

Kansas Register

Ron Thornburgh, Secretary of State

Vol. 19, No. 16 April 20, 2000 Pages 541-594

In this issue . . .	Page
State Board of Technical Professions	
Notice of meetings.....	543
Department of Administration—Division of Architectural Services	
Notice of commencement of negotiations for architectural services	543
Legislative bills and resolutions introduced April 6-7	543
Attorney General	
Notice of available grant funding for drug and violence prevention programs.....	543
Pooled Money Investment Board	
Notice of investment rates.....	544
Kansas Development Finance Authority	
Notice of hearing on proposed revenue bonds	544
Wildlife and Parks Commission	
Notice of hearing on proposed administrative regulations	544
City of Overland Park	
Notice to bidders.....	545
Governmental Ethics Commission	
Opinions 2000-1 through 2000-5	546
Kansas Court of Appeals	
Docket for May	550
Notice of Bond/Note Sale	
City of Plainville (revised).....	561
City of Olathe.....	562
City of Manhattan	563
City of Leavenworth.....	564
City of Arkansas City	564
Permanent Administrative Regulations	
Department of Health and Environment	565
Board of Healing Arts.....	571
Kansas Dental Board.....	573
Department of Administration—Division of Purchases	
Notice to bidders for state purchases	570
Kansas African-American Advisory Commission	
Notice of meeting	571

(continued on next page)

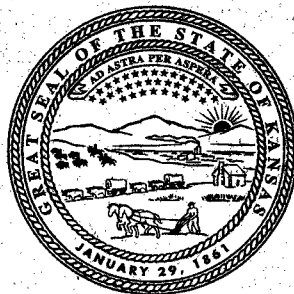
Criminal Justice Coordinating Council	
Notice of meeting	571
Kansas Department of Health and Environment	
Requests for comments on proposed air quality permits	573, 574, 576, 577
Notice concerning Kansas water pollution control permits	578
Temporary Administrative Regulations	
State Corporation Commission	575
Butler County Community College	
Notice of intent to issue revenue bonds	576
City of Olathe	
Notice to bidders	577
City of Wichita	
Notice to bidders	578
New State Laws	
House Bill 2103, concerning certificates of completion of hunter education	581
Senate Bill 475, concerning the interstate emergency management assistance compact; authorizing the governor to execute such compact on behalf of the state	581
House Bill 2603, concerning energy conservation; relating to improvements to state and municipal facilities	583
Senate Bill 257 (House Substitute for Substitute for Substitute for), concerning electric transmission lines	583
House Bill 2646, concerning cities and counties; relating to planning and zoning	584
House Bill 2582, relating to school buses; concerning head lamps	585
Senate Bill 528, concerning chemical control act; relating to practitioners	585
Senate Bill 657, concerning postsecondary education and certain institutions thereof; affecting membership of the midwestern higher education commission	586
Index to administrative regulations	589

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

Board of Technical Professions

Notice of Meetings

The Kansas State Board of Technical Professions will conduct its complaint committee meeting at 2 p.m. Thursday, April 27, in Room 507, Landon State Office Building, 900 S.W. Jackson, Topeka.

The board will hold its regular board meeting Friday, April 28, also in the Landon State Office Building. The Professional Engineer and Land Surveyor Committee will meet in Room 108 at 8:30 a.m., and the Architect and Landscape Architect Committee will meet in Room 507 at 10 a.m. The full board will meet at approximately 10:30 a.m., at the conclusion of the committee meetings, in Room 108.

All meetings are open to the public. For additional information, call (785) 296-3053.

Betty L. Rose
Executive Director

Doc. No. 025076

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 a new building or a remodeled building to serve psychiatric patients and sexual predators. The program, site and budget are not yet finalized and funding has not yet been approved. It is anticipated a medium to maximum security 30-bed living unit with program space will be required. Larned is a tentative site and the estimated project budget is from \$750,000 to \$1.9 million.

For information regarding the scope of services, contact Gary LaShell, Architect, Facilities Management, Department of Social and Rehabilitation Services, (785) 296-3771.

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. May 5.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 025086

State of Kansas

Legislature

Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced April 6-7 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.

Senate Resolutions

SR 1840, A resolution congratulating and commending the Osborne High School girls basketball team and Coach Darrel Wolters for winning the 2000 Class 2A State Basketball Championship.

SR 1841, A resolution congratulating and commending Coach Darrel Wolters.

SR 1842, A resolution congratulating and commending the Osage City High School boys basketball team and Coach Dennis Fort for winning the 2000 Class 3A State Basketball Championship.

SR 1843, A resolution in memory of Bob Hentzen.

SR 1844, A resolution congratulating and commending Paul Sawyer.

Doc. No. 025070

State of Kansas

Attorney General

Notice of Available Grant Funding

Grant funds are available from the Governor's Discretionary Portion of the Federal Safe and Drug-Free Schools and Communities Act for federal year October 1, 2000 through September 30, 2001. The purpose of this grant program is to fund units of state or local government, schools and private not-for-profit organizations that provide drug and violence prevention programs and activities and law enforcement education partnerships.

Priority will be given to programs and activities that serve children and youth who are not normally served by state or local educational agencies or populations that need special services or additional resources, such as preschoolers, youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts. A minimum of 10 percent of each federal fiscal year grant will be allocated to law enforcement.

Grant applications can be obtained by contacting the Office of the Attorney General, 2nd Floor, Memorial Hall, 120 S.W. 10th Ave., Topeka, 66612-1597, (785) 368-7063 or 1-800-828-9745. Applications also may be accessed via the Internet at www.ink.org/public/ksag. This is to obtain a printed copy only. Applications cannot be submitted online.

All grant applications are to be postmarked by Monday, June 5. No applications will be accepted after that date.

Carla J. Stovall
Attorney General

Doc. No. 025103

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 4-17-00 through 4-23-00

Term	Rate
1-89 days	6.02%
3 months	5.75%
6 months	6.12%
9 months	6.17%
12 months	6.21%
18 months	6.32%
24 months	6.31%

Derl S. Treff
Director of Investments

Doc. No. 025071

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, May 4, in the conference room in the offices of the Kansas Development Finance Authority, Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, regarding the proposed issuance by the Authority of approximately \$25,000,000 of its revenue bonds for Sisters of Charity of Leavenworth Health Services Corporation (the borrower). The bonds will be issued, pursuant to K.S.A. 74-8901 *et seq.*, to provide funds for the purpose of refinancing certain costs related to the 1998 acquisition of the Bethany Medical Center located in Kansas City, Kansas (the project). The project is being financed for the Sisters of Charity of Leavenworth Health Services Corporation.

The bonds, when issued, will be a limited obligation of the Kansas Development Finance Authority and will not constitute a general obligation or indebtedness for which the faith and credit and taxing powers of the State of Kansas are pledged. The bonds will be payable solely from amounts received or pledged by the corporation, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bonds when they become due.

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

Kenneth Frahm
President

Doc. No. 025096

State of Kansas

Wildlife and Parks Commission

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted by the Wildlife and Parks Commission at 7 p.m. Thursday, June 22, at the Holiday Inn Express, 420 Parkview Drive, Pittsburg, to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife and Parks.

A workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m. June 22 at the location listed above. The meeting will recess at 5 p.m., then resume at 7 p.m. at the same location for the regulatory hearing. There will be public comment periods at the beginning of the afternoon and evening meetings for any issues not on the agenda, and additional comment periods will be available during the meeting on agenda items. Old and new business also may be discussed at this time. If necessary to complete the hearing or other business matters, the commission will reconvene at 9 a.m. June 22 at the same location.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Sheila Kemmis, commission secretary, at (316) 672-5911. Persons with a hearing impairment may call the TDD service at 1-800-766-3777 to request special accommodations.

This 60-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to the chairman of the commission, Kansas Department of Wildlife and Parks, Suite 502, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

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

K.A.R. 115-4-1, K.A.R. 115-4-3 and K.A.R. 115-4-5. These regulations establish legal equipment, taking methods and general provisions for the taking of turkey, antelope and deer. The proposed amendment to each of these regulations would eliminate the minimum draw weight for legal archery equipment. One additional amendment to K.A.R. 115-4-5 would ensure that recently approved legislation would not impair landowners' or tenants' priority status in the draw for deer permits.

Economic Impact Summary: The proposed amendments are not anticipated to have any economic impact on the department, other agencies or the public.

K.A.R. 115-4-6. This regulation establishes deer management units within the state of Kansas. The proposed

amendments would rename the boundaries of two units, due to recent highway redesignations, and would eliminate sub-unit 12A, as it is no longer used as a sub-unit.

Economic Impact Summary: The proposed amendments are not anticipated to have any economic impact on the department, other agencies or the public.

K.A.R. 115-4-7. This regulation establishes legal equipment, taking methods and general provisions for the taking of elk. The proposed amendments would address designations of various elk permits.

Economic Impact Summary: The proposed amendments are not anticipated to have any economic impact on the department, other agencies or the public.

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

John R. Dykes
Chairman

Doc. No. 025092

(Published in the Kansas Register April 20, 2000.)

City of Overland Park, Kansas

Notice to Bidders

Sealed bids for **Pflumm Road (Indian Creek Bridge to 119th Street)** 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. Tuesday, May 23. 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: Pflumm Road (Indian Creek Bridge to 119th Street)."

Copies of plans, specifications, bid documents and other contract documents are on file at the office of The Larkin Group, 9233 Ward Parkway, Suite 300, Kansas City, Missouri. Contractors desiring the contract documents for use in preparing bids may obtain a set of such documents from The Larkin Group, (816) 361-0440, upon payment of \$220, 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 1:30 p.m. Wednesday, May 10, 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. 025102

State of Kansas

Governmental Ethics Commission

Opinion No. 2000-01

Written February 17, 2000, to Kim Moore, President, United Methodist Health Ministry Fund, Hutchinson.

This opinion is in response to your letter dated January 28, 2000, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the State level governmental ethics laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand that you request this opinion in your capacity as President of the United Methodist Health Ministry Fund (Fund). You have explained that the Fund is a public charity which is exempt from federal income tax under Section 501(c)(3) of the United States tax code. The Fund was established in 1987 as a grant-making organization to provide financial support through grants and other activities for a broad range of health programming throughout Kansas. In a conversation with our staff, you informed us that the Fund does not lobby and that the Fund does not have a special interest, as defined in K.S.A. 46-228, in the Legislature or any agency of the State of Kansas.

In October of 1998, the Fund launched *Healthy Teeth for Kansas*, a statewide campaign to improve the oral health of Kansans. As a part of this initiative, the Fund has set aside \$56,500 to provide funds for approximately 40 Kansans to attend a conference in Washington, D.C. (Conference). The Conference is being sponsored by the Surgeon General of the United States and is designed to "bring attention to the impact of oral health on children's overall health and wellbeing, [sic] and to promote action steps to eliminate disparities in children's oral health." The Fund wishes to provide the following items to these Kansans:

- | | |
|---|--|
| 1. The registration fees for the Conference | \$175 (if made prior to April 1, 2000)
\$225 (if made after March 31, 2000) |
| 2. Airfare (coach) to and from the Conference | (Wichita or K.C. to Washington, D.C.) |
| 3. Hotel expenses | \$169/night |
| 4. Cash per diem | \$50/day up to four days |

(Per diem covers reimbursement for transportation to and from airport, ground transportation in D.C., meals not provided at the Conference, gratuities and miscellaneous expenses.)

You have indicated to a member of our staff that the Fund would be willing to provide direct reimbursement for the items covered by the per diem if that is required.

In addition, the Fund would like to provide a special meal during the Conference open to all Kansans attending the Conference, whether or not they are receiving assistance from the Fund. You have informed a member of our staff that you expect between 25 and 40 people to attend this dinner, and that the attendees will be from all walks of life including dentists, hygienists, attorneys, legislators, teachers, social workers, state employees and nu-

merous other professionals with an interest in the oral health of Kansans.

Finally, you have indicated that you would like to host a hospitality room as an informal gathering place for Kansans during the Conference. You will provide snack foods and non-alcoholic beverages.

Questions

I. May the Fund underwrite the expenses associated with attendance at the D.C. Conference for State employees subject to the State level governmental ethics laws found in K.S.A. 46-215 *et seq.*?

II. May the Fund provide a special meal during the Conference which is open to all Kansans attending the Conference?

III. May the Fund provide a hospitality room which has available snack foods and non-alcoholic beverages?

Opinion

All of these questions involve substantially the same statutes and may be addressed together. Several statutes apply to your questions and each will be addressed in turn.

K.S.A. 46-237 applies to *unclassified* employees not subject to the provisions of K.S.A. 46-237a and to all legislators. It states in pertinent part:

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

"(b) No person with a special interest shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of \$40 or more in any calendar year to any state officer or employee . . . with a major purpose of influencing such officer or employee . . . in the performance of official duties or prospective official duties."

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

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

Three elements must be shown before the prohibitions in these sections apply. First, the value of the gift must be \$40.00 or greater. Second, the person giving the gift must have a special interest in the person accepting the gift. Finally, the person accepting the gift must know or should have known that a major purpose of the donor was to influence such person in the performance of their official duties or prospective official duties. If any element is not met, the restrictions in the statute do not apply.

You have explained that the Fund does not have a special interest in the Legislature, the members of the Legislature, or a state agency or its employees. In addition, there has been no evidence presented to the Commission to suggest that the Fund has a major purpose of influencing the legislators or state employees in the performance of their official duties or prospective official duties.

Therefore, the Commission determines that the Fund may underwrite all of the costs listed above for state legislators and unclassified employees whose salaries are not subject to the approval of the Governor to travel to Washington, D.C. and attend the Conference without violating State governmental ethics laws.

Next, we must address K.S.A. 46-237a which applies to the Governor; the Lieutenant Governor; the Governor's spouse; all classified employees; all members of boards, commissions and authorities of the executive branch of state government; and those unclassified employees in the executive branch whose compensation is subject to approval by the Governor pursuant to K.S.A. 75-2935b. Pursuant to K.S.A. 46-237a, classified state employees are entirely prohibited from accepting gifts, meals, and travel provided because of their official position, unless one of the four enumerated exceptions applies. With respect to the airfare, lodging, and transportation costs to and from the airport, subsection (d) would apply. It states in pertinent part:

"(d) No person subject to the provisions of this section shall solicit or accept free or special discount travel or related expenses from a source outside state government, except:

"(2) when the person's presence at a meeting, seminar or event serves a legitimate state purpose or interest and the person's agency authorizes or would authorize payment for such travel and expenses."

Only if the classified state employee's presence at the Conference serves a legitimate state purpose, and that employee's agency authorizes or would authorize payment for such travel and expenses, may the classified employee accept the airfare, lodging, and transportation costs to and from the airport.

With respect to the portion of the per diem intended to cover the regular meals not provided at the Conference, subsection (c) would apply. It states in pertinent part:

"(c) No person subject to the provisions of this section shall solicit or accept free or special discount meals from a source outside of state government, except:

"(1) Meals, the provision of which is motivated by a personal or family relationship or provided at events that are widely attended. An occasion is 'widely attended' when it is obvious to the person accepting the meal that the reason for providing the meal is not a pretext for exclusive or nearly exclusive access to the person;

"(2) meals provided at public events in which the person is attending in an official capacity;

"(3) meals provided to a person subject to this act when it is obvious such meals are not being provided because of the person's official position; and

"(4) food such as soft drinks, coffee or snack foods not offered as part of a meal."

Based upon the information you have provided, it does not appear that any of the exceptions would apply to the regular meals not provided as a part of the conference. Therefore, the classified state employees would be prohibited from accepting reimbursement for such meals. The "special meal" you wish to provide to all Kansans attending the Conference is also governed by subsection (c). Based upon the information you have provided, this meal will be attended by 25 to 40 people from all walks of life. Because this meal will not be provided as a pretext

for exclusive or nearly exclusive access to the state employee, it meets the definition of a "widely attended" meal and may be accepted by the classified state employees.

In addition, your provision of a hospitality room is also covered by this section. Subsection (c)(4) allows classified state employees to accept snack foods and beverages. Therefore, the classified state employees may frequent the hospitality room and consume the snack foods and non-alcoholic beverages. With respect to the registration fee for the Conference and the portion of the per diem intended to cover ground transportation in D.C., subsection (b) applies. It states in pertinent part:

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

"(1) A gift having an aggregate value of less than \$40 given at a ceremony or public function where the person is accepting the gift in such person's official capacity; or

"(2) gifts from relatives or gifts from personal friends when it is obvious to the person that the gift is not being given because of the person's official position; or

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

"(4) contributions solicited on behalf of a nonprofit organization which is exempt from taxation under paragraph (3) of subsection (c) of section 501 of the internal revenue code of 1986, as amended."

In Opinion number 1997-47, this Commission interpreted subsection (b)(3) and determined that "items received on behalf of the state must benefit the state as a whole rather than any one individual or agency." Because the state employees you invite to this Conference will be gaining valuable information about the health and well-being of children and will be able to share this information with their agencies in order to benefit all the children of Kansas, the registration fee will benefit the state as a whole, and, thus, may be accepted by the classified employees. The classified employees would not be able to accept reimbursement for ground transportation, however.

In conclusion:

1. Pursuant to K.S.A. 46-237, the Fund may underwrite all of the costs for state legislators and unclassified employees whose salaries are not subject to the approval of the Governor to travel to Washington, D.C. and attend the Conference without violating State governmental ethics laws.

2. Pursuant to K.S.A. 46-237a:

A. If the classified state employee's presence at the Conference serves a legitimate state purpose and that employee's agency authorizes or would authorize payment for such travel and expenses, then the classified employee may accept the airfare, lodging, and transportation costs to and from the airport.

B. The classified state employees may not accept reimbursement for regular meals not provided at the conference.

C. The classified state employees may accept the "special meal" you wish to provide to all Kansans attending the Conference.

(continued)

D. The classified state employees may frequent the hospitality room and consume the snack foods and non-alcoholic beverages.

E. The Fund may pay the registration fee for classified state employees.

F. The Fund may not pay the ground transportation fees for travel in Washington, D.C. for classified state employees.

Opinion No. 2000-02

Written February 17, 2000, to Todd Covault, Assistant Superintendent-Business, Emporia Unified School District No. 253 and Treasurer-Recreation Commission, Emporia.

This opinion is in response to your letter of December 10, 1999, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the local conflict of interest laws (K.S.A. 75-4301 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 75-4301 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand that you request this opinion in your capacity as the Assistant Superintendent of the Emporia Unified School District #253 and the Treasurer of the School District's Recreation Commission (Commission). You have explained that the Commission serves as the governing body for the local recreational facilities. In order to promote attendance by the Commissioners at the activities they govern and to facilitate associations between the Commissioners and the users of the recreational facilities, the Commission is considering a resolution that would provide Commission members free access to local recreational facilities.

Question

May the Commission provide its members free access to local recreational facilities?

Opinion

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

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

The absolute abstention requirement of K.S.A. 75-4304 is triggered only in situations where the local governmental officer, in the capacity as a governmental officer, makes or participates in the making of a contract with a person or business by which the officer is employed or in whose business the officer has a substantial interest. This Commission has consistently held that K.S.A. 75-4304 does not generally cover legislative decisions or administrative decisions such as those made by planning commissions, boards of zoning appeals, or city councils. (See

Commission Opinion 1999-05, 1998-20 and 1994-38.) Because the approval of the resolution providing the free access is legislative in nature and does not involve the "making of a contract," K.S.A. 75-4304 does not prohibit the Commission from passing a resolution to provide the Commission members with free access to local recreational facilities.

We pause to note that you raised two questions which relate to statutes outside of our jurisdiction. As we noted above, the Commission's jurisdiction is limited to the application of K.S.A. 75-4301 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

Opinion No. 2000-03

Written February 17, 2000, to Sheriff Dave Meneley, Shawnee County Sheriff's Department, Topeka.

This opinion is in response to your letter of January 27, 2000, in which you request an opinion from the Kansas Governmental Ethics Commission (GEC) concerning the Campaign Finance Act (K.S.A. 25-4142 *et seq.*) and the local conflict of interest law (K.S.A. 75-4301 *et seq.*). We note at the outset that the Commission's jurisdiction concerning your question is limited to the application of K.S.A. 25-4142 *et seq.* and K.S.A. 75-4301 *et seq.* Thus, whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand that you request this opinion in your capacity as the Sheriff of Shawnee County. You have informed us that the Attorney General has brought a civil ouster proceeding against you in an effort to remove you from office. You have incurred legal expenses in the defense of this procedure.

Question

I. May you use campaign funds to defray the legal expenses incurred in defending against a civil ouster proceeding?

Opinion

K.S.A. 1998 Supp. 25-4157a(a) is applicable to your question. In pertinent part, that section states:

"No moneys received by any candidate or candidate committee of any candidate as a contribution under this act shall be used or be made available for the personal use of the candidate and no such moneys shall be used by such candidate or candidate committee of such candidate except for:

"(1) legitimate campaign purposes;

"(2) expenses of holding political office;

"For the purpose of this section, expenditures for personal use shall include expenditures to defray normal living expenses for the candidate or the candidate's family and expenditures for the personal benefit of the candidate having no direct connection with or effect upon the campaign of the candidate or the holding of public office."

The issue is whether the expenses you have described are being used for the purpose "of holding political office." The Commission has held in the past that campaign funds may be used to defray the legal costs associated with the defense of a candidate's candidacy or election,

the demand for campaign related documents in a civil action not involving any wrong doing on the candidate's part, and the defense of a recall petition. See GEC Opinion 1979-6, 1998-35 and 1999-13.

In the particular factual scenario you have described, you will be required to seek legal assistance in order to defend your elected position in a civil proceeding. This is not a criminal trial, but a civil proceeding brought to remove you from office. Under these circumstances, the legal expenses contemplated have a direct connection to the holding of public office and, therefore, you may use campaign funds to pay for the legal fees you will incur. The Commission cautions, however, that you may not use campaign funds in the defense of any criminal proceeding which may be brought against you. See GEC Opinion 1994-19.

Opinion No. 2000-04

Written February 17, 2000, to Kurt F. Kluin, Kluin & Bolt, LLC, Chanute.

This opinion is in response to your letter of December 15, 1999, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the local conflict of interest laws (K.S.A. 75-4301 *et seq.*) and the state level conflict of interest laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 75-4301 *et seq.* and K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand that you request this opinion in your capacity as the attorney for the Southeast Kansas Area Agency on Aging, Inc. (SEKAAA), which is a non-profit Kansas corporation. You have informed us that SEKAAA's executive director has expressed an interest in running for the Kansas House of Representatives. You have also informed us that SEKAAA's employees are not state employees as defined by K.S.A. 46-221.

