

Kansas Register

Ron Thornburgh, Secretary of State

Vol. 19, No. 13 March 30, 2000 Pages 415-454

In this issue . . .	Page
Speech-Language Pathology/Audiology Advisory Board	
Notice of meeting	417
Kansas Judicial Council	
Notice of meetings.....	417
Legislative bills and resolutions introduced March 16-22	417
Heartland Works, Inc.	
Request for proposals for year-round youth activities.....	418
Department of Administration—Division of Architectural Services	
Notice of commencement of negotiations for architectural services	418
Social and Rehabilitation Services	
Request for comments on PATH funding.....	418
Social and Rehabilitation Services and Kansas Department on Aging	
Notice of final Kansas Intergovernmental Transfer Program methodology	418
State Banking Board	
Notice of meeting	420
City of Overland Park	
Notice to bidders.....	420
Secretary of State	
Executive appointments.....	421
Department of Administration—Division of Purchases	
Notice to bidders for state purchases	422
Permanent Administrative Regulations	
Department of Health and Environment.....	422
Kansas Department of Health and Environment	
Notice concerning Kansas water pollution control permits.....	424
Request for proposals for 2010 Disparity Initiative	427
Requests for comments on proposed air quality permits.....	427, 428, 429
Pooled Money Investment Board	
Notice of investment rates.....	427
Kansas Department of Transportation	
Request for proposals for slurry/micro-surface mix design procedure research	429
Notice to contractors.....	430
Kansas Insurance Department	
Notice of changes in pharmacy networks.....	431

(continued on next page)

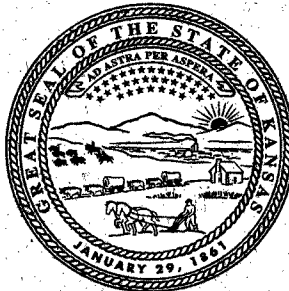
Notice of Bond Sale	
City of Andover	432
City of Inman	434
City of Shawnee	435
Kansas Water Authority	
Notice of meetings	434
State Fair Board	
Notice of meeting	435
New State Laws	
House Bill 2322 (Substitute for) , concerning visually impaired or blind persons; relating to billing procedures for certain services	436
Senate Bill 564 , concerning grain storage; relating to public warehouses	436
House Bill 2826 , concerning oil and gas; relating to unitization and unit operations	440
Senate Bill 489 , concerning the dealers and manufacturers licensing act; relating to owning, acting as or controlling new vehicle dealers	442
House Bill 2642 (Substitute for) , regulating traffic; concerning the maximum length of certain vehicles	443
Senate Bill 460 , relating to the office of the state treasurer; authorizing the state treasurer to designate certain positions to be in the unclassified service under the Kansas civil service act ..	443
House Bill 2691 , amending the uniform consumer credit code	443
House Bill 2655 , concerning the Kansas postsecondary education savings program	447
Index to administrative regulations	450

The Kansas Register (ISSN No. 0662-190) is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The Kansas Register is published weekly by the Kansas Secretary of State, 1st Floor, Memorial Hall, 120 S.W. 10th Ave., Topeka, KS 66612-1594. One-year subscriptions are \$80 (Kansas residents must include \$5.44 state and local sales tax). Single copies may be purchased, if available, for \$2 each. Periodicals postage paid at Topeka, KS.

Postmaster: Send change of address form to Kansas Register, Secretary of State, 1st Floor, Memorial Hall, 120 S.W. 10th Ave., Topeka, KS 66612-1594.

© Kansas Secretary of State 2000. Reproduction of this publication in its entirety or for commercial purposes is prohibited without prior permission. Official enactments of the Kansas Legislature and proposed and adopted administrative regulations of state agencies may be reproduced in any form without permission.

PUBLISHED BY
Ron Thornburgh
Secretary of State
 1st Floor, Memorial Hall
 120 S.W. 10th Ave.
 Topeka, KS 66612-1594
 (785) 296-4564



Register Office:
Garden Level, Memorial Hall
 (785) 296-3489
 Fax (785) 368-8024

State of Kansas

Speech-Language Pathology/Audiology
Advisory Board

Notice of Meeting

The Speech-Language Pathology/Audiology Advisory Board will meet at 10 a.m. Thursday, April 6, in Classroom C of the KNEA Building, 715 S.W. 10th Ave., Topeka.

Lesla Bray, Director
Health Occupations Credentialing

Doc. No. 024980

State of Kansas

Kansas Judicial Council

Notice of Meetings

The Kansas Judicial Council and its advisory committees will meet according to the following schedule at the Kansas Judicial Center, 301 S.W. 10th Ave., Topeka:

Date	Committee	Time	Location
April 7	Guard. & Conserv.	9:30 a.m.	Room 259
April 14	Probate Law	9:30 a.m.	Room 259
May 5	Guard. & Conserv.	9:30 a.m.	Court of Appeals Courtroom
May 5	Judicial Council	9:00 a.m.	Room 259
May 12	Probate Law	9:30 a.m.	Room 259
May 19	Estate Tax Apportionment	9:30 a.m.	Room 259
June 2	Guard. & Conserv.	9:30 a.m.	Room 259
June 9	Probate Law	9:30 a.m.	Room 259
June 16	PIK-Criminal	9:30 a.m.	Room 259
July 21	PIK-Criminal	9:30 a.m.	Room 259

Hon. Tyler C. Lockett
Chair

Doc. No. 024975

State of Kansas

Legislature

Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced March 16-22 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 3039, An act relating to consumer protection; prohibiting certain acts, by Committee on Appropriations.

HB 3040, An act concerning mental health centers; amending K.S.A. 39-1604 and 75-3307b and repealing the existing sections, by Committee on Appropriations.

HB 3041, An act relating to income taxation; concerning the credit for research and development activities; amending K.S.A. 79-32,182 and repealing the existing section, by Committee on Taxation.

HB 3042, An act establishing an intergovernmental transfer program; concerning nursing facilities owned and operated by units of government; relating to the federal medical assistance (medicaid) program; establishing an intergovernmental transfer fund, an intergovernmental transfer administration fund, a long-term care loan fund, a senior services trust fund and a senior services fund within the state treasury; authorizing certain participation agreements, loans, grants and contracts; amending K.S.A. 75-5321a and repealing the existing section, by Committee on Appropriations.

HB 3043, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; retirement options; payment of lump sum amount; amending K.S.A. 1999 Supp. 20-2610a, 74-4918, 74-4964 and 74-4964a and repealing the existing sections, by Committee on Appropriations.

HB 3044, An act concerning retirement; relating to employees of the state board of regents; tax sheltered annuities; amending K.S.A. 1999 Supp. 74-4925 and 74-4925e and repealing the existing sections, by Committee on Appropriations.

HB 3045, An act concerning retirement and pensions; relating to the Kansas public employees retirement system; benefits; correction of errors by the system; vesting; taxation of death benefits; purchase of service credit; amending K.S.A. 13-14a11, 14-10a11 and 74-4927k and K.S.A. 1999 Supp. 13-14a07, 14-10a07, 20-2610, 20-2625, 74-4919p, 74-4919q, 74-4921, 74-4924, 74-4927, 74-4958, 74-4958a, 74-4959, 74-4960, 74-4960a and 74-4989 and repealing the existing sections; also repealing K.S.A. 1999 Supp. 74-4921a, by Committee on Appropriations.

House Concurrent Resolutions

HCR 5076, A concurrent resolution memorializing the Congress of the United States to expeditiously reauthorize the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act in order to ensure that the expanding medical care and support services needs of individuals living with HIV disease are met.

House Resolutions

HR 6016, A resolution requesting the State Corporation Commission to identify areas of the state where advanced telecommunications services have not been deployed and where there are not plans for deployment of such services by January 1, 2002, and to assemble a task force to study deployment of such services in such areas.

HR 6017, A resolution in support of General Motors' Fairfax automobile assembly plant.

Senate Bills

SB 665, An act concerning crimes, criminal procedure and punishment; relating to probation; revocation of nonprison sanction for certain offenders; amending K.S.A. 22-3716 and K.S.A. 1999 Supp. 21-4611 and repealing the existing sections, by Committee on Ways and Means.

SB 666, An act enacting the plumbing, mechanical, heating, refrigeration, air-conditioning and ventilation certification law and protection act; regulating such practices and prescribing certain guidelines and powers, duties and functions for the state board of technical professions; establishing the Kansas state advisory board of plumbing and mechanical, heating, ventilation, refrigeration and air-conditioning, by Committee on Federal and State Affairs.

SB 667, An act concerning racing and gaming; concerning electronic gaming machines; amending K.S.A. 74-8702 and K.S.A. 1999 Supp. 19-101a and 74-8723 and repealing the existing sections; also repealing K.S.A. 19-101j, by Committee on Federal and State Affairs.

SB 668, An act concerning the establishment of the Kansas business health partnership by Committee on Ways and Means.

Senate Concurrent Resolutions

SCR 1645, A concurrent resolution relating to the 2000 regular session of the legislature; extending such session beyond 90 calendar days; and providing for the adjournment thereof.

Senate Resolutions

SR 1823, A resolution congratulating and commending the Kansas 2000 Truman scholarship finalists.

SR 1824, A resolution naming buildings and certain wings thereof at the Kansas Veterans Home for Kansas recipients of the Congressional Medal of Honor.

SR 1825, A resolution in support of General Motors' Fairfax automobile assembly plant.

SR 1826, A resolution congratulating and commending Valley Center High School.

Doc. No. 024968

(Published in the Kansas Register March 30, 2000.)

Heartland Works, Inc.**Request for Proposals**

Heartland Works, Inc. is issuing a request for proposals to provide year-round youth activities (including a summer component) for eligible youth under Title I of the Workforce Investment Act. Heartland Works is seeking providers throughout the 17 counties of SDA II (Atchison, Brown, Clay, Doniphan, Douglas, Franklin, Geary, Jackson, Jefferson, Marshall, Nemaha, Osage, Pottawatomie, Riley, Shawnee, Wabaunsee and Washington). To request a bid package including all specifications, contact the Heartland Works office at 1035 S.W. Topeka Blvd., Topeka, 66612, (785) 234-0500. All proposals must be received by 3 p.m. April 26. Heartland Works, Inc. welcomes all interested organizations to bid.

Kris Kitchen
Executive Director

Doc. No. 025005

State of Kansas**Department of Administration
Division of Architectural Services****Notice of Commencement of
Negotiations for Architectural Services**

Notice is hereby given of the commencement of negotiations for architectural services for the housing and activity space replacement project at the Topeka Juvenile Correctional Facility. The project calls for approximately 41,000 square feet of new space. The newly-designed space must be flexible; currently this facility is proposed to be medium security.

For information regarding the scope of services, contact Jim McKinley, Juvenile Justice Authority, (785) 296-4213.

If interested, an original and six copies (seven total) of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 1020 S. Kansas Ave., Topeka, 66612-1311, (785) 296-8899. Submittals not complying with the guidelines will be returned without consideration.

Expressions of interest and the SF 255 submittals should be received by Gary Grimes before 5 p.m. April 14.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 024990

State of Kansas**Social and Rehabilitation Services****Request for Comments**

The Kansas Mental Health and Developmental Disabilities Commission of SRS (MH&DD) announces the intended use of federal Projects for Assistance in Transition from Homelessness (PATH) funding in the amount of \$300,000. The purpose of the grant is to provide assertive outreach, and engage into mainstream community services and housing, to people who are homeless and who have a severe and persistent mental illness.

Direct written comments or questions regarding the intended use of PATH funds to Lori Nuebel, SRS, Health Care Policy/Mental Health, Substance Abuse Treatment and Recovery, 5th Floor North, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. Written comments must be received by the close of business April 30 in order to be considered in formulating a final decision.

Janet Schalansky
Secretary of Social and
Rehabilitation Services

Doc. No. 024977

State of Kansas**Social and Rehabilitation Services****Department on Aging****Notice of Final Kansas Intergovernmental Transfer
Program Methodology for Calculating Final Rates,
and Rate Justifications;****Response to Written Comments; and
Notice of Intent to Amend the Medicaid State Plan**

Under the Medicaid program, 42 U.S.C. 1396, *et seq.*, the State of Kansas pays nursing facilities, nursing facilities for mental health, and hospital-based long-term care units (hereafter collectively referred to as nursing facilities) a daily rate for care provided to residents who are eligible for Medicaid benefits. The Secretary of Aging administers the Medicaid nursing facility services payment program on behalf of the Secretary of Social and Rehabilitation Services. As required by 42 U.S.C. 1396a(a)(13), as amended by Section 4711 of the Balanced Budget Act of 1997, P.L. No. 105-33, 101 Stat. 251, 507-08 (August 5, 1997), the Secretary of Social and Rehabilitation Services (SRS) and the Secretary of Aging (KDOA) are publishing the final Kansas Intergovernmental Transfer Program methodology underlying the establishment of the final rates, and the justifications for those final rates. SRS and KDOA also are providing notice of the state's intent to submit the proposed amendment to the Medicaid State Plan to the U. S. Department of Health and Human Services' Health Care Financing Administration (HCFA) on or before March 31, 2000.

The state published its Notice of Proposed Kansas Intergovernmental Transfer Program Methodology for Calculating Proposed Rates, and Rate Justifications; Notice of Intent to Amend the Medicaid State Plan and Request for Comments in the February 17, 2000 Kansas Register. No revisions have been made to the methodology. The

final methodology used to calculate the Kansas Intergovernmental Transfer Program rates is described below.

I. Kansas Intergovernmental Transfer Program.

Provisions for Governmental Facilities - Government-Owned and Operated Nursing Facility Proportionate Share Pool:

A proportionate share pool is created to increase reimbursement to Medicaid-certified, government-owned and operated nursing facilities. "Owned" refers to the common meaning of ownership of the physical structure(s). "Operated" refers to the government's direct and active involvement in a facility's day-to-day operations, as indicated in the provider agreement. "Government" means a unit of local government, such as a city, a county, a city hospital, a county hospital, a hospital district, or a health care facilities and services hospital district. The pool is created subject to availability of funds and subject to the payment limits of 42 CFR 447.272 (payments may not exceed the amount that can reasonably be estimated to be paid under Medicare payment principles).

The proportionate share pool is calculated by comparison of the Kansas Medicaid rates in all Medicaid-certified nursing facilities to the equivalent Medicare rates, whether or not each facility is Medicare certified. The equivalent Medicare rate is adjusted by the wage index published in the Federal Register. When the case mix index utilized for computing the Medicaid rate does not have an equivalent Medicare classification, the Medicaid case mix index will be adjusted down to the next closest Medicare RUGs classification. The methodology shall adjust for pharmacy, laboratory, radiology, retroactive payment adjustments, and any other factors necessary to equate Medicaid to Medicare payment methodologies. The differences between the facility-specific Medicare rates and Medicaid rates are summed to determine the amount of the pool.

The Department of Social and Rehabilitation Services shall submit to HCFA quarterly reports that demonstrate the calculation of the proportionate share pool, and that calculations have not resulted in payments in excess of the amount which could reasonably be paid under Medicare payment principles.

The pool is calculated for each reporting period and distributed on or about 45 days after the end of the period. For example, a distribution would be made on or around May 15 for the quarter ending March 31. Each government-owned and operated facility's distribution amount is based on its estimated proportionate share of the pool (based on its share of Medicaid resident days).

II. Final Medicaid Per Diem Rates for Kansas Nursing Facilities.

The Kansas Intergovernmental Transfer Program will not impact the Medicaid per diem rates for Kansas nursing facilities.

III. Justifications for the Final Rates.

1. Federal Medicaid regulation 42 C.F.R. 447.272 imposes an aggregate upper payment limit that states may pay for Medicaid nursing facility services. The state's analysis indicates that the final Intergovernmental Trans-

fer Program methodology would comply with federal regulation.

2. Estimated impact of the rate change due to the implementation of the Intergovernmental Transfer Program:

Estimated Average Rate January 1, 2000	\$84.12
Estimated Average Rate September 1, 1999	\$84.12
Amount of Change	\$ 0.00
Percent of Change	0.00%

The above estimated average rates are in the aggregate. The Kansas Intergovernmental Transfer Program will not increase the rates paid to certified Medicaid nursing facilities.

3. The state estimates that the final rates will continue to make quality care and services available under the Medicaid State Plan at least to the extent that care and services are available to the general population. The state's studies indicate:

a. service providers operating a total of 323 nursing facilities (representing 98 percent of all the licensed nursing facilities in Kansas) participate in the Medicaid program, while an additional 46 hospital-based long-term care units also are certified to participate in the Medicaid program;

b. there is at least one Medicaid-certified nursing facility, nursing facility for mental health or Medicaid-certified hospital-based long-term care unit in each of the 105 counties in Kansas;

c. the statewide average occupancy rate for nursing facilities participating in Medicaid is 86.4 percent; and

d. the statewide average Medicaid occupancy rate for participating facilities is 54.2 percent, which is a decrease from the prior year.

IV. The State's Response to Written Comments on the Published Proposal.

The state received one written comment in response to the Notice of Proposed Kansas Intergovernmental Transfer Program Methodology for Calculating Proposed Rates, and Rate Justifications; Notice of Intent to Amend the Medicaid State Plan and Request for Comments published in the February 17, 2000 Kansas Register. The written comments were supportive of the program. No revisions have been made to the final methodology. The secretaries wish to thank the commenter for its written submission.

V. Notice of Intent to Amend the Medicaid State Plan.

The state intends to submit the proposed Medicaid State Plan amendments to HCFA on or before March 31, 2000.

Janet Schalansky
 Secretary of Social and
 Rehabilitation Services
 Connie Hubbell
 Secretary of Aging

Doc. No. 024999

State of Kansas

State Banking Board

Notice of Meeting

The State Banking Board will conduct a special meeting at 9 a.m. Friday, March 31, in the conference room of the Office of the State Bank Commissioner (OSBC), Suite 300, Jayhawk Tower, 700 S.W. Jackson, Topeka. The meeting will be for the sole purpose of considering a name change for a state chartered bank pursuant to K.S.A. 9-812.

All interested individuals are invited to attend. Personal notice of any Banking Board meeting may be obtained by contacting the OSBC at the above address or by calling (785) 296-2266.

Franklin W. Nelson
State Bank Commissioner

Doc. No. 024985

(Published in the Kansas Register March 30, 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, 66212, until 2 p.m. local time Tuesday, May 2. At that time all sealed bids will be transferred to the City Council Chamber, City Hall, where they will be publicly opened and read aloud. Any bid received after the designated closing time will be returned unopened. All bids shall be submitted in sealed envelopes addressed to the city clerk of Overland Park, Kansas, and marked "Bid for: 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

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 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. 024994

State of Kansas

Secretary of State

Executive Appointments

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

Graham County Clerk

Jana Irby, Graham County Courthouse, 410 N. Pomeroy, Hill City, 67642. Term expires when a successor is elected and qualifies according to law. Succeeds Diann Hrabe, resigned.

Pawnee County Register of Deeds

Jacquelynn M. Shulze, Pawnee County Courthouse, 715 Broadway, Larned, 67550. Term expires when a successor is elected and qualifies according to law. Succeeds Sonya Coulson, deceased.

Rice County Attorney

D. Christopher Oakley, Rice County Courthouse, 101 W. Commercial, Lyons, 67554. Term expires when a successor is elected and qualifies according to law. Succeeds Matt Treaster, resigned.

Shawnee County Sheriff

Richard Barta, Shawnee County Sheriff's Office, 320 S. Kansas Ave., Topeka, 66603. Term expires when a successor is elected and qualifies according to law. Succeeds David Meneley, ousted.

Kansas Army National Guard

Johathan P. Small, Brigadier General, 1931 S.W. Indian Woods Lane, Topeka, 66611. Serves at the pleasure of the Governor.

State Banking Board

H. Allan Caldwell, 4756 Portwest Court, Wichita, 67204. Term expires March 15, 2003. Succeeds Oscar Martinez.

Gary J. Cinotto, 801 S. Dittman, Frontenac, 66763. Term expires March 15, 2003. Succeeds Kathleen Steward.

