Processed Wastewater

Kansas Permit No. I-MO18-PO01      Federal Permit No. KS0095044

Facility Location: 304 N. 11th St., Sabetha, Nemaha County, Kansas

Facility Description: The proposed action is to issue a new permit for the discharge of noncontact cooling water from this facility. This facility operates a peaking electrical generating station between June and September for 12 to 14 hours per day. The facility operates 10 dual-fuel reciprocating engines and several cooling towers. The pro-

posed permit includes limits on pH. Monitoring for temperature, effluent flow, and tributyltin oxide also will be required. In addition, the permittee is required to conduct a chronic whole effluent toxicity test. 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.

### Public Notice No. KS-PT-00-003/008

Name and Address of Applicant	Receiving Facility	Type of Discharge
Brockhoff Manufacturing, Inc. 15 Oregon St. Sabetha, KS 66534	Sabetha MWWTP	Processed Wastewater

Kansas Permit No. P-KS65-IO01

Facility Description: The proposed action is to reissue a pretreatment permit for a facility. This facility manufactures fifth wheel and bumper hitch trailers, under the name of Boss Trailers. The trailers are welded and processed in a conversion coating (phosphating) operation, before being painted, to produce the final product. The phosphating chemical is applied using a spray gun. The proposed permit includes limits for total toxic organics, cadmium, chromium, copper, lead, nickel, silver, zinc, cyanide, and pH. Monitoring for flow also will be required. Process wastewater is treated before being released to the city sanitary sewer. The permit limits are pursuant to state and federal pretreatment requirements.

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Name and Address of Applicant	Receiving Facility	Type of Discharge
Gordon-Piatt Energy Group P.O. Box 650 Winfield, KS 67156	Strother Field Industrial Park WWTP	Processed Wastewater

Facility Address: Strother Field Industrial Park, Winfield, KS 67156

Kansas Permit No. P-WA17-IO02

Facility Description: The proposed action is to modify and reissue a pretreatment permit for an existing facility. The modification was due to the addition of outfall 002 and the elimination of the chemfilm operation. This facility manufactures combustion equipment for gas, oil and solid fuel burners. Steel parts for burners are processed in a three-stage conversion coating (phosphating) operation, before being painted. A paint booth is located on-site, but this waste is hauled off-site for disposal. The proposed permit includes limits for total toxic organics, cadmium, chromium, copper, lead, nickel, silver, zinc, cyanide, and pH. Monitoring for flow also will be required. Process wastewater is treated before being released to the city sanitary sewer. The permit limits are pursuant to state and federal pretreatment requirements.

Name and Address of Applicant	Receiving Facility	Type of Discharge
Hutchinson/Mayrath P.O. Box 629 Clay Center, KS 67432	Clay Center MWWTP	Processed Wastewater

Facility Address: 514 W. Crawford, Clay Center, KS 67432

Kansas Permit No. P-LR05-IO02

Facility Description: The proposed action is to modify and reissue a pretreatment permit for an existing facility. The modification is due to the elimination of two outfalls and the addition of a new outfall. This facility manufactures grain handling equipment including portable augers and conveyors. They clean steel metal parts in a five-stage phosphating operation. Parts are then painted in a power coat operation. Contents of the process tanks are batch discharged to the city sewer system, on an intermittent basis. The proposed permit includes limits for total toxic organics, cadmium, chromium, copper, lead, nickel, silver, zinc, cyanide, and pH. Monitoring for flow also will be required. Process wastewater is treated before being released to the city sanitary sewer. The permit limits are pursuant to state and federal pretreatment requirements.

<b>Name and Address of Applicant</b>	<b>Receiving Facility</b>	<b>Type of Discharge</b>
Marconi Precision Aerostructures, Inc 1 Stan Hope Gate London England W1A 1EH	Wellington MWTP	Processed Wastewater

Facility Address: 102 East Hillside, Wellington, KS 67152  
Kansas Permit No. P-AR92-0002

Facility Description: The proposed action is to modify and reissue a pretreatment permit for an existing facility. The permit modification is due to the facility's name changing from General Electric Company of England. This facility manufactures sheet metal parts and assemblies for aircraft and missile industries. This facility does conversion coating of aluminum parts and passivating (chemical cleaning) of stainless steel parts. This facility also has a heat treat operation. The proposed permit includes limits for total toxic organics, cadmium, chromium, copper, lead, nickel, silver, zinc, cyanide, and pH. Monitoring for flow also will be required. Process wastewater is treated before being released to the city sanitary sewer. The permit limits are pursuant to state and federal pretreatment requirements.

<b>Name and Address of Applicant</b>	<b>Receiving Facility</b>	<b>Type of Discharge</b>
Parker Hannifin Corporation 17325 Enclid Ave. Cleveland, OH 44112	Manhattan WWTP	Processed Wastewater

Facility Address: 1501 Hayes Drive, Manhattan, Kansas 66502  
Kansas Permit No. P-KS38-0001

Facility Description: The proposed action is to modify and reissue a pretreatment permit for an existing facility. The permit modification is due to the elimination of outfall 002. This facility manufactures various types of hydraulic and general purpose synthetic rubber hoses. Regulated wastes are generated in the vulcanization area and consists of contact cooling water and spent water from the vulcanizers. The proposed permit includes limits for lead and oil and grease and pH. Monitoring for flow also will be required. Process wastewater is treated before being released to the city sanitary sewer. The permit limits are pursuant to state and federal pretreatment requirements.

<b>Name and Address of Applicant</b>	<b>Receiving Facility</b>	<b>Type of Discharge</b>
Wilde Tool Corporation 13th and Pottawatomie Streets Hiawatha, KS 66434	Hiawatha MWWTP	Processed Wastewater

Kansas Permit No. P-MO08-0001

Facility Description: The proposed action is to reissue a pretreatment permit for an existing facility. This facility operates as a captive shop when manufacturing tools such as pliers, punches, and chisels. Both nickel and chromium electroplating lines are used and a rack and tool part strip line is utilized to process the tools. In addition, some heat treating and solvent degreasing is conducted. The proposed permit includes limits for total toxic organics, cadmium, chromium, copper, lead, nickel, silver, zinc, cyanide, and pH. Monitoring for flow also will be required. Process wastewater is treated before being released to the city sanitary sewer. The permit limits are pursuant to state and federal pretreatment requirements.