Questions

I. May SEKAAA's executive director become a candidate and run for the Kansas House of Representatives while maintaining his position as executive director of SEKAAA?

II. If the executive director is elected to office, may he retain his position with SEKAAA?

Opinion

With respect to your first question, there are no laws under this Commission's jurisdiction which would prohibit a person, who is not a state employee, from running for elective office.

With respect to your second question, if this individual is elected as a state representative, he will be governed by the state level governmental ethics laws found in K.S.A. 46-215 *et seq.* A thorough review of those laws reveals that there are no prohibitions on a state representative holding a position as executive director of a corporation.

Opinion No. 2000-05

Written February 17, 2000, to Katherine L. Tilton, Beloit.

This opinion is in response to your letter dated January 23, 2000, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the State level governmental ethics laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand that you request this opinion in your capacity as the Chief Nurse at the Beloit Juvenile Correctional Facility. You have explained that every year at Christmas time, the local drug store provides a poinsettia to the nursing staff, all of whom are classified state employees. Although the Beloit Juvenile Correctional Facility purchases its medications from this drug store, the agency does not license, regulate or inspect this drug store.

The poinsettia is traditionally placed on a table at the end of the hall outside of your office during the holiday season and then donated to the horticulture therapy department after the first of the year. This hall is frequented by the nursing staff, the visiting doctors, the residents who use your facilities and numerous other personnel. As chief nurse, you have accepted this poinsettia on behalf of the nursing staff and written a thank you note to the drug store.

Question

May you accept this poinsettia on behalf of the nursing staff and keep it in this public hallway?

Opinion

K.S.A. 1998 Supp. 46-237a applies to this question. It states in pertinent part:

"(b) No person subject to the provisions of this section shall solicit or accept any gift, . . . provided because of such person's official position, except:

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

In the situation you have described, the drug store provided a gift to the office and not to an individual. The gift became the property of the agency. Therefore, pursuant to K.S.A. 1998 Supp. 46-237a(b)(3), you were permitted to accept the poinsettia on behalf of the agency. Although the statute places no restrictions on where such a gift is kept, the Commission notes that your placement of the gift in a hallway used by all of the staff instead of in a private office was appropriate to avoid the appearance of impropriety.

Daniel Severt
Chairman

Doc. No. 024969

State of Kansas

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

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

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

Before Brazil, C.J.; Beier, J.; and J. Stephen Nyswonger, D.J., assigned.

Tuesday, May 16, 2000

9:00 a.m.

Case No.	Case Name	Attorneys	County
82,411	State of Kansas, Appellee, v. Larry C. Moore, a/k/a Larry D. Canada, a/k/a Larry Cordell Moore, a/k/a Larry Cordell Canada, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. David Lowden, Asst. D.A. Jessica R. Kunen, Chief A.D. Joseph P. Leon, Asst. A.D.	Sedgwick
83,140	State of Kansas, Appellee, v. Richard L. Shockley, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Elizabeth Reimer, Asst. D.A. Jessica R. Kunen, Chief A.D. Patrick H. Dunn, Asst. A.D.	Sedgwick
82,596	State of Kansas, Appellee, v. Charles D. Pham, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Charles R. Reimer, Asst. D.A. Jessica R. Kunen, Chief A.D. Stephen R. Zinn, Asst. A.D.	Sedgwick
82,823	State of Kansas, Appellee, v. Donna L. Lockett, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Elizabeth Reimer, Asst. D.A. Jessica R. Kunen, Chief A.D. Janine Cox, Asst. A.D.	Sedgwick
1:30 p.m.			
83,883	In the Interest of: C.M., dob: 12/30/92 S.M., dob: 10/29/94 J.C., dob: 02/14/98	Michael C. Robinson Gabrielle M. Thompson Scott A. Wells	Reno
82,668	State of Kansas, Appellee, v. Michael Steven Lutter, Appellant.	Attorney General Jan Satterfield, C.A. Jessica R. Kunen, Chief A.D. Debra J. Wilson, Asst. A.D.	Butler
84,190	In the Interest of M.I., dob: 12/31/96, a child under eighteen (18) years of age.	Timothy A. Showalter Kellie E. Hogan	Cowley
82,662	Larry L. Rebarchek, Appellant, v. Farmers Cooperative Elevator and Mercantile Association of Dighton, Kansas, and Floyd G. Barber, Appellees.	John L. Carmichael Craig D. Kershner Ward Loyd	Lane

Wednesday, May 17, 2000

9:00 a.m.

Case No.	Case Name	Attorneys	County
83,065	State of Kansas, Appellee, v. Iaon L. Pohlit, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Elizabeth Reimer, Asst. D.A. Bradley P. Sylvester	Sedgwick

83,948	Cheryl L. Parsons, Appellee, v. Seaboard Farms, Inc., Respondent, Self-Insured, Appellant.	Lawrence M. Gurney Douglas M. Greenwald Gregory D. Worth	Work Comp
Summary Calendar—No Oral Argument			
82,178	Jason L. Topper, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Kirk C. Redmond, Asst. A.D. Attorney General County Attorney	Cowley
82,731	State of Kansas, Appellee, v. Melvin L. Day, Appellant.	Attorney General County Attorney Jessica R. Kunen, Chief A.D. Peter T. Maharry, Asst. A.D.	Clark
83,070	State of Kansas, Appellee, v. Aaron S. Schrader, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Elizabeth Reimer, Asst. D.A. Jessica R. Kunen, Chief A.D. Karen Eager, Asst. A.D.	Sedgwick
84,216	In the Matter of the Marriage of Judy W. Ditch, Appellee, and Gregory W. Ditch, Appellant.	Steven R. Wiechman Paul D. Post	Shawnee
83,917	Juan Rodriguez, Appellant, v. Leonel D.J. Sandoval, Appellee.	Amy L. Aranda Thomas A. Krueger Evelyn Zabel Wilson	Lyon
84,083	State of Kansas, Appellant, v. Gregory W. Wright, Appellee.	Attorney General Michael L. Leyba, Asst. C.A. Dennis J. Keenan	Barton
82,855	State of Kansas, Appellee, v. Tracy L. Bailey, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D. Niki K. Christopher, Asst. A.D.	Sedgwick
83,125	State of Kansas, Appellee, v. Roger M. Smith, Appellant.	Attorney General Joe E. Lee, C.A. Jessica R. Kunen, Chief A.D. Niki K. Christopher, Asst. A.D.	Lyon
83,157	State of Kansas, Appellee, v. Chris Johnson, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Lesley A. McFadden, Asst. D.A. Jessica R. Kunen, Chief A.D.	Sedgwick
83,284	Craig Wilson, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Daniel Estes, Asst. A.D. Attorney General Terra D. Morehead, Asst. D.A.	Wyandotte
83,804	State of Kansas, Appellee, v. James Atkins, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Lesley A. McFadden, Asst. D.A. Mark T. Schoenhofer	Sedgwick
83,808	In the Interests of C.S.S., S.S., L.S., and C.S., children under 18 years of age.	William N. Lacy Stephen J. Ternes	Allen
84,263	Wayne A. Stewart, Appellant, v. Kansas Parole Board, <i>et al.</i> , Appellees.	Wayne S. Stewart, pro se Jon D. Graves	Reno
83,069	Dr. J.T. Garner, Appellant, v. Ray Roberts, <i>et al.</i> , Appellees.	Ron Svaty Robert E. Wasinger Joe Shepack, C.A.	Ellsworth

(continued)

84,315	In the Interest of: B.K.J., dob: 10/16/84 J.A.J., dob: 08/24/86 J.J.J., dob: 12/31/87 C.J., dob: 07/02/89	Roger Batt Gwentlolen B. Mason	Sedgwick
--------	---	-----------------------------------	----------

**Kansas Court of Appeals
Wyandotte County Courthouse
Division 17 Courtroom
710 N. 7th St., 3rd Floor
Kansas City, Kansas**

Before Rulon, P.J.; Elliott, J.; and Nelson E. Toburen, D.J. assigned.

Tuesday, May 16, 2000

1:30 p.m.

Case No.	Case Name	Attorneys	County
83,902	In the Matter of the Marriage of Thomas Michael Moore, Appellant, and Judy Ann Moore, Appellee.	James T. Wiglesworth Scott H. Kreamer Allan E. Coon	Johnson
82,340	State of Kansas, Appellee, v. Steven E. Steimer, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Junen, Chief A.D. Rick Kittel, Asst. A.D.	Johnson
83,246	State of Kansas, Appellee, v. Theodis Harris, Appellant.	Attorney General Daniel Cahill, Asst. D.A. Jessica R. Kunen, Chief A.D. Rick Kittel, Asst. A.D.	Wyandotte
83,307	Sekan Printing Company, Inc., Appellee, v. William J. Oskin, Dixie Reproductions, Inc., Appellants, and The Citizens National Bank, Appellee.	Blake Hudson Zackery E. Reynolds Mark S. Gunnison	Bourbon

Wednesday, May 17, 2000

9:00 a.m.

Case No.	Case Name	Attorneys	County
82,715	Caldwell-Baker; the Baker Group, L.C.; and Carle Baker, Jr., Trustee of the MTY Profit Sharing Plan and Trust, Appellants, v. Burlington Northern and Santa Fe Railway Company and Burlington Northern and Sante Fe Corporation, Appellees.	Linus L. Baker Laurence M. Jarvis Curtis L. Tideman	Wyandotte
84,128	Live Oak Arabians, Inc., Appellee, v. Kimberly A. Accurso and Louis C. Accurso, Appellants.	Joe L. Norton Allan E. Coon Clifford A. Cohen	Johnson
83,535	Deanna Dickson, Appellee, v. Mintax, Inc., Appellant.	P. John Brady Richard M. Paul III David W. White Martha A. Peterson	Johnson
82,688	State of Kansas, Appellee, v. Michael D. Johnson, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D. Patrick H. Dunn, Asst. A.D.	Johnson

1:30 p.m.

83,390	Jetz Service Co., Inc., Appellee, v. R & J Enterprises, Inc., Appellant.	Robert B. Best, Jr. John Ivan	Johnson
84,342	State of Kansas, Appellant, v. Michael Ray Burkett, Appellee.	Attorney General Mary Stephenson Hosack, Asst. D.A. Byron Cerillo, Asst. Dist. Defender Miriam M. Rittmaster, Asst. Dist. Defender	Johnson
82,771	Joshua Daniel Jones, by and through Michael P. Crow, Guardian and Conservator; Jason Kenneth Jones, by and through Michael P. Crow, His Estate's Special Administrator, Appellants, v. Rubbermaid Specialty Products, <i>et al.</i> , American Appliance Manufacturing Co., Appellee.	Larry L. McCord Diane M. Breneman Lynn W. Hursh	Leavenworth
Summary Calendar—No Oral Argument			
82,580	State of Kansas, Appellee, v. Jason L. Williams, Appellant.	Attorney General District Attorney Jessica R. Kunen, Chief A.D. James Brent Getty, Asst. A.D.	Wyandotte
83,235	State of Kansas, Appellee, v. David Dayne Hollmon, Appellant.	Attorney General Sheryl L. Lidtke, Asst. D.A. Jessica R. Kunen, Chief A.D. Janine Cox, Asst. A.D.	Wyandotte
83,261	Darrell L. Stallings, Appellant, v. David R. McKune, <i>et al.</i> , Appellees.	Linda S. Mock Jeffrey L. Cowger	Leavenworth
83,343	State of Kansas, Appellee, v. John Sheehan, Appellant.	Attorney General Daniel Cahill, Asst. D.A. Jessica R. Kunen, Chief A.D. Niki Christopher, Asst. A.D.	Wyandotte
83,414	In the Matter of J.P.L., Respondent, dob: 08/02/82.	Steven J. Obermeier, Asst. D.A. Robin Lewis	Johnson
83,470	State of Kansas, Appellee, v. Michael D. Zewalk, Appellant.	Attorney General Cline I. Boone, Asst. D.A. Jessica R. Kunen, Chief A.D. Brent Getty, Asst. A.D.	Wyandotte
82,914	Timothy Joseph Browder, Appellant, v. State of Kansas, Appellee.	Phillip A. Burdick Attorney General Robyn Johnson, C.A.	Doniphan
83,247	Donald McKinney, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Jennifer C. Roth, Asst. A.D. Attorney General District Attorney	Wyandotte
83,501	In the Matter of the Marriage of Barry Wayne Parker, Appellant, and Tamara Lee Parker, Appellee.	Barry G. Albin Bruce C. Hedrick	Johnson

(continued)

83,631	State of Kansas, Appellee, v. Donald R. Jackson, Appellant.	Attorney General District Attorney Jessica R. Kunen, Chief A.D.	Wyandotte
84,105	In the Interest of: C.C., dob: 01/31/97 G.C., dob: 10/10/95 J.C., dob: 04/01/91 M.C., dob: 09/20/92	Mark Birmingham Sheryl A. Bussell, Asst. D.A.	Wyandotte
84,402	Judy A. McNish, Appellée, v. Lawrence Memorial Hospital, and Phico Insurance Company, Appellants.	Eric Kjorlie Steven J. Quinn	Work Comp
82,530	State of Kansas, Appellee, v. Donna Dixon, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D. Brent Getty, Asst. A.D.	Johnson
83,475	In the Matter of the Marriage of Delfern D. Golding, Appellant, and Bancroft N. Golding, Appellee.	Randy M. Baker Keith R. Henry	Geary

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

Before Gernon, P.J.; Knudson, J.; and Buchele, S.J.

Tuesday, May 16, 2000

9:00 a.m.

Case No.	Case Name	Attorneys	County
82,957	State of Kansas, Appellee, v. Miguel Ramos-Garcia, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Lesley A. McFadden, Asst. D.A. Jessica R. Kunen, Chief A.D. Kathryn B. Wall, Asst. A.D.	Sedgwick
83,254 83,377	State of Kansas, Appellee, v. Christopher R. Hymer, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Lesley A. McFadden, Asst. D.A. Jessica R. Kunen, Chief A.D. Daniel Estes, Asst. A.D.	Sedgwick
82,106	State of Kansas, Appellee, v. Mohammed Shakhtur, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Charles R. Reimer, Asst. D.A. Aaron T. Blase	Sedgwick
83,331	Progressive Casualty Insurance Company, Appellee, v. Farm Bureau Mutual Insurance Company, Appellant.	William A. Vickery Kevin M. McMaster Arthur S. Chalmers	Sedgwick

1:30 p.m.

82,881	In the Matter of the Estate of Leroy Cockrum, Deceased, Karen J. Atkins, Sheryl Cockrum, and Ron Cockrum, Appellants, v. Florence Eileen Kitzmiller Davis Cockrum, a/k/a Florence Eileen Cockrum, Appellee, Fidelity State Bank, as Trustee of the Leroy Cockrum Living Trust, Plaintiff, v. Florence Eileen Cockrum.	Scott E. Daniel Ward Loyd David L. Dahl	Stanton
82,891 83,381	Donald F. Kitchen and Donna J. Kitchen, Appellants, v. Columbian National Title Insurance Company, Danny D. Schedeman and Mary E. Schedeman, Appellees.	Larry D. Toomey Jeffrey L. Willis Nicholas S. Daily	Sedgwick
83,822	Rowana Riggs, Appellee, v. The Boeing Company, and American Manufacturers Mutual Insurance Company, Appellants.	Rowana Riggs Vincent A. Burnett David L. Vogel	Work Comp
83,416 83,761	The Citizens State Bank, Appellee, v. Columbian National Title Insurance Co., Appellee. Janet Lee Neitzel, Appellant, and Christine K. Fox and Stanley Fox, Appellees.	Calvin L. Wiebe Nicholas S. Daily Milo M. Unruh, Jr.	Sedgwick

Wednesday, May 17, 2000

9:00 a.m.

Case No.	Case Name	Attorneys	County
83,214	State of Kansas, Appellee, v. Billy Graham, Appellant.	Attorney General Thomas R. Stanton, Asst. C.A. Jessica R. Kunen, Chief A.D. Mary Curtis, Asst. A.D.	Saline
83,881	State of Kansas, Appellee, v. Romal Kinnard, Appellant.	Attorney General Robert Claus, C.A. Joy Kay Williams	Montgomery

Summary Calendar—No Oral Argument

82,579	State of Kansas, Appellee, v. Shenah Stallings, Appellant.	Attorney General District Attorney Jessica R. Kunen, Chief A.D. Steven R. Zinn, Asst. A.D.	Wyandotte
82,680	State of Kansas, Appellee, v. Billy J. Baert, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D. Mary Curtis, Asst. A.D.	Sedgwick
82,694	State of Kansas, Appellee, v. Lonnie Ray Porting, Appellant.	Attorney General County Attorney Jessica R. Kunen, Chief A.D. Steven R. Zinn, Asst. A.D.	Reno

(continued)

82,856	State of Kansas, Appellee, v. Ernest P. Caldwell, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Lesley A. McFadden, Asst. D.A. Jessica R. Kunen, Chief A.D. Sandra Carr, Asst. A.D.	Sedgwick
83,427	State of Kansas, Appellant, v. Rodney D. Davis, Appellee.	Attorney General Stacy Lynn Cuning, Asst. D.A. Kiehl Rathbun	Reno
83,573	State of Kansas, Appellee, v. Loranz V. Bennett, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Lesley A. McFadden, Asst. D.A. Jessica R. Kunen, Chief A.D. Jennifer C. Roth, Asst. A.D.	Sedgwick
83,659	In the Matter of the Marriage of Amy Michelle Lindsay, Appellee, and Mitch Allen Lindsay, Appellant.	Lucy L. Herlocker Robb W. Rumsey	Sedgwick
82,558	State of Kansas, Appellee, v. Alan L. Kemp, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D. Brent Getty, Asst. A.D.	Sedgwick
82,763	Regina M. Baldwin, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Craig Durham, Asst. A.D. Attorney General Debra S. Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A.	Sedgwick
83,092	Roy Humphrey, Appellant, v. State of Kansas, Appellee.	Benjamin C. Wood John K. Bork, Asst. A.G.	Finney
83,212	State of Kansas, Appellee, v. Michael G. Davis, Appellant.	Attorney General James I. Murfin, Asst. C.A. Jessica R. Kunen, Chief A.D. Sandra Carr, Asst. A.D.	Butler
83,566	State of Kansas, Appellee, v. George L. Johnson, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Boyd K. Isherwood, Asst. D.A. Jessica R. Kunen, Chief A.D. Jennifer C. Roth, Asst. A.D.	Sedgwick
83,786	In the Interest of: T.S.W., dob: 11/02/87, and M.P.W., dob: 07/17/89, children under eighteen (18) years of age.	Becky C. Hurtig Timothy Henderson Gwendolen B. Mason	Sedgwick
82,587	State of Kansas, Appellee, v. Jesse A. Brown III, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Lesley A. McFadden, Asst. D.A. Jessica R. Kunen, Chief A.D. Debra J. Wilson, Asst. A.D.	Sedgwick
83,455	Benjamin Musser Estate Trust, Inc., Appellee, v. Travis J. Kershner, Appellant.	Mark J. Noah Kevin L. Phillips	Jewell

0119

Kansas Court of Appeals
Barton County Courthouse
Courtroom A
1400 Main St.
Great Bend, Kansas

Before Green, P.J.; Lewis, J.; and Robert J. Fleming, D.J., assigned.

Tuesday, May 16, 2000

9:30 a.m.

Case No.	Case Name	Attorneys	County
83,641	Ralph L. Stalcup, Appellee, v. Norman L. Detrich, Appellant, <i>et al.</i> , and State of Kansas, Third-Party Plaintiff, v. Ark-Bend Abstract & Title Company.	Timothy R. Keenan Larry E. Keenan Kenneth L. Kerns	Stafford
84,133	In the Matter of the Estate of Elsie L. Lewis, Deceased.	Tim R. Karstetter Brian W. Wood	Dickinson
82,536	State of Kansas, Appellee, v. Michael Lee Polzin, Appellant.	Attorney General Rick J. Scheufler, C.A. Jessica R. Kunen, Chief A.D. Karen Eager, Asst. A.D.	Barton
83,308	State of Kansas, Appellee, v. Jeffrey M. Mullen, Appellant.	Attorney General Nels P. Noel, C.A. Jessica R. Kunen, Chief A.D. Karen Eager, Asst. A.D.	Haskell

1:30 p.m.

82,264	State of Kansas, Appellee, v. Larry T. Broils, Appellant.	Attorney General Thomas R. Stanton, Asst. C.A. Jessica R. Kunen, Chief A.D. Cory D. Riddle, Asst. A.D.	Saline
83,369	State of Kansas, Appellee, v. Jerome Dale Petz, Appellant.	Attorney General Thomas J. Drees, C.A. Jessica R. Kunen, Chief A.D. Peter Maharry, Asst. A.D.	Ellis
83,216	State of Kansas, Appellee, v. Willie Ray Mann II, Appellant.	Attorney General Ty Kaufman, C.A. Jessica R. Kunen, Chief A.D. Daniel C. Estes, Asst. A.D.	McPherson
83,244	State of Kansas, Appellee, v. Cass Lee Bowker, Appellant.	Attorney General Tamara S. Hicks, Asst. C.A. Jessica R. Kunen, Chief A.D. Sandra Carr, Asst. A.D.	Finney

Wednesday, May 17, 2000

9:30 a.m.