Dr. Bruce B. Morgan, 7418 Cottonwood, Shawnee Mission, 66216. Term expires March 15, 2003. Reappointed.

Kansas Board of Barbering

James T. Holt, 1840 N. 29th St., Kansas City, KS 66104. Effective May 1, 2000. Term expires April 30, 2003. Succeeds Jo Anne Blankenship.

Francis J. Madl, 7600 W. 72nd Terrace, Overland Park, 66204. Effective May 1, 2000. Term expires April 30, 2003. Reappointed.

Kansas Corn Commission

Donnie L. Young, 829 N. McCall, Ulysses, 67880. Term expires June 30, 2001. Succeeds Sally Peterson.

Governor's Mental Health Services
Planning Council

David S. Coombs, 516 E. 16th St, #4, Concordia, 66901. Term expires June 30, 2003. Succeeds Kimberly Holland.

Krista Cowger, 600 N. Juliatt, #1, Manhattan, 66502. Term expires June 30, 2001. Succeeds Kimberly Ingram, resigned.

Mary I. Earley, P.O. Box 102, Russell, 67665. Term expires June 30, 2003. Reappointed.

Tama Girard, 816 Washington, Pratt, 67124. Term expires June 30, 2003. Succeeds Angie Lawrence.

Nolan G. Howell, 5318 Quail Creek Drive, Great Bend, 67530. Term expires June 30, 2003. Reappointed.

Paul M. Sanchez, 3119 Carlock St., Wichita, 67204. Term expires June 30, 2003. Reappointed.

Chris Shore, 408 Caney St., Cedar Vale, 67024. Term expires June 30, 2003. Succeeds Randall Kitchen.

Malinda L. Threadgill, 75 S. 12th St., Kansas City, KS 66102. Term expires June 30, 2003. Succeeds Mike Davis.

Pooled Money Investment Board

Norman B. Dawson, 1412 Jeanne Court, Leavenworth, 66048. Term expires March 15, 2004. Reappointed.

William L. Yager, 10909 W. 120th St., Shawnee Mission, 66213. Term expires March 15, 2004. Reappointed.

Kansas Real Estate Appraisal Board

Steven R. Adams, 652 N. Crestway St., Wichita, 67208. Term expires June 30, 2002. Succeeds Jack Shelton.

LeRoy T. Leland, 323 N. Anthony, Anthony, 67003. Term expires June 30, 2002. Reappointed.

Ralph J. Leno, 117 Colleen Court, Gardner, 66030. Term expires June 30, 2003. Succeeds Dave Matson.

Alida M. Moore, 3719 S.W. 30th Terrace, Topeka, 66614. Term expires June 30, 2002. Reappointed.

Kansas Sentencing Commission

Annie Grevas, 529 Fairdale Road, Salina, 67401. Term expires June 30, 2001. Reappointed.

Dan R. Hoisington, 206 3rd St., Paradise, 67658. Term expires June 30, 2001. Reappointed.

Rick Kittel, 1705 Troon Lane, Lawrence, 66047. Term expires June 30, 2001. Reappointed.

Paul J. Morrison, 7929 Greenwood, Lenexa, 66215. Term expires June 30, 2001. Reappointed.

Patricia O'Day, 902 W. 13th St. North, Wichita, 67203. Term expires June 30, 2001. Reappointed.

W. Irving Shaw, 411 Commercial St., Emporia, 66801. Term expires June 30, 2001. Succeeds Gunnar Sundby.

Kansas Technology Enterprise Corporation

Donald L. Beggs, 1820 N. Hillside, Wichita, 67214. Term expires January 15, 2003. Succeeds William Wilhelm.

Ron Thornburgh
Secretary of State

Doc. No. 024982

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, 66612, 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 10, 2000

01367

Kansas Correctional Industries—Polymer Emulsion

01368

Kansas Correctional Industries—Chemicals for Soap Factory

01289

Winfield Correctional Facility—Elevator Installation

Tuesday, April 11, 2000

01359

Department of Transportation—Pull-type Crack Seal Machine, various locations

01373

Department of Administration, Facilities Management—Uniform Rental and Laundry Services

01351

Department of Transportation—Hydraulic Fork Lifts, Norton

Wednesday, April 12, 2000

01370

University of Kansas Medical Center—Animal Feed

01265

Kansas Correctional Industries—Chemicals

01363

University of Kansas—Restaurant Furniture

Friday, April 14, 2000

01374

University of Kansas—Library Moving Services

Monday, April 17, 2000

01341

Statewide—Graphic Arts Film and Printing and Offset Duplicating Supplies

Thursday, April 20, 2000

A-8556

Kansas Insurance Department—Window Restoration and Replacement

Tuesday, April 25, 2000

A-8982

University of Kansas—Lot 59 Extension

Wednesday, May 3, 2000

A-8542

Kansas State University—Ackert Hall Expansion

Request for Proposals

Tuesday, April 18, 2000

01327

Furnish and Install Radio Control Operators Station for the University of Kansas

Monday, May 1, 2000

01379

In-Home Nutrition for the Department on Aging

John T. Houlihan
Director of Purchases

Doc. No. 024992

State of Kansas

Department of Health
and Environment

Permanent Administrative
Regulations

Article 4.—MATERNAL AND CHILD HEALTH

28-4-501. Definitions. (a) "Birth attendant" means the person assisting with an out-of-institution delivery of the infant, in the absence of a physician.

(b) "Borderline hypothyroid" means an abnormally low level of thyroxine and a higher than normal level of thyroid-stimulating hormone in the blood, the combination of which is not usually indicative of hypothyroidism.

(c) "Department" means the Kansas department of health and environment.

(d) "Galactosemia" means the disease of genetic origin due to galactose uridyl transferase enzyme deficiency in which the individual is completely or partially incapable of normal metabolism of galactose, which results in an abnormal increase in the concentration of galactose in the blood.

(e) "Hemoglobin disease" means the presence of abnormal hemoglobin and the absence of adult hemoglobin, the combination of which is indicative of disease and requires ongoing medical treatment.

(f) "Hemoglobin trait" means the presence of abnormal hemoglobin, which is not indicative of disease and does not usually require ongoing medical treatment.

(g) "Hypothyroidism" means a congenital disease in which the individual is unable to produce thyroxine normally, which may be detected by an abnormally low serum level of thyroxine and an abnormally high serum level of thyroid-stimulating hormone in the blood. For purposes of these newborn screening regulations, this definition shall exclude diseases referred to as secondary hypothyroidism.

(h) "Institution" means a hospital or other organized agency providing obstetrical services.

(i) "Kit" means the multiple-page laboratory requisition with the attached filter paper to be used for blood collection and with a place for identifying the infant, physician, and sending agency data. The kits shall be provided by the department.

(j) "Laboratory" means the division of health and environmental laboratories, Kansas department of health and environment.

(k) "Medical specialist" means a medical doctor who has training in the treatment of a specific disease entity and who is on contract with the Kansas department of health and environment to serve as a consultant and to provide or direct diagnosis and treatment services.

(l) "Newborn screening coordinator" means the designee in the department of health and environment providing the follow-up program activities.

(m) "Other genetic disease" means any condition inherited in a recognized pattern that may be detected in a filter paper blood specimen and that the secretary has designated as part of the newborn screening battery of tests.

(n) "Phenylketonuria" means any disease, usually due to a single enzyme deficiency of genetic origin, in which the individual is completely or partially incapable of normal metabolism of phenylalanine, which results in an abnormal increase in the concentration of phenylalanine in the blood.

(o) "Presumptive positive" means a screening test result that indicates the possible presence of the disease, requiring further testing to confirm or not confirm the diagnosis.

(p) "Secretary" means the secretary of the Kansas department of health and environment.

(q) "Sending agency" means the agency or person identified on the kit to be the recipient of the report.

(r) "Specimen" means the saturated blood spots on the filter paper and the laboratory requisition with complete identifying data on the infant, physician, and sending agency. (Authorized by K.S.A. 65-101; implementing K.S.A. 1999 Supp. 65-181; effective, T-87-48, Dec. 19, 1986; effective May 1, 1987; amended April 14, 2000.)

28-4-503. Timing of specimen collection. (a) Initial specimens from healthy full-term infants born in an institution shall be obtained before discharge or from three through five days of age if the infant is still hospitalized.

(b) Initial specimens from sick or premature infants born in an institution shall be obtained from seven through 10 days of age if the infant is still hospitalized or before discharge, if earlier than seven days.

(c) If the infant is transferred from the institution of birth to another institution before 24 hours of age, the receiving institution shall obtain the specimen.

(d) Specimens shall be obtained before blood transfusions, regardless of the age of the infant.

(e) Initial specimens from infants born outside of an institution shall be obtained from three through five days of age.

(f) Repeat screening of or diagnostic test specimens from infants shall be obtained before 21 days of age.

(g) If an infant is less than 24 hours old when the initial specimen is taken, a repeat specimen shall be obtained and submitted for testing to the laboratory. (Authorized by K.S.A. 65-101; implementing K.S.A. 1999 Supp. 65-181; effective, T-87-48, Dec. 19, 1986; effective May 1, 1987; amended April 14, 2000.)

28-4-504. Methods of specimen collection. (a) The specimen shall be collected using kits provided by the department.

(b) The form provided with the kit shall be completed before collection of the blood specimen.

(c) The outlined circles on the filter paper portion of the kit shall be saturated with blood in the manner specified on the filter paper.

(d) The specimen shall be delivered by carrier or mailed first-class to the laboratory after the blood has dried and not later than 24 hours from time of collection. (Authorized by K.S.A. 65-101; implementing K.S.A. 1998 Supp. 65-181; effective, T-87-48, Dec. 19, 1986; effective May 1, 1987; amended April 14, 2000.)

28-4-505. Unsatisfactory specimens. (a) Unsatisfactory specimens shall be retained by the department. The sending agency or facility shall be notified that the specimen is unsatisfactory. The physician shall be notified that the specimen is unsatisfactory with a request to submit another specimen.

(b) Specimens shall be labeled unsatisfactory when one of the following criteria is met:

(1) Identifying information is missing.

(2) More than 10 days have elapsed since the date of collection.

(3) The specimen is of unacceptable quality for analysis. (Authorized by K.S.A. 65-101; implementing K.S.A. 1998 Supp. 65-181; effective, T-87-48, Dec. 19, 1986; effective May 1, 1987; amended April 14, 2000.)

28-4-513. Professional education. (a) Consultation with medical specialists shall be available without charge to primary care providers and others involved in the care of persons at risk for or diagnosed with phenylketonuria, congenital hypothyroidism, galactosemia, or hemoglobin diseases and traits.

(b) Notification letters and telephone calls reporting abnormal test results to the physicians shall contain information including interpretation of data and recommendations for follow-up.

(c) Upon request, workshops and other educational presentations concerning newborn screening shall be provided by the department when a specific need is identified.

(d) The newborn screening coordinator and personnel in the newborn screening section of the laboratory shall respond to telephone and written inquiries concerning specimens within five working days of receipt. (Authorized by K.S.A. 65-101; implementing K.S.A. 1998 Supp. 65-180; effective, T-87-48, Dec. 19, 1986; effective May 1, 1987; amended April 14, 2000.)

28-4-530. (Authorized by and implementing K.S.A. 1990 Supp. 65-1,150; effective Oct. 7, 1991; revoked April 14, 2000.)

28-4-531. (Authorized by and implementing K.S.A. 1990 Supp. 65-1,150, 65-1,151, 65-1,152; effective Oct. 7, 1991; revoked April 14, 2000.)

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 024976

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-00-0081/083

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Plum Creek Farm, Inc. Route 3, PO Box 21 Beloit, KS 67420	NW/4 of Section 2, T7S, R8W, Mitchell County	Solomon River Basin

Kansas Permit No. A-SOMC-H003 Federal Permit No. KS-0080306
This is a permit renewal, combining an existing permitted facility for 4,800 head and a facility for 1,000 head for which the permit had expired, into one facility for 5,800 head (2,320 animal units) of swine weighing more than 55 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: The permittee shall determine if the lagoon cells serving the Cargill Unit are located within the 100-year flood plain and if so, abandon use of the cells or employ procedures and precautions to flood-proof the cells prior to populating the unit. The permittee shall perform a permeability test of the evaporation cell liner prior to placing it in service.

Name and Address of Applicant	Legal Description	Receiving Water
Leon Dunn Route 3, Box 113 St. John, KS 67576	NE/4 of Section 5, T23S, R13W, Stafford County Basin	Lower Arkansas River

Kansas Permit No. A-ARSF-H001 Federal Permit No. KS-0089958
This is a permit renewal for an existing facility for 4,108 head (1,171 animal units) of swine.

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

Compliance Schedule: The approved waste management plan shall be adhered to as a condition of the permit. Permeability tests shall be conducted on all retention structures and/or lagoons within three months of the date of the permit and an alternative waste management plan developed and implemented within 30 days if notified by

KDHE that the structures and/or lagoons are not within the KDHE seepage allowance. A groundwater quality monitoring and analysis plan shall be prepared and submitted to KDHE for approval within 90 days of the effective date of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Cimarron Dairy, Ltd. 6306 20 Road Cimarron, KS 67835	NE/4 of Section 31, T24S, R27W, Gray County	Upper Arkansas River Basin

Kansas Permit No. A-UAGY-DQ02 Federal Permit No. KS-0091120
This is a permit renewal for an existing facility for 8,560 head (11,984 animal units) of mature dairy cows.

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 approved waste management plan shall be adhered to as a condition of this permit. Permeability tests shall be conducted on each of the retention structures to service areas South 3 and South 4. Should any structure not meet the permeability requirements, additional sealing will be necessary.

Public Notice No. KS-00-065/074

Name and Address of Applicant	Waterway	Type of Discharge
Anthony, City of 124 S. Bluff P.O. Box 504 Anthony, KS 67003	Lower Arkansas River via Bluff Creek via Spring Creek	Treated Domestic Wastewater

Kansas Permit No. M-AR04-OO02 Federal Permit No. KS0095338
Legal: NE¼, S35, T33S, R7W, Harper Co.

Facility Description: The proposed action is to issue a new permit for the operation of a new wastewater treatment facility treating primarily domestic wastewater. The three-cell lagoon will replace the existing mechanical plant. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and fecal coliform will be required annually. Included in this permit is a schedule of compliance requiring the permittee to complete the necessary construction 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 technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Concordia, City of 701 Washington Concordia, KS 66901	Republican River	Treated Domestic Wastewater

Kansas Permit No. M-LR08-OO01 Federal Permit No. KS0025577
Legal: NE¼, S34, T5S, R3W, Cloud 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, ammonia 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
Conestoga Mobile Home Park Gardner, City of P.O. Box 347 Gardner, KS 66030	Little Bull Creek	Treated Domestic Wastewater

Kansas Permit No. M-MC51-OO03 Federal Permit No. KS0080080
Legal: NE¼, S30, T14S, R23E, Johnson Co.
Facility Location: 1199 E. Santa Fe, Gardner, KS 66030

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 nitrogen and total phosphorus 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 technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Edgerton, City of P.O. Box 255 Edgerton, KS 66021	Marais des Cygnes River via Big Bull Creek Via Martin Creek	Treated Domestic Wastewater

Kansas Permit No. M-MC08-IO01 Federal Permit No. KS0046388
Legal: NW¼, S8, T15S, R22E, Johnson 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 and pH. Monitoring for fecal coliform, total residual chlorine, total nitrogen, total phosphorus and effluent flow also will be required. Included in this permit is a schedule of compliance requiring the permittee to complete the 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
Geneseo, City of P.O. Box 507 Geneseo, KS 67444	Little Arkansas River	Treated Domestic Wastewater

Kansas Permit No. M-LA04-OO01 Federal Permit No. KS0024813
Legal: SW¼, S6, T18S, R7W, Rice 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 and pH. Monitoring for effluent flow, chlorides, total residual chlorine and fecal coliform also will be required. Included in this permit is a schedule of compliance requiring the permittee to complete the 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
Linwood, City of P.O. Box 146 Linwood, KS 66052	Kansas River via Nine Mile Creek	Treated Domestic Wastewater

Kansas Permit No. M-KS36-OO01 Federal Permit No. KS0047481
Legal: NE¼, S14, T12S, R21E, Leavenworth 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 and fecal coliform will be required annually. Included in this permit is a schedule of compliance requiring the permittee to complete the 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 technology based.

Name and Address of Applicant	Waterway	Type of Discharge
IBP, Incorporated 800 Stevens Port Drive Dakota Dunes, SD 57049	Neosho River via Cottonwood River via Unnamed Tributary	Processed Wastewater & Stormwater Run-off

Kansas Permit No. I-NE24-PO02 Federal Permit No. KS000817

Legal: SW¼, S17 and SE¼, S18, T19S, R11E, Lyon Co.

Facility Location: P.O. Box 848, 2101 W. 6th, Emporia, KS 66801

Facility Description: The proposed action is to reissue an existing permit for the discharge of processed wastewater, sanitary wastewater, hide defleshing wastewater, boiler wastewater, stockyard runoff and stormwater runoff. This facility is a beef complex slaughterhouse with associated rendering and hide curing activities. Wastewater is treated by screening large solids, gravity skimming of food-oil and grease, grit removal, anaerobic treatment, activated sludge treatment, clarification, chlorination and dechlorination. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, oil and grease, fecal coliform, total residual chlorine, chlorides, dissolved oxygen and pH. Monitoring for total phosphorus, total nitrogen, nitrate, temperature and effluent flow 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.

Name and Address of Applicant	Waterway	Type of Discharge
Kansas Dept. of Health and Environment Bureau of Env. Remediation Forbes Field, Building 740 Topeka, KS 66620	Missouri River via White Clay Creek	Treated Groundwater

Facility Name: Union Pacific Railyard
Kansas Permit No. I-MO01-PO09 Federal Permit No. KS0093718
Legal: NW¼, S1, T6S, R20E, Atchison Co.

Facility Location: US Hwy. 59 and 14th Street, Atchison, KS 66002

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing treatment facility treating contaminated groundwater. This facility is engaged in a groundwater cleanup. Diesel contaminated groundwater is pumped from several recovery wells. Free product is separated and the groundwater is treated using low-profile air stripper and carbon filters. The average flow is 600 gallons per day. The proposed permit includes limits for benzene, benzo (a) anthracene, chrysene, lead, and pH. Monitoring for total PAHs, naphthalene, 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
Sterling Municipal Power Plant 333 N. Broadway Sterling, KS 67579	Arkansas River via Cow Creek via Bull Creek via Silver Lake via 11th Street Ditch	Noncontact Cooling Water

Kansas Permit No. I-AR85-CO01 Federal Permit No. KS0084905
Legal: NW¼, S21, T21S, R8W, Rice Co.

Facility Description: The proposed action is to reissue an existing permit for the discharge of noncontact cooling water from this facility. This facility is a standby electrical generating station with four combustion engines used for peaking and emergency power. Groundwater is used to cool the engine intake air. The facility is normally operated three months out of the year with an average discharge of 140,000 gallons per day. 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
Wolf Creek Nuclear Operating Corp. P.O. Box 411 Burlington, KS 66839	Neosho River via Wolf Creek via Wolf Creek Cooling Lake	Noncontact Cooling Water

Facility Name: Wolf Creek Generating Station
Kansas Permit No. I-NE07-PO02 Federal Permit No. KS0079057
Facility Location: 1550 Oxen Lane, Burlington, KS 66839

(continued)

Facility Description: The proposed action is to reissue an existing permit for the discharge of processed wastewater from this generating station. This station consists of a pressurized nuclear reactor steam supply system and an electric turbine-generator. The nuclear steam supply system is comprised of a reactor vessel and four primary coolant loops, each with a reactor coolant pump and steam generator. The net turbine generator output is a nominal 1,175 MWe. Wastewater discharge consists of circulating water, radwaste system, service and essential service water discharge via the essential service water discharge. The proposed permit includes limits for total suspended solids, biochemical oxygen demand, oil & grease, total residual oxidant, chloride, fecal coliform, and pH. Monitoring for boron, sulfate, monoethanolamine, temperature, nitrate, metals, and effluent flow also will be required. In addition, the permittee is required to conduct a chronic whole effluent toxicity test. Included in this permit is a schedule of compliance requiring the permittee to complete the 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.