**Public Notice No. KS-ND-00-011**

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Thomas and Nelda Rolfe P.O. Box 155 South Highway 75 Holton, KS 66436	SW¼, S16, T7S, R15E Jackson Co.	Nonoverflowing

Facility Name: Holton Bowling Center Wastewater Treatment Facility  
Kansas Permit No. C-KS23-NO01

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility with a one-cell wastewater stabilization lagoon. Included in this permit is

a schedule of compliance requiring the permitted to obtain the services of a KDHE-certified operator. Discharge of wastewater from this treatment facility to the 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-EG-00-003**

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

**Name and Address of Applicant**

Vulcan Materials Company  
P. O. Box 12283  
Wichita, KS 67277-2283

**Well Numbers**

J-66  
KS-03-173-197

J-67  
KS-03-173-198

J-68  
KS-03-173-199

J-69  
KS-03-173-200

J-70  
KS-03-173-201

J-71  
KS-03-173-202

J-72  
KS-03-173-203

J-73  
KS-03-173-204

J-74  
KS-03-173-205

J-75  
KS-03-173-206

J-76  
KS-03-173-207

**Location**

3843.8 feet from south line and 4586.5 feet from east line of Section 30-29-2W, Sedgwick County, Kansas. (NE SW NW)

4038 feet from south line and 4359 feet from east line of Section 30-29-2W, Sedgwick County, Kansas. (SE NW NW)

3686.3 feet from south line and 4332.3 feet from east line of Section 30-29-2W, Sedgwick County, Kansas. (NE SW NW)

3553 feet from south line and 4659.3 feet from east line of Section 30-29-2W, Sedgwick County, Kansas. (NE SW NW)

3822.4 feet from south line and 4886.5 feet from east line of Section 30-29-2W, Sedgwick County, Kansas. (NW SW NW)

4121.5 feet from south line and 4700.8 feet from east line of Section 30-29-2W, Sedgwick County, Kansas. (SE NW NW)

4629.8 feet from south line and 2163 feet from east line of Section 30-29-2W, Sedgwick County, Kansas. (NW NW NE)

4830.8 feet from south line and 1945 feet from east line of Section 30-29-2W, Sedgwick County, Kansas. (NE NW NE)

4411.2 feet from south line and 1941.5 feet from east line of Section 30-29-2W, Sedgwick County, Kansas. (SE NW NE)

4405.7 feet from south line and 2369 feet from east line of Section 30-29-2W, Sedgwick County, Kansas. (SW NW NE)

4831.4 feet from south line and 2371.3 feet from east line of Section 30-29-2W, Sedgwick County, Kansas. (NW NW NE)

Facility Description: The facility is a salt production plant. The injection fluids will consist of fresh water and weak brine.

Persons wishing to comment on or object to the draft permits and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments or objections considered in the decision making process. Comments or objections should be submitted to the attention of Dena Endsley for agricultural permits or applications, or to the permit clerk for all other permits, at the Kansas Department of Health and Environment, Di-

(continued)

vision of Environment, Bureau of Water, J Street and 2 North, Forbes Field, Building 283, Topeka, 66620.

All comments regarding the draft permit or application notice postmarked or received on or before April 22 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-00-078/080, KS-00-052/064, KS-PT-00-003/008, KS-ND-00-011, KS-EG-00-003) and name of applicant/application as listed when preparing comments.

If no objections are received during the public notice period regarding any proposed permit, the Secretary of Health and Environment will issue the final determination regarding issuance or denial of the proposed permit. If response to this notice indicates significant public interest, a public hearing may be held in conformance with K.A.R. 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.

For agricultural permits and applications, a copy of the permit application, supporting documentation, and a KDHE-developed fact sheet, if appropriate, is available for review at the appropriate district office:

Northwest District Office, 2301 E. 13th, Hays,  
67601-2651, (785) 625-5664

North Central District Office, 2501 Market Place,  
Salina, 67401-7699, (785) 827-9639

Northeast District Office, 800 W. 24th, Lawrence,  
66046-4417, (785) 842-4600

Southwest District Office, 302 W. McArtor Road,  
Dodge City, 67801-6098, (316) 225-0596

South Central District Office, 130 S. Market,  
6th Floor, Wichita, 67202-3802, (316) 337-6020

Southeast District Office, 1500 W. 7th, Chanute, 66720,  
(316) 431-2390

Plans and documents for all new facilities and for expansions of existing swine facilities also may be reviewed on the Internet at [www.kdhe.state.ks.us](http://www.kdhe.state.ks.us).

For all other proposed permits, the draft permit(s), 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 offices of the Kansas Department of Health and Environment, Bureau of Water.

Division of Environment offices are open from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays. These documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Clyde D. Graeber  
Secretary of Health  
and Environment

Doc. No. 024963

## State of Kansas

### Secretary of State

#### Notice of Corporations Forfeited

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of Kansas and the authority of the following foreign corporations authorized to do business in Kansas were forfeited during the month of February 2000 for failure to timely file an annual report and pay the annual franchise tax as required by the Kansas general corporation code:

#### Domestic Corporations

Aksarben, Inc., Satanta, KS.  
Aluminum Industries, Inc.-Kansas, Cedarburg, WI.  
Anel, Inc., Peoria, AZ.  
Associated Company, Incorporated, Wichita, KS.  
Berean Baptist Church of Wichita, Wichita, KS.  
Blanchat Machine Company, Inc., Wichita, KS.  
Campbell's Clothing, Inc., Lawrence, KS.  
Cash Grain, Inc., Pittsburg, KS.  
Cattle Growers, Inc., Syracuse, KS.  
Co-Co-Ro-Co Enterprises, Inc., Topeka, KS.  
Daniels Publishing Group, Inc., Overland Park, KS.  
Elk Valley Grain Co., Phoenix, AZ.  
Freestyle Sign Co. Inc., Wichita, KS.  
Gibson Franchise Corp., Dodge City, KS.  
Hutchinson Chapter of the American Institute of Banking,  
Hutchinson, KS.  
Industrial Specialties, Inc., Camdenton, MO.  
Interstate Pipe and Tank, Ltd., Overland Park, KS.  
John Slatinsky and Son, Inc., Leawood, KS.  
Kansans For The Right To Work, Inc., Wichita, KS.  
Kansas Federation of Business and Professional Women's Club,  
Lenexa, KS.  
M. E. Lesslie Co., Inc., Mission, KS.  
Midwest Products Sales and Service Corporation,  
Overland Park, KS.  
Miller Mercantile Company, Leawood, KS.  
National Marketing Company of Kansas, Inc., Kansas City, KS.  
Nereidas Co., Kansas City, KS.  
Norton Fraternal Order of Eagles, Aerie No. 3288, Norton, KS.  
OCM Lease Corporation, Overland Park, KS.  
Players, Inc., Olathe, KS.  
Presidents College, Inc., Wichita, KS.  
Pro-Fit Caps, Inc., Grandview, MO.  
Process Measurement Company, Inc., Kansas City, KS.  
Specialty Premiums Plus, Inc., Wichita, KS.  
The Emporia Jaycees, Incorporated, Emporia, KS.  
Vending Sales, Inc., Overland Park, KS.  
Wichita Aerie Number One Hundred and Thirty Two (132)  
Fraternal Order of Eagles Corporation, Wichita, KS.  
Wichita Independent Insurance Agents Corporation,  
Wichita, KS.  
Yates Center Elevator, Inc., Yates Center, KS.

#### Foreign Corporations

Cain's Coffee Co., Oklahoma City, OK.  
County Seat Stores, Inc., New York, NY.  
Encore Retirement Centers, Inc., White Plains, NY.  
Martin & MacFarlane, Inc., Paso Robles, CA.  
Multigraphics, Inc., Mount Prospect, IL.

Ron Thornburgh  
Secretary of State

Doc. No. 024944



## State of Kansas

## Legislature

## Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced March 9-15 by the 2000 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 3027**, An act concerning hospice; relating to hospice homes and pain management, emergency medication kits; amending K.S.A. 1999 Supp. 65-1659 and repealing the existing section, by Committee on Appropriations.

**HB 3028**, An act concerning public warehouses; relating to certain structural requirements therefor, by Committee on Appropriations.

**HB 3029**, An act concerning retirement and pensions; relating to the Kansas public employees retirement system; certain elected local officials, by Committee on Appropriations.

**HB 3030**, An act concerning the consumer protection act; relating to deceptive use of names of municipalities in printed advertisements; amending K.S.A. 50-626 and repealing the existing section, by Committee on Federal and State Affairs.

**HB 3031**, An act concerning disposition and use of moneys recovered by the state in certain litigation; establishing the Ogallala preservation fund and the Equus beds preservation fund, by Committee on Federal and State Affairs.

**HB 3032**, An act enacting the interstate midwest regional passenger rail compact, by Committee on Appropriations.

**HB 3033**, An act concerning certain public agencies; relating to interlocal cooperation; amending K.S.A. 12-2903 and 12-2904 and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 3034**, An act concerning the use of fetal tissue; imposing restrictions thereon; providing penalties for violations of such restrictions, by Committee on Federal and State Affairs.

**HB 3035**, An act concerning cigarettes and tobacco products; relating to administrative fines and penalties; amending K.S.A. 1999 Supp. 79-3391 and repealing the existing section, by Committee on Federal and State Affairs.

**HB 3036**, An act concerning state educational institutions; relating to tuition and increases in the rate thereof, by Committee on Federal and State Affairs.

**HB 3037**, An act concerning retirement and pensions; relating to the Kansas public employees retirement system; normal retirement date; amending K.S.A. 1999 Supp. 74-4914 and repealing the existing section, by Committee on Appropriations.

**HB 3038**, An act concerning retirement; relating to deferred compensation plan for state employees; administration and duties of the Kansas public employees retirement system board of trustees; amending K.S.A. 75-5521, 75-5523, 75-5524, 75-5528, 75-5529, 75-5529a and 75-5529b and K.S.A. 1999 Supp. 75-5525 and repealing the existing sections; also repealing K.S.A. 1999 Supp. 75-5529c, by Committee on Appropriations.

## House Concurrent Resolutions

**HCR 5073**, A proposition to amend sections 2, 3 and 7 of article 6 of the constitution of the state of Kansas, relating to education.

**HCR 5074**, A proposition to amend section 5 of article 12 of the constitution of the state of Kansas, relating to cities' powers of home rule.

**HCR 5075**, A concurrent resolution establishing a task force on fetal tissue research and transplantation.

## House Resolutions

**HR 6013**, A resolution in memory of Robert Caldwell.

**HR 6014**, A resolution requesting a study regarding petroleum products.

**HR 6015**, A resolution in memory of David Mills.

## Senate Bills

**SB 659**, An act concerning the developmental disabilities reform act; relating to intake and service referral functions and treatment and care

service functions; amending K.S.A. 1999 Supp. 39-1801, 39-1803, 39-1804, 39-1805 and 39-1806 and repealing the existing sections, by Committee on Ways and Means.

**SB 660**, An act concerning capitol restoration; relating to the construction, equipping, furnishing, renovation, reconstruction and repair of the state capitol; financing, by Committee on Ways and Means.

**SB 661**, An act concerning inspection of food processing plants and retail food stores; authorizing the secretary of health and environment to fix, charge and collect certain fees, by Committee on Ways and Means.

**SB 662**, An act concerning improvement and industrial districts; amending K.S.A. 19-2786d and 19-2786e and K.S.A. 1999 Supp. 19-2755a and 19-2786j and repealing the existing sections, by Committee on Ways and Means.

**SB 663**, An act concerning gynecological care; authorizing such care under certain circumstances without visiting a primary care provider, by Committee on Federal and State Affairs.

**SB 664**, An act concerning agriculture; relating to inspection fees; funding for plant pest activities; amending K.S.A. 2-2911 and K.S.A. 1999 Supp. 2-1012 and 2-1205 and repealing the existing sections, by Committee on Ways and Means.

## Senate Concurrent Resolutions

**SCR 1643**, A proposition to amend article 15 of the constitution of the state of Kansas by adding a new section thereto, relating to public retirement systems.

**SCR 1644**, A concurrent resolution urging the President and the Congress of the United States to increase funding for special education from an average federal share of 12% nationwide to the 40% level authorized by the Individuals with Disabilities Education Act.