Case No.	Case Name	Attorneys	County
83,225 83,498	In the matter of the estate of Edward N. Mater, Deceased.	Phillip L. Turner Dan E. Turner Morgan Wright	Barton
82,866	Pat Mitchell, v. Boyd D. Rostine, Nancy Rostine, Boyd L. Rostine, Appellants, and Lydia Rostine, Appellee.	Dennis O. Smith Stanley R. Juhnke	Reno

(continued)

84,556	State of Kansas, Appellant, v. Tia K. Bohn, Appellee.	Attorney General Michael L. Leyba, Asst. C.A. Kent Roth	Barton
83,981	Vivian Thompson, Appellant, and William Thompson, v. Kentucky Fried Chicken of Concordia, Inc., Appellee.	Tish Morrival Clarence L. King, Jr. Mickey W. Mosier Lawton M. Nuss	Cloud
Summary Calendar—No Oral Argument			
82,516	State of Kansas, Appellee, v. Timothy L. McCoul, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. John V. Wachtel	Sedgwick
82,969	Leroy Gier, Appellant, v. Department of Revenue, Division of Vehicles, Appellee.	Terry R. Fuller James G. Keller	Pawnee
83,336	Bert B. Becker, Appellant, v. State of Kansas, Appellee.	Allen B. Angst Attorney General Daniel L. Baldwin, C.A.	Marion
83,504	In the Matter of the Marriage of Loretta Baize, Appellee, and William Baize, Appellant.	Julie McKenna Larry Livengood	Saline
83,527	State of Kansas, Appellee, v. Paul R. Johnson, Appellant.	Attorney General R. Douglas Sebelius, C.A. Jessica R. Kunen, Chief A.D. Brent Getty, Asst. D.A.	Norton
83,781	State of Kansas, Appellant, v. Richard L. Fehrenbach, Appellee.	Attorney General Douglas A. Matthews, Asst. C.A. John C. Herman	Barton
83,309	State of Kansas, Appellee, v. Lee R. Thiel, Appellant.	Attorney General William T. Stetzer, Asst. C.A. Jessica R. Kunen, Chief A.D. Niki Christopher, Asst. A.D.	Ford
83,426	State of Kansas, Appellee, v. Jesus Mendez Balderrama, Appellant.	Attorney General William T. Stetzer, Asst. C.A. Jessica R. Kunen, Chief A.D. Sandra Carr, Asst. A.D.	Ford
83,662	City of Hoisington, Appellee, v. \$2,044 in U.S. Currency (Lorna Rae Steinert), Appellant.	Richard A. Boeckman Kent Roth	Barton
83,878	Jim Kern, Appellee, v. State of Kansas and State Self-Insurance Fund, Appellant.	Dennis L. Horner Richard A. Boeckman	Work Comp
83,905	In the Matter of the Marriage of Halleck Richardson, Appellee, and Claudine Dombrowski, Appellant.	Donald R. Hoffman Rebecca A. King	Shawnee
83,148	State of Kansas, Appellee, v. Thomas Lane, Appellant.	Attorney General Robert R. Johnson, Asst. C.A. Jessica R. Kunen, Chief A.D. Kathryn B. Wall, Asst. A.D.	Finney

83,409	Casey M. Bachrodt and Kelly J. Bachrodt, Appellants, v. Alan Bundy, Appellee.	Mark J. Lazzo F. James Robinson, Jr.	Sedgwick
--------	--	---	----------

**Kansas Court of Appeals
Kansas Judicial Center
Court of Appeals Courtroom
2nd Floor
301 W. 10th Ave.
Topeka, Kansas**

Before Marquardt, P.J.; Pierron, J.; and Rogg, S.J.

Monday, May 15, 2000

9:00 a.m.

Case No.	Case Name	Attorneys	County
84,262	State of Kansas, Appellant, v. Jeffrey W. Buck, Appellee.	Attorney General William M. Edwards, Asst. C.A. R. Scott Ryburn	Franklin
84,234	In the Matter of the Adoption of A.W., a Minor Child.	James G. Chappas Danton C. Hejtmanek	Shawnee
83,904	Diann Bunnell, Appellant, v. 25th Judicial District of Kansas, Appellee.	Fritz Edmunds, Jr. John R. Dowell, Asst. A.G.	Finney
83,908	James L. Kincaid, Appellant, v. Cargill, Inc., Appellee.	Roger D. Fincher Billy E. Newman	Work Comp
84,028	In the Matter of the Marriage of Randall E. Gales, Appellee, and Lori D. Gales, Appellant.	Patrick G. Walsh Patricia A. Reeder	Osage
1:30 p.m.			
83,772	Michael Monhollon, as Heir-at-Law of Joni R. Monhollon, Deceased, Appellant, v. David Martinez, Appellee.	Ellen Byers Larry G. Pepperdine Kristine A. Larscheid	Shawnee
82,640	State of Kansas, Appellee, v. Robert K. Ferguson, Appellant.	Attorney General County Attorney Jessica R. Kunen, Chief A.D. Debra J. Wilson, Asst. A.D.	Cowley
84,427	In the Matter of Marriage of David R. Kidwell (R. Alan Bibler), Appellant, and Janet O. Kidwell, Appellee.	Stephen P. Weir Jerold E. Berger	Shawnee
84,041	Bullwinkles of Lawrence, Inc., a Kansas Corporation, and Bulls Eye, Inc., a Kansas Corporation, Appellee, v. Ray Hummert, City Clerk for the City of Lawrence, Kansas, Appellant.	Edward G. Collister, Jr. Gerald L. Cooley	Douglas

(continued)

Tuesday, May 16, 2000

9:00 a.m.

Case No.	Case Name	Attorneys	County
82,712	State of Kansas, Appellee, v. Michael Federgreen, Appellant.	Attorney General Joseph W. Lentz, Asst. D.A. Jessica R. Kunen, Chief A.D. Debra J. Wilson, Asst. A.D.	Shawnee
83,860	David E. Kitchen, <i>et al.</i> , Appellants, v. Employment Security Board of Review, Appellee.	Mark A. Kistler Patrick M. Gavin	Shawnee
Summary Calendar—No Oral Argument			
82,567	State of Kansas, Appellee, v. Dale M. Bettencourt, Appellant.	Attorney General County Attorney Jessica R. Kunen, Chief A.D. Brent Getty, Asst. A.D.	Mitchell
83,054	George Chronister, Appellant, v. City of Coffeyville, KS, Appellee.	W. J. Fitzpatrick Paul M. Kritz James R. McCabria	Montgomery
83,158	State of Kansas, Appellee, v. Harry L. Taylor, Appellant.	Attorney General Joel W. Meinecke, Asst. D.A. Jessica R. Kunen, Chief A.D. Brent Getty, Asst. A.D.	Shawnee
83,458	State of Kansas, Appellee, v. James L. Dockery, Jr., Appellant.	Attorney General David C. Smith, Asst. D.A. Jessica R. Kunen, Chief A.D. Cory D. Riddle, Asst. A.D.	Wyandotte
83,973	State of Kansas, Appellee, v. Raymond Wahrman, Appellant.	Robert A. Creighton Elmo Lund Raymond Wahrma, pro se County Attorney	Rawlins
84,255	Dwight S. Barry, Appellant, v. Kansas Department of Revenue, Appellee.	Barry A. Clark James G. Keller	Riley
82,008	State of Kansas, Appellee, v. Vernon J. Turner III, Appellant.	Attorney General Angela M. Wilson, Asst. D.A. Jessica R. Kunen, Chief A.D. James Brent Getty, Asst. A.D.	Douglas
82,023	State of Kansas, Appellee, v. Michael Wayne Van Buren.	Attorney General Ann L. Smith, Special Asst. C.A. Jessica R. Kunen, Chief A.D. Brent Getty, Asst. A.D.	Montgomery
83,151	State of Kansas, Appellee, v. Tammy R. Davis, Appellant.	Attorney General County Attorney Jessica R. Kunen, Chief A.D. Peter T. Maharry, Asst. A.D.	Seward
83,274	Robert Cotton, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Brent Getty, Asst. A.D. Attorney General Nick A. Tomasic, D.A.	Wyandotte
83,675	State of Kansas, Appellee, v. Jeffrey Gee, Appellant.	Attorney General P. Bernard Irvine, Asst. C.A. Ted E. Smith	Riley

83,692	GT, Kansas, L.L.C., Appellee, v. Riley County Register of Deeds, Appellant.	William J. Barr Charles S. Arthur III Lewis A. Heaven, Jr.	Riley
83,152	State of Kansas, Appellee, v. Michael S. Harness, Appellant.	Attorney General, Robert Forer, C.A. Jessica R. Kunen, Chief A.D. Rebecca E. Woodman, Asst. A.D.	Labette
84,142	In the Interest of A.M.B., dob: 12/13/98, a child under 18 years of age.	Patrick E. Henderson, Asst. C.A. John R. Kurth Marlin Johanning	Atchison

Carol G. Green
Clerk of the Appellate Courts

Doc. No. 025072

(Published in the Kansas Register April 20, 2000.)

Revised
Summary Notice of Bond Sale
City of Plainville, Kansas
\$305,000
General Obligation Bonds, Series 2000
(General obligation bonds payable from
unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated April 6, 2000, sealed bids will be received by the clerk of the City of Plainville, Kansas (the issuer), on behalf of the governing body at City Hall, 222 W. Mill, Plainville, KS 67663, until 5 p.m. May 2, 2000, for the purchase of \$305,000 principal amount of General Obligation Bonds, Series 2000. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated May 15, 2000, and will become due on November 1 in the years as follows:

Year	Principal Amount
2001	\$15,000
2002	25,000
2003	25,000
2004	30,000
2005	30,000
2006	30,000
2007	35,000
2008	35,000
2009	40,000
2010	40,000

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

Book-Entry-Only System

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

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$6,100 (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 May 15, 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 \$7,969,057. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$1,006,000.

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, (785) 434-2841, fax (785) 434-4727.

Dated April 13, 2000.

City of Plainville, Kansas

Doc. No. 025106

(Published in the Kansas Register April 20, 2000.)

Summary Notice of Sale**City of Olathe, Kansas****\$5,800,000*****General Obligation Temporary Notes****Series 2000-A****\$22,365,000*****General Obligation Temporary Notes****Series 2000-B****\$3,470,000*****General Obligation Bonds****Series 196****(General obligations payable from
unlimited ad valorem taxes)****Bids**

Subject to the notice of sale and preliminary official statement, bids will be received by the director of financial services for the City of Olathe, Kansas, on behalf of the governing body at the Municipal Building, 126 S. Cherry St., Olathe, KS 66061, on Tuesday, May 2, 2000, for the purchase of \$5,800,000* General Obligation Temporary Notes, Series 2000-A, and \$22,365,000* General Obligation Temporary Notes, Series 2000-B (collectively referred to as the notes), and \$3,470,000* of General Obligation Bonds, Series 196. Bids for the notes will be read at 11 a.m. local time on that day. Bids for the bonds will be opened and read at noon local time on that day. No bid will be considered of (a) less than 99.5 percent of the principal amount of a series of the notes and accrued interest to the date of delivery, and (b) less than 100 percent of the principal amount of the bonds and accrued interest to the date of delivery.

Note Details

The notes will consist of fully registered notes in the denomination of \$5,000 or any integral multiple thereof. Notes shall initially be registered in the name of Cede & Co., as nominee of the depository Trust Company, New York, New York, to which payment of principal of and interest on the notes will be made. Individual purchases of notes will be made in book-entry form only. Purchasers will not receive certificates representing their interest in notes purchased. The Series 2000-A Notes will be dated May 15, 2000, and will become due on October 1, 2000. The Series 2000-A Notes will bear interest from the dated date at a rate to be determined when the notes are sold, and interest will be payable only at maturity on October 1, 2000. The Series 2000-B Notes will be dated May 15, 2000, and will become due on June 1, 2001. The Series 2000-B Notes will bear interest from the dated date at a rate to be determined when the notes are sold, which interest will be payable only at maturity on June 1, 2001. The Olathe City Treasurer will be the note paying agent and note registrar for the notes.

Bond Details

The bonds will consist of fully registered certificated bonds in the denomination of \$5,000 or any integral multiple thereof. Bonds shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust

Company, New York, New York, to which payments of principal of and interest on the bonds will be made. Individual purchases of bonds will be made in book-entry form only. Purchasers will not receive certificates representing their interest in bonds purchased. The bonds will be dated May 15, 2000, and will become due annually on April 1, beginning April 1, 2001, in the years as follows:

Year	Principal Amount
04/01/01	\$350,000
04/01/02	350,000
04/01/03	350,000
04/01/04	350,000
04/01/05	345,000
04/01/06	345,000
04/01/07	345,000
04/01/08	345,000
04/01/09	345,000
04/01/10	345,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold, and interest will be payable semiannually on April 1 and October 1 in each year, beginning October 1, 2000. The Kansas State Treasurer, Topeka, Kansas, will be the bond paying agent and bond registrar for the bonds.

Good Faith Deposit

Each bid for a series of the notes shall be accompanied by a good faith deposit in the form of a cashier's or certified check or a financial surety bond in the amount of 1 percent of the principal amount of the notes of such series. Each bid for the bonds shall be accompanied by a good faith check in the form of a cashier's or certified check or a financial surety bond in the amount of 2 percent of the principal amount of the bonds.

Delivery

The city will pay for preparing the notes and the bonds. The city will deliver the notes and bonds in book-entry form only through the facilities of the Depository Trust Company, New York, New York, on or about May 25, 2000.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1999 is \$786,271,960. The total general obligation indebtedness of the city as of the date of the bonds, including the notes and bonds being sold but excluding the temporary notes to be retired with the proceeds of the bonds and notes being sold, is \$96,400,000, and the total general obligation indebtedness of the city as of December 31, 1999, for debt limitation purposes was \$41,098,022.

Approval of Bonds

The bonds and notes will be sold subject to the legal opinion of Gilmore & Bell, P.C., Kansas City, Missouri, bond counsel, whose approving legal opinion as to the validity of the bonds/notes will be furnished and paid for by the city, accompany the bonds and notes and be delivered to the successful bidder when the bonds/notes are delivered.

Additional Information

Additional information regarding the bonds and the notes may be obtained from Kevin Hammeke, the city's

director of financial services, (913) 782-2600; or the city's financial advisor, George K. Baum & Company, Kansas City, Missouri, Attention: Dave Arteberry, (816) 474-1100.

Dated April 20, 2000.

City of Olathe, Kansas
 Kevin Hammeke
 Director of Financial Services
 Municipal Building
 126 S. Cherry St.
 Olathe, KS 66061
 (913) 782-2600
 Fax (913) 393-6203

*Preliminary; subject to change.

Doc. No. 025085

(Published in the Kansas Register April 20, 2000.)

**Summary Notice of Bond Sale
 City of Manhattan, Kansas
 \$1,150,000**

General Obligation Bonds, Series 211

(General obligation bonds payable from unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated April 18, 2000, sealed bids will be received by the director of finance of the City of Manhattan, Kansas (the issuer), on behalf of the governing body at City Hall, 1101 Poyntz Ave., Manhattan, KS 66502, until 2 p.m. May 2, 2000, for the purchase of \$1,150,000 principal amount of General Obligation Bonds, Series 211. No bid of less than \$1,133,013 and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated June 1, 2000, and will become due on November 1 in the years as follows:

Year	Principal Amount
2001	\$50,000
2002	50,000
2003	55,000
2004	55,000
2005	55,000
2006	65,000
2007	65,000
2008	65,000
2009	75,000
2010	75,000
2011	40,000
2012	45,000
2013	45,000
2014	50,000
2015	50,000

2016	55,000
2017	60,000
2018	60,000
2019	65,000
2020	70,000

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

Book-Entry-Only System

The bonds will be 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 \$23,000 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about June 15, 2000, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1999 is \$224,169,013. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds is \$61,610,000, which includes the bonds and the additional notes being sold, but excludes temporary notes in the principal amount of \$1,587,000 to be retired out of proceeds of the bonds, the additional notes and other available funds.

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 Curt Wood, director of finance, (785) 587-2465, fax (785) 587-2409, e-mail: wood@ci.manhattan.ks.us; or from the financial advisor, Springsted Incorporated, 85 E. 7th Place, Suite 100, St. Paul, MN 55101; Attn: David MacGillivray, (651) 223-3068.

Dated April 18, 2000.

City of Manhattan, Kansas

Doc. No. 025099

(Published in the Kansas Register April 20, 2000.)

**Summary Notice of Bond Sale
City of Leavenworth, Kansas
\$814,000
General Obligation Bonds
Series 2000B**

**(General obligation bonds payable from
unlimited ad valorem taxes)**

Sealed Bids

Subject to the official notice of bond sale and preliminary official statement dated April 13, 2000, sealed bids will be received by the city clerk of the City of Leavenworth, Kansas (the issuer), on behalf of the governing body of the city at City Hall, 100 N. Fifth St., Leavenworth, KS 66048, until 10 a.m. Tuesday, May 2, 2000, for the purchase of \$814,000 principal amount of General Obligation Bonds, Series 2000B. No bid of less than the entire par value 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 either the denomination of, or including, \$4,000. The bonds will be dated May 1, 2000, and will become due on September 1 in the years as follows:

Year	Principal Amount
2001	\$ 84,000
2002	80,000
2003	80,000
2004	80,000
2005	80,000
2006	80,000
2007	80,000
2008	80,000
2009	85,000
2010	85,000

The bonds will be subject to optional redemption prior to maturity as provided in the official notice of bond sale and preliminary official statement.

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

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$16,280 (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 at such bank or trust company in the contiguous United States as may be specified by the successful bidder without cost to the successful bidder within 45 days after the date of sale.

Assessed Valuation and Indebtedness

The total assessed valuation of taxable tangible property in the city for the year 1999 is \$150,642,974. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$31,201,000, which includes temporary notes outstanding in the principal amount of \$16,910,000, of which \$1,000,000 will be retired out of the proceeds of the bonds herein offered for sale.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the city clerk, (913) 682-9201.

Dated April 13, 2000.

City of Leavenworth, Kansas
Carol Sadler, City clerk
City Hall
100 N. Fifth St.
Leavenworth, KS 66048

Doc. No. 025097

(Published in the Kansas Register April 20, 2000.)

**Summary Notice of Bond Sale
City of Arkansas City, Kansas
\$1,790,000
General Obligation Bonds
Series 2000-A**

**(General obligation bonds payable from
unlimited ad valorem taxes)**

Sealed Bids

Subject to the notice of bond sale dated April 18, 2000, sealed bids will be received by the clerk of the City of Arkansas City, Kansas (the issuer), on behalf of the governing body at City Hall, 118 W. Central, P.O. Box 778, Arkansas City, KS 67005-0778, until 6:30 p.m. May 2, 2000, for the purchase of \$1,790,000 principal amount of General Obligation Bonds, Series 2000-A. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated May 1, 2000, and will become due on December 1 in the years as follows:

Year	Principal Amount
2000	\$175,000
2001	145,000
2002	155,000
2003	160,000
2004	170,000

2005	180,000
2006	185,000
2007	195,000
2008	205,000
2009	220,000

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 December 1 and June 1 in each year, beginning December 1, 2000.

Optional Book-Entry-Only System

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

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$35,800 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about May 30, 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 \$43,881,847. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold and the issuer's Temporary Notes, Series 2000-1, being sold simultaneously with the sale of the bonds, is \$9,430,000.

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) 441-4400, or from the financial advisor, George K. Baum & Company, 100 N. Main, Suite 810, Wichita, KS 67202, Attention: Charles M. Bouilly, (316) 264-9351.

Dated April 18, 2000.

City of Arkansas City, Kansas

State of Kansas

Department of Health and Environment

Permanent Administrative Regulations

Article 19.—AMBIENT AIR QUALITY STANDARDS AND AIR POLLUTION CONTROL

28-19-729. Standards for "hospital/medical/infectious waste incinerators." (a) Applicability. Except as otherwise provided in subsection (b) of this regulation, the requirements of the "hospital/medical/infectious waste incinerators" regulations, K.A.R. 28-19-729 through K.A.R. 28-19-729h, shall apply to each individual "hospital/medical/infectious waste incinerator," or "HMIWI," as defined in K.A.R. 28-19-729a, for which construction commenced on or before June 20, 1996.

(b) Exceptions.

(1) The requirements of K.A.R. 28-19-729 through 28-19-729h shall not apply to HMIWI during periods when the HMIWI is burning only pathological waste, low-level radioactive waste, or chemotherapeutic wastes, as defined in K.A.R. 28-19-729a, or any combination of only these waste types, under all of the following conditions:

(A) The owner or operator of the HMIWI notifies the department in writing of an exemption claim under this subsection.

(B) The owner or operator of the HMIWI keeps records, on a calendar quarter basis, of the times, including start and ending times, when only pathological, low-level radioactive, or chemotherapeutic wastes, or a combination of only these wastes, are burned.

(C) The owner or operator of the HMIWI maintains the records for agency inspections in accordance with the provisions of K.A.R. 28-19-729h.

(2) A co-fired combustor, as defined in K.A.R. 28-19-729a, shall not be subject to these regulations if the owner or operator of the combustor does the following:

(A) Notifies the department of the exemption claim;

(B) provides to the department an estimate of the relative weights of "hospital" or medical/infectious wastes," fuels, and other wastes to be burned; and

(C) keeps records on a calendar quarter basis of the weight of the "hospital or medical/infectious wastes" and the weight of all other fuels and wastes burned in the device.

(3) Pyrolysis units, as defined in K.A.R. 28-19-729a, and cement kilns burning "hospital or medical/infectious wastes" shall not be subject to the requirements of these regulations.

(4) Incinerators, boilers, or industrial furnaces subject to the hazardous waste facility permitting requirements of section 3005 of the federal solid waste disposal act, 42 U.S.C. §6925, shall not be subject to these regulations.

(5) Incinerators subject to 40 C.F.R. Part 60, Subparts Cb, Ea, or Eb for municipal waste combustors shall not be subject to these HMIWI regulations.

(c) Incinerators subject to the requirements of K.A.R. 28-19-729 through 28-19-729h shall not be subject to the requirements of K.A.R. 28-19-40 through 28-19-43. (Au-

(continued)

thorized by K.S.A. 1998 Supp. 65-3005; implementing K.S.A. 1998 Supp. 65-3005, K.S.A. 1998 Supp. 65-3007, and K.S.A. 65-3010; effective May 5, 2000.)

28-19-729a. "Hospital/medical/infectious waste incinerators"; definitions.

(a) The definitions in 40 C.F.R. 60.51c, as in effect on July 1, 1998, are adopted by reference.

(b) "HMIWI" or "hospital/medical/infectious waste incinerator" is defined in 40 C.F.R. 60.51c.

(c) "Small rural hospital/medical/infectious waste incinerator" means a small HMIWI, as defined in 40 C.F.R. 60.51c, that burns less than 2,000 pounds of "hospital or medical/infectious waste" per week and is located more than 50 miles from the boundary of the nearest standard metropolitan statistical area (SMSA).