Public Notice No. KS-PT-00-009/010

Name and Address of Applicant	Receiving Facility	Type of Discharge
Great Plains Manufacturing, Inc. 1525 E. North Salina, KS 67401	Abilene MWWTP	Processed Wastewater

1525 E. North Salina, KS 67401

Kansas Permit No. P-SH01-0001

Facility Address: 1100 N. W. 8th, Abilene, KS 67410

Facility Description: The proposed action is to reissue a pretreatment permit for a facility. This facility manufactures various types of landscape equipment including mowers, tillers, cutters and seeders. Steel parts are welded, phosphated and painted to produce the final product. The conversion coating (phosphating) operation consists of an automatic four-stage washing system. 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
Textron Inc. 40 Westminster St. Providence, RI 02903	Elwood MWWTP	Processed Wastewater

Facility Name: OmniQuip Textron Snorkel International

Kansas Permit No. P-MO05-0001

Facility Address: Highway 238, Elwood, Kansas 67152

Facility Description: The proposed action is to reissue a pretreatment permit for an existing facility. This facility manufactures aerial lift platforms. This facility has a three stage conversion coating (phosphating) operation, which treats steel parts, prior to painting them. Large parts are washed in a spray 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.

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-

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 29 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-00-081/083, KS-00-065/074, KS-PT-00-009/010) 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.

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. 025001

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 3-27-00 through 4-2-00

Term	Rate
1-89 days	5.95%
3 months	5.90%
6 months	6.25%
9 months	6.36%
12 months	6.39%
18 months	6.62%
24 months	6.62%

Derl S. Treff
Director of Investments

Doc. No. 024970

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. The Ottawa Municipal Power Plant (City of Ottawa) 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 Ottawa Municipal Power Plant (City of Ottawa) owns and operates a municipal power plant located at 2nd and Beech Streets, Ottawa.

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 Northeast District Office, 800 W. 24th, Lawrence, 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 Pat Simpson, (785) 842-4600, at the KDHE Northeast 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 15.

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 15 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 15, 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 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. 024983

State of Kansas

Department of Health and Environment

Request for Proposals

The Bureau for Children, Youth and Families, Kansas Department of Health and Environment, will provide funding in fiscal year 2000 for the 2010 Disparity Initiative, funded through the Teen Pregnancy Prevention Program of KDHE.

The goal of the evaluation is to reduce and, if possible, eliminate disparities in infant mortality rates between racial and ethnic groups in select urban populations. Based upon the premise that community-driven strategies are needed to attack the causes of infant mortality, the cornerstone of this initiative will be the developmental assets approach.

Potential applicants may call KDHE at (785) 296-1300 to request a proposal packet for the 2010 Disparity Initiative. The deadline for proposals is 5 p.m. May 1. A maximum of two awards will be granted.

Clyde D. Graeber
Secretary of Health and Environment

Doc. No. 024984

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. The Beloit Municipal Power Plant (City of Beloit) has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-510 *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 Beloit Municipal Power Plant (City of Beloit) owns and operates a municipal power plant located at 215 S. Chestnut, Beloit.

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, 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 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 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 15.

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 15 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 15, 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 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. 024998

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. Chase Pipe Line Company 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.

Chase Pipe Line Company, El Dorado, owns and operates a petroleum bulk terminal located at SE¼ S30, T19S, R12W, Barton County.

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 Rasha Allen, (785) 296-1693, at the KDHE central office, or Richard 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 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 May 15.

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 15 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 15, 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 spec-

ificity 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. 024979

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. The Hugoton Municipal Power Plant #1 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 City of Hugoton owns and operates a municipal power plant located at 114 E. 5th St., Hugoton.

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 Southwest District Office, 302 W. McArtor Road, Dodge City, 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 Rick Bolfig, (785) 296-1576, at the KDHE central office, or Wayne Neese, (316) 225-0596, at the KDHE Southwest District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Rick Bolfig, 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 15.

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 15 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 15, 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 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. 024981

State of Kansas

Department of Transportation

Request for Proposals

The Kansas Department of Transportation is seeking qualified firms or agencies for the research project listed below. Kansas is the lead state for a FHWA regional pooled fund consisting of 12 states and two industry representatives and will administer the contract. A signed cover letter with appropriate items addressed and 20 single bound copies of the proposal should be mailed to Richard L. McReynolds, P.E., Engineer of Research, KDOT, 2300 S.W. Van Buren, Topeka, 66611-1195. Responses must be received in Room 107 at the address above by 2 p.m. May 1 for the firm/agency to be considered.

From the satisfactory proposals received, the Technical Committee and the KDOT Consultant Selection Committee will select three to five of the most qualified firms. The KDOT Consultant Negotiating Committee, appointed by the Secretary of Transportation, will review their recommendation and select the firm or agency to perform the professional services required for completing the advertised project. After this selection, the remaining firms/agencies will be notified by letter of the outcome.

Please direct any questions about the project to Richard L. McReynolds at (785) 291-3841 or fax (785) 296-2526, or dick@ksdot.org.

Kansas Department of Transportation Slurry/Micro-Surface Mix Design Procedure Request for Proposal

The current procedures for slurry seal mix design and micro-surfacing all have their origins in the 1980s before the widespread use of micro-surfacing and the use of polymer modified emulsions in slurry seals. To date, these test methods and design procedures have been used because no newer test methods or mix design methods have been developed. Recent studies documented the problems associated with using the existing methods for micro-surfacing and suggest that comprehensive mix design and analysis procedures need to be developed.

The new procedures should establish the level of components in the mixture and the tests run must predict

(continued)

performance. The mix design(s) will establish emulsified asphalt residue ranges, total liquids and control additives necessary to achieve the parameters defined by the Technical Committee. Mineral filler content will be determined to achieve proper flow characteristics as well as setting and curing properties. Proper gradation of aggregates should address performance, traffic and thickness requirements.

Required Tasks:

Task 1. Perform a literature search to determine recent micro-surface mix design research and current research in progress worldwide, but especially in Europe and the United States. Contact industry associations and selected agencies to obtain test methods and procedures currently in use.

Task 2. Perform a feasibility study to define results needed and assess ability of existing tests to meet them. Determine the best test methods and procedures and whether research and development is needed to meet the needs as expected. Explore interrelationships between various components of a new mix design related to performance (individual and interactive). Prepare a work plan to accomplish research and procedural development. Include what test methods are available, which are valid, which need to be enhanced and which need to be developed and proven to obtain performance features.

Task 3. Implement the work plan by performing the research required to design equipment and test methods, and develop new or revised mix design procedures that were defined in Task 2 to predict performance.

Task 4. Submit an interim report that documents the entire research effort and plan and budget to accomplish tasks 5, 6 and 7. The report will provide the framework of the mix design process and preparation of draft test methods and procedures in AASHTO and ASTM formats.

Task 5. Plan and complete ruggedness testing of test equipment and procedures using accepted ASTM and AASHTO standards. Develop an implementation plan.

Task 6. Validate the mix design by designing and conducting round robins and identify pilot projects to conduct a field-testing program to evaluate test methods and procedures across a wide variety of materials and environmental conditions and locations.

Task 7. Prepare workshop and training materials. Submit a final report that documents work done in all tasks.

(Note: Tasks 1 and 2 results will be approved prior to notice to proceed on Tasks 3 and 4. Tasks 5, 6 and 7 are optional. Continuation will depend on findings from previous tasks and identification of additional funding.)

E. Dean Carlson
Secretary of Transportation

Doc. No. 025002

State of Kansas

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the Bureau of Construction and Maintenance, KDOT, Topeka, or at the Capitol Plaza Hotel, Topeka, until 2 p.m. April 19, and then publicly opened:

District One—Northeast

Atchison-Brown—73-106 K-7930-01—U.S. 73 from 0.9 mile (1.4 kilometers) northwest of the junction of K-9 northwest to the Atchison-Brown county line; U.S. 73 from the Atchison-Brown county line northwest to the east city limits of Horton; U.S. 73 from the north city limits of Horton north to the south city limits of Hiawatha, 27 miles (43.5 kilometers), crack repair. (State Funds)

Douglas—10-23 K-7986-01—K-10 from county road 438 southeast to the south junction of U.S. 59, 8.4 miles (13.6 kilometers), overlay. (State Funds)

Jackson—116-43 K-7654-01—K-116 bridge over Bills Creek, 1.6 miles (2.6 kilometers) east of the junction of K-16, bridge overlay. (State Funds)

Jefferson—4-44 K-7639-01—K-4 bridge over Rock Creek, 1.4 miles (2.2 kilometers) northeast of the junction of K-245, bridge overlay. (State Funds)

Johnson—69-46 K-7650-01—103rd Street over U.S. 69, 0.5 mile (0.8 kilometer) north of the junction of I-435, bridge overlay. (State Funds)

Leavenworth—52 U-1606-01—Hughes Street from Eisenhower Road to Muncie Road in Leavenworth, 0.3 mile (0.5 kilometer), grading and surfacing. (Federal Funds)

Lyon—35-56 K-8021-01—I-35 from Emporia east to 0.9 mile (1.4 kilometers) west of the Lyon-Coffey county line, 9.3 miles (15 kilometers), overlay. (State Funds)

Marshall—36-58 K-7648-01—U.S. 36 bridge over the north fork Black Vermillion River 0.4 mile (0.7 kilometer) east of the junction of K-110, bridge overlay. (State Funds)

Marshall-Pottawatomie—99-106 K-7992-01—K-99 from the Pottawatomie-Marshall county line north to the junction of U.S. 36; K-99 from the south junction of K-16 north to the Pottawatomie-Marshall county line, 24.3 miles (39 kilometers), crack repair. (State Funds)

District Two—Northcentral

Clay-Washington—106 K-7993-01—K-9 from the Washington-Clay county line east to the south junction of K-15; K-9 from the south junction of K-15 east to the Washington-Marshall county line; K-15 from the junction of K-9 north to the junction of U.S. 36, 41 miles (66.1 kilometers), crack repair. (State Funds)

Cloud-Mitchell—106 K-8020-01—U.S. 24 from the Mitchell-Cloud county line east to the junction of K-189, K-194 from the north city limits of Simpson north to the junction of U.S. 24; U.S. 24 from the Osborne-Mitchell county line east to the junction of K-14, 49.5 miles (79.6 kilometers), crack repair. (State Funds)

Ottawa—81-72 K-7167-01—U.S. 81 bridges 35 and 36 over the Solomon River 2.4 miles (3.9 kilometers) north of the junction of K-18, bridge deck repair. (State Funds)

Morris—57-64 K-8022-01—K-57 from the east junction of K-4 south to the north city limits of Council Grove, 12 miles (19.3 kilometers), crack repair. (State Funds)

Cloud—15 U-1740-01—11th Street in Concordia from Hill Street to the east city limits; 0.9 mile (1.5 kilometers), grading and surfacing. (Federal Funds)

District Three—Northwest

Cheyenne—12 C-3391-01—County road 12.5 miles (17.8 kilometers) north and 7.5 miles (9.6 kilometers) east of St. Francis, 0.5 (0.8 kilometer), grading and bridge. (Federal Funds)

Logan—83-55 K-7935-01 U.S. 83, 8 miles (12.9 kilometers) north of County Route 1067 north to the east junction of U.S. 40, 15 miles (24 kilometers), shoulders. (State Funds)

Logan-Thomas—83-106 K-7933-01—U.S. 83 from the west junction of U.S. 40 north to the Logan-Thomas county line; U.S. 83 from the Logan-Thomas county line north to the junction of U.S. 24, 19 miles (30.6 kilometers), crack repair. (State Funds)

Sherman—70-91 K-7934-01—I-70 from the Colorado-Kansas state line east to 0.1 mile (0.2 kilometer) west of K-27, 17.2 miles (27.6 kilometers), shoulders. (State Funds)

Trego—40B-98 K-6697-01—I-70 north to South Avenue in WaKeeney, 0.3 mile (0.4 kilometer), grading and surfacing. (State Funds)

Trego—40B-98 K-6246-01—13th Street from South Avenue north to the Union Pacific Railroad in WaKeeney, 0.5 mile (0.8 kilometer), grading and surfacing. (State Funds)

District Four—Southeast

Coffey—16 C-3225-01—County road 5 miles (8 kilometers) south of Burlington and 1 mile west of U.S. 75, 0.09 mile (0.16 kilometer), grading and bridge. (Federal Funds)

Coffey—16 C-3632-01—County road 3 miles (4.8 kilometers) north and 1.3 miles (2.1 kilometers) east of Leroy, 0.2 mile (0.31 kilometer), grading, bridge and surfacing. (Federal Funds)

District Five—Southcentral

Barber—4 U-1655-01—Stolp Street east of Oak Street in Medicine Lodge, 0.04 mile (0.06 kilometer), grading, bridge and surfacing. (Federal Funds)

Barton—156-5 K-5749-01—K-156 from the east junction of U.S. 56 northeast to the Barton-Ellsworth county line, 17.2 miles (27.7 kilometers), grading, bridge and surfacing. (Federal Funds)

District—106 K-5928-00—Various locations in District 5, 257.3 miles (414.1 kilometers), signing. (State Funds)

Harvey—135-40 K-5634-01—I-135 from the south junction of K-15 north and northwest to 0.3 mile (0.5 kilometer) north of the north junction of K-15, 5.4 miles (8.7 kilometers), pavement reconstruction. (Federal Funds)

Reno—78 U-1795-01—23rd and Severence in Hutchinson, intersection improvement. (Federal Funds)

District Six—Southwest

Hamilton—50-38 K-5743-01—U.S. 50 from the west city limits of Syracuse east to the Hamilton-Kearney

county line, 12.4 miles (20 kilometers), grading, bridge and surfacing: (Federal Funds)

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

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

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

E. Dean Carlson
Secretary of Transportation

Doc. No. 024978

State of Kansas

Kansas Insurance Department

Notice of Change in Pharmacy Networks

Pursuant to K.S.A. 40-2,153, the Kansas Commissioner of Insurance is publishing notice that a change has occurred in the following pharmacy networks in the State of Kansas:

Blue Cross/Blue Shield of Kansas City Pharmacy Network has notified the Insurance Department of the following addition to its pharmacy network:

Pharmacy Name	City	Effective Date
City Pharmacy, Inc.	Minneapolis	May, 2000
Crossroads Pharmacy	Belleville	May, 2000
Walgreens #05539	Salina	May, 2000
Via Christi Family Pharmacy	Wichita	May, 2000
Medicine Shoppe	Garnett	May, 2000
Brewer's Price Chopper Pharmacy #628	Bonner Springs	May, 2000

United HealthCare of the Midwest, Inc., Pharmacy Network has notified the department of the following additions to its pharmacy network:

Pharmacy Name	City	Effective Date
Arbuthnot Drug Company	Belleville	January, 2000
Walgreen Drug Store #05539	Salina	January, 2000

United HealthCare of the Midwest, Inc., Pharmacy Network also has notified the department of the following terminations from its pharmacy network:

(continued)

(Published in the Kansas Register March 30, 2000.)

Pharmacy Name	City	Effective Date
Caney Discount Drug	Caney	January, 2000
Phar-Mor #216	Overland Park	January, 2000

Aetna U.S. Healthcare Pharmacy Network has notified the department of the following additions to its pharmacy network:

Pharmacy Name	County/City	Effective Date
Cantrell Pharmacy	Grant County	01/01/00
Grant County Drug	Grant County	01/01/00
Osco Stores	Sedgwick County	02/01/00
Osco Stores	Reno County	02/01/00
Satanta Pharmacy	Haskell County	05/10/00
Trapp Pharmacy	Dickinson County	05/29/00
Bankes Drug Store	Dickinson County	06/09/00
U-Save Pharmacy	Hays	01/11/00
Walgreens #05539	Salina	02/04/00

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

Pharmacy Name	City	Effective Date
Bankes Drug Store	Abilene	01/27/00
Baxter Rexall Drug	Baxter Springs	01/27/00
Bloodhart Drug	Hugoton	01/27/00
Bruns Pharmacy	Kansas City, Kansas	01/27/00
Continental Pharmacy	Topeka	01/27/00
Crafts Prescription	Junction City	01/27/00
Foxhill Pharmacy	Overland Park	01/27/00
Fredonia Health Mart	Fredonia	01/27/00
G & L Pharmacy	Ness City	01/27/00
Gibson Pharmacy	Dodge City	01/27/00
H & R Pharmacy	Liberal	01/27/00
Hanover Prof Pharmacy	Hanover	01/27/00
Harsh Drug Store	Seneca	01/27/00
J & D Family Pharmacy	Wellsville	01/27/00
Kellstrom Pharmacy	Manhattan	01/27/00
Linn's Pharmacy	Merriam	01/27/00
Mankato Pro Pharmacy	Mankato	01/27/00
Mathis Drug Store	Girard	01/27/00
Mayo Pharmacy	Hays	01/27/00
Medical Arts Pharmacy	Seneca	01/27/00
Medical Pharmacy	Holton	01/27/00
NCS Healthcare	Topeka	01/27/00
Nelsons Hometown Pharmacy	Troy	01/27/00
Olathe Health Development	Olathe	01/27/00
Phar-Mor #216	Overland Park	01/27/00
Pharmacare Prescriptions	Kansas City, Kansas	01/27/00
Pratt Med Arts Pharmacy	Pratt	01/27/00
Reed Discount Drug	Larned	01/27/00
Reed Discount Pharmacy	Sterling	01/27/00
Roberts Drug Store	Baldwin City	01/27/00
Sabetha Healthmart	Sabetha	01/27/00
Sun Fresh Pharmacy	Shawnee	01/27/00
Tice Healthmart	Hiawatha	01/27/00
Wamego Drug Store	Wamego	01/27/00
Wolkar Drug	Baxter Springs	01/27/00
Oak Valley Price Chopper	Shawnee	02/24/00

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

Kathleen Sebelius
Kansas Insurance Commissioner

Doc. No. 024972

(Published in the Kansas Register March 30, 2000.)

Summary Notice of Bond Sale

City of Andover

\$4,595,000

**General Obligation Internal Improvement Bonds
Series A, 2000****(General obligation 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 March 28, 2000, of the City of Andover, 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 administrator at City Hall, 909 N. Andover Road, Andover, Kansas, until 4 p.m. Tuesday, April 11, 2000, for the purchase of the bonds. All bids shall be publicly opened, read aloud and tabulated by city staff on said date and at said time, and shall thereafter be considered and acted upon by the governing body of the city at its regular meeting at 7 p.m. on said date.

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

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

Details of the Bonds

The bonds to be sold will be in an aggregate principal amount of \$4,595,000. The bonds shall be issued as fully registered bonds in the denomination of \$5,000, or any integral multiple thereof not exceeding the principal amount of bonds maturing on the respective principal payment dates. The bonds shall bear a dated date of April 15, 2000. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds.

Interest on the bonds shall be payable semiannually on April 1 and October 1 in 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:

Principal Amount	Year of Maturity
\$100,000	2001
220,000	2002
235,000	2003
245,000	2004
260,000	2005
275,000	2006

290,000	2007
305,000	2008
320,000	2009
340,000	2010
360,000	2011
380,000	2012
400,000	2013
420,000	2014
445,000	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 payable upon surrender at the paying agent's principal offices in the City of Topeka, Kansas. Interest shall be paid by the mailing of a check or draft of the paying agent to the registered owners of the bonds.

Security for the Bonds

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

Delivery of the Bonds

The bonds, duly printed, executed and registered, shall be furnished and delivered at the expense of the city to the successful bidder, or at its direction, on or about Friday, May 14, 2000. (Reference is made to the official notice of bond sale for full details regarding delivery of the bonds.)