## Senate Resolutions

**SR 1818**, A resolution congratulating and commending Warren Weibert and U.S. Premium Beef.

**SR 1819**, A resolution recognizing March 10 as Harriet Tubman Day.

**SR 1820**, A resolution celebrating 125 years of Christian education by the Topeka Lutheran School.

**SR 1821**, A resolution congratulating and commending the Quivira Council, Boy Scouts of America.

**SR 1822**, A resolution congratulating and commending the Wheatbelt Girl Scout Council.

Doc. No. 024938

## State of Kansas

## Secretary of State

## Certification of New State Laws

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

Ron Thornburgh  
Secretary of State

(Published in the Kansas Register March 23, 2000.)

Substitute for HOUSE BILL No. 2290

AN ACT relating to certain loans and pledges of credit by certain public utilities; repealing K.S.A. 66-1213.

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

Section 1. Any public utility subject to the jurisdiction of the state corporation commission which loans its funds or pledges its credit to any person or entity having an affiliated interest shall report the terms and conditions of such loan or pledge of credit to the state corporation commission within 10 days after making such loan or pledging such credit.

Sec. 2. K.S.A. 66-1213 is hereby repealed.

Sec. 3. 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 1999 Supplement to the *Kansas Administrative Regulations*.

**AGENCY 1: DEPARTMENT OF ADMINISTRATION**

Reg. No.	Action	Register
1-1-5	New	V. 18, p. 1337
1-2-30	Amended	V. 18, p. 1337
1-2-74	New	V. 18, p. 1337
1-2-84	Amended	V. 18, p. 1337
1-2-84a	New	V. 18, p. 1337
1-2-84b	New	V. 18, p. 1338
1-4-8	Amended	V. 18, p. 1338
1-5-22	Amended	V. 18, p. 1338
1-6-25	Amended	V. 18, p. 1338
1-6-32	Amended	V. 18, p. 1339
1-8-6	Amended	V. 18, p. 1339
1-9-2	Amended	V. 18, p. 1340
1-9-7b	Amended (T)	V. 18, p. 1748
1-9-14	Amended (T)	V. 18, p. 1390
1-9-19a	Amended	V. 18, p. 1341
1-9-23	Amended (T)	V. 19, p. 243
1-9-25	Amended	V. 18, p. 1342
1-10-10	New	V. 18, p. 1344
1-10-11	New	V. 18, p. 1345
1-16-18	Amended	V. 18, p. 869
1-16-18a	Amended	V. 18, p. 869
1-18-1a	Amended	V. 18, p. 871

**AGENCY 4: DEPARTMENT OF AGRICULTURE**

Reg. No.	Action	Register
4-7-213	Amended	V. 19, p. 117
4-7-214	Amended	V. 19, p. 117
4-7-215	Revoked	V. 19, p. 118
4-7-216	New	V. 19, p. 118
4-20-11	Amended	V. 18, p. 418
4-20-15	New	V. 18, p. 418
4-21-1 through 4-21-6	New	V. 18, p. 418-420

**AGENCY 7: SECRETARY OF STATE**

Reg. No.	Action	Register
7-31-1 through 7-31-4	Revoked	V. 18, p. 672
7-35-1	Amended (T)	V. 18, p. 1389
7-35-1	Amended	V. 18, p. 1879
7-35-2	Amended (T)	V. 18, p. 1390
7-35-2	Amended	V. 18, p. 1879
7-40-1	New	V. 18, p. 1148

**AGENCY 9: ANIMAL HEALTH DEPARTMENT**

Reg. No.	Action	Register
9-20-4	New	V. 18, p. 161
9-29-6	Amended	V. 18, p. 895

**AGENCY 11: STATE CONSERVATION COMMISSION**

Reg. No.	Action	Register
11-7-1 through 11-7-8	Amended	V. 18, p. 1808-1810
11-7-10	Amended	V. 18, p. 1811

11-7-11 through 11-7-15	New	V. 18, p. 1811, 1812
11-9-1 through 11-9-10	New	V. 18, p. 79, 80

**AGENCY 17: STATE BANK COMMISSIONER**

Reg. No.	Action	Register
17-24-1	New	V. 18, p. 956
17-24-2	New	V. 18, p. 956

**AGENCY 22: STATE FIRE MARSHAL**

Reg. No.	Action	Register
22-19-1	Amended	V. 18, p. 1170
22-19-2	Amended	V. 18, p. 1170
22-19-3	Amended	V. 18, p. 1171
22-19-4a	New	V. 18, p. 1171

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

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

**AGENCY 26: DEPARTMENT ON AGING**

Reg. No.	Action	Register
26-1-2	Amended	V. 18, p. 188
26-1-4	Amended	V. 18, p. 544
26-1-6	Amended	V. 18, p. 544
26-1-9	New	V. 18, p. 188
26-2-4	Amended	V. 18, p. 1880
26-2-7	Amended	V. 18, p. 1880
26-2-9	Amended	V. 18, p. 1880
26-3-1	Amended	V. 18, p. 1881
26-3-3	Revoked	V. 18, p. 1882
26-3-5	Amended	V. 18, p. 1882
26-8-4	Revoked	V. 18, p. 1882

**AGENCY 27: STATE CORPORATION COMMISSION (KANSAS ENERGY OFFICE)**

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

**AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT**

Reg. No.	Action	Register
28-1-2	Amended	V. 19, p. 141
28-1-6	Amended	V. 18, p. 953
28-1-18	Amended	V. 19, p. 141
28-1-25	Revoked	V. 18, p. 105
28-1-26	New	V. 19, p. 142
28-4-330 through 28-4-343	New (T)	V. 18, p. 1058-1070
28-4-330 through 28-4-343	New	V. 18, p. 1600-1612
26-16-28b through 28-16-28f	Amended	V. 18, p. 1021-1033
28-19-50	Revoked	V. 18, p. 50
28-19-52	Revoked	V. 18, p. 50
28-19-201	Amended	V. 18, p. 106
28-19-650	New	V. 18, p. 50
28-19-720	Amended	V. 18, p. 782
28-19-735	Amended	V. 18, p. 782
28-19-750	Amended	V. 18, p. 782
28-19-751	Revoked	V. 18, p. 1099
28-19-752	Revoked	V. 18, p. 1099
28-19-752a	New	V. 18, p. 1099
28-23-81 through 28-23-89	Revoked	V. 18, p. 1099
28-19-751	Revoked	V. 18, p. 1099
28-19-752	Revoked	V. 18, p. 1099
28-19-752a	New	V. 18, p. 1099
28-23-81 through 28-23-89	Revoked	V. 18, p. 1099
28-29-3	Amended	V. 18, p. 1345
28-29-17a	Revoked	V. 18, p. 1948
28-29-17b	Revoked	V. 18, p. 1949
28-29-25a	New	V. 18, p. 1346
28-29-25b	New	V. 18, p. 1347
28-29-25c	New	V. 18, p. 1348
28-29-25e	New	V. 18, p. 1350
28-29-25f	New	V. 18, p. 1351
28-29-26	Revoked	V. 18, p. 673