(d) "Standard metropolitan statistical area" (SMSA) means, for the purposes of these HMIWI regulations, the following:

(1) In Kansas:

(A) The Topeka SMSA comprised of Shawnee county;

(B) the Lawrence SMSA comprised of Douglas county;

(C) the Wichita SMSA comprised of Butler, Harvey, and Sedgwick counties; and

(D) the Kansas City SMSA comprised of Johnson, Leavenworth, Miami, and Wyandotte counties;

(2) in Missouri:

(A) The Joplin SMSA comprised of Jasper county; and

(B) the St. Joseph SMSA comprised of Buchanan county;

(3) in Oklahoma:

(A) The Enid SMSA comprised of Garfield county; and

(B) the Tulsa SMSA comprised of Creek, Osage, Rogers, Tulsa, and Wagoner counties in Oklahoma; and

(4) the Lincoln SMSA comprised of Lancaster county in Nebraska. (Authorized by and implementing K.S.A. 1998 Supp. 65-3005; effective May 5, 2000.)

28-19-729b. "Hospital/medical/infectious waste incinerators"; emission standards.

(a)(1) The owner or operator of a "hospital/medical/infectious waste incinerator," or HMIWI, subject to these HMIWI regulations shall not cause or permit emissions from the HMIWI to exceed a visible contaminant emission greater than 10 percent opacity during a six-minute block average, measured as specified in 40 C.F.R. 60.56c as adopted in K.A.R. 28-19-729g.

(2) The owner or operator of any HMIWI subject to these regulations shall not cause or permit emissions from the HMIWI of any pollutants to exceed the emission limits listed in Table 1 of this regulation, measured as specified in 40 C.F.R. 60.56c, as adopted in K.A.R. 28-19-729g.

**Table 1
Emission Limits for HMIWI**

Pollutant	Units	Emission Limits (7% oxygen, dry basis)			
		HMIWI Size			
		Small Rural	Small	Medium	Large
Particulate Matter (PM)	Milligrams per dry standard cubic meter (mg/dscm)	197	115	69	34
Carbon Monoxide (CO)	Parts per million by volume (ppmv)	40	40	40	40
Dioxins/furans	Nanograms per dscm total dioxins/furans, or Nanograms per dscm TEQ*	800 total 15 TEQ	125 total 2.3 TEQ	125 total 2.3 TEQ	125 total 2.3 TEQ
Hydrogen Chloride (HCl)	ppmv, or percent (%) reduction	3,100 ppmv	100 ppmv 93%	100 ppmv 93%	100 ppmv 93%
Sulfur Dioxide (SO ₂)	ppmv	55	55	55	55
Nitrogen Oxides (NO _x)	ppmv	250	250	250	250
Lead (Pb)	mg/dscm, or percent (%) reduction	10 mg/dscm	1.2 mg/dscm 70%	1.2 mg/dscm 70%	1.2 mg/dscm 70%
Cadmium (Cd)	mg/dscm, or percent (%) reduction	4 mg/dscm	0.16 mg/dscm 65%	0.16 mg/dscm 65%	0.16 mg/dscm 65%
Mercury (Hg)	mg/dscm, or percent (%) reduction	7.5 mg/dscm	0.55 mg/dscm 85%	0.55 mg/dscm 85%	0.55 mg/dscm 85%

* TEQ is used to abbreviate "Toxic Equivalent." See 40 CFR 60.51c as adopted in K.A.R. 28-19-729a.

(b) Exceptions. Air emissions opacity levels that exceed the specified limits in paragraph (a)(1) of this regulation shall not be considered a violation of this regulation if the owner or operator of the emission unit demonstrates to the satisfaction of the department that the opacity exceedance is due solely to the presence of uncombined water in the plume. (Authorized by and implementing K.S.A. 1998 Supp. 65-3005; effective May 5, 2000.)

28-19-729c. Standards for "hospital/medical/infectious waste incinerators"; compliance schedule. (a) Except as otherwise provided in subsection (b) of this regulation, the owner or operator of each HMIWI subject to the emission limits in K.A.R. 28-19-729b shall comply with all of the applicable requirements of K.A.R. 28-19-729 through 28-19-729h on or before the date one year after the effective date of EPA's approval of the state's HMIWI plan.

(b) (1) The owner or operator of an HMIWI may petition the department for an extension to the compliance date specified in subsection (a) of this regulation. This petition shall be prepared in accordance with the provisions of subsection (c) of this regulation.

(2) The compliance date for each HMIWI for which a compliance date extension petition is approved shall be no later than September 15, 2002.

(c) Each petition for a compliance date extension shall be submitted to the department within 180 days after the effective date of EPA's approval of the state's HMIWI emission guidelines implementation plan, and shall include the following components:

(1) Documentation and analysis to support the need for an extension, including an evaluation of the option to transport the waste off-site to a commercial medical waste treatment and disposal facility on a temporary or permanent basis;

(2) submittal of an emissions control plan, describing the air pollution controls or process modifications, or both, that are to be used to comply with the emission limits in K.A.R. 28-19-729b;

(3) a compliance schedule, with dates, for the following steps:

(i) The awarding of contracts for air pollution control systems, process modifications, or orders for purchase of components;

(ii) the initiation of on-site construction or installation of air pollution control equipment, process modifications, or both;

(iii) the completion of on-site construction or installation of air pollution control equipment, process modifications, or both; and

(iv) the conduct of performance testing, and final compliance with the applicable requirements of K.A.R. 28-19-729b through 28-19-729h.

(d) The owner or operator of an HMIWI for which a timely and complete compliance date extension petition has been submitted to the department may continue to operate the HMIWI until the petition has been approved or disapproved, if the owner or operator adheres to the compliance schedule outlined in the submitted petition. (Authorized by and implementing K.S.A. 1998 Supp. 65-3005; effective May 5, 2000.)

28-19-729d. "Hospital/medical/infectious waste incinerators"; operation, operator training, and qualification standards. (a)(1) For the purposes of these regulations, a "trained and qualified HMIWI operator" or "HMIWI operator" means a person who has completed the requirements of subsections (b) and (c) of this regulation, and who maintains the qualifications in accordance with the requirements of subsection (e) as required.

(2) A trained and qualified HMIWI operator either shall be at the HMIWI facility at all times or shall be generally able to reach the facility within one hour at all times the incinerator is in operation.

(3) Any HMIWI subject to these regulations shall be operated only by a trained and qualified HMIWI operator, or by a person or persons working under the direct supervision of a trained and qualified HMIWI operator.

(b) The HMIWI operator training shall be obtained by completing an HMIWI operator training course that includes, at a minimum, the following elements:

(1) Training on the following subjects:

(A) Environmental concerns, including pathogen destruction and types of emissions;

(B) basic combustion principles, including products of combustion;

(C) operation of the type of incinerator to be used by the operator, including proper startup, waste charging, and shutdown procedures;

(D) combustion controls and monitoring;

(E) operation of air pollution control equipment and factors affecting performance, if applicable;

(F) methods to monitor pollutants, including continuous emission monitoring systems and monitoring of HMIWI and air pollution control device operating parameters, and equipment calibration procedures, where applicable;

(G) inspection and maintenance of the HMIWI, air pollution control devices, and continuous emission monitoring systems;

(H) actions to correct malfunctions or conditions that may lead to malfunction;

(I) bottom and fly ash characteristics and handling procedures;

(J) applicable federal, state, and local regulations;

(K) work safety procedures;

(L) pre-startup inspections; and

(M) recordkeeping requirements;

(2) an examination designed and administered by the instructor of the training course; and

(3) reference material distributed to the attendees covering the course topics.

(c) HMIWI operator qualification shall be obtained by the following:

(1) Completion of a training course that satisfies the criteria listed in paragraph (b)(1) of this regulation; and

(2) six months of experience as an HMIWI operator, six months of experience as a direct supervisor of an HMIWI operator, or completion of at least two burn cycles under the observation of a qualified HMIWI operator.

(d) HMIWI operator qualification shall be valid from the date on which the examination is passed or the completion of the required experience, whichever is later.

(continued)

(e) To maintain qualification, the trained and qualified HMIWI operator shall complete an annual review or refresher course covering the following:

- (1) Update of regulations;
- (2) incinerator operation, including startup and shutdown procedures;
- (3) inspection and maintenance;
- (4) responses to malfunctions or conditions that may lead to malfunction; and
- (5) discussion of operating problems encountered by attendees.

(f) A lapsed qualification shall be renewed by one of the following procedures:

(1) For a lapse of less than three years, the HMIWI operator shall complete and pass a standard annual refresher course described in subsection (e) of this regulation.

(2) For a lapse of three years or more, the HMIWI operator shall complete and pass a training course with the minimum criteria described in paragraph (b)(1) of this regulation.

(g) The owner or operator of an HMIWI subject to these regulations shall maintain documentation at the facility that addresses the following:

- (1) A summary of the applicable standards under this regulation;
- (2) a description of basic combustion theory applicable to HMIWI;
- (3) procedures for receiving, handling, and charging waste;
- (4) HMIWI startup, shutdown, and malfunction procedures;
- (5) procedures for maintaining proper combustion air supply levels;
- (6) procedures for operating the HMIWI and associated air pollution control systems within the standards established under this regulation;
- (7) procedures for responding to periodic malfunction or conditions that may lead to malfunction;
- (8) procedures for monitoring HMIWI emissions;
- (9) reporting and recordkeeping procedures; and
- (10) procedures for handling ash.

(h) The owner or operator of a HMIWI subject to these regulations shall review with each HMIWI operator the information listed in subsection (g) of this regulation.

(1) The initial review of the information listed in subsection (g) of this regulation shall be conducted within one year of the date of EPA approval of the state's HMIWI plan, or before the assumption of responsibilities affecting HMIWI operation, whichever date is later.

(2) Subsequent reviews of the information listed in subsection (g) of this regulation shall be conducted annually. (Authorized by and implementing K.S.A. 1998 Supp. 65-3005; effective May 5, 2000.)

28-19-729e. "Hospital/medical/infectious waste incinerators"; waste management plan. The owner or operator of the HMIWI facility shall prepare a waste management plan in accordance with 40 C.F.R. 60.55c, as in effect on July 1, 1998, which is hereby adopted by reference. (Authorized by and implementing K.S.A. 1998 Supp. 65-3005; effective May 5, 2000.)

28-19-729f. "Hospital/medical/infectious waste incinerators"; inspections. (a) The owner or operator of each small rural HMIWI subject to this regulation, as defined in K.A.R. 28-19-729a(c), shall conduct an initial equipment inspection of the HMIWI within one year from the date the department receives EPA approval of the state's HMIWI plan.

(b) At a minimum, the owner or operator shall perform the following:

- (1) Inspect all burners, pilot assemblies, and pilot sensing devices for proper operation, and clean the pilot flame sensor, as necessary;
- (2) ensure proper adjustment of primary and secondary chamber combustion air, and adjust as necessary;
- (3) inspect hinges and door latches, and lubricate as necessary;
- (4) inspect dampers, fans, and blowers for proper operation;
- (5) inspect HMIWI door and door gaskets for proper sealing;
- (6) inspect motors for proper operation;
- (7) inspect primary chamber refractory lining, and clean and repair or replace the lining as necessary;
- (8) inspect the incinerator shell for corrosion and hot spots;
- (9) inspect the secondary and tertiary chambers and stack, and clean as necessary;
- (10) inspect the mechanical loader, including limit switches, for proper operation, if applicable;
- (11) visually inspect the waste bed grates, and repair or seal, or both, as appropriate;
- (12) for the burn cycle that follows the inspection, document that the incinerator is operating properly and make any necessary adjustments;
- (13) inspect air pollution control devices for proper operation, if applicable;
- (14) inspect waste heat boiler systems to ensure proper operation, if applicable;
- (15) inspect bypass stack components;
- (16) ensure proper calibration of thermocouples, sorbent feed systems, and any other monitoring equipment; and
- (17) generally observe that the equipment is maintained in good operating condition.

(c)(1) Within 10 operating days following an equipment inspection, all necessary repairs shall be completed, unless the owner or operator obtains a written approval from the department, extending the time allowed for the necessary repairs.

(2) All approvals for time extensions to this requirement shall establish the date by which all necessary repairs are to be completed.

(d) Each small rural HMIWI subject to the emission limits specified in K.A.R. 28-19-729b shall undergo an equipment inspection annually, no later than 12 months following the previous annual equipment inspection, which shall include the inspection elements in subsections (b) and (c) of this regulation. (Authorized by and implementing K.S.A. 1998 Supp. 65-3005; effective May 5, 2000.)

28-19-729g. "Hospital/medical/infectious waste incinerators"; compliance, performance testing, and

monitoring guidelines. (a) (1) Except as provided in subsection (b) of this regulation, each individual HMIWI subject to these regulations shall meet the compliance and performance testing requirements in 40 C.F.R. 60.56c, as in effect on July 1, 1998, which is adopted by reference except for the fugitive emissions testing requirements in 40 C.F.R. 60.56c(b)(12) and (c)(3).

(2) To meet the testing requirements of paragraph (a)(1) of this regulation, the operator or owner of each HMIWI shall use the appropriate test methods listed in 40 C.F.R. 60.56c and adopted in K.A.R. 28-19-720.

(b) Each small rural HMIWI subject to these regulations, as defined in K.A.R. 28-19-729a(c), shall meet the following compliance and performance testing requirements:

(1) (A) The owner or operator of the small rural HMIWI shall conduct the performance testing in accordance with the requirements in 40 C.F.R. 60.56c(a), (b)(1) through (b)(9), (b)(11) for mercury (Hg) only, and (c)(1).

(B) The 2,000 pounds per week limitation in K.A.R. 28-19-729a(c) shall not apply during these performance tests.

(2) The owner or operator of the small rural HMIWI shall establish a maximum charge rate and minimum secondary chamber temperature as site-specific operating parameters during the initial performance test to determine compliance with applicable emission limits.

(3) (A) Following the date on which the initial performance test is completed, the owner or operator of the small rural HMIWI shall ensure that the HMIWI does not operate above the maximum charge rate or below the minimum secondary chamber temperature, measured as three-hour rolling averages, calculated each hour as the average of the previous three hours, or as the average of the burn cycle if the burn cycle is less than three hours, at all times except during periods of startup, shutdown, and malfunction.

(B) Operating parameter limits shall not apply during performance tests.

(C) Operation either above the maximum charge rate or below the minimum secondary chamber temperature shall constitute a violation of the established operating parameters.

(4) Except as provided in paragraph (b)(5) of this regulation, operation of the HMIWI above the maximum charge rate and below the minimum secondary chamber temperature, each measured on a three-hour rolling average or as the average of the burn cycle if the burn cycle is less than three hours, simultaneously shall constitute a violation of the particulate matter, carbon monoxide, and "dioxin/furan" emission limits.

(5) (A) The owner or operator of the small rural HMIWI may conduct a repeat performance test within 30 days of violation of an applicable operating parameter to demonstrate that the designated facility is not in violation of the applicable emission limit.

(B) Repeat performance tests conducted pursuant to this subsection shall be conducted under operating parameters equivalent to the operating conditions that indicated a violation under paragraph (b)(4) of this regulation.

(c) Except as specified in subsection (d) of this regulation, each HMIWI subject to these regulations shall meet

the monitoring requirements of 40 C.F.R. 60.57c, as in effect on July 1, 1998, which is hereby adopted by reference.

(d) The owner or operator of each small rural HMIWI subject to these regulations, as defined in K.A.R. 28-19-729a, shall meet the following monitoring requirements:

(1) Install, calibrate to the manufacturer's specifications, maintain, and operate a device for measuring and recording the temperature of the secondary chamber on a continuous basis, the output of which shall be recorded, at a minimum frequency of once every minute throughout operation.

(2) The owner or operator of the small rural HMIWI shall install, calibrate to the manufacturer's specifications, maintain, and operate a device that automatically measures and records the date, time, and weight of each charge of waste fed to the HMIWI.

(3) (A) The owner or operator of a small rural HMIWI subject to these regulations shall obtain the monitoring data required by paragraphs (d)(1) and (d)(2) of this regulation at all times during HMIWI operation, except during periods of monitoring equipment malfunction, calibration, or repair.

(B) The owner or operator shall obtain and record valid monitoring data for not less than 75 percent of the operating hours per day, and for not less than 90 percent of the operating hours per calendar quarter that the HMIWI is combusting "hospital or medical/infectious waste." (Authorized by K.S.A. 1999 Supp. 65-3005; implementing K.S.A. 1999 Supp. 65-3005 and K.S.A. 1999 Supp. 65-3007; effective May 5, 2000.)

28-19-729h. "Hospital/medical/infectious waste incinerators"; reporting and recordkeeping. (a) Except as otherwise provided in subsection (b) of this regulation, the owner or operator of an HMIWI that is subject to these regulations shall meet the reporting and recordkeeping requirements listed in 40 C.F.R. 60.58c(b), (c), (d), (e), and (f), as in effect on July 1, 1998 and hereby adopted by reference, excluding 40 C.F.R. 60.58c(b)(2)(ii), fugitive emissions, and (b)(7), siting.

(b) The owner or operator of each small rural HMIWI subject to the emission limits in K.A.R. 28-19-729b shall comply with the following reporting and recordkeeping requirements:

(1) The owner or operator of the small rural HMIWI shall maintain records of the annual equipment inspections, any required maintenance, and any repairs not completed within 10 days of an inspection or the time frame established by the department pursuant to K.A.R. 28-19-729f(c).

(2) The owner or operator of the small rural HMIWI shall submit an annual report, signed by the facility manager, containing information recorded in accordance with paragraph (b)(1) of this regulation no later than March 1 following the calendar year in which data were collected.

(3) The owner or operator shall send subsequent annual reports no later than 12 calendar months following the previous report.

(4) Once the unit is subject to the department's class I air operating permit program, the owner or operator shall submit these reports semiannually. (Authorized by

(continued)

K.S.A. 1998 Supp. 65-3005; implementing K.S.A. 1998 Supp. 65-3005 and K.S.A. 1998 Supp. 65-3007; effective May 5, 2000.)

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 025079

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, May 1, 2000

01450

Kansas Bureau of Investigation—Sun Sparc Station

01474

Department of Social and Rehabilitation Services—
Janitorial Services, Dodge City

Tuesday, May 2, 2000

01388

Statewide—Dietary Pharmaceuticals

01452

Kansas State University—Genicom 5100 Printers

01460

Lansing Correctional Industries—Furnish and Install
Heating/AC System

01462

Department of Transportation—AB and Ditch Lining
Aggregate (District 1), Various Locations

Thursday, May 4, 2000

A-8969

Fort Hays State University—Interior Modifications
for ADA Compliance Phase II, Various Buildings

A-8614(d)

Kansas State University—Football Stadium Expansion

A-8799 (a)

Kansas State University—Theatrical Rigging, McCain
Auditorium

A-8993

Kansas State University—Parking Lot A3 Overlay

01454

University of Kansas—Armed Cash Collection
Services

01469

Statewide—Personal Safety Devices

01478

University of Kansas—Library Shelving and
Furnishings

01463

Department of Transportation—Tractor Mounted
Hydraulically Powered Rotary Wing Mower, Salina

01475

University of Kansas—Interior Painting

Friday, May 5, 2000

01468

University of Kansas—2001 Undergraduate Viewbook

Tuesday, May 9, 2000

A-8937

Osawatomie State Hospital—Life Safety
Improvements, Sedriks Building

Wednesday, May 10, 2000

A-8943

Pittsburg State University—Roadways and Parking
Lot, Bicknell Sports Complex

A-8957

Pittsburg State University—Chemical Storage
Building

Thursday, May 11, 2000

01456

Department of Health and Environment—West
Sportsman Reclamation

Tuesday, May 16, 2000

A-8552

Kansas State Historical Society—First Territorial
Capitol Accessibility Upgrades and Repairs, Fort Riley

Request for Proposals

Monday, May 8, 2000

01395

Agent Licensing Examination Services for the Kansas
Insurance Department

Friday, May 19, 2000

01483

Therapeutic Community, Lansing, for the Department
of Corrections

Thursday, June 1, 2000

01465

Telecommunications Services for the Department of
Revenue

John T. Houlihan
Director of Purchases

Doc. No. 025104

State of Kansas

African-American Advisory Commission**Notice of Meeting**

The Kansas African-American Advisory Commission, a part of the Department of Human Resources, will meet at 1 p.m. Friday, April 28, in the second floor conference room, 1430 S.W. Topeka Blvd., Topeka. The public is invited to attend. For additional information, call (785) 296-0901.

Richard E. Beyer
Secretary of Human Resources

Doc. No. 025075

State of Kansas

Criminal Justice Coordinating Council**Notice of Meeting**

The Kansas Criminal Justice Coordinating Council will meet from 9 to 11 a.m. Tuesday, April 25, in the fourth floor conference room of Memorial Hall, 120 S.W. 10th Ave., Topeka. For additional information, call (785) 296-0923.

Barbara Tombs
Executive Director

Doc. No. 025098

State of Kansas

Board of Healing Arts**Permanent Administrative
Regulations****Article 22.—DISHONORABLE CONDUCT**

100-22-3. Business transactions with patients. (a) Non-health-related goods or services. A licensee shall be deemed to engage in dishonorable conduct by offering to sell a non-health-related product or service to a patient from a location at which the licensee regularly practices the healing arts unless otherwise allowed by this subsection. A licensee shall not be deemed to engage in dishonorable conduct by offering to sell a non-health-related product or service if all of the following conditions are met:

(1) The sale is for the benefit of a public service organization.

(2) The sale does not directly or indirectly result in financial gain to the licensee.

(3) No patient is unduly influenced to make a purchase.

(b) Business opportunity. A licensee shall be deemed to engage in dishonorable conduct if all of the following conditions are met:

(1) The licensee recruits or solicits a patient either to participate in a business opportunity involving a sale of a product or service, or to recruit or solicit others to participate in a business opportunity.

(2) The sale of the product or service directly or indirectly results in financial gain to the licensee.

(3) The licensee recruits or solicits the patient at any time that the patient is present in a location at which the licensee regularly practices the healing arts. (Authorized by K.S.A. 65-2865; implementing K.S.A. 1998 Supp. 65-2836; effective May 5, 2000.)