Legal Opinion

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

Financial Matters

The city's current equalized assessed tangible valuation for computation of bonded debt limitations is:

Assessed Tangible Valuation as of April 15, 2000	\$39,680,528
Estimated Motor Vehicle Valuation as of January 1, 2000	6,794,509

Total Assessed Tangible Valuation for Computation of Bonded Indebtedness Limitations	\$46,475,037
Legal limitation of Bonded Debt (30%)	\$13,942,511
Applicable general obligation debt as of April 15, 2000	-6,308,731
Additional Debt Capacity	\$ 7,633,780

Pending Debt

The city anticipates issuing an additional \$2,500,000 of temporary notes by June 1, 2000.

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

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

Ratings and Bond Insurance

The city will apply to Standard & Poor's Corporation for a rating on the bonds. The city has applied to Asset Guaranty Insurance Company for a commitment to issue a municipal bond insurance policy relating to the bonds to be effective as of the date of issuance of the bonds. The premium for the bond insurance will be paid by the city. Reference is made to the official statement for a full and complete discussion and information relating to Asset Guaranty Insurance Company and the bond insurance policy.

Additional Information

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

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

Doc. No. 025000

State of Kansas

Kansas Water Authority

Notice of Meetings

The Kansas Water Authority will conduct its quarterly meeting Wednesday, April 12, and Thursday, April 13, in Garden City. The Conservation and Evaluation Committee and the Education and Interagency Coordination Committee will meet at 9 a.m. April 12, followed by meetings of the Planning Committee and Public Water Supply Committee at 12:30 p.m., in the large commission conference room of the Finney County Administrative Center, 311 N. 9th, second floor. The full Authority will convene at 9 a.m. April 13 at the Finnup Center for Conservation Education at the Lee Richardson Zoo-Finnup Park, 312 E. Finnup Drive (corner of 5th Street and Finnup Drive), to receive the Kansas Water Office director's report and conduct its regular business session, including reports from the four committees.

An agenda and other details of the meeting are available from the Kansas Water Office, 901 S. Kansas Ave., Topeka, 66612-1249, (785) 296-3185, or toll free at 1-888-KAN-WATER. If accommodations are needed for persons with disabilities, please notify the Kansas Water Office at the above address at least two days prior to the meeting.

Kent Lamb
Chairman

Doc. No. 024997

(Published in the Kansas Register March 30, 2000.)

Summary Notice of Bond Sale

City of Inman, Kansas

\$479,000

General Obligation Bonds, Series 2000

(General obligation bonds payable from unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated March 30, 2000, sealed bids will be received by the clerk of the City of Inman, Kansas (the issuer), on behalf of the governing body at 104 N. Main, Inman, Kansas, until 11 a.m. April 10, 2000, for the purchase of \$479,000 principal amount of General Obligation Bonds, Series 2000. No bid of less than 99.4 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$4,000 (or such amount added to \$5,000 or an integral multiple thereof). The bonds will be dated April 1, 2000, and will become due on October 1 in the years as follows:

Year	Principal Amount
2001	\$19,000
2002	35,000
2003	40,000
2004	45,000

2005	50,000
2006	50,000
2007	55,000
2008	60,000
2009	60,000
2010	65,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning April 1, 2001.

Optional Book-Entry-Only System

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

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$9,580 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about April 28, 2000, to DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States as may be specified by the successful bidder, or elsewhere at the expense of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1999 is \$6,236,544. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold but excluding temporary notes to be retired in conjunction therewith, is \$904,000.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (316) 585-2122, fax (316) 585-2767; or from the financial advisor, Chapman Securities, Inc., 800 E. First St., Suite 400, Wichita, KS 67202, Attention: David Shupe, (316) 265-3331.

Dated March 13, 2000.

City of Inman, Kansas

Doc. No. 024995

State of Kansas

State Fair Board

Notice of Meeting

The Kansas State Fair Board will meet at 2 p.m. Thursday, April 6, in the administration office on the fairgrounds in Hutchinson. The meeting will continue Friday, April 7, and conclude by noon. For further information, contact Deana Novak at (316) 669-3612.

Mike Gaskill
President

Doc. No. 025004

(Published in the Kansas Register March 30, 2000.)

Statutory Notice of Bond Sale

City of Shawnee, Kansas

\$11,960,000.

Internal Improvement Bonds

Series 2000A

Dated May 1, 2000

(General obligations payable from unlimited ad valorem taxes)

Sealed Bids

Bids, submitted in a sealed envelope marked "Bond Bid," for the purchase of general obligation bonds of the City of Shawnee, Kansas, consisting of Internal Improvement Bonds, Series 2000A, in the principal amount of \$11,960,000 will be received by the undersigned finance director of the city at City Hall, 11110 Johnson Drive, Shawnee, KS 66203, until 1 p.m. Monday, April 10, 2000. All bids will be publicly opened at that time and will be considered and acted upon by the governing body of the city at a meeting of the city council scheduled for 7:30 p.m. Monday, April 10, 2000. No oral or auction bids will be considered. No bids shall be less than 99 percent of the principal amount of the bonds, plus accrued interest thereon to the date of delivery of the bonds.

Bond Details

The bonds will consist of fully registered bonds, issued in book entry form only, in the denomination of \$5,000 or any integral multiple thereof; will be dated May 1, 2000; will be issued in the principal amount of \$11,960,000; and will become due serially on December 1 in each of the years as follows:

Maturity Schedule

Maturity	Principal Amount
December 1	
2000	\$ 785,000
2001	575,000
2002	600,000
2003	625,000
2004	650,000
2005	675,000
2006	725,000
2007	750,000
2008	800,000
2009	850,000
2010	875,000

2011	925,000
2012	975,000
2013	1,050,000
2014	1,100,000

Bids for the bonds may contain a maturity schedule providing for a combination of serial bonds and term bonds, provided that no serial bond may mature on or after the first mandatory sinking fund redemption date of any term bond. All term bonds shall be subject to mandatory sinking fund redemption and must conform to the maturity schedule set forth above.

The bonds will bear interest from their date at rates to be determined when the bonds are sold as herein provided, which interest will be payable December 1, 2000, and semiannually thereafter on June 1 and December 1 in each year the bonds are outstanding at the Office of the State Treasurer in Topeka, Kansas.

Good Faith Deposit

A good faith deposit in the form of a certified or cashier's check or financial surety bond payable to the city in the amount of \$239,200 must accompany each bid for the bonds.

Costs

The city will pay the cost of printing the 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 bonds and the exclusion of the interest thereon (with specified minor exceptions) from federal and Kansas gross income taxes.

Delivery and Payment

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

Assessed Valuation and Indebtedness

For the computation of the debt limitation relating to the bonds, the assessed valuation of the taxable tangible property within the city as of January 10, 2000, is \$431,857,886. The total general obligation bonded indebtedness of the city, including temporary notes of the city and the bonds, as of the date of the bonds, is \$24,970,000.

Additional Information

A complete notice of bond sale, official statement and bid form approved by the city will be mailed to all interested parties. Additional information regarding the bonds may be obtained from the financial advisor, Springsted Public Finance Advisors, 85 E. 7th Place, Suite 100, St. Paul, MN 55101, (651) 223-3000; and the City of Shawnee, Kansas, 11110 Johnson Drive, Shawnee, KS 66203, (913) 631-2500, Attention: Lee Meyer, Finance Director.

City of Shawnee, Kansas
By Lee Meyer
Finance Director
City Hall
11110 Johnson Drive
Shawnee, KS 66203

Doc. No. 024993

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 each of the following bills 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 30, 2000.)

Substitute for HOUSE BILL No. 2322

AN ACT concerning visually impaired or blind persons; relating to billing procedures for certain services.

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

Section 1. On and after July 1, 2000, upon request of a visually impaired or blind customer, any provider of sewer, water, electric, gas or telephone service, or any provider of two or more of such services, whether public or private, shall provide the customer's bills, indicating usage and the amount owed, in one of the following formats, as agreed to by the customer and the service provider: Braille, print of not less than 24-point type or audio. The provision of such bills in an alternative format shall be at no additional charge to the customer making the request.

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

(Published in the Kansas Register March 30, 2000.)

SENATE BILL No. 564

AN ACT concerning grain storage; relating to public warehouses; amending K.S.A. 34-237 and 34-2,111 and K.S.A. 1999 Supp. 34-228, 34-229, 34-230, 34-236, 34-273 and 34-2,104 and repealing the existing sections.

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

Section 1. K.S.A. 1999 Supp. 34-228 is hereby amended to read as follows: 34-228. (a) Any person desiring to engage in business as a public warehouseman in this state shall, before the transaction of any such business, make written application to the secretary for a license for each separate warehouse or, if the applicant owns more than one warehouse at one point, all of such warehouses may be incorporated in one application, at which the person desires to engage in such business. The application for a license shall be on a form designated by the secretary and shall contain the individual name and address of each person interested as principal in the business and, if the business is operated or to be operated by a corporation, setting forth the names of the president and secretary, and such further information as the secretary may require.

(b) (1) Every application for a public warehouse license shall be accompanied by a current financial statement. The statement shall include such information as required by the secretary to administer and enforce the public warehouse laws of this state, including, but not limited to a current balance sheet, statement of income, including profit and loss, statement of retained earnings and statement of changes in financial position. The applicant shall certify under oath that the statement as prepared accurately reflects the financial condition of the applicant as of the date specified and presents fairly the results of operations of the applicant's public warehouse business for the period specified. The financial statement shall be prepared in accordance with generally accepted accounting principles and shall be accompanied by: (A) A report of audit or review conducted by an independent certified public accountant or an independent public accountant in accordance with standards established by the American institute of certified public accountants and the accountant's certifications, assurances, opinions, comments and notes with respect to the statement; or (B) a compilation report of the financial statement, prepared by a grain commission firm or management firm which is authorized pursuant to rules and regulations of the federal commodity credit corporation to provide compilation reports of financial statements of warehousemen.

(2) Except as otherwise provided, the secretary, upon request of an applicant, may grant a waiver of the requirements of this subsection for a period of not more than 30 days if the applicant furnishes evidence of good and substantial reasons for the waiver. The secretary may extend such waiver beyond 30 days for grain stored in an alternative location other than a location identified in the public warehouse license, if the secretary determines that the owner of the grain would suffer substantial hardship to require the grain to be stored at a location identified in the license. The secretary may determine what constitutes substantial hardship and what length of time the grain may be stored at such alternative location.

(c) (1) Every applicant for a license to operate one or more public warehouses and every person licensed to operate one or more warehouses shall at all times maintain total net worth liable for the payment of any indebtedness arising from the conduct of the warehouse or warehouses equal to at least \$.25 per bushel of the storage capacity of the warehouse or warehouses except: (A) No person shall be granted a license or shall continue to be licensed unless the person has a net worth of at least \$25,000; and (B) any deficiency in net worth required above the \$25,000 minimum may be supplied by an increase in the amount of the applicant's or licensee's bond or letter of credit as provided by K.S.A. 34-229 and amendments thereto.

(2) In determining total net worth: (A) Credit may be given for insurable property such as buildings, machinery, equipment and merchandise inventory only to the extent that the property is protected by insurance against loss or damage by fire; and (B) capital stock, as such, shall not be considered a liability.

(d) No license shall be issued to a person or entity not previously licensed in this state and making application for an original license who, in this state or any other jurisdiction, within the 10 years immediately prior to the date of the application of the person or entity for a license, has been convicted of or has pleaded guilty or nolo contendere to any crime which would constitute:

- (1) Embezzlement;
(2) any felony defined in any statute contained in article 37 of chapter 21 of the Kansas Statutes Annotated and amendments thereto;
(3) unauthorized delivery of stored goods;
(4) any felony defined in any statute contained in chapter 34 of the Kansas Statutes Annotated and amendments thereto; or
(5) a violation of the United States warehouse act (7 U.S.C. 241 et seq.).

(e) The secretary may investigate any applicant making application for an original license for the purpose of determining if such person would be qualified to receive such license under the provisions of this section.

(f) (1) Every application for a public warehouse license shall be accompanied by a license fee which shall be determined and fixed by the secretary by rules and regulations. The license fee shall not be more than the applicable amount shown in the following fee schedule plus not more than \$500 for each functional unit:

Table with 2 columns: Capacity in Bushels and ANNUAL FEE Not more than. Rows show fee amounts for various capacity ranges from 1 to 100,000 up to 20,000,000, plus a fee for over 20,000,000 bushels.

(2) Whenever a licensed warehouseman purchases or acquires additional facilities, the warehouseman, if otherwise qualified, may acquire a license for the remainder of an unexpired license period by paying to the secretary a license fee computed as follows: If the unexpired license period is nine months or more, the annual fee; if the unexpired license period is more than six months and less than nine months, 75% of the annual fee; if the unexpired license period is more than three months and not more than six months, 50% of the annual fee; and if the unexpired license period is three months or less than three months, 25% of the annual fee.

(3) In addition to any other applicable fee, the secretary shall charge and collect a fee each time a public warehouse license is amended in an amount of not more than \$300 which shall be determined and fixed by the secretary by rules and regulations.

(4) Nothing in this subsection shall be construed to authorize a refund for any unused portion of an issued license.

(g) The secretary shall examine each warehouse operated by a licensed public warehouseman at least once in each 12-month period. The licensed public warehouseman may request additional examinations of any warehouse operated by the warehouseman. The cost of additional examinations when requested by the warehouseman shall be charged to the warehouseman requesting the examination. The cost of each additional examination requested by a warehouseman shall be an amount determined therefor in accordance with an hourly rate fixed by the secretary of not more than \$50 per hour, subject to a minimum charge of four hours for the examination, plus amounts for subsistence expense at the rate fixed under K.S.A. 75-3207a and amendments thereto and for mileage expense in accordance with the schedule of charges established under K.S.A. 75-4607 and amendments thereto. The secretary, at the secretary's discretion, may make additional examinations of a warehouse and if a discrepancy is found on that examination, or if one was found on the last previous examination, the cost of the examination shall be paid by the warehouseman.

(h) When the secretary authorizes a grain handling facility to be physically monitored, pursuant to subsection (a)(3) of K.S.A. 34-102, and amendments thereto, the cost and expenses of the monitoring shall be paid by the owner of the facility at the same rates fixed in subsection (g).

(i) As used in this section, "functional unit" means a public warehouse which has the capacity to store, weigh in and weigh out grain. Any outlying storage facility which is not a functional unit shall have its storage capacity included as part of the combined capacity of the warehouseman's nearest functional unit.

Sec. 2. K.S.A. 1999 Supp. 34-229 is hereby amended to read as follows: 34-229. (a) Every applicant for a public warehouse license shall promptly, upon notification by the secretary of the amount of bond or letter of credit required, shall promptly file with the secretary a bond with good corporate surety qualified under the laws of the state of Kansas or letter of credit pursuant to subsection (d). The amount of the bond or letter of credit to be furnished for each warehouse shall be \$.20 per bushel for the first 1,000,000 bushels of licensed capacity; \$.15 per bushel for the next 1,000,000 of licensed capacity; and \$.10 per bushel for all licensed capacity over 2,000,000 bushels. Except as provided further, in no event shall the bond or letter of credit be for an amount less than \$10,000 nor more than \$500,000.

(b) If an applicant for a license or a licensee at any time does not have the total net worth required by K.S.A. 34-228 and amendments thereto, an amount equal to the deficiency shall be added to the amount of the bond required by subsection (a) or letter of credit required by subsection (d).

(c) The bond shall be in favor of the state of Kansas for the benefit of all persons interested, their legal representatives, attorneys or assigns and shall be conditioned on the faithful performance of all the licensee's duties as a public warehouseman and such additional obligations as assumed by the warehouseman under contracts with a federal agency relating to storage of grain in each warehouse. Any person injured by the breach of any obligation of the warehouseman may commence suit on the bond or letter of credit in any court of competent jurisdiction to

recover damages that the person has sustained, but any suit commenced shall either be a class action or shall join as parties plaintiff or parties defendant or other persons who may be affected by such suit on the bond or letter of credit. No bond shall be canceled by the surety on less than 60 days' notice by mail to the secretary and the principal except that no such notice shall be required for cancellation of any bond by reason of nonpayment of the premium thereon. The liability of the surety on the bond may continue for each successive license period the bond covers. The total liability of the surety shall be limited to the amount stated on the current bond or on an appropriate rider or endorsement to the current bond. It is the intent of this statute that the bonds be nonaccumulative, that stacking of bonds not occur in excess of the face value of the current bond.

(d) In lieu of a bond, a warehouseman may file with the secretary an irrevocable letter of credit in the amount equal to or greater than the amount of bond required in subsection (a). Such irrevocable letter of credit shall: (1) Be issued by a financial institution which is insured by the federal deposit insurance corporation or issued by farm credit institutions chartered by the farm credit administration; (2) be issued for a period at least six months longer than the expiration date of the underlying license; (3) provide for payment to the state of Kansas for the security liability of the warehouseman; and (4) be on a form approved by the secretary.

(e) If a person applies for licenses for two or more separate public warehouses in this state, the person may give a single bond or letter of credit covering all the applications, and the amount of the bond or letter of credit shall be the total amounts which would be required for the applications if separate bonds or letters of credit were given. In computing the amount of the single bond or letter of credit the warehouseman may add together the capacity of all warehouses to be covered by the bond or letter of credit and use the aggregate capacity for the purpose of computing the bond or letter of credit. If a warehouseman elects to provide a single bond or letter of credit for a number of warehouses, the total assets of all the warehouses shall be subject to liabilities of each individual warehouse.

(f) Whenever the director determines that any bond or letter of credit given by any warehouseman is inadequate and insufficient security against any loss that might arise under the terms of the bond or letter of credit, the secretary shall require any additional bond or letter of credit that the secretary considers necessary to provide adequate security. If the secretary considers the financial condition of the surety upon any warehouseman and the warehouseman's bond or letter of credit to be impaired, the secretary shall require any substituted or additional bond or letter of credit that the secretary considers necessary.

(g) In all actions hereafter commenced in which judgment is rendered against any surety company on any surety bond furnished or any financial institution on any letter of credit issued under the provisions of this section, if it appears from the evidence that the surety company or financial institution has refused without just cause to pay the loss upon demand, the court shall allow the plaintiff a reasonable sum as attorney fees to be recovered and collected as a part of the costs. When a tender is made by the surety company or financial institution before the commencement of the action in which judgment is rendered and the amount recovered is not in excess of the tender, no such costs shall be allowed.

(h) Each licensed public warehouseman shall obtain a certificate setting forth the amount and terms of the bond or letter of credit filed with the secretary pursuant to this section, the name of the corporate surety or financial institution therefor and such other information as the secretary may prescribe by rules and regulations. The certificate of bond or letter of credit information shall be posted in a conspicuous place in the office room of the licensed warehouse, adjacent to the license posted as required by K.S.A. 34-230 and amendments thereto, at all times during the operation of the warehouse.

(i) Transaction of any public warehouse business at any public warehouse without having the certificate of bond or letter of credit information displayed in the office room of the public warehouse as required by this section is a class C nonperson misdemeanor.

(continued)

Sec. 3. K.S.A. 1999 Supp. 34-230 is hereby amended to read as follows: 34-230. (a) Upon receiving the application and financial statement required by this act, the secretary shall make an investigation and inspection of the warehouse or warehouses covered by the application. The secretary may issue a license to the applicant if:

(1) The applicant furnishes the bond or letter of credit required by this act K.S.A. 34-229, and amendments thereto;

(2) the warehouse or warehouses are found suitable for the proper storage of grain for which a license is applied for; and

(3) the applicant complies with all requirements for licensure prescribed by this act and rules and regulations adopted under this act.

(b) Every license shall be dated and shall designate the name of the licensee and the location of the licensed warehouse or warehouses.

(c) Each license shall expire one year from the date of its issuance except that, for the purpose of equitably distributing application dates of warehouse licenses throughout each calendar year, the secretary may issue licenses for periods longer than one year but not longer than two years. Licenses for periods longer than one year shall be charged the annual license fee, plus a monthly fee in proportion to the annual license fee for the number of months the license is issued beyond one year.

(d) Any licensee making application for renewal of a license shall submit the application, together with the licensee's financial statement and any additional information required, at least 30 days prior to the date of expiration of the licensee's current license. For each day that the licensee is late in submitting the application and required information, the licensee shall be penalized an additional fee of \$5.