28-29-98	Revoked	V. 18, p. 1949
28-29-2101 through 28-29-2113	New	V. 18, p. 1949-1963
28-31-1	Amended	V. 18, p. 673
28-31-2	Amended	V. 18, p. 673
28-31-3	Amended	V. 18, p. 674
28-31-4	Amended	V. 18, p. 674
28-31-6	Amended	V. 18, p. 678
28-31-8	Amended	V. 18, p. 679
28-31-8b	Amended	V. 18, p. 680
28-31-9	Amended	V. 18, p. 680
28-31-10	Amended	V. 18, p. 681
28-31-12	Amended	V. 18, p. 681
28-31-13	Amended	V. 18, p. 682
28-31-14	Amended	V. 18, p. 682
28-31-15	New	V. 18, p. 682
28-31-16	New	V. 18, p. 682
28-36-10 through 28-36-18	Revoked	V. 18, p. 1099
28-36-20 through 28-36-29	Revoked	V. 18, p. 1099, 1100
28-36-101 through 28-36-108	New	V. 18, p. 1100-1102
28-36-10 through 28-36-18	Revoked	V. 18, p. 1099
28-36-20 through 28-36-29	Revoked	V. 18, p. 1099, 1100
28-36-101 through 28-36-108	New	V. 18, p. 1100-1102
28-36-10 through 28-36-18	Revoked	V. 18, p. 1099
28-39-133	Revoked	V. 18, p. 1393
28-39-134 through 28-39-137	Revoked	V. 18, p. 1393
28-39-144	Amended	V. 18, p. 1393
28-39-145	Revoked	V. 18, p. 1395
28-39-145a	New	V. 18, p. 1395
28-39-152	Amended	V. 18, p. 1397
28-39-160	Amended	V. 18, p. 1399
28-39-161	Amended	V. 18, p. 1400
28-39-162a	Amended	V. 18, p. 1401
28-39-162c	Amended	V. 18, p. 1405
28-39-163	Amended	V. 18, p. 1410
28-39-240	Amended	V. 18, p. 1412
28-39-245	Amended	V. 18, p. 1413
28-39-247	Amended	V. 18, p. 1414
28-39-275 through 28-39-291	New	V. 18, p. 1416-1423
28-39-300 through 28-39-312	Revoked	V. 18, p. 1423
28-39-425 through 28-39-437	New	V. 18, p. 1423-1429
28-50-1	Amended	V. 18, p. 1353
28-50-2	Amended	V. 18, p. 1355
28-50-4	Amended	V. 18, p. 1356
28-50-5	Amended	V. 18, p. 1356
28-50-6	Amended	V. 18, p. 1356
28-50-7	Revoked	V. 18, p. 1358
28-50-8	Amended	V. 18, p. 1358
28-50-9	Amended	V. 18, p. 1359
28-50-10	Amended	V. 18, p. 1363
28-50-14	Amended	V. 18, p. 1363
28-65-1	Amended	V. 18, p. 682
28-65-2	Amended	V. 18, p. 683
28-65-3	Amended	V. 18, p. 683
28-72-1	New (T)	V. 18, p. 1459
28-72-1	New	V. 18, p. 1888
28-72-2	New (T)	V. 18, p. 1462
28-72-2	New	V. 18, p. 1891
28-72-3	New (T)	V. 18, p. 1462
28-72-3	New	V. 18, p. 1891
28-72-4	New (T)	V. 18, p. 1463
28-72-4	New	V. 18, p. 1892
28-72-4a	New (T)	V. 18, p. 1466
28-72-4a	New	V. 18, p. 1895
28-72-4b	New (T)	V. 18, p. 1468
28-72-4b	New	V. 18, p. 1897
28-72-4c	New (T)	V. 18, p. 1470
28-72-4c	New	V. 18, p. 1898
28-72-5	New (T)	V. 18, p. 1471

28-72-5	New	V. 18, p. 1900
28-72-6	New (T)	V. 18, p. 1473
28-72-6	New	V. 18, p. 1902
28-72-7	New (T)	V. 18, p. 1475
28-72-7	New	V. 18, p. 1904
28-72-8	New (T)	V. 18, p. 1476
28-72-8	New	V. 18, p. 1905
28-72-9	New (T)	V. 18, p. 1478
28-72-9	New	V. 18, p. 1907
28-72-10	New (T)	V. 18, p. 1480
28-72-10	New	V. 18, p. 1909
28-72-11	New (T)	V. 18, p. 1481
28-72-11	New	V. 18, p. 1910
28-72-12	New (T)	V. 18, p. 1482
28-72-12	New	V. 18, p. 1911
28-72-13	New (T)	V. 18, p. 1483
28-72-13	New	V. 18, p. 1912
28-72-14	New (T)	V. 18, p. 1483
28-72-14	New	V. 18, p. 1912
28-72-15	New (T)	V. 18, p. 1484
28-72-15	New	V. 18, p. 1913
28-72-16	New (T)	V. 18, p. 1484
28-72-16	New	V. 18, p. 1913
28-72-17	New (T)	V. 18, p. 1485
28-72-17	New	V. 18, p. 1914
28-72-18	New (T)	V. 18, p. 1486
28-72-18	New	V. 18, p. 1915
28-72-18a	New (T)	V. 18, p. 1487
28-72-18a	New	V. 18, p. 1916
28-72-18b	New (T)	V. 18, p. 1487
28-72-18b	New	V. 18, p. 1916
28-72-18c	New (T)	V. 18, p. 1488
28-72-18c	New	V. 18, p. 1917
28-72-18d	New (T)	V. 18, p. 1489
28-72-18d	New	V. 18, p. 1918
28-72-18e	New (T)	V. 18, p. 1490
28-72-18e	New	V. 18, p. 1919
28-72-19	New (T)	V. 18, p. 1491
28-72-19	New	V. 18, p. 1920
28-72-20	New (T)	V. 18, p. 1491
28-72-20	New	V. 18, p. 1920
28-72-21	New (T)	V. 18, p. 1491
28-72-21	New	V. 18, p. 1920
28-72-22	New (T)	V. 18, p. 1491
28-72-22	New	V. 18, p. 1920