Article 60.—PHYSICIANS' ASSISTANTS

100-60-9. Physician request form; content. The responsible physician request form to be provided pursuant to K.S.A. 65-2896a and amendments thereto shall contain the following information:

(a) The date and signature of the responsible physician and the physician's assistant;

(b) the license number of the responsible physician and the board-issued registration number of the physician's assistant;

(c) a description of the physician's practice and the way in which the physician's assistant is to be utilized;

(d) a statement that the responsible physician will always be available for communication with the physician's assistant within 30 minutes of the performance of patient service by the physician's assistant;

(e) attachments, including a completed drug prescription protocol on forms provided by the board, specifying categories of drugs, medicines, and pharmaceuticals that the physician's assistant is allowed to supply or prescribe and the drugs within any category that the physician's assistant cannot supply or prescribe;

(f) those practice locations, including hospitals, at which the physician's assistant will routinely perform acts that constitute the practice of medicine and surgery;

(g) the signature of a designated physician, who shall routinely provide direction and supervision to the physician's assistant in the temporary absence of the responsible physician and an indication of the procedures to be followed to notify the designated physician upon the temporary absence;

(h) an acknowledgment that failure to adequately direct and supervise the physician's assistant in accordance with K.S.A. 65-2896 through K.S.A. 65-2897a, and amendments thereto, or rules and regulations adopted under these statutes by the board, shall constitute grounds for revocation, suspension, limitation, or censure of the responsible physician's license to practice medicine and surgery in the state of Kansas; and

(i) a statement that a current copy of the form will be maintained at the usual practice locations of the responsible physician and the physician's assistant and that any changes or amendments to the form will be provided to the board within 10 days. (Authorized by and implementing K.S.A. 65-2896a; effective May 1, 1988; amended Feb. 15, 1993; amended May 5, 2000.)

100-60-10. Supervision and direction; adequacy. Each licensee who serves as the responsible or designated physician for a physician's assistant shall adequately direct and supervise the physician's assistant. Direction and supervision of the physician's assistant shall be considered to be adequate if the responsible physician meets the following requirements:

(continued)

(a) Establishes a method for the initial and continuing periodic evaluation of the professional competency of the physician's assistant. Periodic evaluations shall be performed at least annually, and the responsible physician shall authenticate and retain the evaluations and make them available to the board upon request;

(b) at least annually, reviews any drug prescription protocol and determines if any amendments, modifications, restrictions, or terminations are required. Any changes shall be conveyed to the physician's assistant and set forth in all copies of the protocol required to be maintained and provided by K.A.R. 100-60-9;

(c) engages in the practice of medicine and surgery in this state;

(d) insures that the physician's assistant has a current registration issued by the board;

(e) reports to the board any knowledge of disciplinary hearings, formal hearings, public or private censure, or other disciplinary action taken against the physician's assistant by any state's licensure or registration authority or any professional association;

(f) reports to the board any litigation, threatened litigation, or claim alleging professional incompetency or professional negligence on the part of the physician's assistant;

(g) at least every 14 days, reviews all patient records of patients treated by the physician's assistant and authenticates this review in the patient record;

(h) reviews patient records and authenticates the review in the patient record within 48 hours of treatment provided by the physician's assistant when the treatment provided in an emergency situation exceeded the authority granted to the physician's assistant by the responsible physician request form required by K.A.R. 100-60-9;

(i) provides for a designated physician to provide supervision and direction on each occasion when the responsible physician is absent temporarily, is unable to be immediately contacted by telecommunication or is otherwise unavailable at a time the physician's assistant could reasonably be expected to provide professional services; and

(j) delegates to the physician's assistant only those acts that constitute the practice of medicine and surgery that the responsible physician believes or has reason to believe can be competently performed by the physician's assistant, based upon the physician's assistant's background, training, capabilities, skill, and experience. (Authorized by and implementing K.S.A. 65-2896e, as amended by L. 1999, Ch. 115, Sec. 13, and K.S.A. 65-2897a; effective May 1, 1988; amended Feb. 15, 1993; amended May 5, 2000.)

100-60-13. Prescription-only drugs. (a) A physician's assistant may prescribe a prescription-only drug or administer or supply a prescription-only drug as authorized by the drug prescription protocol required by K.A.R. 100-60-9 and as authorized by this regulation.

(b) A physician's assistant may directly administer a prescription-only drug as follows:

(1) When directly ordered or authorized by the responsible or designated physician;

(2) when authorized by a written drug prescription protocol between the responsible physician and the physician's assistant; or

(3) when an emergency situation exists.

(c) Except in an emergency situation, a physician's assistant may, in writing only, prescribe a schedule II controlled substance in the same manner as that in which the physician's assistant may perform acts that constitute the practice of medicine and surgery as specified in K.A.R. 100-60-8.

(d) A physician's assistant may, by oral or telephonic communication, prescribe a schedule II controlled substance in an emergency situation, as defined in K.A.R. 68-20-19(a)(5). Within seven days after authorizing an emergency prescription order, the physician's assistant shall cause a written prescription, completed in accordance with appropriate federal and state laws, to be delivered to the dispenser of the drug.

(e) A physician's assistant may orally, telephonically, or in writing prescribe a controlled substance listed in schedule III, IV, or V, or a prescription-only drug not listed in any schedule as a controlled substance in the same manner as that in which the physician's assistant may perform acts that constitute the practice of medicine and surgery as specified in K.A.R. 100-60-8.

(f) A written prescription order by a physician's assistant shall meet the following requirements:

(1) Contain the name, address, and telephone number of the responsible physician;

(2) contain the name, address, and telephone number of the physician's assistant;

(3) be signed by the physician's assistant with the letters "R.P.A." following the signature;

(4) contain any DEA registration number issued to the physician's assistant if a controlled substance is prescribed; and

(5) indicate whether the prescription order is being transmitted by direct order of the responsible or designated physician, pursuant to a written protocol, or because of an emergency situation.

(g) A physician's assistant may supply a prescription-only drug to a patient only under all of the following conditions:

(1) If the drug is supplied under the same conditions as those in which a physician's assistant may directly administer a prescription-only drug, as described in subsection (b) above;

(2) if the drug has been provided to the physician's assistant or the physician's assistant's responsible physician or employer at no cost;

(3) if the drug is commercially labeled and is supplied to the patient in the original prepackaged unit-dose container; and

(4) if the drug is supplied to the patient at no cost.

(h) A physician's assistant shall not administer, supply, or prescribe a prescription-only drug for any quantity or strength in excess of the normal, customary, and prevalent practice of the responsible physician. (Authorized by and implementing K.S.A. 65-2896e, as amended by L. 1999, Ch. 115, Sec. 13; effective May 1, 1988; amended Feb. 15, 1993; amended June 20, 1994; amended May 5, 2000.)

Lawrence T. Buening, Jr.
Executive Director

Doc. No. 025077

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 City of Wamego has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 *et seq.* The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance. This Class I permit revokes the Class II operating permit issued by KDHE dated June 11, 1996, and modifies reporting requirements from the construction permit dated May 9, 1995.

The City of Wamego owns and operates a municipal power plant located at 1001 Third St., Wamego.

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 Rick Bolfig, (785) 296-1576, at the KDHE central office, or Pat Simpson, (786) 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 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 June 5.

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 June 5 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 June 5, 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. 025091

State of Kansas

Kansas Dental Board

Permanent Administrative
Regulations

Article 1.—GENERAL RULES

71-1-20. Reinstatement of license fee. The penalty fee to be paid by any licensee seeking reinstatement of a cancelled license pursuant to K.S.A. 65-1431(e)(2), and amendments thereto, shall be \$200. (Authorized by K.S.A. 65-1426; implementing K.S.A. 1998 Supp. 65-1431, as amended by L. 1999, Ch. 149, § 5; effective May 5, 2000.)

71-1-21. Suspension, termination, or denial of licensee's authority to practice when found in contempt of court pursuant to K.S.A. 20-1204a(f). (a)(1) Within 30 days after receipt of a court-ordered notice and a copy of the court order finding an individual in contempt of court in a child support proceeding, the individual shall be notified by the board in writing of the board's intent to suspend, deny, or withhold renewal of a license and of the individual's rights and duties under K.S.A. 74-147 and amendments thereto.

(2) If the notice accompanied by the court order provides inadequate information identifying the person in contempt, the person serving the notice shall be promptly contacted by the board for additional information. The 30-day notice shall commence when sufficient information identifying the person to contact is received.

(b) Notice to licensee. The written notice issued by the board shall inform the licensee of the following:

(1) The board's intent to deny, refuse to renew, or suspend the license commencing six months after the date the notice is issued unless the licensee furnishes to the board a court order releasing the individual from the contempt citation; and

(2) if the individual does not furnish the release before the expiration of the six-month period, the board's intent to commence proceedings to deny the issuance of, to refuse to renew, or to suspend the license following the summary procedure stated in K.S.A. 77-537 and amendments thereto.

(c) Temporary license.

(1) If an individual has applied for issuance or renewal of a license and is otherwise eligible, a temporary license shall be issued by the board and shall accompany the notice issued pursuant to subsection (b). The temporary license shall be valid for six months after the date of the notice issued according to subsection (b).

(2) If a licensee is eligible to request renewal of a license and has previously received the notice required by sub-

(continued)

section (b), the temporary license shall be valid only for the remainder of the six-month period that commenced upon issuance of the notice.

(3) Each temporary license shall include a date of issuance and a date of expiration.

(4) A temporary license shall not be extended, unless the board decides to extend the temporary license for up to 30 days to prevent extreme hardship for a patient of the licensee.

(5) The licensee shall obtain a release from the court that found the individual in contempt before the permanent license may be issued or renewed by the board.

(6) The release shall be furnished to the board before the expiration of the temporary license. If the release is not finished within the six-month period of time, the temporary license shall expire, and either of the following shall occur:

(A) Summary proceedings to deny issuance shall be commenced by the board.

(B) Renewal of the permanent license may be refused by the board.

(d) Hearing.

(1) If the licensee does not provide a copy of the release as specified in paragraph (c)(5) to the board within the six-month time period, the permanent license shall be denied, refused for renewal, or suspended by the board in accordance with the summary proceedings of K.S.A. 77-537 and amendments thereto.

(2)(A) The issues at the hearing shall be limited to the following:

(i) The identity of the individual;

(ii) the validity of the notices pursuant to K.S.A. 74-147 and amendments thereto; and

(iii) the validity of any additional conditions imposed by the board if the conditions are otherwise subject to review.

(B) Any issues related to child support shall not be subject to the board's jurisdiction.

(3) If the board issues an order denying, refusing to renew, or suspending a permanent license of an individual as specified in this subsection, the individual may apply for reinstatement of the application or license, as appropriate, if the individual furnishes a court order releasing the individual from the contempt citation and it is determined by the board that the individual is otherwise eligible for a license.

(e) Fees. If a license is denied, refused for renewal, or suspended, any fees paid by the individual shall not be refunded. (Authorized by K.S.A. 74-1406(I); implementing K.S.A. 1999 Supp. 74-146 and K.S.A. 1999 Supp. 74-147; effective May 5, 2000.)

Jerri A. Freed
Administrative Director

Doc. No. 025078

State of Kansas

Department of Health and Environment

Request for Comments

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

UtiliCorp United, Inc., Kansas City, Missouri, owns and operates an electrical power station located at 11453 Fort Dodge Road, Dodge City, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE 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 Alan Brooks, (785) 296-6281, 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 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 June 5.

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 June 5 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 June 5, 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. 025090

State of Kansas

State Corporation Commission

Temporary Administrative
Regulations

Article 4.—MOTOR CARRIERS OF PERSONS
AND PROPERTY

82-4-3. Motor carrier safety regulations. (a) The following parts of the federal rules and regulations promulgated by the U.S. department of transportation are hereby adopted by reference. The adoption by reference shall cover the parts as in effect on October 1, 1998:

- (1) General: 49 C.F.R. Part 390, except for the following:
- (A) 49 C.F.R. 390.3(b) and (f);
- (B) the following terms as they appear in 49 C.F.R. 390.5: "motor vehicle," "person," and "private motor carrier of property"; "commercial motor vehicle," "motor carrier," and "driver"; and
- (C) 49 C.F.R. 390.11;
- (2) qualifications of drivers: 49 C.F.R. Part 391, except 49 C.F.R. 391.11(b)(1), 391.67, and 391.69;
- (3) driving of motor vehicles: 49 C.F.R. Part 392;
- (4) parts and accessories necessary for safe operation: 49 C.F.R. Part 393, except 49 C.F.R. 393.81, 393.87, and 393.95(a);
- (5) hours of service of drivers: 49 C.F.R. Part 395, except 49 C.F.R. 395.1(h)(i), and (k);
- (6) hours of service of drivers engaged in transportation for agricultural operations: 49 C.F.R. 395.1(k), with the following provisions:
- (A) "Agricultural commodities" means the unprocessed products of agriculture, horticulture, and cultivation of the soil, including wheat, corn, hay, milo, sorghum, and soybeans. Agricultural commodities shall not include livestock and livestock products, milk, honey, poultry products, timber products, or nursery stock, nor shall the term include the transportation of hazardous materials of the type or quantity that requires the vehicle to be placarded;
- (B) "farm supplies" means supplies or equipment for use in the planting or harvesting of agricultural commodities, but shall not include the transportation of hazardous materials of the type or quantity that requires the vehicle to be placarded;
- (C) "hazardous materials," as used in K.A.R. 82-4-3(a)(6) only, shall not include fertilizer, animal waste used as fertilizer, anhydrous ammonia, or pesticides; and
- (D) "planting and harvesting season" means the time periods for planting and harvesting that occur between January 1 and December 31;
- (7) inspection, repair, and maintenance: 49 C.F.R. Part 396;

(8) transportation of hazardous materials; driving and parking rules: 49 C.F.R. Part 397;

(9) transportation of migrant workers: 49 C.F.R. Part 398;

(10) employee safety and health standards: 49 C.F.R. Part 399;

(11) minimum levels of financial responsibility for motor carriers: 49 C.F.R. Part 387, except strictly intrastate nonhazardous motor carriers covered under K.S.A. 66-1,128 and amendments thereto;

(12) procedures for transportation workplace drug testing programs: 49 C.F.R. Part 40 and 49 C.F.R. Part 382; and

(13) rules of practice for motor carrier safety and hazardous materials proceedings: 49 C.F.R. 386.72.

(b) Whenever the incorporated federal regulations refer to portions of the federal regulations that are not included under subsection (a) of this regulation, those references shall not be applicable to this regulation.

(c) The following terms as used in this regulation and the identified sections of the regulations adopted by reference shall be defined as follows:

(1) "Authorized personnel," as used in 49 C.F.R. 396.9(c), means members of the Kansas highway patrol, any other law enforcement officer in the state, or authorized representatives of the commission who have been certified in the inspection of motor carriers based on the motor carrier safety assistance program standards.

(2) "Regional director of motor carriers," as used in 49 C.F.R. 391.51(b)(2), means the director of the transportation division of the commission.

(3) "Regional director of motor carriers," as used in 49 C.F.R. 391.51(g), means the superintendent of the Kansas highway patrol and the director of the transportation division of the commission.

(4) "Special agent of FHWA or special agent of the federal highway administration and authorized representatives of the federal highway administration," as used in 49 C.F.R. 395.13(a), 398.8(a), and appendix B to subchapter B, means authorized representatives of the commission, and members of the Kansas highway patrol or any other law enforcement officers in the state who have been certified in the inspection of motor carriers based on the motor carrier safety assistance program standards.

(d) Copies of the motor carrier safety regulations promulgated by the U.S. department of transportation may be obtained from the superintendent of documents, United States government printing office, Washington, D.C. 20402. (Authorized by and implementing K.S.A. 1999 Supp. 66-1,112, 66-1,112a, K.S.A. 66-1,112g and 66-1,129; effective Jan. 1, 1971; modified, L. 1981, ch. 424, May 1, 1981; amended May 1, 1984; amended May 1, 1985; amended May 1, 1987; amended April 30, 1990; amended Sept. 16, 1991; amended July 6, 1992; amended May 10, 1993; amended Oct. 3, 1994; amended Jan. 30, 1995; amended Jan. 4, 1999; amended, T-82-9-13-99, Sept. 13, 1999; amended March 3, 2000; amended, T-82-4-7-00, April 7, 2000.)

Jeffrey S. Wagaman
Executive Director

Doc. No. 025073

State of Kansas

**Department of Health
and Environment**

Request for Comments

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

UtiliCorp United, Inc., Kansas City, Missouri, owns and operates an electric power station located at U.S. Highway 54 and Cimarron River, Liberal, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE 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 Alan Brooks, (785) 296-6281, 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 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 June 5.

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 June 5 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 June 5, 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. 025088

(Published in the Kansas Register April 20, 2000.)

Butler County Community College

Notice of Intent to Issue Revenue Bonds

The Board of Trustees of the Butler County Community College, Butler County, Kansas (the district), duly adopted a resolution April 11, 2000, declaring necessary and authorizing improvements to the Dormitory and Student Union System, comprised of constructing and equipping a student housing facility and making repairs and improvements to the bookstore in the existing student union, all on the campus of Butler County Community College, El Dorado, Kansas (the project), at an estimated cost of \$4,500,000, including financing and reserve costs, under the authority of K.S.A. 76-6a13 to 76-6a25, inclusive, as amended and supplemented (the act).

The resolution authorizes the issuance and sale of system revenue bonds of the college in an amount not to exceed \$4,500,000, such bonds to be used to pay the costs of the project, including financing and reserve costs. In the resolution, the board expressly reserved the right to determine, by subsequent resolution, the exact principal amount of revenue bonds to be issued for the project, provided that the board shall not issue bonds in excess of \$4,500,000 for such purposes unless the board gives further notice of such additional bonds, as provided by the act.

Unless an action to contest the legality of the proposed revenue bonds of the college shall be filed in a court of law within 30 days of the date of publication of this notice, the right to contest the legality of any revenue bonds issued in compliance with the aforesaid resolution and other proceedings duly and legally had and taken by the board prior to the date of publication of this notice, and the right to contest the validity of the provisions of such proceedings, shall cease to exist, and no court shall thereafter have the authority to inquire into such matters. After the expiration of said 30 days from the date of publication of this notice, no one shall have any right to commence an action contesting the validity of such revenue bonds or the provisions of such proceedings of the board, all such revenue bonds shall be conclusively presumed to be legal, and no court shall thereafter have the authority to inquire into such matters.

Dated April 11, 2000.

Board of Trustees
Butler County Community College
Butler County, Kansas
By Steve Pershall
Chairperson, Board of Trustees
Attest: Ginger Elliott
Secretary of the Board

Doc. No. 025105

State of Kansas

Department of Health and Environment

Request for Comments

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

UtiliCorp United, Inc., Kansas City, Missouri, owns and operates an electric power station located 3 miles north on Berry Street, Clifton, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE 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 June 5.

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 June 5 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 June 5, 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. 025089

(Published in the Kansas Register April 20, 2000.)

City of Olathe, Kansas Engineering Division

Notice to Bidders

Sealed bids will be received at the office of the city clerk, City Hall, 100 W. Santa Fe, Olathe, until 11 a.m. Tuesday, May 23, for the construction of **159th Street — Lone Elm to US-169 Highway, City of Olathe P.N. 36396 and KDOT P.N. 46N-0163-01, STP-N016(301).**

At said time and place, and promptly thereafter, all bids that have been duly received will be publicly opened and read aloud. The work consists of the following:

Construction of a collector standard road, approximately 1.6 kilometers in length, from Lone Elm Road to US 169 Highway. The improvements include clearing and grading of right-of-way, approximately 16,000 s.m. of asphalt pavement, 3,000 m. of concrete curb and gutter, 1,550 m of 2.4 m concrete sidewalk, 1,000 s.m. of concrete driveways, storm sewer, street lights, and all other appurtenant work necessary to complete the project.

Contract documents, including drawings and specifications, are on file at the office of the Olathe city engineer and are open for public inspection. Copies may be obtained at the office of Payne & Brockway, P.A., 426 S. Kansas Ave., Olathe, for \$100, none of which will be refunded.

The entire title of this project must appear on the outside of the bid envelope submitted to the city clerk's office.

A satisfactory bid bond executed by the bidder and an acceptable surety, in an amount equal to 5 percent of the total bid for work, shall be submitted with each proposal.

The successful bidder will be required to furnish and pay satisfactory performance and payment bond or bonds.

The City of Olathe, Kansas, reserves the right to reject any or all bids or to waive any informalities in the bidding.

Bids may be held by the City of Olathe, Kansas, for a period not to exceed 60 days from the date of the opening of bids for the purpose of reviewing the bids and investigating the qualifications of bidders, prior to awarding the contract.

City of Olathe, Kansas
Debra S. Gragg
City Clerk

Doc. No. 025101

(Published in the Kansas Register April 20, 2000.)

City of Wichita, Kansas**Notice to Bidders**

The City of Wichita will receive bids at the Purchasing Office, 455 N. Main, 12th Floor, Wichita, 67201, until 10 a.m. Friday, May 26, for the following project:

KDOT Project No. 87 N-0127-01**Index Code 706772****Paving**

Maple from 119th Street west to Maize Road
(north of Kellogg)

Requests for the bid documents and plans should be directed to KBP Reprographics, (316) 264-9344, or Sandy Frerichs, (316) 268-4488. Other questions should be directed to the respective design engineer at (316) 268-4501.

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

The successful bidder may contact Marty Murphy at (316) 268-4499 or Sandy Frerichs at (316) 268-4488 for extra sets of plans and specifications.

Sandy Frerichs
Administrative Aide
City of Wichita—Engineering

Doc. No. 025074

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-00-098
**Application(s) for New or Expansion of
Existing Swine Facilities**

Name and Address of Applicant	Owner of Property Where Facility Will Be Located
Henrys Ltd. 822 Sixth Road Longford, KS 67458	Henrys Ltd. Roy J. Henry, President 822 Sixth Road Longford, KS 67458

Legal Description	Receiving Water
NW/4 of Section 8 and SE/4 of Section 5, Township 10S, Range 2E, Clay County	Smoky Hill River Basin

Application Number A-SHCY-H001. Federal Permit Number KS-0017401. The application is for a change in operation and expansion of an existing swine facility resulting in the addition of 426 head of swine, each weighing more than 55 pounds, and the subtraction of 118 head of swine, each weighing 55 pounds or less, resulting in a capacity of 7,832 head of swine weighing more than 55 pounds and 5,725 head of swine weighing 55 pounds or less, for a total capacity of 13,557 head (3,705.3 animal units) of swine. A new or modified permit will not be issued without additional public notice.

Public Notice No. KS-AG-00-099/101
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Pfenninger Cattle Co 6630 Road 130 Scott City, KS 67871	SE/4 of Section 30, T18S, R31W, Scott County	Upper Arkansas River Basin

Kansas Permit No. A-UASC-C025 Federal Permit No. KS-0094153
This is for the expansion of an existing facility from 3,000 head (3,000 animal units) to 6,500 head (6,500 animal units) of beef cattle.