(e) The license shall be posted in a conspicuous place in the office room of the licensed warehouse at all times during the operation of the warehouse.

(f) If a licensee is convicted of any violation of the provisions of this act or if the secretary determines that a licensee does not comply with any requirement for licensure or has violated any provision of this act or of the rules and regulations adopted under this act, the secretary may at the secretary's discretion suspend or revoke the license of the licensee. All proceedings for the suspension or revocation of licenses shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(g) The licensee, if dissatisfied with the order of the secretary, may appeal in the manner provided by law.

Sec. 4. K.S.A. 1999 Supp. 34-236 is hereby amended to read as follows: 34-236. (a) Every public warehouseman shall at all times keep the grain stored in such warehouseman's warehouse insured in some reliable insurance company authorized to do business in the state of Kansas. Such grain is to be insured for its full market value, less the deductible amount provided herein, against loss by fire, internal explosion, lightning, and tornado and failure to do so shall make the public warehouseman liable for the same on such warehouseman's bond or letter of credit for the benefit of the owner or owners and the owners of warehouse receipts and storage receipts issued by any public warehouse shall have a first lien, to the extent of the value of the grain at the time of destruction at the place where stored, on all such insurance for any loss or injury sustained by them on account of the destruction or injury of such grain by fire, internal explosion, lightning or tornado or any other cause covered by such insurance policy.

(b) Fraud or criminal act of the warehouseman to which the holder of a warehouse receipt or other interested person is not a party shall not deprive the holder of a warehouse receipt or storage receipt or other interested person of such person's right of recovery under such policy of insurance. Nothing in this act shall be construed to require the insurer to pay any loss or damage in excess of the amount of insurance effective under its policy or to pay for any loss or damage not insured against by its policy. In case of a fire, lightning or tornado, which shall destroy all or part of the grain stored in any public warehouse, the public warehouseman shall, upon demand by the owner of the grain, or holder of any warehouse receipt, or receipts, for such grain, and upon being presented with the warehouse receipt, or receipts, make settlement for the value of

the grain covered by the warehouse receipt, or receipts, after deducting the warehouse charges, at the market value of same, basing said value at the average price paid for grain of the same grade at the station where the public warehouse is located on the date of the destruction. Without in any way limiting the warehouseman's liability under this section, the warehouseman may carry a standard form of insurance policy approved for grain warehousemen with a total deductible provision on the contents not to exceed \$10,000, except that the secretary upon a finding that it is necessary to protect the public may order that a warehouseman's total deductible provision be an amount less than \$10,000 as specified by the secretary.

Sec. 5. K.S.A. 34-237 is hereby amended to read as follows: 34-237.

(a) Any public warehouseman may on the written request of the owner of any grain stored in a private bin, upon the surrender of the receipt, or receipts, therefor, may be permitted to dry, clean or otherwise change the condition or value of any such lot of grain; but in such case it shall only be delivered as such separate lot, without reference to the grade it may be made by such process of drying or cleaning.

(b) Nothing in this section, however, shall prevent any warehouseman from removing grain within his such warehouseman's warehouse for its preservation or safekeeping, but no warehouseman shall be held liable for damage to grain stored in special bins by heating, unless such damage be caused by the act of the warehouseman. In case any public warehouseman shall discover that any portion of the grain stored in a special bin in his such warehouseman's warehouse is out of condition or becoming so, and it is not in his such warehouseman's power to preserve the same, he the warehouseman shall immediately give notice to the owner, if known, and, if not known, by public notice by advertising in a newspaper of general circulation in the city in which such warehouse is situated, and by posting a notice on the warehouse bulletin board or other public place of its actual condition, as near as he the warehouseman can ascertain. He the warehouseman shall state in such notice the kind and grade of grain and the bin in which it is stored; and shall also state in such notice the receipts outstanding upon which such grain will be delivered, giving the numbers, amount and date of each, and shall give the name of the party for whom such grain was stored, the date it was received and the amount of it, and the enumeration of receipts and identification of grain so described shall embrace as near as possible the quantity of grain contained in such bins, and such grain shall be delivered upon return and cancellation of such receipts, and the unreceipted grain upon the request of the owner or holder of the receipt or receipts.

(c) Nothing herein contained shall be held to relieve the said public warehouseman from exercising proper care and vigilance in preserving such grain after such publication of its condition, but such grain shall be kept separate and apart from all direct contact with other grain, and shall not be mixed with other grain while in store in such warehouse. Any public warehouseman guilty of any act or neglect, the effect of which is to depreciate property stored in the public warehouse under his the warehouseman's control, shall be liable on his the warehouseman's bond or letter of credit therefor to the person damaged thereby.

(d) Nothing in this section shall be construed so as to permit any public warehouseman to deliver any grain stored in a special bin or by itself, as provided in this act, to any but the owners of the lot, or holder of the warehouse receipt, or receipts. In case the grain declared out of condition as herein provided for shall not be removed from store by the owner or holder of the warehouse receipt, or receipts, thereof within twenty (20) 20 days from the date of the notice of its being out of condition, it shall be lawful for the public warehouseman where the grain is stored to sell the same at public auction for account of said owner, or holder, of the warehouse receipt, or receipts, by giving ten 10 days' notice by advertising in a newspaper (daily, if there is such) published in the city or town where such public warehouse is located.

Sec. 6. K.S.A. 1999 Supp. 34-273 is hereby amended to read as follows: 34-273. (a) In case any public warehouseman discovers that any grain stored in such warehouseman's warehouse, other than in special bins, is out of condition or is becoming so and that it is not in such warehouseman's power to preserve the grain, such warehouseman shall

immediately give such notice of that fact as is reasonable and possible under the circumstances to the owner of such grain or to the person in whose name the grain is stored and shall also give notice of that fact to the secretary.

(b) The secretary, unless otherwise requested by the owner of such grain or the person in whose name the grain is stored, shall cause an inspection to be made of the grain. If it is found on such inspection that the grain is out of condition, or is becoming so, and the owner of the grain fails to promptly remove it, the warehouseman may sell the grain upon giving the same public notice of sale as is required by this act for the sale of grain to satisfy the lien of a warehouseman, except that the grain may be sold at either public or private sale without advertising if, in the opinion of the secretary, such grain should be sold without delay and written authority to make sale without advertisement is given by the secretary to the warehouseman. For the purpose of this section, the owner of such grain shall be deemed to be the holder of warehouse receipts of the oldest dates then in circulation or uncanceled and the grain represented by which has not previously been declared out of condition.

(c) Nothing herein contained shall be held to relieve any warehouseman from exercising due care and vigilance in preserving any such grain after discovery that the same is out of condition, or is becoming so, but such grain shall be kept separate and apart from all direct contact with other grain and shall not be mixed with other grain while in store in such warehouse. Any public warehouseman guilty of any act of neglect which has the effect of depreciating property stored in a public warehouse under the warehouseman's control, shall be liable on the warehouseman's bond or letter of credit therefor to the person damaged thereby. After grain has been sold as authorized by this section, the warehouseman shall not be liable thereafter for the delivery of such grain even though the receipt therefor is negotiable, but shall be liable as a trustee for the amount of the proceeds of such sale in excess of the amount of any lawful charges for which the warehouseman had a lien at the time of such sale.

Sec. 7. K.S.A. 1999 Supp. 34-2,104 is hereby amended to read as follows: 34-2,104. (a) Whenever it appears to the satisfaction of the secretary that a licensed warehouseman does not have possession of sufficient commodities to cover the outstanding receipts and scale tickets issued or assumed by the warehouseman or when a licensed warehouseman refuses to submit records or property to a lawful examination, the secretary may give notice to the warehouseman to comply with all or any of the following requirements:

- (1) Cover any existing shortage;
- (2) give additional bond or letter of credit as requested by the secretary;
- (3) submit to any examination that the secretary considers necessary.

If the warehouseman fails to comply with the terms of the notice within 24 hours from the date of its issuance or within such further time as the secretary allows, the secretary may petition the district court of any county in which is located one of the principal places of business of the licensed warehouseman for an order authorizing the department to take possession of and maintain all or a portion of any and all commodities located in the licensed warehouse or warehouses of the warehouseman and all pertinent records and property.

Upon receipt of the secretary's verified petition setting forth the circumstances of the warehouseman's failure to comply and further stating reasons why immediate possession and maintenance by the department is necessary for the protection of depositors, warehouse receipt holders or sureties, the court shall forthwith issue an order authorizing the department to take immediate possession of and maintain the commodities, records and property for the purposes stated in this section. A copy of the petition and order shall be sent to the warehouseman.

(b) At any time within 10 days after the department takes possession, the warehouseman may file with the court a response to the petition of the secretary stating reasons why the department should not be allowed to retain possession. The court shall set the matter for hearing on a date not less than five nor more than 15 days from the date of the filing of the warehouseman's response. The order placing the department in possession

shall not be stayed nor set aside until the court after hearing determines that possession should be restored to the warehouseman.

(c) Upon taking possession, the secretary shall give written notice of its action to the surety on the bond or the financial institution which issued the letter of credit of the warehouseman and may notify the holders of record, as shown by the warehouseman's records, of all receipts and scale tickets issued for commodities, to present their receipts or scale tickets for inspection or to account for them. The secretary then may cause an audit and other investigation to be made of the affairs of the warehouse, especially with respect to the commodities in which there is an apparent shortage, to determine the amount of the shortage and compute the shortage as to each depositor as shown in the warehouseman's records, if practicable. The secretary shall notify the warehouseman and the surety on the warehouseman's bond or the financial institution which issued the letter of credit of the approximate amount of the shortage and notify each depositor affected by the shortage by sending notice to the depositor's last known address as shown by the records of the warehouse.

The department shall retain possession and continue maintenance of commodities, records and property under this section until the warehouseman or the surety on the warehouseman's bond or the financial institution which issued the letter of credit has satisfied the claims of all depositors or until the department is ordered by the court to surrender possession.

(d) If during or after the audit or other investigation provided for in this section, or at any other time, the secretary has evidence that the warehouseman is insolvent or is unable to satisfy the claims of all depositors, or the grain handling facility is operating without a valid federal or state license, the secretary shall forthwith petition the district court for an order appointing a receiver, under article 13 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto, to operate or liquidate the business of the warehouseman or unlicensed facility in accordance with the law. The petition may be accompanied by a verified application requesting that the court appoint the secretary to act as temporary receiver until a receiver is appointed. The court may appoint the secretary as temporary receiver in an *ex parte* proceeding.

(e) While acting as temporary receiver, the secretary shall have all the powers of a receiver and may appoint a special deputy director to take charge of the affairs of the warehouse until a receiver is appointed. The special deputy shall qualify, give bond and receive reasonable compensation as determined by the secretary, subject to the approval of the district court. The compensation shall be paid by the insolvent warehouse or unlicensed facility or, upon appointment of a receiver, may be allowed by the court as costs in the case.

(f) All necessary expenses incurred by the department or any receiver appointed under this section in carrying out the provisions of this section may be recovered from the warehouseman, owner or operator of the unlicensed grain handling facility in a separate civil action brought by the secretary in the district court or may be recovered at the same time and as a part of the seizure or receivership action filed under this section. As a part of the expenses so incurred, there is authorized to be included the cost of adequate liability insurance necessary to protect the department, the receiver, and others engaged in carrying out the provisions of this section.

(g) A receiver shall have five months from the date of the receiver's appointment for the settlement and completion of the receivership. For cause shown, this period may be extended by the court, not exceeding three months at a time.

Sec. 8. K.S.A. 34-2,111 is hereby amended to read as follows: 34-2,111. (a) Whenever a public warehouseman offers to purchase grain pursuant to a grain purchase contract which includes provision for deferred payment or delayed pricing of the grain, the public warehouseman shall inform the seller that such grain purchase contract is a voluntary extension of credit and is not protected by the surety bond or letter of credit, pursuant to K.S.A. 34-229, and amendments thereto, of the public warehouseman.

(b) Each grain purchase contract which contains a provision for de-

(continued)

ferred payment or delayed pricing, or both such provisions, shall be in writing and shall include the following statement: "THIS CONTRACT CONSTITUTES A VOLUNTARY EXTENSION OF CREDIT BY THE SELLER TO THE PUBLIC WAREHOUSEMAN AND IS NOT PROTECTED BY THE SURETY BOND OR LETTER OF CREDIT OF THE PUBLIC WAREHOUSEMAN." The statement shall be prominently displayed in capital letters which are at least as large as 10-point type and shall be followed by a signature line which has the following statement in parentheses under the line: "Must be signed by seller." Such statements and signature line shall be framed in a box and placed on the first page of the grain purchase contract as a part thereof so that it stands out from the other provisions of the grain purchase contract.

(c) If a public warehouseman has entered into a written grain purchase contract with a seller that produced the grain and if such grain purchase contract provides for either deferred payment or delayed pricing, or both, then, upon demand of the seller made after delivery of such grain to the public warehouseman, the public warehouseman shall cause a financial institution to issue to the seller a standby letter of credit in the amount of the unpaid balance under the grain purchase contract at the time such demand is made. Each public warehouseman who offers to enter into such a grain purchase contract with any seller that produced the grain shall post a sign providing public notice of the availability of such standby letter of credit.

(d) As used in this section:

(1) "Deferred payment" means any payment to be made under the terms of a grain purchase contract after delivery of the grain to the public warehouseman;

(2) "delayed pricing" means any method of pricing grain under the terms of a grain purchase contract after such grain has been delivered to the public warehouseman;

(3) "financial institution" means any institution whose deposits, shares or accounts are insured by a federal agency or banks for cooperatives created under title III of the farm credit act of 1971;

(4) "standby letter of credit" means a letter of credit within the meaning of K.S.A. 84-5-103(1)(a), and amendments thereto, which, by its terms:

(A) Is irrevocable;

(B) is nontransferable;

(C) names the seller that produced the grain as beneficiary;

(D) shall not expire earlier than 60 days after the final payment is due under the terms of the underlying grain purchase contract; and

(E) cannot be drawn upon by the beneficiary in the absence of a default in payment under the terms of the underlying grain purchase contract;

(5) "unpaid balance" means that portion of the purchase price, together with interest thereon, if any, remaining unpaid to the seller under the terms of a grain purchase contract at the time the seller makes demand as provided in this section. Where the grain purchase contract provides for delayed pricing and the price has not been established at the time demand is made by the seller, then, for the purposes of this section only, the unpaid balance shall be determined as though the price had been established at the time of the closing of the relevant futures market on the last trading day before demand is made by the seller under this section.

(e) As used in this section, the words and phrases defined in K.S.A. 34-223, and amendments thereto, shall have the meanings ascribed to them in that statute.

(f) This section shall be construed as supplemental to the statutes contained in article 2 of chapter 34 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 9. K.S.A. 34-237 and 34-2,111 and K.S.A. 1999 Supp. 34-228, 34-229, 34-230, 34-236, 34-273 and 34-2,104 are hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register March 30, 2000.)

HOUSE BILL No. 2826

AN ACT concerning oil and gas; relating to unitization and unit operations; amending K.S.A. 55-1304, 55-1308 and 55-1312 and K.S.A. 1999 Supp. 55-1305 and repealing the existing sections.

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

Section 1. K.S.A. 55-1304 is hereby amended to read as follows: 55-1304. The commission may make an order providing for the unitization and unit operation of such pool or part thereof sought to be unitized, if, upon application of any working interest owner and after notice and hearing in accordance with the provisions of the Kansas administrative procedure act, the commission finds all of the following conditions exist:

(a) (1) The primary production from a pool or a part thereof sought to be unitized has reached a low economic level and, without introduction of artificial energy, abandonment of oil or gas wells is imminent; or (2) the unitized management, operation and further development of the pool or the part thereof sought to be unitized is economically feasible and reasonably necessary to prevent waste within the reservoir and thereby increase substantially the ultimate recovery of oil or gas;

(b) that the value of the estimated additional recovery of oil or gas substantially exceeds the estimated additional cost incident to conducting such operations; and

(c) that the proposed operation is fair and equitable to all interest owners.

Sec. 2. K.S.A. 1999 Supp. 55-1305 is hereby amended to read as follows: 55-1305. The order providing for the unitization and unit operation of a pool or a part thereof shall be upon terms and conditions that are just and reasonable and shall prescribe a plan for unit operations that shall include:

(a) A legal description in terms of surface area of the pool or a part thereof to be so operated, termed "the unit area";

(b) a statement of the nature of the operations contemplated;

(c) an allocation to the separately owned tracts in the unit area of all the oil and gas that is produced from the unit area and is saved, being the production that is not used in the conduct of operations on the unit area or not unavoidably lost. The allocation shall be in accord with the agreement, if any, of all interest owners. If there is no such agreement as to the allocation, the commission shall determine the relative value of the separately owned tracts in the unit area, exclusive of physical equipment, for development of oil and gas by unit operations, and the production allocated to each tract shall be the proportion that the value of each tract so determined bears to the total value of all tracts in the unit area;

(d) a provision for the credits and charges to be made in the adjustment among the working interest owners in the unit area for their respective investments in wells, tanks, pumps, machinery, materials and equipment contributed to the unit operations;

(e) a provision providing how the costs of unit operations, including capital investments, shall be determined and charged to the separately owned tracts and how said such costs shall be paid, including a provision providing when, how, and by whom the unit production allocated to a working interest owner who does not pay the share of the cost of unit operations charged to such owner, or to the interest of such owner, may be sold and the proceeds applied to the payment of such costs;

(f) a provision whereby a nonoperating working interest owner, upon request shall be furnished, but not more often than once a month, shall be furnished reasonably detailed information regarding the nature and amount of the various items of costs and expenses, including capital investments, chargeable against the interest of the nonoperating working interest owners;

(g) a provision for carrying any nonoperating working interest owner on a limited, carried or net-profits basis, payable out of production, upon terms and conditions determined by the commission to be just and reasonable, or otherwise financing any nonoperating working interest owner who elects to be carried or otherwise financed or who does not meet the owner's financial obligations with the unit and a provision for establishing a reasonable rate of interest and a penalty on all unpaid expenses, in amounts established by rules and regulations adopted by the commission, not to exceed:

(1) One hundred percent of the unpaid portion of the owner's share of the cost of aboveground surface equipment beyond the wellhead connection, including, but not limited to, stock tanks, separators, treaters, pumping equipment and piping, plus 100% of the unpaid portion of the

owner's share of the cost of operation of the unit, all subject to the rate of interest established;

(2) three hundred percent of the unpaid portion of the owner's share of the costs and expenses of drilling wells in the unitized area, including staking, well site preparation, rigging up, or drilling, and reworking, deepening or plugging back, testing and completing wells; and

(3) three hundred percent of the unpaid portion of the owner's share of the costs and expenses of underground pipeline systems, expenses for injected substances and any other nonrecoupable expenses incurred. All interest and penalties prescribed under this subsection shall be paid from the nonpaying interest owner's share of production;

(h) a provision for the supervision and conduct of the unit operations, including the selection, removal; or substitution of an operator from among the working interest owners to conduct the unit operations;

(i) a provision for a voting procedure for the decision of matters to be decided by the working interest owners in respect to which each working interest owner shall have a vote with a value corresponding to the percentage of the costs of unit operations chargeable against the interest of such owner. ~~However, in no event shall the vote of a single working interest owner control unless a single working interest owner is liable for all the cost;~~

(j) the time when the unit operations shall commence and the manner in which, and the circumstances under which, the unit operations shall terminate and for the settlement of accounts upon such termination;

(k) a provision specifying the particular records the unit operator shall keep and the detailed accounting procedure that the unit operator shall follow. A plan of unitization shall not be considered fair and reasonable if it contains a provision for operating charges which include any part of district or central office expense other than reasonable overhead charges; and

(l) such additional provisions that are found to be appropriate for carrying on the unit operations and for the protection of correlative rights.