**AGENCY 30: SOCIAL AND REHABILITATION SERVICES**

Reg. No.	Action	Register
30-2-12	Amended	V. 18, p. 271
30-2-16	Amended	V. 18, p. 895
30-4-64	Amended	V. 18, p. 1722
30-6-59	Revoked	V. 18, p. 895
30-6-86	Amended	V. 18, p. 895
30-6-103	Amended	V. 18, p. 896
30-14-30	Amended	V. 18, p. 896
30-44-2	Amended	V. 18, p. 1843

**AGENCY 36: DEPARTMENT OF TRANSPORTATION (BY DEPARTMENT OF EDUCATION)**

Reg. No.	Action	Register
36-13-20	Revoked	V. 18, p. 1823
36-13-30 through 36-13-35	Revoked	V. 18, p. 1823
36-13-37	Revoked	V. 18, p. 1823
36-13-38	Revoked	V. 18, p. 1823
36-13-39	Revoked	V. 18, p. 1823

**AGENCY 40: KANSAS INSURANCE DEPARTMENT**

Reg. No.	Action	Register
40-2-26	Amended	V. 18, p. 1058
40-3-33	Amended	V. 18, p. 1016
40-4-34	Amended	V. 18, p. 124
40-4-35	Amended (T)	V. 18, p. 358
40-4-35	Amended	V. 18, p. 1148
40-4-42	New	V. 18, p. 1883
40-4-42a	New	V. 18, p. 1883
40-4-42b	New	V. 18, p. 1884
40-4-42c	New	V. 18, p. 1884
40-4-42d	New	V. 18, p. 1884
40-4-42e	New	V. 18, p. 1886
40-4-42f	New	V. 18, p. 1887
40-4-42g	New	V. 18, p. 1887

**AGENCY 44: DEPARTMENT OF CORRECTIONS**

Reg. No.	Action	Register
44-1-103	Amended	V. 18, p. 390

**AGENCY 45: KANSAS PAROLE BOARD**

Reg. No.	Action	Register
45-9-1	Amended	V. 18, p. 1597
45-9-2	Amended	V. 18, p. 1597
45-9-3	Amended	V. 18, p. 1598
45-9-4	New (T)	V. 18, p. 1034
45-9-4	New	V. 18, p. 1599

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

Reg. No.	Action	Register
51-9-7	Amended	V. 18, p. 1170

**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
60-6-101	Amended	V. 19, p. 344
60-7-101	Amended	V. 18, p. 52
60-11-101	Amended	V. 19, p. 344
60-11-103	Amended	V. 19, p. 345
60-11-104a	Amended	V. 19, p. 346
60-11-106	Amended	V. 19, p. 346
60-11-108	Revoked	V. 19, p. 346
60-16-101	Amended	V. 18, p. 1558
60-16-102	Amended	V. 18, p. 1558
60-16-104	Amended	V. 18, p. 1559
60-17-101 through 60-17-111	New	V. 19, p. 346-350

**AGENCY 63: BOARD OF MORTUARY ARTS**

63-4-1	Amended	V. 18, p. 1650
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**AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY**

Reg. No.	Action	Register
65-5-10	Amended	V. 18, p. 1727
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
66-6-4	Amended	V. 19, p. 69
66-6-6	Amended	V. 19, p. 70
66-7-2	Amended	V. 19, p. 70
66-8-7	New	V. 19, p. 70
66-9-4	Amended	V. 19, p. 71
66-9-6	New	V. 19, p. 71
66-10-12	Amended	V. 19, p. 71
66-10-13	New	V. 19, p. 71
66-11-4	New	V. 19, p. 72
66-12-1	Amended	V. 19, p. 72
66-14-1	Amended	V. 19, p. 72
66-14-6	Amended	V. 19, p. 72

**AGENCY 68: BOARD OF PHARMACY**

Reg. No.	Action	Register
68-2-12a	Amended	V. 18, p. 1813
68-2-20	Amended	V. 18, p. 1813
68-2-22	Amended	V. 18, p. 1814
68-3-5	New	V. 18, p. 1309
68-3-6	New	V. 18, p. 1309
68-5-15	New	V. 18, p. 993
68-7-11	Amended	V. 18, p. 1814
68-7-12	Amended	V. 18, p. 1815
68-7-18	Amended	V. 18, p. 994
68-7-19	Amended	V. 18, p. 994
68-11-1	Amended	V. 18, p. 81
68-14-1	Amended	V. 18, p. 1019
68-14-2 through 68-14-5	Amended	V. 18, p. 996, 997
68-14-7	Amended	V. 18, p. 997
68-14-8	New	V. 18, p. 998
68-15-1	New	V. 18, p. 998
68-15-2	New	V. 18, p. 1309
68-15-4	New	V. 18, p. 1309
68-20-10	Amended	V. 18, p. 1816
68-20-10a	Amended	V. 18, p. 1819
68-20-15a	Amended	V. 18, p. 1819
68-20-16	Amended	V. 18, p. 1820
68-20-17	Amended	V. 18, p. 1820
68-20-18	Amended	V. 18, p. 1820
68-20-19	Amended	V. 18, p. 1821
68-20-21	Amended	V. 18, p. 1822

**AGENCY 71: KANSAS DENTAL BOARD**

Reg. No.	Action	Register
71-1-18	Amended	V. 18, p. 1844
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
74-4-10	Amended	V. 18, p. 1238
74-5-103	Amended	V. 18, p. 1238
74-5-104	Amended	V. 18, p. 1238
74-5-202	Amended	V. 18, p. 1239
74-5-203	Amended	V. 18, p. 1239
74-5-406	Amended	V. 18, p. 1240
74-11-6	Amended	V. 18, p. 1240
74-12-1	Amended	V. 18, p. 1721