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

Compliance Schedule: Permeability tests shall be conducted on the earthen retention structure(s). A manure or waste management plan for the facility shall be developed and submitted to the department within six months following permit issuance.

Name and Address of Applicant	Legal Description	Receiving Water
Phineas Borntrager 23444 N.W. Indian Road Welda, KS 66091	SW/4 of Section 7, T21S, T19E, Anderson County	Marais des Cygnes River Basin

Kansas Permit No. A-MCAN-M015
This is a new dairy facility for approximately 80 head (112 animal units) of mature dairy cattle and 30 head (15 animal units) of immature dairy cattle.

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

Compliance Schedule: Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Crist Feedyard Inc. 553 W. Road 40 Scott City, KS 67871	W/2 of Section 12, and NW/4 of Section 13, T20S, R33W, Scott County	Upper Arkansas River Basin

Kansas Permit No. A-UASC-C012 Federal Permit No. KS-0118541
This is a renewal of an existing permit for 22,500 head (22,500 animal units) of beef cattle.

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

Compliance Schedule: Existing controls meet KDHE requirements.

Public Notice No. KS-00-083/091

Name and Address of Applicant	Waterway	Type of Discharge
Alden, City of P.O. Box 25 Alden, KS 67512	Lower Arkansas River	Treated Domestic Wastewater

Kansas Permit No. M-AR02-0001 Federal Permit No. KS0051641
Legal: SE¼, S9, T21S, R9W, Rice County

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and fecal coliform will be required annually. 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
Galva, City of P.O. Box 223 Galva, KS 67443	Turkey Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-LA03-0001 Federal Permit No. KS0022560
Legal: NW¼, S28, T19S, R2W, McPherson County

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and fecal coliform will be required annually. 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
Kansas Department of Transportation Bureau of Design Docking State Office Building, 9th Floor Topeka, KS 66612-1568	Smoky Hill River via Goose Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-SH45-0003 Federal Permit No. KS0079359
Legal: NE¼, S21, T12S, R5E, Geary County

Facility Name: Geary County Rest Stop (I-70 East & West)
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. 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
Spring Hill, City of P.O. Box 424 Spring Hill, KS 66083-0424	Marais des Cygnes River via Bull Creek via Ten Mile Creek via Sweetwater Creek	Treated Domestic Wastewater

Facility Name: Spring Hill Treatment Plant No. 2
Kansas Permit No. M-MC45-0004 Federal Permit No. KS0095516
Legal: SW¼, S25, T15S, R23E, Miami County

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 proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, dissolved oxygen, fecal coliform and pH. Monitoring for 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
Williamsburg, City of P.O. Box 141 Williamsburg, KS 66095	Marais des Cygnes River via East Branch Tequa Creek via Mill Creek	Treated Domestic Wastewater

Kansas Permit No. M-MC50-0002 Federal Permit No. KS0093203
Legal: SW¼, S13, T18S, R17E, Franklin County

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and fecal coliform will be required annually. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Ash Grove Aggregates Inc. P.O. Box 70 Butler, MO 64730	Marmaton River via Dry Wood Creek via Buck Run Creek via Unnamed Tributary	Pit Dewatering & Stormwater Runoff

Facility Name: Fort Scott South Quarry
Kansas Permit No. I-MC11-PO06 Federal Permit No. KS0081655
Legal: NW¼, S32, T26S, R25E, Bourbon County

Facility Description: The proposed action is to reissue an existing permit for the discharge of pit dewatering and uncontaminated stormwater runoff from this facility. This facility is a limestone quarrying and crushing operation with no washing. Monitoring of the effluent will not be required unless there is a significant change in the quality or quantity of the subject discharge. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
N.R. Hamm Quarry, Inc. P. O. Box 17 Perry, KS 66073	Missouri River via Wolf River	Wash Water & Stormwater Runoff

Facility Name: Sparks Quarry #14
Kansas Permit No. I-MO29-PO01 Federal Permit No. KS0020214
Legal: NE¼, S21, T2S, R20E, Doniphan County

Facility Description: The proposed action is to reissue an existing permit for the discharge of stormwater run-off and wash water from this facility. This facility is a limestone quarrying and crushing operation with some washing. Any discharge is from a settling pond that receives wash water and stormwater runoff. The proposed permit includes limits for total suspended solids and pH. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Midwest Minerals, Inc. P.O. Box 412 Pittsburg, KS 66762	Neosho River via Labette Creek via Bachelors Creek	Pit Dewatering & Stormwater Runoff

Facility Name: Parsons Quarry #3
Kansas Permit No. I-NE55-PO01 Federal Permit No. KS0115525
Legal: NW¼, S12, T32S, R19E, Labette County

Facility Description: The proposed action is to reissue an existing permit for the discharge of pit dewatering and uncontaminated stormwater runoff from this facility. This facility is a limestone quarrying and crushing operation with no washing. Monitoring of the effluent will not be required unless there is a significant change in the quality or quantity of the subject discharge. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-

(continued)

28(b-f), and Federal Surface Water Criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Midwest Minerals, Inc. P.O. Box 412 Pittsburg, KS 66762	Marais des Cygnes River via West Fork Drywood Creek	Pit Dewatering & Stormwater Runoff

Facility Name: Farlington Quarry #4

Kansas Permit No. I-MC52-PO01 Federal Permit No. KS0115533

Legal: SE $\frac{1}{4}$ and SW $\frac{1}{4}$, S31, T27S, R24E, Crawford County

Facility Description: The proposed action is to reissue an existing permit for the discharge of pit dewatering and uncontaminated stormwater runoff from this facility. This facility is a limestone quarrying and crushing operation with no washing. The operation is seasonal and portable equipment is used. Monitoring of the effluent will not be required unless there is a significant change in the quality or quantity of the subject discharge. 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-00-011

Name and Address of Applicant	Receiving Facility	Type of Discharge
General Electric Company P.O. Box 797 Arkansas City, KS 67005	Strother Field Industrial Park WWTP	Processed Wastewater

Facility Name: GE Engine Services, Inc.-Strother (GEES, Inc.)

Kansas Permit No. P-WA17-IO01

Facility Description: The proposed action is to reissue a pretreatment permit for a facility. This facility performs anodizing and chemical etching and milling on aluminum parts and cleaning of steel parts. Wastes from these operations are considered regulated wastestreams. Various noncategorical wastes also are generated on-site, which include wastewater from steam cleaning booth, test cell floor washing, part wet blasting, fluorescent penetrant inspection, magnasonic rinse water and noncontact cooling and tower blowdown. The proposed permit includes limits for total toxic organics, cadmium, chromium, copper, lead, nickel, silver, total metals, zinc, total cyanide and pH. Process wastewater is treated before being released to the city sanitary sewer. The permit limits are pursuant to state and federal pretreatment requirements.

Public Notice No. KS-ND-00-014

Name and Address of Applicant	Legal Description	Receiving Water
Ramona, City of P.O. Box 84 Ramona, KS 67475	NW $\frac{1}{4}$, S1, T17S, R3E, Marion County	Nonoverflowing

Kansas Permit No. M-SH30-NO01

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 facility is a two-cell nondischarging wastewater stabilization lagoon system. Discharge of wastewater from this treatment facility to the surface waters of the State of Kansas is prohibited by this permit. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator. Discharge of wastewater from this treatment facility to the surface waters of the State of Kansas is prohibited by this permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

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 at-

tention 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, Division 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 May 20 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-00-098/101, KS-00-083/091, KS-PT-00-011, KS-ND-00-014) 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. 025100

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 April 20, 2000.)

HOUSE BILL No. 2103

AN ACT concerning certificates of completion of hunter education; amending K.S.A. 32-920 and repealing the existing section.

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

Section 1. K.S.A. 32-920 is hereby amended to read as follows: 32-920. No person born on or after July 1, 1957, shall hunt in this state on land other than such person's own land unless the person has been issued a certificate of completion of an approved hunter education course. If such person is required by law to obtain a hunting license, the person shall attest to or exhibit proof of completion of such course to the person issuing the license at the time of purchasing the license. If such person is not required by law to obtain a hunting license or is less than 27 years of age, the person shall be in possession of the person's certificate of completion of such course while hunting. A person may purchase for another person, under rules and regulations adopted by the secretary in accordance with K.S.A. 32-805 and amendments thereto, a lifetime hunting or combination hunting and fishing license without the license recipient's first having been issued a certificate of completion of an approved hunter education course.

Sec. 2. K.S.A. 32-920 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 April 20, 2000.)

SENATE BILL No. 475

AN ACT concerning the interstate emergency management assistance compact; authorizing the governor to execute such compact on behalf of the state.

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

Section 1. The governor is hereby authorized to execute a compact on behalf of this state with any other state or states legally joining therein, in the form substantially as follows:

EMERGENCY MANAGEMENT ASSISTANCE COMPACT

ARTICLE I

PURPOSE AND AUTHORITIES

This compact is made and entered into by and between the participating member states, which enact this compact, hereinafter called party states. For the purposes of this compact, the term "state" or "states" is taken to mean the several states. The term "federal government" is taken to mean the United States government and, as authorized by law, agencies of the United States government.

The purpose of this compact is to provide for mutual assistance between the states entering into this compact in managing any emergency or disaster that is duly declared by the governor of the affected state, whether arising from natural disaster, technological hazard, man-made disaster, civil emergency aspects of resources shortages or enemy attack.

This compact shall also provide for mutual cooperation in emergency-related exercises, testing or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions of party states during emergencies, such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of the states' Na-

tional Guard forces, either in accordance with the National Guard mutual assistance compact or by mutual agreement between states.

ARTICLE II

GENERAL IMPLEMENTATION

Each party state entering into this compact recognizes that many emergencies transcend political jurisdictional boundaries and that intergovernmental coordination is essential in managing these and other emergencies under this compact. Each state further recognizes that there will be emergencies which require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency. This is because few, if any, individual states have all the resources they may need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

The prompt, full and effective utilization of resources of the participating states and, if so requested, resources on hand or available from the federal government or its agencies, that are essential to the safety, care, and welfare of the people in the event of any emergency or disaster declared by a party state, shall be the underlying principle on which all articles of this compact shall be understood.

On behalf of the governor of each state participating in the compact, the legally designated state official who is assigned responsibility for emergency management will be responsible for formulation of the appropriate interstate mutual aid plans and procedures necessary to implement this compact.

ARTICLE III

PARTY STATE RESPONSIBILITIES

A. It shall be the responsibility of each party state to formulate procedural plans and programs for interstate cooperation in the performance of the responsibilities listed in this article. In formulating such plans, and in carrying them out, the party states, insofar as practical, shall:

1. Review individual state hazards analyses and, to the extent reasonably possible, determine all those potential emergencies the party states might jointly suffer, whether due to natural disaster, technological hazard, man-made disaster, insurgency or enemy attack;

2. review party states' individual emergency plans and develop a plan which will determine the mechanism for the interstate management and provision of assistance concerning those emergencies or disasters;

3. develop interstate procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans;

4. assist in warning communities adjacent to or crossing the state boundaries;

5. protect and assure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and rescue, critical lifeline equipment, services and resources, both human and material;

6. inventory and set procedures for the interstate loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness; and

7. provide, to the extent authorized by law, for temporary suspension of those statutes or ordinances that restrict the implementation of the above responsibilities during emergencies or disasters declared by the governor. Neither this section, nor this compact, allows for the suspension of the bill of rights of the constitution of the state of Kansas.

B. The authorized representative of a party state may request assistance of another party state by contacting the authorized representative of that state. The provisions of this compact shall only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within 10 days of the verbal request. Requests shall provide the following information:

1. A description of the emergency service function for which assistance is needed, including, but not limited to, fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services and search and rescue;

2. the amount and type of personnel, equipment, materials and supplies needed, and a reasonable estimate of the length of time they will be needed; and

3. the specific place and time for staging of the assisting party's response and a point of contact at that location.

(continued)

C. There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the party states with affected jurisdictions and, if so requested, the federal government, with free exchange of information; plans and resource records relating to emergency capabilities.

ARTICLE IV LIMITATIONS

Any party state requested to render mutual aid or conduct exercises and training for mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state.

Each party state shall afford to the emergency forces of any party state, while operating within its state limits under the terms and conditions of this compact, the same powers, except that of arrest unless specifically authorized by the receiving state, duties, rights and privileges as are afforded forces of the state in which they are performing emergency services. Emergency forces will continue under the command and control of their state or regular leaders, but the organizational units will come under the operational control of the emergency services authorities of the state receiving assistance. These conditions may be activated, as needed, only subsequent to a declaration of a state emergency or disaster by the governor of the party state that is to receive assistance or upon commencement of exercises or training for mutual aid and shall continue so long as the exercises or training for mutual aid are in progress, the state of emergency or disaster remains in effect, or loaned resources remain in the receiving state.

ARTICLE V LICENSES AND PERMITS

Whenever any person holds a license, certificate or other permit issued by any state party to the compact evidencing the meeting of qualifications for professional, mechanical or other skills, and when such assistance is requested by the receiving party state, such person shall be deemed licensed, certified or permitted by the state requesting assistance to render aid involving such skill to meet a declared emergency or disaster, subject to such limitations and conditions as the governor of the requesting state may prescribe by executive order or otherwise.

ARTICLE VI LIABILITY

Officers or employees of a party state rendering aid in another state pursuant to this compact shall be considered agents of the requesting state for tort liability and immunity purposes. No party state or its officers or employees rendering aid in another state pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article shall not include willful misconduct, gross negligence or recklessness.

ARTICLE VII SUPPLEMENTARY AGREEMENTS

Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that among the states that are party hereto, this compact contains elements of a broad base common to all states, and nothing herein shall preclude any state entering into supplementary agreements with another state or affect any other agreements already in force between states. Supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel and equipment and supplies.

ARTICLE VIII COMPENSATION

Each party state shall provide for the payment of compensation and death benefits to injured members of the emergency forces of that state and representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own state.

ARTICLE IX REIMBURSEMENT

Any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or

damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with such requests; provided, that any aiding party state may assume in whole or in part such loss, damage, expense or other cost, or may loan such equipment or donate such services to the receiving party state without charge or cost; and provided further, that any two or more party states may enter into supplementary agreements establishing a different allocation of costs among those states. Article VIII expenses shall not be reimbursable under this article.

ARTICLE X EVACUATION

Plans for the orderly evacuation and interstate reception of portions of the civilian population as the result of any emergency or disaster of sufficient proportions to so warrant, shall be worked out and maintained between the party states and the emergency management service directors of the various jurisdictions where any type of incident requiring evacuations might occur. The civilian population has the option of relocating on its own accord or, with help from the state, to egress from the emergency or disaster areas to areas outside the emergency or disaster areas. Such plans shall be put into effect by request of the state from which evacuees come and shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends, and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies and all other relevant factors. Such plans shall provide that the party state receiving evacuees and the party state from which the evacuees come shall mutually agree as to reimbursement of out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care and like items. Such expenditures shall be reimbursed as agreed by the party state from which the evacuees come. After the termination of the emergency or disaster, the party state from which the evacuees come shall assume the responsibility for the ultimate support of repatriation of such evacuees.

ARTICLE XI IMPLEMENTATION

A. This compact shall become effective immediately upon its enactment into law by any two states. Thereafter, this compact shall become effective as to any other state upon enactment by such state.

B. Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until 30 days after the governor of the withdrawing state has given notice in writing of such withdrawal to the governors of all other party states. Such action shall not relieve the withdrawing state from obligations assumed hereunder prior to the effective date of withdrawal.

C. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states, with the Federal Emergency Management Agency and other appropriate government agencies.

ARTICLE XII VALIDITY

This compact shall be construed to effectuate the purposes stated in Article I. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be affected.

ARTICLE XIII ADDITIONAL PROVISIONS

Nothing in this compact shall authorize or permit the use of military force by the National Guard of a state at any place outside that state in any emergency for which the president is authorized by law to call into federal service the militia, or for any purpose for which the use of the army or the air force would in the absence of express statutory authorization be prohibited under § 1385 of Title 18 of the United States Code.

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

(Published in the Kansas Register April 20, 2000.)

HOUSE BILL No. 2603

AN ACT concerning energy conservation; relating to improvements to state and municipal facilities; authorizing the financing of such improvements.

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

Section 1. (a) As used in this act:

(1) "Municipality" shall have the meaning ascribed thereto in K.S.A. 75-1117, and amendments thereto.

(2) "State agency" shall have the meaning ascribed thereto in K.S.A. 75-3049, and amendments thereto.

(3) "Energy conservation measure" means an energy study, audit, improvement or equipment which is designed to provide energy and operational cost savings at least equivalent to the amount expended by a participating municipality or state agency for such energy study, audit, improvement or equipment over a period of not more than 20 years after the date such improvement or equipment is installed or becomes operational, as the case may be.

(b) Subject to the provisions of subsection (c), a municipality or state agency may enter into a contract or lease-purchase agreement for an energy conservation measure which meets the criteria of this section. In addition to any other authority provided by law a municipality may solicit proposals to contract for an energy conservation measure by advertising for proposals and qualifications in a newspaper of general circulation or the Kansas register, and by sending requests for proposals to at least three vendors and negotiating a lease-purchase agreement with one or more vendors submitting a proposal thereto. Negotiations entered into pursuant to this section with individual vendors shall not be subject to the provisions of the open meetings act. After an agreement has been executed, the agreement and all proposals from vendors shall be open records available for public inspection in accordance with the open records act. A state agency may utilize the procedures prescribed in K.S.A. 75-37,102, and amendments thereto, by the procurement negotiating committee to negotiate and contract for energy conservation measures. Each state agency shall provide copies of plans of the proposed energy conservation measure to the secretary of administration, or such secretary's designee, for review. No state agency may enter into a contract for an energy conservation measure unless such measure has been approved by the secretary of administration. Plans submitted under this section shall be retained and maintained by the secretary of administration.

(c) Before executing any contract or lease-purchase agreement under this section, the energy conservation contractor shall provide the municipality or state agency with plans for the proposed energy conservation measures prepared by an engineer licensed to practice in Kansas. The energy conservation contractor shall also provide a report of the calculations showing the estimated energy and operational cost savings that would result from the proposed energy conservation measures. Notwithstanding any provision contained in K.S.A. 1999 Supp. 72-8225, and amendments thereto, the board of education of any school district may enter into a contract or lease-purchase agreement for an energy conservation measure for a period exceeding 10 years. Municipalities and state agencies may include a provision in the contract with an entity providing the energy conservation measure requiring such entity to guarantee that the actual amount of savings of energy and operational costs attributable to the energy conservation measure be not less than the cost of the energy conservation measure over the time specified including financing costs.

(d) Within the limits of appropriations available therefor, the state corporation commission is authorized to provide grants for engineering studies and energy conservation measures for municipalities and state agencies.

(e) The secretary of administration may provide administrative support and resources available under the facility conservation improvement program under K.S.A. 75-37,111 *et seq.*, and amendments thereto, as requested by municipalities and state agencies for purposes of this section. The secretary of administration may fix, charge and collect reasonable fees for any administrative support and resources or other services provided by the secretary under this subsection.

(f) The provisions of the cash basis law and K.S.A. 79-2925, and amendments thereto, shall not apply to any contract or lease-purchase agreement entered into pursuant to this section.

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

(Published in the Kansas Register April 20, 2000.)

House Substitute for Substitute for Substitute for
SENATE BILL No. 257

AN ACT concerning electric transmission lines; amending K.S.A. 66-1,178, 66-1,179 and 66-1,182 and repealing the existing sections.

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

Section 1. K.S.A. 66-1,178 is hereby amended to read as follows: 66-1,178. (a) No electric utility may begin site preparation for or construction of an electric transmission line, or exercise the right of eminent domain to acquire any interest in land in connection with the site preparation for a construction of any such line without first acquiring a siting permit from the commission. Whenever any such electric utility desires to obtain such a permit, it the utility shall file an application with the commission setting forth therein that it the utility proposes to construct an electric transmission line and specifying:

(1) The proposed location thereof;

(2) the names and addresses of the landowners of record whose land or interest therein is proposed to be acquired in connection with the construction of such a line or is located within 660 feet of the center line of the easement where the line is proposed to be located; and

(3) such other information as may be required by the commission.

(b) Thereupon Upon the filing of an application pursuant to subsection (a), the commission shall fix a time for a public hearing on such application, which shall be not more than 60 days from 90 days after the date the application was filed, to determine the necessity for and the reasonableness of the location of the proposed electric transmission line. The commission shall fix the place for hearing, which may be in any county shall be in one of the counties through which the electric transmission line is proposed to traverse.

(c) The commission may conduct an evidentiary hearing on an application filed pursuant to this section at such time and place as the commission deems appropriate.

(d) The commission shall issue a final order on the application within 120 days after the date the application was filed.

Sec. 2. K.S.A. 66-1,179 is hereby amended to read as follows: 66-1,179. The commission shall publish notice of the time, place and subject matter of such the public hearing provided for by K.S.A. 66-1,178 and amendments thereto, in newspapers having general circulation in every county through which the electric transmission line is proposed to traverse once each week for three (3) two consecutive weeks, the last publication to be not less than five (5) days before such hearing date. The commission may order the applicant to publish such notice and submit an affidavit of publication, evidencing the dates of publication and the newspapers in which the notice appeared, to the commission prior to the hearing. Written notice by certified mail of such hearing and a copy of the application shall be served not less than twenty (20) 20 days prior to the hearing date upon all landowners described in subsection (a)(2) of K.S.A. 66-1,178, and amendments thereto, as shown by the application.

Sec. 3. K.S.A. 66-1,182 is hereby amended to read as follows: 66-1,182. (a) The provisions of this act shall not apply to:

(1) That portion of any electric transmission line to be constructed on an easement where there currently exists one or more electric transmission lines if the easement is not within the corporate limits of any city;

(2) that portion of any electric transmission line to be constructed on property adjacent to right-of-way along a four-lane controlled access highway, as defined in K.S.A. 8-1410, and amendments thereto; or

(3) any electric utility which complies with the provisions of the national environmental policy act of 1969 with regard to the siting of electric transmission lines.

(b) No city or county shall have jurisdiction or control over the siting or construction of any electric transmission line exempted from the provisions of this act by subsection (a).

(c) No environmental study shall be required for construction of an electric transmission line on right-of-way where there currently exists one or more electric transmission lines.