No order of the commission providing for unit operations upon a finding pursuant to subsection (a)(1) of K.S.A. 55-1304, and amendments thereto, shall become effective unless and until the plan for unit operations prescribed by the commission has been approved in writing by those persons who, under the commission's order, will be required to pay at least ~~75%~~ 63% of the costs of the unit operation, and also by the owners of at least ~~75%~~ 63% of the production or proceeds thereof that will be credited to interests which are free of cost such as royalties, excluding overriding royalties and production payments or other like interests which are carved out of the leasehold estate, and the commission has made a finding, either in the order providing for unit operations or in a supplemental order, that the plan for unit operations has been so approved. ~~No order of the commission providing for unit operations upon a finding pursuant to subsection (a)(2) of K.S.A. 55-1304, and amendments thereto, shall become effective unless and until the plan for unit operations prescribed by the commission has been approved in writing by those persons who, under the commission's order, will be required to pay at least 63% of the costs of the unit operation, and also by the owners of at least 75% of the production or proceeds thereof that will be credited to royalties, excluding overriding royalties or other like interests which are carved out of the leasehold estate, and the commission has made a finding, either in the order providing for unit operations or in a supplemental order, that the plan for unit operations has been so approved.~~ If the plan for unit operations has not been so approved at the time the order providing for unit operations is made, the commission shall upon application and notice hold such supplemental hearings as may be required to determine if and when the plan for unit operations has been so approved. If the persons owning the required percentage of interest in the unit area do not approve the plan for unit operations within a period of six months from the date on which the order providing for unit operations is made, such order shall cease to be of further force and effect and shall be revoked by the commission, except that the commission may extend the six-month period for not to exceed 60 days for good cause shown.

An order providing for unit operations may be amended by the commission in the same manner and subject to the same conditions as are necessary or required for an original order providing for unit operations, except that: (a) If such an amendment affects only the rights and interest of the working interest owners, the approval of the amendment by the royalty owners shall not be required; and (b) no such order of amendment shall change the percentage for the allocation of oil and gas as established for any separately owned tract by the original order, except with the con-

sent of all persons owning oil and gas rights in such tract; no such order shall change the percentage for the allocation of cost as established for any separately owned tract by the original order, except with the consent of all working interest owners in such tract.

The commission by an order may provide for the unit operation of a pool or a part thereof that embraces a unit area previously established either by voluntary agreement or order of the commission. Such order, in providing for the allocation of unit production, shall first treat the unit area previously established as a single tract, and the part of the unit production so allocated thereto shall then be allocated among the separately owned tracts included in such previously established unit area in the same proportions as those specified in the previous agreement or order.

An order may provide for the unit operation of less than the whole of a pool where the unit area is of such size and shape as may be reasonably required for that purpose, and the conduct thereof will have no material adverse effect upon other parts of the pool.

Sec. 3. K.S.A. 55-1308 is hereby amended to read as follows: 55-1308. Property rights, leases, contracts, and other rights or obligations shall be regarded as amended and modified only to the extent necessary to conform to the provisions and requirements of this act and to any valid order of the commission providing for the unit operation of a pool or a part thereof, but otherwise shall remain in full force and effect. For the purpose of this act the owner, or owners, of oil and gas rights in and under an unleased tract of land shall be regarded as a working interest owner to the extent of a ~~seven-eighths (7/8)~~ 1/8 interest in and to ~~said such~~ rights and a royalty owner to the extent of the remaining ~~one-eighth (1/8)~~ 1/8 interest therein, *except that, if the commission finds that, under the prevailing industry practice in the area where the unit is located, oil and gas leases contain a higher amount of royalty than 1/8 royalty interest, then the owner or owners shall be regarded as a royalty interest owner to the extent of the royalty interest determined by the commission to be in accordance with prevailing industry practice and a working interest owner as to the remainder of the owner's or owners' interest in such tract of land.*

A ~~one-eighth (1/8)~~ 1/8 part of the production allocated to each tract under an order providing for the unit operation of a pool or a part thereof, shall in all events be and remain free and clear of any cost or expense of developing or operating the unit and of any lien therefor as an unencumbered source from which to pay the royalties or other cost free obligations due or payable with respect to the production from such tract. If a lease or other contract pertaining to a tract or interest stipulates a royalty, overriding royalty, production payment; or other obligation in excess of ~~one-eighth (1/8)~~ 1/8 of the production or proceeds therefrom, then the working interest owner subject to such excess payment or other obligation shall bear and pay the same.

Sec. 4. K.S.A. 55-1312 is hereby amended to read as follows: 55-1312. It shall be the duty of the unit operator to make and file all necessary ad valorem tax renditions and returns with the proper taxing authorities covering all property of each working interest owner used or held by the operator in the unit operations. All such property of the several working interest owners shall be assessed and taxed together as a single unit. If such property is not reported for taxation by the unit operator, assessment and taxation of the working interest owners' property of the unit shall be made as a unit by the county assessor. All such ad valorem taxes shall be paid by the unit operator initially as a part of the costs of unit operations with each working interest owner's share thereof to be the same as other costs of unit operations. Each working interest owner shall pay or cause to be paid all production, severance and other taxes that may be imposed upon or in respect of the production of that owner's share of the unitized substances.

Sec. 5. K.S.A. 55-1304, 55-1308 and 55-1312 and K.S.A. 1999 Supp. 55-1305 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register March 30, 2000.)

SENATE BILL No. 489

AN ACT concerning the dealers and manufacturers licensing act; relating to owning, acting as or controlling new vehicle dealers; sale and delivery of vehicles and responsibilities with respect thereto; prescribing certain prohibited acts.

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

Section 1. (a) Except as provided by this section, and notwithstanding any other provisions of the vehicle dealers and manufacturers licensing act, with respect to motor vehicles, a first stage manufacturer of vehicles or second stage manufacturer of vehicles, factory branch, distributor branch, or distributor, distributor or factory representative, may not directly or indirectly:

- (1) Own an interest in a new vehicle dealer or dealership;
- (2) operate a new vehicle dealer or dealership; or
- (3) act in the capacity of a new vehicle dealer or dealership, or otherwise sell new vehicles at retail.

(b) A first stage manufacturer or second stage manufacturer of vehicles, factory branch, distributor branch, or distributor, distributor or factory representative may own an interest in a franchised dealer or dealership, or otherwise control a dealership, for a period not to exceed 12 months from the date the first or second stage manufacturer of vehicles, factory branch, distributor branch, or distributor, distributor or factory representative, acquires the dealership if:

- (1) The person from whom the dealer or dealership was acquired was new vehicle dealer; and
- (2) the dealership is for sale by the first stage manufacturer or second stage manufacturer of vehicles, factory branch, distributor branch, or distributor, distributor or factory representative, at a reasonable price and on reasonable terms and conditions.

(c) On a showing of good cause by a first stage manufacturer or second stage manufacturer of vehicles, factory branch, distributor branch, or distributor, distributor or factory representative, as the case may be, the director may extend the time limit set forth in subsection (b) one time for a period of not to exceed 12 months.

(d) For the purpose of broadening the diversity of its dealer body and enhancing opportunities for qualified persons who are part of a group who have historically been under-represented in its dealer body, or other qualified persons who lack the resources to purchase a dealership outright, but for no other purpose, a first stage manufacturer or second stage manufacturer of vehicles, factory branch, distributor branch, or distributor, distributor or factory representative, may temporarily own an interest in a new vehicle dealer or dealership if the first or second stage manufacturer of vehicles, factory branch, distributor branch, or distributor, distributor or factory representative's participation in the new vehicle dealer or dealership is in a bona fide relationship with a new vehicle dealer who:

- (1) Has made a significant investment in the new vehicle dealer or dealership, which is subject to loss;
- (2) has an ownership interest in the new vehicle dealer or dealership; and
- (3) operates the new vehicle dealer or dealership under a plan to acquire full ownership of the new vehicle dealer or dealership within a reasonable time and under reasonable terms and conditions.

(e) A first stage manufacturer of vehicles or a second stage manufacturer of vehicles may own a minority interest in an entity that owns and operates a new vehicle dealer, licensed under the dealers and manufacturer's licensing act, of the line-make manufactured by the first or second stage manufacturer if all of the new vehicle dealers owned and operated by the entity in this state are new vehicle dealers of only the line-make manufactured by the manufacturer and if, on January 1, 2000: (1) There were not more than two new vehicle dealers of that line-make licensed as new vehicle dealers in this state; and (2) at the time the manufacturer first acquires an ownership interest or assumes operation or control, the distance between any new vehicle dealer owned and operated by an entity in which the manufacturer has an ownership interest and the nearest unaffiliated new vehicle dealer of the same line-make is not less than 100 miles.

(f) The words or phrases used in this section shall have the meanings otherwise provided by law, except the following specific words or phrases:

- (1) "Dealership" means any physical premises, equipment, and business facilities on or with which a new vehicle dealer operates its business, including the sale or repair of motor vehicles. Dealership includes premises or facilities at which a person engages in the repair of motor vehicles

if repairs are performed pursuant to the terms of a franchise agreement or a motor vehicle manufacturer's warranty; and

(2) "line-make vehicle" means those new motor vehicles which are offered for sale, lease or distribution under a common name, trademark, service mark or brand name of the manufacturer or distributor of the same.

(g) The provisions of this section shall not apply to a first stage manufacturer or second stage manufacturer of vehicles, factory branch, distributor branch, or distributor, distributor or factory representative as to only those dealers or dealerships which are already owned by such first stage manufacturer or second stage manufacturer of vehicles, factory branch, distributor branch, or distributor, distributor or factory representative, as the case may be, on the effective date of this act.

Sec. 2. (a) In addition to any other restrictions or requirements imposed by law, no first stage manufacturer or second stage manufacturer of vehicles, factory branch, distributor branch, or distributor or factory representative may deliver a motor vehicle in this state to a person in this state, unless such motor vehicle is delivered to the person by a vehicle dealer licensed to do business in the state of Kansas pursuant to the dealers and manufacturers licensing act and as provided in this section. Unless otherwise provided by law, all new motor vehicles shall be delivered as required by this section by a new vehicle dealer who is a party to a franchise agreement for the same line-make vehicle as that to be delivered and in the case of used motor vehicles, then by a new vehicle dealer or used vehicle dealer. As used in this section, the term "line-make vehicle" shall have the same meaning as provided in section 1, and amendments thereto.

(b) The requirements of this section shall not apply to:

- (1) A person to whom the provisions of subsection (v) of K.S.A. 1999 Supp. 8-2404, and amendments thereto, apply;
- (2) motor vehicles delivered by one licensed motor vehicle dealer to another within the scope of such license, including those delivered by first stage manufacturers and second stage manufacturers to each other;
- (3) deliveries of motor vehicles, including those which are used, to new vehicle dealers for resale in this state by such new vehicle dealer;
- (4) deliveries of used motor vehicles to auction motor vehicle dealers, used vehicle dealers and salvage vehicle dealers for resale in this state; and

(5) (A) deliveries of motor vehicles to first stage converters and second stage converters for the construction and sale of motor vehicles produced by such licensee; or

(B) the resulting motor vehicles so constructed and produced by such licensee if it has not historically relied primarily upon franchise agreements with new vehicle dealers for the retail sale in this state of a material portion of the motor vehicles it produces and does not primarily utilize or rely upon franchise agreements between itself and new vehicle dealers for the retail sale in this state of new motor vehicles produced by such first or second stage converter.

Sec. 3. If a transaction for the sale of a new motor vehicle which does not take place in the state of Kansas requires or allows delivery in the state of Kansas, then such new motor vehicle shall be deemed to have been sold in this state for purposes of meeting the definition set forth in subsection (a)(2) of K.S.A. 50-645, and amendments thereto, upon delivery of such motor vehicle within the state of Kansas to a consumer as defined in subsection (a)(1) of K.S.A. 50-645, and amendments thereto, and the new motor vehicle shall thereafter be subject to the provisions of K.S.A. 50-645 and 50-646, and amendments thereto.

Sec. 4. No dealer may aid or abet a person in violating the dealers and manufacturers licensing act.

Sec. 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Sec. 6. This act shall be a part of and supplemental to the vehicle dealers and manufacturers licensing act.

Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register March 30, 2000.)

Substitute for HOUSE BILL No. 2642

AN ACT regulating traffic; concerning the maximum length of certain vehicles; amending K.S.A. 1999 Supp. 8-1904 and repealing the existing section.

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

Section 1. K.S.A. 1999 Supp. 8-1904 is hereby amended to read as follows: 8-1904. (a) No vehicle including any load thereon shall exceed a height of 14 feet, except that a vehicle transporting cylindrically shaped bales of hay as authorized by subsection (e) of K.S.A. 8-1902, and amendments thereto, may be loaded with such bales secured to a height not exceeding 14½ feet. Should a vehicle so loaded with bales strike any overpass or other obstacle, the operator of the vehicle shall be liable for all damages resulting therefrom. The secretary of transportation may adopt rules and regulations for the movement of such loads of cylindrically shaped bales of hay.

(b) No motor vehicle including the load thereon shall exceed a length of 42½ 45 feet extreme overall dimension, inclusive of excluding the front and rear bumpers, except as provided in subsection (d).

(c) Except as otherwise provided in K.S.A. 8-1914 and 8-1915, and amendments thereto, and subsections (d), (e), (f) and (g), no combination of vehicles coupled together shall exceed a total length of 65 feet.

(d) The length limitations in subsection (b) shall not apply to a truck tractor. No semitrailer which is being operated in combination with a truck tractor shall exceed 59½ feet in length. No semitrailer or trailer which is being operated in a combination consisting of a truck tractor, semitrailer and trailer shall exceed 28½ feet in length.

(e) The limitations in this section governing maximum length of a semitrailer or trailer shall not apply to vehicles operating in the daytime when transporting poles, pipe, machinery or other objects of a structural nature which cannot readily be dismembered, except that it shall be unlawful to operate any such vehicle or combination of vehicles which exceeds a total length of 85 feet unless a special permit for such operation has been issued by the secretary of transportation or by an agent or designee of the secretary pursuant to K.S.A. 8-1911, and amendments thereto. For the purpose of authorizing the issuance of such special permits at motor carrier inspection stations, the secretary of transportation may contract with the superintendent of the Kansas highway patrol for such purpose, and in such event, the superintendent or any designee of the superintendent may issue such special permit pursuant to the terms and conditions of the contract. The limitations in this section shall not apply to vehicles transporting such objects operated at nighttime by a public utility when required for emergency repair of public service facilities or properties or when operated under special permit as provided in K.S.A. 8-1911, and amendments thereto, but in respect to such night transportation every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of such load.

(f) The limitations of this section governing the maximum length of combinations of vehicles shall not apply to a combination of vehicles consisting of a truck tractor towing a house trailer, if such combination of vehicles does not exceed an overall length of 97 feet.

(g) The length limitations of this section shall not apply to stinger-steered automobile or boat transporters, drive-away saddlemount vehicle transport combinations or one truck and one trailer vehicle combination, loaded or unloaded, used in transporting a combine to be engaged in farm custom harvesting operations, as defined in subsection (d) of K.S.A. 8-143j, and amendments thereto. A stinger-steered automobile or boat transporter, drive-away saddlemount vehicle transport combination or one truck and one trailer vehicle combination, loaded or unloaded, used in transporting a combine to be engaged in farm custom harvesting operations, as defined in subsection (d) of K.S.A. 8-143j, and amendments thereto, shall not exceed an overall length limit of 75 feet, exclusive of front and rear overhang.

Sec. 2. K.S.A. 1999 Supp. 8-1904 is hereby repealed.

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

(Published in the Kansas Register March 30, 2000.)

SENATE BILL No. 460

AN ACT relating to the office of the state treasurer; authorizing the state treasurer to designate certain positions to be in the unclassified service under the Kansas civil service act.

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

Section 1. (a) Whenever a classified position in the office of the state treasurer becomes vacant, the state treasurer is authorized to designate the position to be in the unclassified service under the Kansas civil service act.

(b) Nothing in this section shall affect the status of being in the classified service of any person employed in the office of state treasurer on the date immediately preceding the effective date of this act.

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

(Published in the Kansas Register March 30, 2000.)

HOUSE BILL No. 2691

AN ACT amending the uniform consumer credit code; amending K.S.A. 16a-6-203 and K.S.A. 1999 Supp. 16a-1-301, 16a-2-302, 16a-2-401 and 16a-6-117 and repealing the existing sections.

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

Section 1. K.S.A. 1999 Supp. 16a-1-301 is hereby amended to read as follows: 16a-1-301. In addition to definitions appearing in subsequent articles, in K.S.A. 16a-1-101 through 16a-9-102, and amendments thereto:

(1) "Actuarial method" means the method of allocating payments made on a debt between the principal and the finance charge pursuant to which a payment is applied, assuming no delinquency charges or other additional charges are then due, first to the accumulated finance charge and then to the unpaid principal balance. When a finance charge is calculated in accordance with the actuarial method, the contract rate is applied to the unpaid principal balance for the number of days the principal balance is unpaid. At the end of each computational period, or fractional computational period, the unpaid principal balance is increased by the amount of the finance charge earned during that period and is decreased by the total payment, if any, made during the period after the deduction of any delinquency charges or other additional charges due during the period.

(2) "Administrator" means the deputy commissioner of the consumer and mortgage lending division appointed by the bank commissioner pursuant to K.S.A. 75-3135, and amendments thereto.

(3) "Agreement" means the bargain of the parties in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance.

(4) "Amount financed" means the net amount of credit provided to the consumer or on the consumer's behalf. The amount financed shall be calculated as provided in rules and regulations adopted by the administrator pursuant to K.S.A. 16a-6-117, and amendments thereto.

(5) "Annual percentage rate" means the finance charge expressed as a yearly rate, as calculated in accordance with the actuarial method. The annual percentage rate shall be calculated as provided in rules and regulations adopted by the administrator pursuant to K.S.A. 16a-6-117, and amendments thereto.

(6) "Appraised value" means, with respect to any real estate at any time, the greater of:

(a) The total appraised value of the real estate, as reflected in the most recent records of the tax assessor of the county in which the real estate is located; or

(b) the fair market value of the real estate, as reflected in a written appraisal of the real estate performed by a Kansas licensed or certified appraiser within the past 12 months.

(7) "Billing cycle" means the time interval between periodic billing statement dates.

(8) "Cash price" of goods, services, or an interest in land means the price at which they are offered for sale by the seller to cash buyers in the ordinary course of business and may include (a) the cash price of accessories or services related to the sale, such as delivery, installation, alterations, modifications, and improvements, and (b) taxes to the extent imposed on a cash sale of the goods, services, or interest in land. The cash price stated by the seller to the buyer in a disclosure statement is presumed to be the cash price.

(continued)

(9) "Closed end credit" means a consumer loan or a consumer credit sale which is not incurred pursuant to open end credit.

(10) "Closing costs" with respect to a debt secured by an interest in land includes:

(a) The actual fees paid a public official or agency of the state or federal government, for filing, recording or releasing any instrument relating to the debt; and

(b) bona fide and reasonable expenses incurred by the lender in connection with the making, closing, disbursing, extending, readjusting or renewing the debt which are payable to third parties not related to the lender, except that reasonable fees for an appraisal made by the lender or related party are permissible.

(11) "Code mortgage rate" means the greater of:

(a) 12%; or

(b) the sum of:

(i) The yield on 30-year fixed rate conventional home mortgage loans committed for delivery within 31 to 90 days accepted under the federal home loan mortgage corporation's or any successor's daily offerings for sale on the last day on which commitments for such mortgages were received in the previous month; and

(ii) 5%.

If the reference rate referred to in subparagraph (i) of paragraph (b) is discontinued, becomes impractical to use, or is otherwise not readily ascertainable for any reason, the administrator may designate a comparable replacement reference rate and, upon publishing notice of the same, such replacement reference rate shall become the reference rate referred to in subparagraph (i) of paragraph (b). The secretary of state shall publish notice of the code mortgage rate not later than the second issue of the Kansas register published each month.

(12) "Conspicuous" means a term or clause is conspicuous when it is so written that a reasonable person against whom it is to operate ought to have noticed it. Whether a term or clause is conspicuous or not is for decision by the trier of fact.

(13) "Consumer" means the buyer, lessee, or debtor to whom credit is granted in a consumer credit transaction.