**AGENCY 80: KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM**

Reg. No.	Action	Register
80-1-1	Amended	V. 18, p. 1230
80-1-2	Amended	V. 18, p. 1230
80-1-3	Amended	V. 18, p. 1230
80-1-4	Revoked	V. 18, p. 1230
80-1-5	Amended	V. 18, p. 1230
80-1-6	Amended	V. 18, p. 1231
80-1-9	Amended	V. 18, p. 1231
80-1-10	Amended	V. 18, p. 1231
80-1-11	Amended	V. 18, p. 1231
80-1-12	Revoked	V. 18, p. 1231
80-2-1	Amended	V. 18, p. 1231
80-3-1	Revoked	V. 18, p. 1232
80-3-2	Revoked	V. 18, p. 1232
80-3-4	Amended	V. 18, p. 1232
80-3-5	Revoked	V. 18, p. 1232
80-3-6	Revoked	V. 18, p. 1232
80-3-8	Revoked	V. 18, p. 1232
80-3-9	Amended	V. 18, p. 1232
80-3-13	Revoked	V. 18, p. 1232
80-3-15	Amended	V. 18, p. 1232
80-3-16	Amended	V. 18, p. 1232
80-4-1	Amended	V. 18, p. 1233
80-4-2	Revoked	V. 18, p. 1233
80-4-3	Revoked	V. 18, p. 1233
80-4-4	Amended	V. 18, p. 1233
80-4-5	Revoked	V. 18, p. 1233
80-4-6	Revoked	V. 18, p. 1233
80-5-1	Amended	V. 18, p. 1233
80-5-2	Revoked	V. 18, p. 1233
80-5-3	Revoked	V. 18, p. 1233
80-5-6	Amended	V. 18, p. 1233
80-5-7	Revoked	V. 18, p. 1234
80-5-9	Amended	V. 18, p. 1234
80-5-10	Amended	V. 18, p. 1234
80-5-11	Amended	V. 18, p. 1234
80-5-12	Revoked	V. 18, p. 1234
80-5-13	Amended	V. 18, p. 1234
80-5-14	Revoked	V. 18, p. 1234
80-5-15	Amended	V. 18, p. 1234
80-5-16	Amended	V. 18, p. 1235
80-5-18	Amended	V. 18, p. 1235
80-7-1	Amended	V. 18, p. 1235
80-8-2	Amended	V. 18, p. 1236
80-8-7	Amended	V. 18, p. 1236
80-50-1	Revoked	V. 18, p. 1236
80-50-2	Amended	V. 18, p. 1236
80-50-3	Amended	V. 18, p. 1236
80-50-4	Revoked	V. 18, p. 1236
80-50-5	Revoked	V. 18, p. 1236
80-50-6	Amended	V. 18, p. 1236
80-50-8	Revoked	V. 18, p. 1237
80-51-1	Revoked	V. 18, p. 1237
80-51-2	Revoked	V. 18, p. 1237
80-51-3	Revoked	V. 18, p. 1237
80-51-4	Amended	V. 18, p. 1237
80-51-5	Revoked	V. 18, p. 1237
80-51-7	Revoked	V. 18, p. 1237
80-52-1	Revoked	V. 18, p. 1237
80-52-2	Revoked	V. 18, p. 1237
80-52-3	Revoked	V. 18, p. 1237
80-53-2 through 80-53-6	Revoked	V. 18, p. 1237
80-54-1 through 80-54-4	Revoked	V. 18, p. 1237

(continued)

80-55-1 through  
 80-55-4 Revoked V. 18, p. 1237  
 80-55-8 Amended V. 18, p. 1237

**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
82-3-900		
through		
82-5-908	New	V. 18, p. 276, 277
82-4-3	Amended (T)	V. 18, p. 1391
82-4-3,	Amended	V. 19, p. 208
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: REAL ESTATE COMMISSION**

Reg. No.	Action	Register
86-1-11	Amended	V. 18, p. 1291

**AGENCY 88: BOARD OF REGENTS**

Reg. No.	Action	Register
88-23-1		
through		
88-23-6	New	V. 19, p. 41-43

**AGENCY 91: DEPARTMENT OF EDUCATION**

Reg. No.	Action	Register
91-31-16	Amended	V. 18, p. 1171
91-31-18	Amended	V. 18, p. 1172
91-31-19	Amended	V. 18, p. 1309
91-31-24	Amended	V. 18, p. 1173
91-38-1		
through		
91-38-10	New	V. 18, p. 1823-1828

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

Reg. No.	Action	Register
99-25-1	Amended	V. 18, p. 189

**AGENCY 100: BOARD OF HEALING ARTS**

Reg. No.	Action	Register
100-6-2	Amended (T)	V. 18, p. 1747
100-6-2	Amended	V. 19, p. 241
100-10a-1	Amended	V. 19, p. 241
100-10a-3	Amended	V. 19, p. 241
100-11-5	Revoked	V. 18, p. 1230
100-24-3	New	V. 18, p. 483

**AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD**

Reg. No.	Action	Register
102-4-10a	Amended (T)	V. 18, p. 1035
102-4-10a	Amended	V. 18, p. 1556
102-5-7a	Amended	V. 18, p. 1520

**AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES**

Reg. No.	Action	Register
105-1-1	Amended	V. 18, p. 1141
105-2-1	Amended	V. 18, p. 1142

105-3-1	Amended	V. 18, p. 1142
105-3-2	Amended	V. 18, p. 1142
105-3-4	Revoked	V. 18, p. 1143
105-3-5	Amended	V. 18, p. 1143
105-3-8	Revoked	V. 18, p. 1143
105-3-9	Amended	V. 18, p. 1143
105-3-11	Amended	V. 18, p. 1144
105-3-12	Amended	V. 18, p. 1144
105-5-2	Amended	V. 18, p. 1144
105-5-3	Amended	V. 18, p. 1144
105-5-6	Amended	V. 18, p. 1144
105-5-7	Amended	V. 18, p. 1145
105-5-8	Amended	V. 18, p. 1145
105-6-2	Amended	V. 18, p. 1145
105-7-2	Amended	V. 18, p. 1146
105-7-4		
through		
105-7-9	Amended	V. 18, p. 1146
105-8-1	Amended	V. 18, p. 1146
105-8-2	Amended	V. 18, p. 1146
105-8-3	Amended	V. 18, p. 1146
105-10-1a	Amended	V. 18, p. 1146
105-10-3	Amended	V. 18, p. 1147
105-10-5	Amended	V. 18, p. 1147
105-21-3	Amended	V. 18, p. 1147
105-21-6	Amended	V. 18, p. 1147
105-31-4	Revoked	V. 18, p. 1147

**AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION**

Reg. No.	Action	Register
108-1-3	New (T)	V. 18, p. 1392
108-1-3	New	V. 19, p. 68

**AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES**

Reg. No.	Action	Register
109-1-1	Amended	V. 18, p. 1650
109-5-1	Amended	V. 18, p. 1653
109-5-2	Amended	V. 18, p. 1654
109-5-3	Amended	V. 18, p. 1654
109-5-4	Amended	V. 18, p. 1655
109-6-2	Amended	V. 18, p. 1655
109-9-1	Amended	V. 18, p. 1656
109-9-2	Revoked	V. 18, p. 1656
109-4-4	Amended	V. 18, p. 1656
109-9-5	Revoked	V. 18, p. 1657
109-10-1	Amended	V. 18, p. 1657
109-10-2	Amended	V. 18, p. 1658
109-10-6	New	V. 18, p. 1660
109-11-1	Amended	V. 18, p. 1662
109-11-2	Revoked	V. 18, p. 1662
109-11-3	Amended	V. 18, p. 1662
109-11-4	Amended	V. 18, p. 1663
109-11-5	Amended	V. 18, p. 1664
109-11-6	Amended	V. 18, p. 1664
109-12-1	Revoked	V. 18, p. 1665
109-12-2	Revoked	V. 18, p. 1665
109-13-1	Amended	V. 18, p. 1666
109-13-3	Revoked	V. 18, p. 1666

**AGENCY 111: KANSAS LOTTERY**

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 1999 can be found in the Vol. 18, No. 52, December 30, 1999 Kansas Register. The regulations listed below were published after December 31, 1999.

Reg. No.	Action	Register
111-2-66	Revoked	V. 19, p. 14
111-2-84	Revoked	V. 19, p. 14
111-2-95	Amended	V. 19, p. 174
111-2-100	New	V. 19, p. 14

111-2-101	New	V. 19, p. 15
111-2-102	New	V. 19, p. 174
111-2-104	New	V. 19, p. 15
111-2-105	New	V. 19, p. 16
111-2-106	New	V. 19, p. 16
111-2-107	New	V. 19, p. 174
111-2-108	New	V. 19, p. 175
111-2-109	New	V. 19, p. 175
111-3-1	Amended	V. 19, p. 176
111-3-12	Amended	V. 19, p. 16
111-3-20	Amended	V. 19, p. 17
111-3-35	Amended	V. 19, p. 177
111-4-1594	Amended	V. 19, p. 17
111-4-1595	Amended	V. 19, p. 17
111-4-1597	Amended	V. 19, p. 18
111-4-1598	Amended	V. 19, p. 18
111-4-1621		
through		
111-4-1636	New	V. 19, p. 177-181
111-4-1617	Amended	V. 19, p. 19
111-4-1637		
through		
111-4-1649	New	V. 19, p. 19-22

**AGENCY 112: KANSAS RACING AND GAMING COMMISSION**

Reg. No.	Action	Register
112-6-4a	New	V. 18, p. 1458
112-7-21	Amended	V. 19, p. 118
112-10-6	Amended	V. 18, p. 954
112-10-38	Amended	V. 19, p. 119
112-18-22	Amended	V. 19, p. 119

**AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS**

Reg. No.	Action	Register
115-2-1	Amended	V. 18, p. 1019
115-4-13	Amended	V. 18, p. 1020
115-5-2	Amended	V. 18, p. 1723
115-7-1	Amended	V. 18, p. 1334
115-7-5	Amended	V. 18, p. 1334
115-8-6	Amended	V. 18, p. 1724
115-11-2	Amended	V. 18, p. 484
115-15-1	Amended	V. 18, p. 1724
115-15-2	Amended	V. 18, p. 1725
115-16-4	Amended	V. 18, p. 780
115-17-21	New	V. 18, p. 781
115-18-4	Amended	V. 18, p. 1334
115-18-7	Amended	V. 18, p. 1335
115-18-13	Amended	V. 18, p. 1336
115-18-14	Amended	V. 18, p. 1336
115-18-16	New (T)	V. 19, p. 242
115-30-10	Amended	V. 18, p. 781

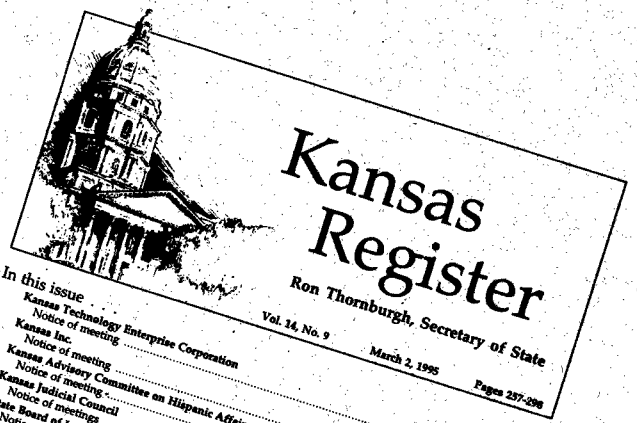
**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

Reg. No.	Action	Register
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117-2-2	Amended	V. 18, p. 295
117-3-1	Amended	V. 18, p. 296
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117-4-1	Amended	V. 18, p. 297
117-4-2	Amended	V. 18, p. 298
117-6-1	Amended	V. 18, p. 955
117-7-1	Amended	V. 19, p. 41
117-8-1	Amended	V. 18, p. 995
117-9-1	Amended	V. 19, p. 41

**AGENCY 118: KANSAS STATE HISTORICAL SOCIETY**

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through		
118-4-4	New	V. 18, p. 672, 673

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