Sec. 4. K.S.A. 66-1,178, 66-1,179 and 66-1,182 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 20, 2000.)

HOUSE BILL No. 2646

AN ACT concerning cities and counties; relating to planning and zoning; amending K.S.A. 1999 Supp. 12-757 and repealing the existing sections.

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

Section 1. K.S.A. 1999 Supp. 12-757 is hereby amended to read as follows: 12-757. (a) The governing body, from time to time, may supplement, change or generally revise the boundaries or regulations contained in zoning regulations by amendment. A proposal for such amendment may be initiated by the governing body or the planning commission. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the amendment may be initiated by application of the owner of property affected. Any such amendment, if in accordance with the land use plan or the land use element of a comprehensive plan, shall be presumed to be reasonable. The governing body shall establish in its zoning regulations the matters to be considered when approving or disapproving a rezoning request. The governing body may establish reasonable fees to be paid in advance by the owner of any property at the time of making application for a zoning amendment.

(b) All such proposed amendments first shall be submitted to the planning commission for recommendation. The planning commission shall hold a public hearing thereon, shall cause an accurate written summary to be made of the proceedings, and shall give notice in like manner as that required for recommendations on the original proposed zoning regulations provided in K.S.A. 12-756, and amendments thereto. Such notice shall fix the time and place for such hearing and contain a statement regarding the proposed changes in regulations or restrictions or in the boundary or classification of any zone or district. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the property shall be designated by legal description or a general description sufficient to identify the property under consideration. In addition to such publication notice, written notice of such proposed amendment shall be mailed at least 20 days before the hearing to all owners of record of real property within the area to be altered and to all owners of record of real property located within at least 200 feet of the area proposed to be altered for regulations of a city and to all owners of record of real property located within at least 1,000 feet of the area proposed to be altered for regulations of a county. If a city proposes a zoning amendment to property located adjacent to or outside the city's limits, the area of notification of the city's action shall be extended to at least 1,000 feet in the unincorporated area. Notice of a county's action shall extend 200 feet in those areas where the notification area extends within the corporate limits of a city. All notices shall include a statement that a complete legal description is available for public inspection and shall indicate where such information is available. When the notice has been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the planning commission or the governing body. Such notice is sufficient to permit the planning commission to recommend amendments to zoning regulations which affect only a portion of the land described in the notice or which give all or any part of the land described a zoning classification of lesser change than that set forth in the notice. A recommendation of a zoning classification of lesser change than that set forth in the notice shall not be valid without republication and, where necessary, re mailing, unless the planning commission has previously established a table or publication available to the public which designates what zoning classifications are lesser changes authorized within the published zoning classifications. At any public hearing held to consider a proposed rezoning, an opportunity shall be granted to interested parties to be heard.

(c) (1) Whenever five or more property owners of record owning 10 or more contiguous or noncontiguous lots, tracts or parcels of the same zoning classification initiate a rezoning of their property from a less restrictive to a more restrictive zoning classification, such amendment shall require notice by publication and hearing in like manner as required in subsection (b) of this section. Such zoning amendment shall not require written notice and shall not be subject to the protest petition provision of subsection (f) of this section.

(2) Whenever a city or county initiates a rezoning from a less restrictive to a more restrictive zoning classification of 10 or more contiguous or noncontiguous lots, tracts or parcels of the same zoning classification having five or more owners of record, such amendment shall require notice by publication and hearing in like manner as that required by

subsection (b) of this section. In addition, written notice shall be required to be mailed to only owners of record of the properties to be rezoned and only such owners shall be eligible to initiate a protest petition under subsection (f) of this section.

(d) Unless otherwise provided by this act, the procedure for the consideration and adoption of any such proposed amendment shall be in the same manner as that required for the consideration and adoption of the original zoning regulations. A majority of the members of the planning commission present and voting at the hearing shall be required to recommend approval or denial of the amendment to the governing body. If the planning commission fails to make a recommendation on a rezoning request, the planning commission shall be deemed to have made a recommendation of disapproval. When the planning commission submits a recommendation of approval or disapproval of such amendment and the reasons therefor, the governing body may: (1) Adopt such recommendation by ordinance in a city or by resolution in a county; (2) override the planning commission's recommendation by a $\frac{2}{3}$ majority vote of the membership of the governing body; or (3) return such recommendation to the planning commission with a statement specifying the basis for the governing body's failure to approve or disapprove. If the governing body returns the planning commission's recommendation, the planning commission, after considering the same, may resubmit its original recommendation giving the reasons therefor or submit new and amended recommendation. Upon the receipt of such recommendation, the governing body, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendation by the respective ordinance or resolution, or it need take no further action thereon. If the planning commission fails to deliver its recommendation to the governing body following the planning commission's next regular meeting after receipt of the governing body's report, the governing body shall consider such course of inaction on the part of the planning commission as a resubmission of the original recommendation and proceed accordingly. The proposed rezoning shall become effective upon publication of the respective adopting ordinance or resolution.

(e) If such amendment affects the boundaries of any zone or district, the respective ordinance or resolution shall describe the boundaries as amended, or if provision is made for the fixing of the same upon an official map which has been incorporated by reference, the amending ordinance or resolution shall define the change or the boundary as amended, shall order the official map to be changed to reflect such amendment, shall amend the section of the ordinance or resolution incorporating the same and shall reincorporate such map as amended.

(f) Regardless of (1) Whether or not the planning commission approves or disapproves a zoning amendment, if a protest petition against such amendment is filed in the office of the city clerk or the county clerk within 14 days after the date of the conclusion of the public hearing pursuant to the publication notice, signed by the owners of record of 20% or more of any real property proposed to be rezoned or by the owners of record of 20% or more of the total real property within the area required to be notified by this act of the proposed rezoning of a specific property, excluding streets and public ways and property excluded pursuant to paragraph (2) of this subsection, the ordinance or resolution adopting such amendment shall not be passed except by at least a $\frac{3}{4}$ vote of all of the members of the governing body.

(2) For the purpose of determining the sufficiency of a protest petition, if the proposed rezoning was requested by the owner of the specific property subject to the rezoning or the owner of the specific property subject to the rezoning does not oppose in writing such rezoning, such property also shall be excluded when calculating the "total real property within the area required to be notified" as that phrase is used in paragraph (1) of this subsection.

(g) Zoning regulations may provide additional notice by providing for the posting of signs on land which is the subject of a proposed rezoning, for the purpose of providing notice of such proposed rezoning.

Sec. 2. K.S.A. 1999 Supp. 12-757 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 April 20, 2000.)

HOUSE BILL No. 2582

AN ACT relating to school buses; concerning head lamps; amending K.S.A. 8-1725 and K.S.A. 1999 Supp. 8-1730 and repealing the existing sections.

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

Section 1. K.S.A. 8-1725 is hereby amended to read as follows: 8-1725. When a motor vehicle is being operated on a highway or shoulder adjacent thereto during the times specified in K.S.A. 8-1703, and amendments thereto, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(a) When the driver of a vehicle approaches an oncoming vehicle within 500 feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in subsection (a)(2) of K.S.A. 8-1724, and amendments thereto, or subsection (b)(2) of K.S.A. 8-1805, and amendments thereto, shall be dimmed to avoid glare at all times, regardless of road contour and loading.

(b) When the driver of a vehicle approaches another vehicle from the rear, within 300 feet, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under this article other than the uppermost distribution of light specified in subsection (a)(1) of K.S.A. 8-1724, and amendments thereto, or subsection (b)(1) of K.S.A. 8-1805, and amendments thereto.

(c) The requirements in subsections (a) and (b) shall not apply to:

(1) Authorized emergency vehicles displaying alternately flashing or simultaneously flashing head lamps as provided in K.S.A. 8-1720, and amendments thereto; or

(2) school buses displaying alternately flashing or simultaneously flashing head lamps as provided in K.S.A. 8-1730, and amendments thereto.

Sec. 2. K.S.A. 1999 Supp. 8-1730 is hereby amended to read as follows: 8-1730. (a) Every school bus, in addition to any other equipment and distinctive markings required by this act, shall be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall display to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights shall be visible at 500 feet in normal sunlight.

(b) Any school bus, in addition to the lights required by subsection (a), may be equipped with:

(1) Yellow signal lamps mounted near each of the four red lamps and at the same level but closer to the vertical centerline of the bus, which shall display two alternately flashing yellow lights to the front and two alternately flashing yellow lights to the rear, and these lights shall be visible at 500 feet in normal sunlight. These lights shall be displayed by the school bus driver at least 200 feet, but not more than 1,000 feet, before every stop at which the alternately flashing red lights required by subsection (a) will be actuated; or

(2) head lamps which alternately flash on low beam or simultaneously flash on low beam, except such head lamps shall only be activated during daylight hours.

(c) The state board of education is authorized to adopt rules and regulations promulgating standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses consistent with the provisions of this act. Such standards and specifications shall correlate with and so far as consistent with the provisions of this act conform to the specifications then current as approved by the society of automotive engineers.

(d) The provisions of this section shall be subject to the provisions contained in K.S.A. 8-2009a, and amendments thereto.

Sec. 3. K.S.A. 8-1725 and K.S.A. 1999 Supp. 8-1730 are hereby repealed.

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

(Published in the Kansas Register April 20, 2000.)

SENATE BILL No. 528

AN ACT concerning chemical control act; relating to practitioners; amending K.S.A. 1999 Supp. 65-7003 and repealing the existing section.

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

Section 1. K.S.A. 1999 Supp. 65-7003 is hereby amended to read as follows: 65-7003. As used in K.S.A. 1999 Supp. 65-7001 through 65-7015 and amendments thereto:

(a) "Act" means the Kansas chemical control act;

(b) "administer" means the application of a regulated chemical whether by injection, inhalation, ingestion or any other means, directly into the body of a patient or research subject, such administration to be conducted by: (1) A practitioner, or in the practitioner's presence, by such practitioner's authorized agent; or

(2) the patient or research subject at the direction and in the presence of the practitioner;

(c) "agent or representative" means a person who is authorized to receive, possess, manufacture or distribute or in any other manner control or has access to a regulated chemical on behalf of another person;

(d) "bureau" means the Kansas bureau of investigation;

(e) "department" means the Kansas department of health and environment;

(f) "director" means the director of the Kansas bureau of investigation;

(g) "dispense" means to deliver a regulated chemical to an ultimate user, patient or research subject by, or pursuant to the lawful order of, a practitioner, including the prescribing, administering, packaging, labeling or compounding necessary to prepare the regulated chemical for that delivery;

(h) "distribute" means to deliver other than by administering or dispensing a regulated chemical;

(i) "manufacture" means to produce, prepare, propagate, compound, convert or process a regulated chemical directly or indirectly, by extraction from substances of natural origin, chemical synthesis or a combination of extraction and chemical synthesis, and includes packaging or repackaging of the substance or labeling or relabeling of its container. The term excludes the preparation, compounding, packaging, repackaging, labeling or relabeling of a regulated chemical.

(1) By a practitioner as an incident to the practitioner's administering or dispensing of a regulated chemical in the course of the practitioner's professional practice; or

(2) by a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale;

(j) "person" means individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity;

(k) "practitioner" means a person licensed to practice medicine and surgery, pharmacist, dentist, podiatrist, veterinarian, optometrist licensed under the optometry laws as a therapeutic licensee or diagnostic and therapeutic licensee, or scientific investigator or other person authorized by law to use a controlled substance in teaching or chemical analysis or to conduct research with respect to a controlled substance;

(l) "regulated chemical" means a chemical that is used directly or indirectly to manufacture a controlled substance or other regulated chemical in violation of the state controlled substances act or this act. The fact that a chemical may be used for a purpose other than the manufacturing of a controlled substance or regulated chemical does not exempt it from the provisions of this act. Regulated chemical includes:

(1) Acetic anhydride (CAS No. 108-24-7);

(2) benzaldehyde (CAS No. 100-52-7);

(3) benzyl chloride (CAS No. 100-44-7);

(4) benzyl cyanide (CAS No. 140-29-4);

(5) diethylamine and its salts (CAS No. 109-89-7);

(6) ephedrine, its salts, optical isomers and salts of optical isomers (CAS No. 299-42-3), except products containing ephedra or ma huang, which do not contain any chemically synthesized ephedrine alkaloids, and are lawfully marketed as dietary supplements under federal law;

(7) hydriodic acid (CAS No. 10034-85-2);

(8) iodine (CAS No. 7553-56-2);

(9) lithium (CAS No. 7439-93-2);

(10) methylamine and its salts (CAS No. 74-89-5);

(continued)

- (11) nitroethane (CAS No. 79-24-3);
 (12) chloroephedrine, its salts, optical isomers, and salts of optical isomers (CAS No. 30572-91-9);
 (13) phenylacetic acid, its esters and salts (CAS No. 103-82-2);
 (14) phenylpropanolamine, its salts, optical isomers, and salts of optical isomers (CAS No. 14838-15-4);
 (15) piperidine and its salts (CAS No. 110-89-4);
 (16) pseudoephedrine, its salts, optical isomers, and salts of optical isomers (CAS No. 90-82-4);
 (17) red phosphorous (CAS No. 7723-14-0);
 (18) sodium (CAS No. 7440-23-5); and
 (19) thionylchloride (CAS No. 7719-09-7);
 (m) "regulated chemical distributor" means any person subject to the provisions of the Kansas chemical control act who manufactures or distributes a regulated chemical;
 (n) "regulated chemical retailer" means any person who sells regulated chemicals directly to the public;
 (o) "regulated chemical transaction" means the manufacture of a regulated chemical or the distribution, sale, exchange or other transfer of a regulated chemical within or into the state or from this state into another state; and
 (p) "secretary" means the secretary of health and environment.

Sec. 2. K.S.A. 1999 Supp. 65-7003 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 April 20, 2000.)

SENATE BILL No. 657

AN ACT concerning postsecondary education and certain institutions thereof; relating to powers and duties of the state board of regents and the state board of education; affecting membership of the midwestern higher education commission; amending K.S.A. 72-60b02 and K.S.A. 1999 Supp. 71-613, 72-4408, 72-4412, 72-4517, 74-3202c, 74-32, 140 and 74-32, 141 and repealing the existing sections; also repealing K.S.A. 71-1001, 71-1002, 71-1003, 72-4409, 72-4409a and 72-4410 and K.S.A. 1999 Supp. 71-901 and 71-902.

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

Section 1. K.S.A. 1999 Supp. 71-613 is hereby amended to read as follows: 71-613. (a) *The vocational education fund of a community college, established by K.S.A. 72-4424, and amendments thereto, which statutory section shall expire on June 30, 2000, is hereby continued in existence in each community college.* All moneys received by a community college for establishing, conducting, maintaining and administering any vocational education program authorized under article 44 of chapter 72 of Kansas Statutes Annotated shall be deposited in the vocational education fund, unless required to be deposited in the general fund. The expenses of a community college attributable to vocational education shall be paid from the vocational education fund.

(b) Community colleges shall maintain fund accounting procedures as may be necessary to assure proper accounting for federal funds for vocational education special projects, whether received directly from the federal government or any of its agencies, or received through the state or any of its agencies.

Sec. 2. On July 1, 2000, K.S.A. 1999 Supp. 72-4408 shall be and is hereby amended to read as follows: 72-4408. (a) The state of Kansas hereby accepts the provisions and benefits of the Carl D. Perkins vocational and technical education act of 1998, and acts amendatory thereof and supplemental thereto. The state board of regents education is hereby designated as the sole agency for supervision of the administration of vocational education by local educational agencies. The state board of regents education is authorized to prepare, from time to time amend, and administer the state plan for vocational education as provided in the above cited federal act.

(b) *The state plan for vocational education, prepared and adopted pursuant to the provisions of this section prior to its amendment by this act, shall continue to be effective and shall be deemed to be the duly adopted state plan of the state board of education until revised, amended, revoked or nullified pursuant to law.*

(c) *The provisions of this section shall expire on July 1, 2001.*

Sec. 3. On July 1, 2000, K.S.A. 1999 Supp. 72-4412 shall be and is hereby amended to read as follows: 72-4412. As used in this act:

(a) "Board" means the board of education of any school district, the board of trustees of any community college, the board of regents of any

municipal university; the board of control of any area vocational-technical school, the governing body of any technical college, or the chief executive officer of any state educational institution.

(b) "Area vocational school" means any vocational education school established under authority of the laws of this state, approved and officially designated as an area vocational school by the state board, and operated under any board. Any area vocational school, except for purposes of the construction of this act, may retain and use the name given to such school prior to the effective date of this act, even though such name includes the words "area vocational-technical school." Until this provision is amended by or repealed from law, the state board shall not approve the establishment or operation of any area vocational school which has not been approved for establishment or officially designated as an area vocational school prior to the effective date of this act, except that a community college which is consolidated with an area vocational school or area vocational-technical school under the provisions of K.S.A. 71-1701 through 71-1706, and amendments thereto, may be designated as an area vocational school.

(c) "Area vocational-technical school" means any vocational education school which was classified as a type II area vocational-technical school under authority of former laws or which is established and classified as a type II area vocational-technical school under authority of this act. The schools to which this definition applies are:

- (1) Southeast Kansas area vocational-technical school; and
- (2) Northwest Kansas area vocational-technical school; and
- ~~(3) Johnson county area vocational-technical school.~~

The governing body of an area vocational-technical school shall be called a board of control and shall be constituted as is provided by agreement of the boards participating therein. Members of the board of control shall be paid subsistence allowances, mileage and other actual and necessary expenses incurred in the performance of their official duties. The state board may adopt special rules and regulations applicable to the conduct, operation and administration of area vocational-technical schools. Nothing in this act shall be construed to authorize the establishment or operation of any area vocational-technical school not specifically designated in this subsection. ~~Unless approved by the state board of regents, no area vocational-technical school shall construct or reconstruct or acquire any building or land until this provision is amended or repealed from the law.~~ Nothing in this act shall be deemed to prevent any board from entering into an agreement for participation in the operation of any area vocational-technical school designated in this subsection; nor shall any board which is now or hereafter a participant in the operation of such an area vocational-technical school be prevented by the provisions of this act from withdrawing therefrom in the absence of a written agreement to the contrary.

(d) "School district" means any school district organized under the laws of this state.

(e) "Community college" means any community college organized and operating under the laws of this state.

(f) "Municipal university" means a municipal university established under the provisions of article 13a of chapter 13 of Kansas Statutes Annotated.

(g) "State educational institution" means the university of Kansas, Kansas state university of agriculture and applied science, Wichita state university, Emporia state university, Pittsburg state university, Fort Hays state university, and Kansas state university—Salina, college of technology.

(h) "Technical college" means an educational institution that formerly was an area vocational school or an area vocational-technical school and that has been converted to, established as, and officially designated a technical college under authority of this act.

(i) "State board" means the state board of regents education.

(j) "School year" means the twelve-month period ending on June 30.

(k) "Vocational education" means organized educational programs offering a sequence of courses which are directly related to the preparation of individuals in paid or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degree. Such programs shall include competency-based applied learning which contributes to an individual's academic knowledge, higher-order reasoning, and problem-solving skills, work attitudes, general employability skills, and the occupational-specific skills necessary for economic independence as a productive and contributing member of society. The term vocational education also includes technology education.

(l) "Technology education" means an applied discipline designed to

promote technological literacy which provides knowledge and understanding of the impacts of technology including its organizations, techniques, tools and skills to solve practical problems and extend human capabilities in technological areas.

(m) "State plan" means a document or set of documents, together with attachments and supplements thereto, containing such provisions as are authorized by this act and required by the Carl D. Perkins vocational and technical education act of 1998, and acts amendatory thereof or supplemental thereto.

(n) "Associate of applied science degree program" means a program that is offered and maintained by a technical college, composed of vocational, technology, and general education courses of instruction for which individuals may earn college credit, designed to prepare individuals for gainful employment in technical or technological occupations requiring other than a baccalaureate or advanced degree or to qualify individuals for transfer to another college or university and, after satisfactory completion of the requirements for graduation, results in the conferral of an associate of applied science degree. For the purpose of awarding college credit for completion of coursework leading to the conferral of an associate of applied science degree, a credit hour shall consist of 15 clock hours of instruction in general education courses or 30 clock hours of instruction in vocational or technology education courses.

Sec. 4. K.S.A. 1999 Supp. 72-4517 is hereby amended to read as follows: 72-4517. As used in this act: (a) "Board" means the board of education of any school district or the board of trustees of any community college.

(b) "State board" means the state board of regents.

(c) "State plan" means the plan for adult basic education programs prepared and adopted by the state board in accordance with state and federal law.

(d) "Adult basic education program" means a program of one or more courses in general education subjects taught at the grade school or high school level under the supervision of a board for eligible persons which is included in the state plan and for which federal funds are received pursuant to federal law.

(e) "Eligible persons" means persons who (1) have attained the age of sixteen 16, (2) have not graduated from high school and have not been recognized as having achieved an equivalent level of education, and (3) are not now regularly enrolled in school.

(f) "Adult supplementary education program" means a program of one or more courses in any subject, other than courses in the adult basic education program or courses approved for state funding purposes, taught for personal enrichment, which is conducted under the supervision of a board for persons who have attained the age of sixteen 16.

(g) "Federal law" means the adult education act of 1966 (title III, P.L. 89-750), and acts amendatory thereof.

Sec. 5. K.S.A. 1999 Supp. 74-3202c is hereby amended to read as follows: 74-3202c. (a) In the exercise of its leadership role, the state board of regents shall be an advocate for the provision of adequate resources and sufficient authority for all postsecondary educational institutions so that each postsecondary educational institution can realize, within its prescribed mission, role and scope, its full potential to the benefit of the students who attend such postsecondary educational institution and to the benefit of all Kansas residents in terms of receiving the benefits of a highly educated and vocationally trained populace.