(14) "Consumer credit sale":

(a) Except as provided in paragraph (b), a "consumer credit sale" is a sale of goods, services, or an interest in land in which:

(i) Credit is granted either by a seller who regularly engages as a seller in credit transactions of the same kind or pursuant to a credit card other than a lender credit card,

(ii) the buyer is a person other than an organization,

(iii) the goods, services, or interest in land are purchased primarily for a personal, family or household purpose,

(iv) either the debt is by written agreement payable in more than four installments or a finance charge is made, and

(v) with respect to a sale of goods or services, the amount financed does not exceed \$25,000.

(b) A "consumer credit sale" does not include:

(i) A sale in which the seller allows the buyer to purchase goods or services pursuant to a lender credit card; or

(ii) a sale of an interest in land, unless the parties agree in writing to make the transaction subject to the uniform consumer credit code.

(15) "Consumer credit transaction" means a consumer credit sale, consumer lease, or consumer loan or a modification thereof including a refinancing, consolidation, or deferral.

(16) "Consumer lease" means a lease of goods:

(a) Which a lessor regularly engaged in the business of leasing makes to a person, other than an organization, who takes under the lease primarily for a personal, family or household purpose;

(b) in which the amount payable under the lease does not exceed \$25,000;

(c) which is for a term exceeding four months; and

(d) which is not made pursuant to a lender credit card.

(17) "Consumer loan":

(a) Except as provided in paragraph (b), a "consumer loan" is a loan made by a person regularly engaged in the business of making loans in which:

(i) The debtor is a person other than an organization;

(ii) the debt is incurred primarily for a personal, family or household purpose;

(iii) either the debt is payable by written agreement in more than four installments or a finance charge is made; and

(iv) either the amount financed does not exceed \$25,000 or the debt is secured by an interest in land.

(b) Unless the loan is made subject to the uniform consumer credit code by written agreement, a "consumer loan" does not include:

(i) A loan secured by a first mortgage unless:

(A) The loan-to-value ratio of the loan at the time when made exceeds 100%; or

(B) in the case of subsection (1) of K.S.A. 1999 Supp. 16a-3-210 16a-3-308a and amendments thereto, the annual percentage rate of the loan exceeds the code mortgage rate; or

(ii) a loan made by a qualified plan, as defined in section 401 of the internal revenue code, to an individual participant in such plan or to a member of the family of such individual participant.

(18) "Credit" means the right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment.

(19) "Credit card" means any card, plate or other single credit device that may be used from time to time to obtain credit. Since this involves the possibility of repeated use of a single device, checks and similar instruments that can be used only once to obtain a single credit extension are not credit cards.

(20) "Creditor" means a person who regularly extends credit in a consumer credit transaction which is payable by a written agreement in more than four installments or for which the payment of a finance charge is or may be required and is the person to whom the debt arising from the consumer credit transaction is initially payable on the face of the evidence of indebtedness or, if there is no such evidence of indebtedness, by written agreement. In the case of credit extended pursuant to a credit card, the creditor is the card issuer and not another person honoring the credit card.

(21) "Earnings" means compensation paid or payable to an individual or for such individual's account for personal services rendered or to be rendered by such individual, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension, retirement, or disability program.

(22) "Finance charge" means all charges payable directly or indirectly by the consumer and imposed directly or indirectly by the creditor as an incident to or as a condition of the extension of credit. The finance charge shall be calculated as provided in rules and regulations adopted by the administrator pursuant to K.S.A. 16a-6-117, and amendments thereto.

(23) "First mortgage" means a first priority mortgage lien or similar real property security interest.

(24) "Goods" includes goods not in existence at the time the transaction is entered into and merchandise certificates, but excludes money, chattel paper, documents of title, and instruments.

(25) Except as otherwise provided, "lender" includes an assignee of the lender's right to payment but use of the term does not in itself impose on an assignee any obligation of the lender with respect to events occurring before the assignment.

(26) "Lender credit card" means a credit card issued by a supervised lender.

(27) "Loan":

(a) Except as provided in paragraph (b), a "loan" includes:

(i) The creation of debt by the lender's payment of or agreement to pay money to the debtor or to a third party for the account of the debtor;

(ii) the creation of debt either pursuant to a lender credit card or by a cash advance to a debtor pursuant to a credit card other than a lender credit card;

(iii) the creation of debt by a credit to an account with the lender upon which the debtor is entitled to draw immediately; and

(iv) the forbearance of debt arising from a loan.

(b) A "loan" does not include the payment or agreement to pay money to a third party for the account of a debtor if the debt of the debtor arises from a sale or lease and results from use of either a credit card issued by a person primarily in the business of selling or leasing goods or services or any other credit card which may be used for the purchase of goods or services and which is not a lender credit card.

(28) "Loan-to-value ratio", at any time for any loan secured by an interest in real estate, means a fraction expressed as a percentage:

(a) The numerator of which is the aggregate unpaid principal balance of all loans secured by a first mortgage or a second mortgage encumbering the real estate at such time; and

(b) the denominator of which is the appraised value of the real estate.

(29) "Merchandise certificate" means a writing issued by a seller not

redeemable in cash and usable in its face amount in lieu of cash in exchange for goods or services.

(30) "Official fees" means:

(a) Fees and charges prescribed by law which actually are or will be paid to public officials for determining the existence of or for perfecting, releasing, or satisfying a security interest related to a consumer credit sale, consumer lease, or consumer loan; or

(b) premiums payable for insurance in lieu of perfecting a security interest otherwise required by the creditor in connection with the sale, lease, or loan, if the premium does not exceed the fees and charges described in paragraph (a) which would otherwise be payable.

(31) "Open end credit" means an arrangement pursuant to which:

(a) A creditor may permit a consumer, from time to time, to purchase goods or services on credit from the creditor or pursuant to a credit card, or to obtain loans from the creditor or pursuant to a credit card;

(b) the unpaid balance of amounts financed and the finance and other appropriate charges are debited to an account;

(c) the finance charge, if made, is computed on the outstanding unpaid balances of the consumer's account from time to time; and

(d) the consumer has the privilege of paying the balances in installments.

(32) "Organization" means a corporation, limited liability company, government or governmental subdivision or agency, trust, estate, partnership, cooperative or association.

(33) "Person" includes a natural person or an individual, and an organization.

(34) (a) "Person related to" with respect to an individual means (i) the spouse of the individual, (ii) a brother, brother-in-law, sister, sister-in-law of the individual, (iii) an ancestor or lineal descendant of the individual or the individual's spouse, and (iv) any other relative, by blood, adoption or marriage, of the individual or such individual's spouse who shares the same home with the individual.

(b) "Person related to" with respect to an organization means (i) a person directly or indirectly controlling, controlled by or under common control with the organization, (ii) an officer or director of the organization or a person performing similar functions with respect to the organization or to a person related to the organization, (iii) the spouse of a person related to the organization, and (iv) a relative by blood, adoption or marriage of a person related to the organization who shares the same home with such person.

(35) "Prepaid finance charge" means any finance charge paid separately in cash or by check before or at consummation of a transaction, or withheld from the proceeds of the credit at any time. Prepaid finance charges shall be calculated as provided in rules and regulations adopted by the administrator pursuant to K.S.A. 16a-6-117, and amendments thereto.

(36) "Presumed" or "presumption" means that the trier of fact must find the existence of the fact presumed unless and until evidence is introduced which would support a finding of its nonexistence.

(37) "Principal" means the total of the amount financed and the prepaid finance charges, except that prepaid finance charges are not added to the amount financed to the extent such prepaid finance charges are paid separately in cash or by check by the consumer. The administrator may adopt rules and regulations regarding the determination or calculation of the principal or the principal balance pursuant to K.S.A. 16a-6-117, and amendments thereto.

(38) "Sale of goods" includes any agreement in the form of a bailment or lease of goods if the bailee or lessee agrees to pay as compensation for use a sum substantially equivalent to or in excess of the aggregate value of the goods involved and it is agreed that the bailee or lessee will become, or for no other or a nominal consideration has the option to become, the owner of the goods upon full compliance with such bailee's or lessee's obligations under the agreements.

(39) "Sale of an interest in land" includes a lease in which the lessee has an option to purchase the interest and all or a substantial part of the rental or other payments previously made by the lessee are applied to the purchase price.

(40) "Sale of services" means furnishing or agreeing to furnish services and includes making arrangements to have services furnished by another.

(41) "Second mortgage" means a second or other subordinate priority mortgage lien or similar real property security interest.

(42) "Seller": Except as otherwise provided, "seller" includes an as-

signee of the seller's right to payment but use of the term does not in itself impose on an assignee any obligation of the seller with respect to events occurring before the assignment.

(43) "Services" includes (a) work, labor, and other personal services, (b) privileges with respect to transportation, hotel and restaurant accommodations, education, entertainment, recreation, physical culture, hospital accommodations, funerals, cemetery accommodations, and the like, and (c) insurance.

(44) "Supervised financial organization" means a person, other than an insurance company or other organization primarily engaged in an insurance business:

(a) Organized, chartered, or holding an authorization certificate under the laws of any state or of the United States which authorize the person to make loans and to receive deposits, including a savings, share, certificate or deposit account; and

(b) subject to supervision by an official or agency of such state or of the United States.

(45) "Supervised lender" means a person authorized to make or take assignments of supervised loans, either under a license issued by the administrator (K.S.A. 16a-2-301 and amendments thereto) or as a supervised financial organization (subsection (44) of K.S.A. 16a-1-301 and amendments thereto).

(46) "Supervised loan" means a consumer loan, including a loan made pursuant to open end credit, with respect to which the annual percentage rate exceeds 12%.

(47) "Written agreement" means an agreement such as a promissory note, contract or lease that is evidence of or relates to the indebtedness. A letter that merely confirms an oral agreement does not constitute a written agreement for purposes of this subsection unless signed by the person against whom enforcement is sought.

(48) "Written administrative interpretation" means any written communication from the consumer credit commissioner which is the official interpretation as so stated in said written communication by the consumer credit commissioner of the Kansas uniform consumer credit code and rules and regulations pertaining thereto.

Sec. 2. K.S.A. 1999 Supp. 16a-2-302 is hereby amended to read as follows: 16a-2-302. (1) (a) The administrator shall receive and act on all applications for licenses to make supervised loans under this act. Applications shall be filed in the manner prescribed by the administrator and shall contain the information the administrator may require by rule and regulation to make an evaluation of the financial responsibility, character and fitness of the applicant.

(b) Submitted with each application shall be a nonrefundable application fee. Application and license fees shall be in such amounts as are established pursuant to subsection (5) of K.S.A. 16a-6-104, and amendments thereto. The license year shall be the calendar year. Each license shall be nonrefundable and nonassignable, and shall remain in force until surrendered, suspended or revoked.

(c) The administrator shall remit all moneys received under K.S.A. 16a-1-101 to 16a-6-414, inclusive, and amendments thereto, to the state treasurer at least monthly. Upon receipt of any such remittance the state treasurer shall deposit the entire amount thereof in the state treasury. Of each deposit 20% shall be credited to the state general fund and the balance shall be credited to the bank commissioner fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the administrator or by a person or persons designated by the administrator.

The 20% credit to the state general fund required by this subsection (c) is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services, and any and all other state governmental services, which are performed on behalf of the administrator by other state agencies which receive appropriations from the state general fund to provide such services. Nothing in this subsection (c) shall be deemed to authorize remittances to be made less frequently than is authorized under K.S.A. 75-4215, and amendments thereto.

(d) Every licensee shall, on or before the first day of January, pay to the administrator the license fee prescribed under this subsection (1) for each license held for the succeeding license year. Failure to pay the license fee within the time prescribed shall automatically revoke the license.

(2) No license shall be issued unless the administrator, upon inves-

(continued)

tigation, finds that the financial responsibility, character and fitness of the applicant, and of the members thereof if the applicant is a copartnership or association and of the officers and directors thereof, if the applicant is a corporation, are such as to warrant belief that the business will be operated honestly and fairly within the purposes of this act. An applicant meets the minimum standard of financial responsibility for engaging in the business of making supervised loans, under subsection (1) of K.S.A. 16a-2-301, and amendments thereto, only if the applicant has filed with the administrator a proper surety bond of at least \$100,000 which has been approved by the administrator. The required surety bond may not be canceled by the licensee without providing the administrator at least 30 days' prior written notice and must provide within its terms that the bond shall not expire for two years after the date of the surrender, revocation or expiration of the subject license, whichever shall first occur.

(3) The administrator may deny any application or renewal for a supervised loan license if the administrator finds:

(a) There is a refusal to furnish information required by the administrator within a reasonable time as fixed by the administrator; or

(b) any of the factors stated in K.S.A. 16a-2-303, and amendments thereto, as grounds for denial, revocation or suspension of a license.

(4) Upon written request the applicant is entitled to a hearing on the question of license qualifications if: (a) The administrator has notified the applicant in writing that the application has been denied; or (b) the administrator has not issued a license within 60 days after the application for the license was filed. A request for a hearing may not be made more than 15 days after the administrator has mailed a writing to the applicant notifying the applicant that the application has been denied and stating in substance the administrator's findings supporting denial of the application.

(5) The administrator shall adopt rules and regulations regarding whether a licensee shall be required to obtain a single license for each place of business or whether a licensee may obtain a master license for all of its places of business, and in so doing the administrator may differentiate between licensees located in this state and licensees located elsewhere. Each license shall remain in full force and effect until surrendered, suspended or revoked.

(6) No licensee shall change the location of any place of business without giving the administrator at least 15 days prior written notice.

(7) A licensee may conduct the business of making supervised loans only at or from any place of business for which the licensee holds a license and not under any other name than that in the license. Loans made pursuant to a lender credit card do not violate this subsection.

Sec. 3. K.S.A. 1999 Supp. 16a-2-401 is hereby amended to read as follows: 16a-2-401. (1) For any consumer loan incurred pursuant to open end credit, including, without limitation, a loan pursuant to a lender credit card, a lender may charge a finance charge at any rate agreed to by the parties, subject, however, to the limitations on prepaid finance charges set forth in subsection (6). This subsection does not apply to a consumer loan secured by a first mortgage or a second mortgage.

(2) For any consumer loan incurred pursuant to closed end credit, a lender may charge a periodic finance charge, calculated accordingly to the actuarial method, not to exceed: (a) 36% per annum on any such loan in an amount of the portion of the unpaid balance which is \$860 or less, and (b) 21% per annum on any such loan in an amount the portion of the unpaid balance which exceeds \$860, subject, however to the limitations on prepaid finance charges set forth in subsection (6). This subsection does not apply to a consumer loan secured by a first mortgage or a second mortgage.

(3) For any consumer loan secured by a second mortgage, a lender may charge a periodic finance charge, calculated according to the actuarial method, not to exceed 18% per annum, subject, however to the limitations on prepaid finance charges set forth in subsection (6). This subsection does not apply if the lender and the consumer agree in writing that the finance charge for the loan is governed by K.S.A. 16-207(b), and amendments thereto.

(4) If the parties to a consumer loan secured by a first mortgage agree in writing to make the transaction subject to the uniform consumer credit code, then the periodic finance charge for the loan, calculated according to the actuarial method, may not exceed 18% per annum, subject, however to the limitations on prepaid finance charges set forth in subsection (6).

(5) This section does not limit or restrict the manner of calculating

the finance charge, whether by way of add-on, discount or otherwise, so long as the rate and the amount of the finance charge does not exceed that permitted by this section.

(6) Prepaid finance charges on consumer loans are limited as follows:

(a) For a consumer loan secured by a first mortgage or a second mortgage, prepaid finance charges in an amount not to exceed 8% of the amount financed may be charged, provided that the aggregate amount of prepaid finance charges payable to the lender or any person related to the lender do not exceed 5% of the amount financed; and

(b) for any other consumer loan, prepaid finance charges in an amount not to exceed the lesser of 2% of the amount financed or \$100 may be charged.

Prepaid finance charges permitted under this subsection are in addition to finance charges permitted under subsection (1), (2), (3) and (4), as applicable. Prepaid finance charges permitted under this subsection are fully earned when paid and are non-refundable, unless the parties agree otherwise in writing.

(7) The finance charge limitations in subsections (3) and (4) do not apply to a consumer loan the finance charge for which is governed by subsection (h) of K.S.A. 16-207, and amendments thereto.

(8) If a loan secured by a first mortgage constitutes a "consumer loan" under subsection (17) of K.S.A. 16a-1-301, and amendments thereto, by virtue of the loan-to-value ratio exceeding 100% at the time the loan is made, then the periodic finance charge for the loan shall not exceed that authorized by subsection (b) of K.S.A. 16-207, and amendments thereto, but the loan is subject to the limitations on prepaid finance charges set forth in paragraph (a) of subsection (6), which prepaid finance charges may be charged in addition to the finance charges permitted under subsection (b) of K.S.A. 16-207, and amendments thereto.

(9) If, within 12 months after the date of the original loan, a lender or a person related to the lender refinances a loan with respect to which a prepaid finance charge was payable to the same lender pursuant to subsection (6), then the following apply:

(a) If a prepaid finance charge with respect to the original loan was payable to the lender pursuant to paragraph (a) of subsection (6), then the aggregate amount of prepaid finance charges payable to the lender or any person related to the lender with respect to the new loan may not exceed 5% of the additional amount financed.

(b) If a prepaid finance charge with respect to the original loan was payable to the lender pursuant to paragraph (b) of subsection (6), then the aggregate amount of prepaid finance charges payable to the lender or any person related to the lender with respect to the new loan may not exceed the lesser of 2% of the additional amount financed or \$100.

(c) For purposes of this subsection, "additional amount financed" means the difference between: (i) The amount financed for the new loan, less the amount of all closing costs incurred in connection with the new loan which are not included in the prepaid finance charges for the new loan; and (ii) the unpaid principal balance of the original loan.

(10) For any period in which a finance charge is due on a consumer loan pursuant to open end credit, the parties may agree on a minimum amount.

(11) If the parties to a contract for deed to real estate agree in writing to make the transaction subject to the uniform consumer credit code, then the transaction is subject to the same limitations as set forth in subsections (4) and (6) for a consumer loan secured by a first mortgage.

(12) This section does not apply to a payday loan governed by K.S.A. 16a-2-404, and amendments thereto.

Sec. 4. K.S.A. 1999 Supp. 16a-6-117 is hereby amended to read as follows: 16a-6-117. The administrator shall adopt rules and regulations necessary to carry out the provisions and terms of the uniform consumer credit code which are consistent with or no less restrictive than the truth-in-lending act, which is contained in title I of the consumer credit protection act, 15 U.S.C. § 1601 *et seq.* and regulation Z, 12 C.F.R. § 226 *et seq.*, as amended.

Sec. 5. K.S.A. 16a-6-203 is hereby amended to read as follows: 16a-6-203. (1) A person required to file notification shall on or before ~~January 31~~ April 30 of each year pay to the administrator an annual fee in an amount established pursuant to subsection (6) of K.S.A. 16a-6-104, and amendments thereto, for each business location for that year.

(2) Persons required to file notification who are sellers, lessors, or lenders shall pay an additional fee at the time and in the manner stated in subsection (1), in an amount established pursuant to subsection (6) of

K.S.A. 16a-6-104, and amendments thereto, for each business location for each ~~one hundred thousand dollars (\$100,000)~~ \$100,000, or part thereof which exceeds ~~ten thousand dollars (\$10,000)~~ \$10,000 and which is above the first ~~one hundred thousand dollars (\$100,000)~~ \$100,000, of the average unpaid balances, including unpaid scheduled periodic payments under consumer leases, arising from consumer credit transactions entered into in this state and held on the last day of each calendar month during the preceding calendar year and held either by the seller, lessor, or lender, or by the immediate or a remote assignee other than a supervised financial organization who has not filed notification. The unpaid balances of assigned obligations held by an assignee other than a supervised financial organization who has not filed notification are presumed to be the unpaid balances of the assigned obligations at the time of their assignment by the seller, lessor, or lender.

(3) Persons required to file notification who are assignees shall pay an additional fee at the time and in the manner stated in subsection (1), in an amount established pursuant to subsection (6) of K.S.A. 16a-6-104, and amendments thereto, for each ~~one hundred thousand dollars (\$100,000)~~ \$100,000, or part thereof which exceeds ~~ten thousand dollars (\$10,000)~~ \$10,000, of the average unpaid balances, including unpaid scheduled periodic payments payable by lessees, arising from consumer credit transactions entered into in this state taken by assignment and held on the last day of each calendar month during the preceding calendar year.

Sec. 6. K.S.A. 16a-6-203 and K.S.A. 1999 Supp. 16a-1-301, 16a-2-302, 16a-2-401 and 16a-6-117 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register March 30, 2000.)

HOUSE BILL No. 2655

AN ACT concerning the Kansas postsecondary education savings program; amending K.S.A. 1999 Supp. 75-643, 75-646 and 79-32,117 and repealing the existing sections.

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

Section 1. K.S.A. 1999 Supp. 75-643 is hereby amended to read as follows: 75-643. As used in K.S.A. 1999 Supp. 75-640 to 75-648, and amendments thereto:

(a) "Account" or "family postsecondary education savings account" means an individual savings account established in accordance with the provisions of K.S.A. 1999 Supp. 75-640 to 75-648, and amendments thereto.

(b) "Account owner" means the ~~individual or individuals~~ person or persons who enter into a postsecondary education savings agreement pursuant to the provisions of K.S.A. 1999 Supp. 75-640 to 75-648, and amendments thereto. If the account is owned by one individual, the account owner may also be the designated beneficiary of the account.

(c) "Designated beneficiary" means, with respect to an account, the individual designated at the time the account is established as the individual whose higher education expenses are expected to be paid from the account or in the case of a change in beneficiaries, the individual who is the new beneficiary.

(d) "Financial organization" means an organization authorized to do business in the state of Kansas and (1) which is an authorized fiduciary to act as a trustee pursuant to the provisions of the federal employee retirement income security act of 1974, an insurance company, or a registered investment advisor; and (2) (A) is licensed or chartered by the commissioner of insurance, (B) is licensed or chartered by the state bank commissioner, (C) is chartered by an agency of the federal government, (D) is subject to the jurisdiction and regulation of the securities and exchange commission of the federal government, or (E) is any other entity otherwise authorized to act in this state as a trustee pursuant to the provisions of the federal employee retirement income security act of 1974.

(e) "Institution of postsecondary education" means any institution of postsecondary education which is accredited by a nationally recognized accrediting agency or association, offers credit toward an undergraduate or graduate degree or other recognized postsecondary education credential, and qualifies as an eligible institution for federal student aid programs.

(f) "Member of the family" has the meaning ascribed thereto in section 529 of the federal internal revenue code of 1986, as amended.

(g) "Program" means the Kansas postsecondary education savings program established pursuant to K.S.A. 1999 Supp. 75-640 to 75-648, and amendments thereto.

(h) "Qualified higher education expenses" means any qualified higher education expense included in section 529 of the federal internal revenue code of 1986, as amended.

(i) "Qualified withdrawal" means a withdrawal from an account to pay the qualified higher education expenses of the designated beneficiary of the account.

(j) "Nonqualified withdrawal" means a withdrawal from an account but does not mean:

(1) A qualified withdrawal;

(2) a withdrawal made as the result of the death or disability of the designated beneficiary of an account; or

(3) a withdrawal made on the account of a scholarship received by the designated beneficiary to the extent the amount of the withdrawal does not exceed the amount of the scholarship; or

(4) a rollover distribution.

(k) "Rollover distribution" means a rollover distribution as defined in section 529 of the federal internal revenue code of 1986, as amended, and regulations thereunder.

(l) "Treasurer" means the state treasurer.

(m) "Management contract" means the contract executed by the treasurer and a financial organization selected to act as a depository and manager of the program.

(n) "Postsecondary education savings agreement" means an agreement between the state treasurer and the account owner or owners.

(o) "Program manager" means a financial organization selected by the treasurer to act as a depository and manager of the program.

Sec. 2. K.S.A. 1999 Supp. 75-646 is hereby amended to read as follows: 75-646. (a) Family postsecondary education savings accounts established pursuant to the provisions of K.S.A. 1999 Supp. 75-640 to 75-648, and amendments thereto shall be governed by the provisions of this section.

(b) A family postsecondary education savings account may be opened by any person or persons who desire to save money for the payment of the qualified higher education expenses of the designated beneficiary. Such persons shall be considered the account owner.

(1) An application for such account shall be in the form prescribed by the state treasurer and contain the following:

(A) The name, address and social security number or employer identification number of the account owner or owners;

(B) the designation of a designated beneficiary;

(C) the name, address and social security number of the designated beneficiary;

(D) the certification relating to no excess contributions; and

(E) such other information as the state treasurer may require.

(2) The state treasurer shall may establish a nominal nonrefundable application fee for such application.

(c) Only the account owner or owners may make contributions to the account after the account is opened.

(d) Contributions to accounts may be made only in cash.

(e) An account owner may withdraw all or part of the balance from an account on sixty-days notice or such shorter period as may be authorized under rules and regulations governing the program. Such rules and regulations shall include provisions that will generally enable the determination as to whether a withdrawal is a nonqualified withdrawal or a qualified withdrawal. Such rules and regulations may require one or more of the following:

(1) An account owner seeking to make a qualified withdrawal must provide certification of qualified higher education expenses in a form and manner and pursuant to the method consistent with the requirements of K.S.A. 1999 Supp. 75-640 to 75-648, and amendments thereto; and

(2) withdrawals not meeting the requirements of K.S.A. 1999 Supp. 75-640 to 75-648, and amendments thereto shall be treated as nonqualified withdrawals by the program manager and if such withdrawals are subsequently deemed qualified withdrawals, the account owner must seek any refund of penalties directly from the program.

(f) (1) An account owner may change the designated beneficiary of an account to an individual who is a member of the family of the prior designated beneficiary in accordance with procedures established pur-

(continued)

suant to the provisions of K.S.A. 1999 Supp. 75-640 to 75-648, and amendments thereto.

(2) An account owner may transfer all or a portion of an account to another family postsecondary education savings account, the designated beneficiary of which is a member of the family as defined in section 529 of the federal internal revenue code of 1986, as amended.

(3) Changes in designated beneficiaries and transfers under this subsection shall not be permitted to the extent that they would constitute excess contributions or unauthorized investment choices.

(g) In the case of any nonqualified withdrawal from an account, an amount equal to ~~15%~~ 10% of the portion of the withdrawal constituting ~~income earnings~~ as determined in accordance with the principles of section 529 of the federal internal revenue code of 1986, as amended, plus an amount equal to the amount of interest earned on such portion shall be withheld as a penalty and paid to the Kansas postsecondary education savings program.

(h) The penalty prescribed in subsection (g) may be increased if the state treasurer determines that the amount of such penalty must be increased to constitute a greater than de minimis penalty for purposes of qualifying the program as a qualified state tuition program as defined in section 529 of the federal internal revenue code of 1986, as amended.

(i) If an account owner makes a nonqualified withdrawal and no penalty amount is withheld pursuant to subsection (g) or the amount withheld was less than the amount required to be withheld under such subsection for nonqualified withdrawals, the account owner shall pay the unpaid portion of the penalty to the program at the same time that the account owner files the earlier of the account owner's state or federal income tax return for the taxable year of the withdrawal or if such account owner does not file such return, the due date for such returns but in any event on or before the due date for such return taking into account any authorized extensions.

(j) The program shall provide separate accounting for each designated beneficiary.

(k) No account owner or designated beneficiary of any account shall be permitted to direct the investment of any contributions to an account or the earnings thereon.

(l) Neither an account owner nor a designated beneficiary may use an interest in an account as security for a loan. Any pledge of an interest in an account shall be of no force and effect.

(m) (1) The state treasurer shall adopt rules and regulations to prevent contributions on behalf of a designated beneficiary in excess of an amount equal to the average amount of the qualified higher education expenses that would be incurred for five years of study at institutions of postsecondary education located in the midwest states. Such amount shall be determined annually by the state treasurer.

(2) Such rules and regulations shall include requirements that any excess ~~balance contributions~~ with respect to a designated beneficiary be promptly withdrawn in a nonqualified withdrawal or transferred to another account.

(n) (1) If there is any distribution from an account to any individual or for the benefit of any individual during a calendar year, such distribution shall be reported to the federal internal revenue service and the account owner or owners, the designated beneficiary, or the distributee to the extent required by federal law or regulation.

(2) Statements shall be provided to each account owner at least once each year within 60 days after the end of the twelve-month period to which they relate. The statement shall identify the contributions made during a preceding twelve-month period, the total contributions made to the account through the end of the period, the value of the account at the end of such period, distributions made during such period and any other information that the state treasurer shall require to be reported to the account owner.

(3) Statements and information relating to accounts shall be prepared and filed to the extent required by federal and state tax law.

(o) (1) A state or local government, or agency or instrumentality thereof, or organization described in section 501(c) (3) of the federal internal revenue code of 1986, as amended, may open and become the account owner of an account to fund scholarships for persons whose identity will be determined upon disbursement.

(2) In the case of any account opened pursuant to provision (1) of this subsection, the requirement set forth in subsection (b) that a designated beneficiary be designated when an account is opened shall not apply and each individual who receives an interest in such account as a

scholarship shall be treated as a designated beneficiary with respect to such interest.

(p) An annual fee may be imposed upon the account owner or owners for the maintenance of the account.

(q) An account must be opened before the designated beneficiary attains 25 years of age and open at least two calendar years before a qualified withdrawal can be made. Qualified withdrawals must be completed by the time the designated beneficiary attains 30 years of age or within 10 years after the initial qualified withdrawal is made, whichever occurs first. The state treasurer may adopt rules and regulations providing for exceptions to the foregoing requirements for such extenuating circumstances as the state treasurer deems necessary and appropriate.

(r) An account owner or designated beneficiary of a Kansas postsecondary education savings account may be a resident of any state but must be a resident citizen or resident of the United States of America.

(s) The program shall disclose the following information in writing to each account owner and prospective account owner of a family postsecondary education savings account:

(1) The terms and conditions for purchasing a family postsecondary education savings account;

(2) any restrictions on the substitution of beneficiaries;

(3) the person or entity entitled to terminate the savings agreement;

(4) the period of time during which a beneficiary may receive benefits under the savings agreement;

(5) the terms and conditions under which money may be wholly or partially withdrawn from the program, including, but not limited to, any reasonable charges and fees that may be imposed for withdrawal;

(6) the probable tax consequences associated with contributions to and distributions from accounts; and

(7) all other rights and obligations pursuant to savings agreements, and any other terms, conditions and provisions deemed necessary and appropriate by the state treasurer.

(t) Nothing in K.S.A. 1999 Supp. 75-640 to 75-648, and amendments thereto, or in any savings agreement entered into pursuant to K.S.A. 1999 Supp. 75-640 to 75-648, and amendments thereto, shall be construed as a guarantee by the state of Kansas or any institution of postsecondary education that a beneficiary will be admitted to the institution of postsecondary education or, upon admission to any institution of postsecondary education, will be permitted to continue to attend or will receive a degree from such institution of postsecondary education.

Sec. 3. K.S.A. 1999 Supp. 79-32,117 is hereby amended to read as follows: 79-32,117. (a) The Kansas adjusted gross income of an individual means such individual's federal adjusted gross income for the taxable year, with the modifications specified in this section.

(b) There shall be added to federal adjusted gross income:

(i) Interest income less any related expenses directly incurred in the purchase of state or political subdivision obligations, to the extent that the same is not included in federal adjusted gross income, on obligations of any state or political subdivision thereof, but to the extent that interest income on obligations of this state or a political subdivision thereof issued prior to January 1, 1988, is specifically exempt from income tax under the laws of this state authorizing the issuance of such obligations, it shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income. Interest income on obligations of this state or a political subdivision thereof issued after December 31, 1987, shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income.

(ii) Taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state or any other taxing jurisdiction to the extent deductible in determining federal adjusted gross income and not credited against federal income tax. This paragraph shall not apply to taxes imposed under the provisions of K.S.A. 79-1107 or 79-1108, and amendments thereto, for privilege tax year 1995, and all such years thereafter.

(iii) The federal net operating loss deduction.

(iv) Federal income tax refunds received by the taxpayer if the deduction of the taxes being refunded resulted in a tax benefit for Kansas income tax purposes during a prior taxable year. Such refunds shall be included in income in the year actually received regardless of the method of accounting used by the taxpayer. For purposes hereof, a tax benefit shall be deemed to have resulted if the amount of the tax had been deducted in determining income subject to a Kansas income tax for a prior year regardless of the rate of taxation applied in such prior year to the Kansas taxable income, but only that portion of the refund shall be in-

cluded as bears the same proportion to the total refund received as the federal taxes deducted in the year to which such refund is attributable bears to the total federal income taxes paid for such year. For purposes of the foregoing sentence, federal taxes shall be considered to have been deducted only to the extent such deduction does not reduce Kansas taxable income below zero.

(v) The amount of any depreciation deduction or business expense deduction claimed on the taxpayer's federal income tax return for any capital expenditure in making any building or facility accessible to the handicapped, for which expenditure the taxpayer claimed the credit allowed by K.S.A. 79-32,177, and amendments thereto.

(vi) Any amount of designated employee contributions picked up by an employer pursuant to K.S.A. 12-5005, 20-2603, 74-4919 and 74-4965, and amendments to such sections.

(vii) The amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 79-32,196, and amendments thereto.

(viii) The amount of any costs incurred for improvements to a swine facility, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 1999 Supp. 79-32,204 and amendments thereto.

(ix) The amount of any ad valorem taxes and assessments paid and the amount of any costs incurred for habitat management or construction and maintenance of improvements on real property, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,203 and amendments thereto.

(x) Amounts received as nonqualified withdrawals, as defined by K.S.A. 1999 Supp. 75-643, and amendments thereto, if, at the time of contribution to a family postsecondary education savings account, such amounts were subtracted from the federal adjusted gross income pursuant to paragraph (xv) of subsection (c) of K.S.A. 79-32,117, and amendments thereto, or if such amounts are not already included in the federal adjusted gross income.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supple-

mental annuity under the provisions of 45 U.S.C. 228b (a) and 228c (a)(1) *et seq.*

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. 280 C.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas Venture Capital, Inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249 and amendments thereto.

(xiii) For taxable years beginning after December 31, 1993, the amount of income earned on contributions deposited to an individual development account under K.S.A. 79-32,117h, and amendments thereto.

(xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, which accrues to the taxpayer who is a stockholder of such corporation and which is not distributed to the stockholders as dividends of the corporation.

(xv) For all taxable years beginning after December 31, 1999, amounts not exceeding \$2,000, or \$4,000 for a married couple filing a joint return, for each designated beneficiary which are contributed to a family postsecondary education savings account established under the Kansas postsecondary education savings program for the purpose of paying the qualified higher education expenses of a designated beneficiary at an institution of postsecondary education. The terms and phrases used in this paragraph shall have the meaning respectively ascribed thereto by the provisions of K.S.A. 1999 Supp. 75-643, and amendments thereto; and the provisions of such section are hereby incorporated by reference for all purposes thereof.

(d) There shall be added to or subtracted from federal adjusted gross income the taxpayer's share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.

(e) The amount of modifications required to be made under this section by a partner which relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131, and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.

New Sec. 4. The director of accounts and reports shall make payroll deductions from the salary and wages of state officers and employees for family postsecondary education savings accounts provided for in K.S.A. 1999 Supp. 75-464, and amendments thereto, when authorized to make such deductions by the written, voluntary authorization of such officers and employees. No administrative fees or charges shall be assessed for costs incurred in making such deductions. Subject to the approval of the secretary of administration, the director of accounts and reports may prescribe procedures, limitations and conditions for making payroll deductions pursuant to this section.

Sec. 5. K.S.A. 1999 Supp. 75-643, 75-646 and 79-32,117 are hereby repealed.

Sec. 6. 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

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 1-1-5 to 1-18-1a.

AGENCY 4: DEPARTMENT OF AGRICULTURE

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 4-7-213 to 4-21-6.

AGENCY 7: SECRETARY OF STATE

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 7-31-1 through 7-40-1.

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 9-20-4 to 9-29-6.

AGENCY 11: STATE CONSERVATION COMMISSION

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 11-7-1 through 11-7-10.

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 11-7-11 through 11-9-10.

AGENCY 16: ATTORNEY GENERAL

Table with 3 columns: Reg. No., Action, Register. Lists regulation 16-6-1.

AGENCY 17: STATE BANK COMMISSIONER

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 17-24-1 to 17-24-2.

AGENCY 22: STATE FIRE MARSHAL

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 22-19-1 to 22-19-4a.

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

Table with 3 columns: Reg. No., Action, Register. Lists regulation 25-5-1.

AGENCY 26: DEPARTMENT ON AGING

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 26-1-2 to 26-8-4.

AGENCY 27: STATE CORPORATION COMMISSION (KANSAS ENERGY OFFICE)

Table with 3 columns: Reg. No., Action, Register. Lists regulation 27-2-1.

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 28-1-2 to 28-29-25b.

Table with 3 columns: Action, Register, Volume/Page. Lists actions like New, Amended, Revoked and corresponding register numbers and volume/page references.

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. 1885
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
--------	---------	----------------

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

(continued)

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
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		
82-3-908	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

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

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

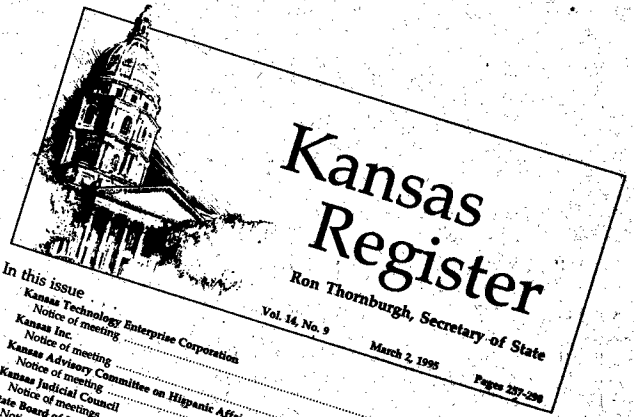
AGENCY 117: REAL ESTATE APPRAISAL BOARD

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

Reg. No.	Action	Register
118-4-1		
through		
118-4-4	New	V. 18, p. 672, 673

Order a custom-made loose-leaf binder for the Kansas Register!



In this issue

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

Custom-made Kansas Register binders are now available. These binders will attractively hold up to a year's worth of your copies of the Kansas Register for permanent use. They are high quality, durable casebound Swing Hinge® binders made by McBee Loose Leaf Binder Products. (A Swing Hinge® binder has more capacity and allows for easier interfiling than standard ring binders.) The three-inch binders feature dark blue supported vinyl covering and gold imprinting.

\$12 each, includes shipping and handling.

(Kansas residents must include an additional \$.82 state and local sales tax.)

Clip and mail

Please send _____

Kansas Register Binders @ \$12 each
 (Note: Kansas residents must include an additional \$.82 state and local sales tax.)

Total enclosed _____

Ship to:

Shipping is by
 U.P.S. Delivery Service -
 Street address is necessary.

Mail this form, with payment, to: Kansas Register, Kansas Secretary of State, 1st Floor, Memorial Hall, 120 S.W. 10th Ave., Topeka, KS 66612-1594

**Kansas Register
Secretary of State
1st Floor, Memorial Hall
120 S.W. 10th Ave.
Topeka, KS 66612-1594**

Use this form or a copy of it to enter a subscription:

_____ **One-year subscription @ \$80 ea.**
(Kansas residents must include
\$5.44 state and local sales tax.)

Total Enclosed _____
(Make check payable to the Kansas Register)

Send to:

(Please, no
more than
4 address
lines.)

Zip code must be included

This space for Register office use only.

Rec. No. _____ Exp. _____ Code _____

Use this form or copy of it to enter a name or address change:

Remove your mailing label (above) and affix it here:

Indicate change of name or address
here:

**Mail either form to: Kansas Register, Secretary of State, 1st Floor,
Memorial Hall, 120 S.W. 10th Ave., Topeka, KS 66612-1594**