(b) In addition to other duties and functions prescribed by law, the state board of regents shall:

(1) Adopt, from time to time amend, revise or modify, and administer a comprehensive plan for coordination of higher education within this state;

(2) determine institutional roles and review institutional missions and goals;

(3) develop articulation procedures so that maximum freedom of transfer among and between postsecondary educational institutions is ensured;

(4) approve or disapprove for state funding purposes existing and proposed educational programs, courses of instruction and out-district program and course locations;

(5) review budget requests and requests for state funding of postsecondary educational institutions and present a unified budget for higher education to the governor and the legislature each year;

(6) approve core indicators of quality performance for postsecondary educational institutions;

(7) resolve conflicts among and between postsecondary educational institutions;

(8) develop and implement a comprehensive plan for the utilization of distance learning technologies;

(9) develop each year and recommend to the governor and the legislature a policy agenda for higher education, which policy agenda shall assess priorities among proposals for policy change, programmatic recommendations, and state funding requests;

(10) conduct continuous studies of ways to maximize the utilization of resources available for higher education in Kansas and initiate action for improvement;

(11) conduct continuous studies of how state policies affect higher education and how Kansas economic and demographic trends impact upon accessibility and affordability of postsecondary education to Kansas residents, and initiate ways to improve such accessibility and affordability;

(12) receive and consider reports, proposals and recommendations of the commissions and take such actions thereon as are deemed necessary and appropriate;

(13) report annually on the performance of its functions and duties to the governor and the legislature; and

(14) exercise such other powers and perform such other functions and duties as are deemed necessary and appropriate to the fulfillment of its constitutional and statutory responsibilities.

Sec. 6. K.S.A. 72-60b02 is hereby amended to read as follows: 72-60b02. The members of the midwestern higher education commission representing the state of Kansas shall be the following: (a) The governor or a designee of the governor; (b) two members of the legislature appointed by the legislative coordinating council so that one is a member of the senate and one is a member of the house of representatives and such members are not members of the same political party; and (c) a member two members of the state board of regents selected by it the state board or, at the discretion of the state board, a designee designees thereof. One such member shall be representative of the four-year institutions of higher education; and (d) a member of the state board of education selected by it one such member shall be representative of the two-year institutions of higher education. The term of the member serving under subpart (a) shall expire concurrently with the term of the governor. The terms of members serving under subpart (b) shall expire concurrently with their terms as state officers or two years after the date of their appointment to membership on the commission, whichever occurs sooner. The term of the each member serving under subpart (c), if such member is a state officer, shall expire concurrently with such member's term as a state officer or four years after the date of appointment to membership on the commission, whichever occurs sooner. If the such member serving under subpart (c) is not a state officer, the term of such member shall expire four years after the date of appointment to membership on the commission. The term of the member initially serving under subpart (d) shall expire concurrently with such member's term as a state officer or two years after the date of appointment to membership on the commission, whichever occurs sooner. The term of each member succeeding the member initially serving under subpart (d) shall expire concurrently with such successor member's term as a state officer or four years after the date of appointment to membership on the commission, whichever occurs sooner. All vacancies in the membership of the commission shall be filled in the same manner as originally filled, except that vacancies created for reasons other than expiration of terms of office shall be filled for the unexpired terms.

Sec. 7. K.S.A. 1999 Supp. 74-32,140 is hereby amended to read as follows: 74-32,140. (a) On July 1, 1999, the community colleges, established and existing under the laws of this state shall be and hereby are transferred from the supervision of the state board of education to supervision and coordination by the state board of regents. The community colleges shall continue to be operated, managed and controlled by locally elected boards of trustees. The state board of regents shall exercise such supervision and coordination of the operation, management and control of community colleges as may be prescribed by law.

(b) On July 1, 1999, all of the powers, duties, functions, records and property of the state board of education relating to community college operations shall be and are hereby transferred to and conferred and imposed upon the state board of regents.

(c) On and after July 1, 1999, the state board of regents shall be the successor in every way to the powers, duties and functions of the state

(continued)

board of education relating to community college operations in which the same were vested prior to the effective date of this act. Every act performed by the state board of regents shall be deemed to have the same force and effect as if performed by the state board of education in which such functions were vested prior to July 1, 1999.

(d) On and after July 1, 1999, whenever the state board of education, or words of like effect, is referred to or designated by a statute, contract or other document relating to community college operations, such reference or designation shall be deemed to apply to the state board of regents.

~~(e) The state plan for community colleges, prepared and adopted by the state board of education pursuant to the provisions of the Kansas community college act, which is in existence on July 1, 1999, shall continue to be effective and shall be deemed to be the duly adopted state plan of the state board of regents until revised, amended, revoked or nullified pursuant to law.~~

~~(f) All rules and regulations, and all orders and directives of the state board of education relating to community college operations which are in existence on July 1, 1999, shall continue to be effective and shall be deemed to be the duly adopted rules and regulations or orders and directives of the state board of regents until revised, amended, revoked or nullified pursuant to law.~~

~~(g) (f) The unexpended balance of any appropriation for and any funds available to the state board of education for purposes relating to community college operations shall be transferred to the state board of regents on July 1, 1999.~~

~~(h) (g) On and after July 1, 1999, all books, records and papers of the board of trustees of each community college shall be open and available, at all reasonable times, to the state board of regents and its designated officers, employees and agents.~~

~~(i) (h) Except as otherwise specifically provided in this act, the transfer of supervision of the community colleges from the state board of education to supervision and coordination by the state board of regents shall not be construed in any manner so as to change or affect the operation, management and control of any community college or to change or affect any existing power, duty or function of a board of trustees with respect to such operation, management and control.~~

Sec. 8. On July 1, 2000, K.S.A. 1999 Supp. 74-32,141 shall be and is hereby amended to read as follows: 74-32,141. (a) On July 1, 1999, the technical colleges, area vocational schools and area vocational-technical schools established and existing under the laws of this state shall be and hereby are transferred from the supervision of the state board of education to supervision and coordination by the state board of regents. The technical colleges, area vocational schools and area vocational-technical schools shall continue to be operated, managed and controlled by governing boards as provided for in article 44 of chapter 72 of Kansas Statutes Annotated. The state board of regents shall exercise such supervision and coordination of the operation, management and control of technical colleges, area vocational schools and area vocational-technical schools as may be prescribed by law.

(b) On July 1, 1999, all of the powers, duties, functions, records and property of the state board of education relating to operations of technical colleges, area vocational schools and area vocational-technical schools shall be and are hereby transferred to and conferred and imposed upon the state board of regents.

(c) On and after July 1, 1999, the state board of regents shall be the successor in every way to the powers, duties and functions of the state board of education relating to operations of technical colleges, area vo-

national schools and area vocational-technical schools in which the same were vested prior to July 1, 1999. Every act performed by the state board of regents shall be deemed to have the same force and effect as if performed by the state board of education in which such functions were vested prior to July 1, 1999.

(d) On and after July 1, 1999, whenever the state board of education, or words of like effect, is referred to or designated by a statute, contract or other document relating to operations of technical colleges, area vocational schools or area vocational-technical schools, such reference or designation shall be deemed to apply to the state board of regents established.

~~(e) The state plan for vocational education, prepared and adopted by the state board of education pursuant to the provisions of the K.S.A. 72-4413, and amendments thereto, which is in existence on July 1, 1999, shall continue to be effective and shall be deemed to be the duly adopted state plan of the state board of regents until revised, amended, revoked or nullified pursuant to law.~~

~~(f) All rules and regulations, and all orders and directives of the state board of education relating to operations of technical colleges, area vocational schools and area vocational-technical schools which are in existence on July 1, 1999, shall continue to be effective and shall be deemed to be the duly adopted rules and regulations or orders and directives of the state board of regents until revised, amended, revoked or nullified pursuant to law.~~

~~(g) (f) The unexpended balance of any appropriation for and any funds available to the state board of education for purposes relating to operations of technical colleges, area vocational schools and area vocational-technical schools shall be transferred to the state board of regents on July 1, 1999.~~

~~(h) (g) On and after July 1, 1999, all books, records and papers of the governing boards of technical colleges, area vocational schools and area vocational-technical schools shall be open and available, at all reasonable times, to the state board of regents and its designated officers, employees and agents.~~

~~(i) (h) Except as otherwise specifically provided in this act, the transfer of supervision of the technical colleges, area vocational schools and area vocational-technical schools from the state board of education to supervision and coordination by the state board of regents shall not be construed in any manner so as to change or affect the operation, management and control of any technical college, area vocational school or area vocational-technical school or to change or affect any existing power, duty or function of the governing board of any technical college, area vocational school or area vocational-technical school with respect to such operation, management and control.~~

~~(j) (i) For the purposes of the school district finance and quality performance act, the term approved vocational education program means in the case of vocational education programs offered and provided in the area vocational schools, the area vocational-technical schools, and the technical colleges, the state board of regents; and in the case of vocational education programs offered and provided in the high schools of a school district, the state board of education.~~

Sec. 9. K.S.A. 71-1001, 71-1002, 71-1003, 72-4409, 72-4409a, 72-4410 and 72-60b02 and K.S.A. 1999 Supp. 71-613, 71-901, 71-902, 72-4517, 74-3202c and 74-32,140 are hereby repealed.

Sec. 10. On July 1, 2000, K.S.A. 1999 Supp. 72-4408, 72-4412 and 74-32,141 shall be and are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the Kansas register.

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the index to the 1997 Volumes of the *Kansas Administrative Regulations* and the 1999 Supplement to the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

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

AGENCY 4: DEPARTMENT OF AGRICULTURE

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

AGENCY 7: SECRETARY OF STATE

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

AGENCY 9: ANIMAL HEALTH DEPARTMENT

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

AGENCY 11: STATE CONSERVATION COMMISSION

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

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

AGENCY 16: ATTORNEY GENERAL

Reg. No.	Action	Register
16-6-1	Amended	V. 19, p. 399

AGENCY 17: STATE BANK COMMISSIONER

Reg. No.	Action	Register
17-22-1	Amended	V. 19, p. 500
17-23-16	Amended	V. 19, p. 500
17-24-1	New	V. 18, p. 956
17-24-2	New	V. 18, p. 956

AGENCY 22: STATE FIRE MARSHAL

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

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

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

AGENCY 26: DEPARTMENT ON AGING

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

AGENCY 27: STATE CORPORATION COMMISSION (KANSAS ENERGY OFFICE)

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

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-1-2	Amended	V. 19, p. 141
28-1-6	Amended	V. 18, p. 953
28-1-18	Amended	V. 19, p. 141
28-1-25	Revoked	V. 18, p. 105
28-1-26	New	V. 19, p. 142
28-4-330 through 28-4-343	New (T)	V. 18, p. 1058-1070
28-4-343 through 28-4-343	New	V. 18, p. 1600-1612
28-4-501	Amended	V. 19, p. 422
28-4-503	Amended	V. 19, p. 423
28-4-504	Amended	V. 19, p. 423
28-4-505	Amended	V. 19, p. 423
28-4-513	Amended	V. 19, p. 423
28-4-530	Revoked	V. 19, p. 423
28-4-531	Revoked	V. 19, p. 423
26-16-28b through 28-16-28f	Amended	V. 18, p. 1021-1033
28-19-50	Revoked	V. 18, p. 50
28-19-52	Revoked	V. 18, p. 50
28-19-201	Amended	V. 18, p. 106
28-19-650	New	V. 18, p. 50
28-19-720	Amended	V. 18, p. 782
28-19-735	Amended	V. 18, p. 782
28-19-750	Amended	V. 18, p. 782
28-19-751	Revoked	V. 18, p. 1099
28-19-752	Revoked	V. 18, p. 1099
28-19-752a	New	V. 18, p. 1099
28-23-81 through 28-23-89	Revoked	V. 18, p. 1099
28-19-751	Revoked	V. 18, p. 1099
28-19-752	Revoked	V. 18, p. 1099

28-19-752a	New	V. 18, p. 1099
28-23-81 through 28-23-89	Revoked	V. 18, p. 1099
28-29-3	Amended	V. 18, p. 1345
28-29-17a	Revoked	V. 18, p. 1948
28-29-17b	Revoked	V. 18, p. 1949
28-29-25a	New	V. 18, p. 1346
28-29-25b	New	V. 18, p. 1347
28-29-25c	New	V. 18, p. 1348
28-29-25e	New	V. 18, p. 1350
28-29-25f	New	V. 18, p. 1351
28-29-26	Revoked	V. 18, p. 673
28-29-98	Revoked	V. 18, p. 1949
28-29-2101 through 28-29-2113	New	V. 18, p. 1949-1963
28-31-1	Amended	V. 18, p. 673
28-31-2	Amended	V. 18, p. 673
28-31-3	Amended	V. 18, p. 674
28-31-4	Amended	V. 18, p. 674
28-31-6	Amended	V. 18, p. 678
28-31-8	Amended	V. 18, p. 679
28-31-8b	Amended	V. 18, p. 680
28-31-9	Amended	V. 18, p. 680
28-31-10	Amended	V. 18, p. 681
28-31-12	Amended	V. 18, p. 681
28-31-13	Amended	V. 18, p. 682
28-31-14	Amended	V. 18, p. 682
28-31-15	New	V. 18, p. 682
28-31-16	New	V. 18, p. 682
28-36-10 through 28-36-18	Revoked	V. 18, p. 1099
28-36-20 through 28-36-29	Revoked	V. 18, p. 1099, 1100
28-36-101 through 28-36-108	New	V. 18, p. 1100-1102
28-36-10 through 28-36-18	Revoked	V. 18, p. 1099
28-36-20 through 28-36-29	Revoked	V. 18, p. 1099, 1100
28-36-101 through 28-36-108	New	V. 18, p. 1100-1102
28-39-133	Revoked	V. 18, p. 1393
28-39-134 through 28-39-137	Revoked	V. 18, p. 1393
28-39-144	Amended	V. 18, p. 1393
28-39-145	Revoked	V. 18, p. 1395
28-39-145a	New	V. 18, p. 1395
28-39-152	Amended	V. 18, p. 1397
28-39-160	Amended	V. 18, p. 1399
28-39-161	Amended	V. 18, p. 1400
28-39-162a	Amended	V. 18, p. 1401
28-39-162c	Amended	V. 18, p. 1405
28-39-163	Amended	V. 18, p. 1410
28-39-240	Amended	V. 18, p. 1412
28-39-245	Amended	V. 18, p. 1413
28-39-247	Amended	V. 18, p. 1414
28-39-275 through 28-39-291	New	V. 18, p. 1416-1423
28-39-300 through 28-39-312	Revoked	V. 18, p. 1423
28-39-425 through 28-39-437	New	V. 18, p. 1423-1429
28-50-1	Amended	V. 18, p. 1353
28-50-2	Amended	V. 18, p. 1355
28-50-4	Amended	V. 18, p. 1356
28-50-5	Amended	V. 18, p. 1356
28-50-6	Amended	V. 18, p. 1356
28-50-7	Revoked	V. 18, p. 1358
28-50-8	Amended	V. 18, p. 1358
28-50-9	Amended	V. 18, p. 1359
28-50-10	Amended	V. 18, p. 1363
28-50-14	Amended	V. 18, p. 1363
28-65-1	Amended	V. 18, p. 682
28-65-2	Amended	V. 18, p. 683
28-65-3	Amended	V. 18, p. 683
28-72-1	New (T)	V. 18, p. 1459

(continued)

28-72-1	New	V. 18, p. 1888
28-72-2	New (T)	V. 18, p. 1462
28-72-2	New	V. 18, p. 1891
28-72-3	New (T)	V. 18, p. 1462
28-72-3	New	V. 18, p. 1891
28-72-4	New (T)	V. 18, p. 1463
28-72-4	New	V. 18, p. 1892
28-72-4a	New (T)	V. 18, p. 1466
28-72-4a	New	V. 18, p. 1895
28-72-4b	New (T)	V. 18, p. 1468
28-72-4b	New	V. 18, p. 1897
28-72-4c	New (T)	V. 18, p. 1470
28-72-4c	New	V. 18, p. 1898
28-72-5	New (T)	V. 18, p. 1471
28-72-5	New	V. 18, p. 1900
28-72-6	New (T)	V. 18, p. 1473
28-72-6	New	V. 18, p. 1902
28-72-7	New (T)	V. 18, p. 1475
28-72-7	New	V. 18, p. 1904
28-72-8	New (T)	V. 18, p. 1476
28-72-8	New	V. 18, p. 1905
28-72-9	New (T)	V. 18, p. 1478
28-72-9	New	V. 18, p. 1907
28-72-10	New (T)	V. 18, p. 1480
28-72-10	New	V. 18, p. 1909
28-72-11	New (T)	V. 18, p. 1481
28-72-11	New	V. 18, p. 1910
28-72-12	New (T)	V. 18, p. 1482
28-72-12	New	V. 18, p. 1911
28-72-13	New (T)	V. 18, p. 1483
28-72-13	New	V. 18, p. 1912
28-72-14	New (T)	V. 18, p. 1483
28-72-14	New	V. 18, p. 1912
28-72-15	New (T)	V. 18, p. 1484
28-72-15	New	V. 18, p. 1913
28-72-16	New (T)	V. 18, p. 1484
28-72-16	New	V. 18, p. 1913
28-72-17	New (T)	V. 18, p. 1485
28-72-17	New	V. 18, p. 1914
28-72-18	New (T)	V. 18, p. 1486
28-72-18	New	V. 18, p. 1915
28-72-18a	New (T)	V. 18, p. 1487
28-72-18a	New	V. 18, p. 1916
28-72-18b	New (T)	V. 18, p. 1487
28-72-18b	New	V. 18, p. 1916
28-72-18c	New (T)	V. 18, p. 1488
28-72-18c	New	V. 18, p. 1917
28-72-18d	New (T)	V. 18, p. 1489
28-72-18d	New	V. 18, p. 1918
28-72-18e	New (T)	V. 18, p. 1490
28-72-18e	New	V. 18, p. 1919
28-72-19	New (T)	V. 18, p. 1491
28-72-19	New	V. 18, p. 1920
28-72-20	New (T)	V. 18, p. 1491
28-72-20	New	V. 18, p. 1920
28-72-21	New (T)	V. 18, p. 1491
28-72-21	New	V. 18, p. 1920
28-72-22	New (T)	V. 18, p. 1491
28-72-22	New	V. 18, p. 1920

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

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

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

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

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-2-26	Amended	V. 18, p. 1058
40-3-33	Amended	V. 18, p. 1016

40-4-34	Amended	V. 18, p. 124
40-4-35	Amended (T)	V. 18, p. 358
40-4-35	Amended	V. 18, p. 1148
40-4-42	New	V. 18, p. 1883
40-4-42a	New	V. 18, p. 1883
40-4-42b	New	V. 18, p. 1884
40-4-42c	New	V. 18, p. 1884
40-4-42d	New	V. 18, p. 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 49: DEPARTMENT OF HUMAN RESOURCES

Reg. No.	Action	Register
49-45-1	through	
49-45-4	Amended	V. 19, p. 504
49-45-4a	New	V. 19, p. 504
49-45-5	through	
49-45-9	Amended	V. 19, p. 504
49-45-20	through	
49-45-28	Amended	V. 19, p. 504, 505
49-45-29	through	
49-45-34	New	V. 19, p. 505
49-45a-1	Amended	V. 19, p. 505
49-45a-2	through	
49-45a-27	Revoked	V. 19, p. 506
49-46-1	Amended	V. 19, p. 506
49-47-1	Amended	V. 19, p. 507
49-47-1a	New	V. 19, p. 507
49-47-1b	New	V. 19, p. 507
49-47-2	Amended	V. 19, p. 507
49-48-1	Amended	V. 19, p. 508
49-49-1a	New	V. 19, p. 508
49-50-1	through	
49-50-4	Amended	V. 19, p. 509, 510
49-50-6	through	
49-50-15	Amended	V. 19, p. 510-513
49-50-17	through	
49-50-20	Amended	V. 19, p. 513, 514
49-50-21	New	V. 19, p. 514
49-50-22	New	V. 19, p. 515
49-51-1	Amended	V. 19, p. 515
49-51-2	Amended	V. 19, p. 515
49-51-3	Amended	V. 19, p. 515
49-51-3a	New	V. 19, p. 516
49-51-6	through	
49-51-12	Amended	V. 19, p. 516-518
49-51-14	Revoked	V. 19, p. 518
49-52-5	through	
49-52-9	Amended	V. 19, p. 518-520
49-52-11	Amended	V. 19, p. 520
49-52-13	Amended	V. 19, p. 520
49-52-14	Amended	V. 19, p. 521
49-52-15	Revoked	V. 19, p. 521
49-52-16	New	V. 19, p. 521
49-52-17	New	V. 19, p. 521
49-54-1	through	
49-54-3	Revoked	V. 19, p. 521

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
68-5-1	Amended	V. 19, p. 501
68-5-15	New	V. 18, p. 993
68-7-11	Amended	V. 19, p. 501
68-7-12	Amended	V. 18, p. 1815
68-7-14	Amended	V. 19, p. 502
68-7-18	Amended	V. 19, p. 503
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. 1271

AGENCY 80: KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

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

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
111-3-14	Amended	V. 19, p. 521
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
111-4-1673		
through		
111-4-1698	New	V. 19, p. 522-528
111-5-30	Amended	V. 19, p. 529
111-5-77	New	V. 19, p. 529
111-6-1	Amended	V. 19, p. 529
111-6-5	Amended	V. 19, p. 530
111-6-24	New	V. 19, p. 531
111-7-73	Amended	V. 19, p. 531
111-7-77	Amended	V. 19, p. 531
111-7-78	Amended	V. 19, p. 532
111-7-80	Amended	V. 19, p. 532
111-7-81	Amended	V. 19, p. 533
111-7-126	Amended	V. 19, p. 534

(continued)

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

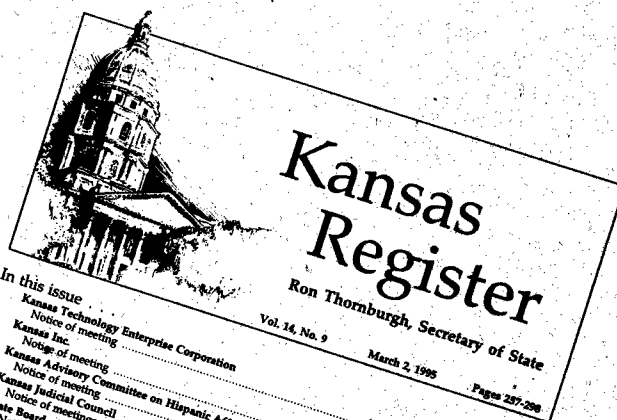
Reg. No.	Action	Register
117-2-1	Amended	V. 18, p. 294
117-2-2	Amended	V. 18, p. 295

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
117-6-3	Amended	V. 19, p. 472
117-7-1	Amended	V. 19, p. 41
117-8-1	Amended	V. 19, p. 473
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		Page
Kansas Technology Enterprise Corporation	Notice of meeting	259
Kansas Inc.	Notice of meeting	259
Kansas Advisory Committee on Hispanic Affairs	Notice of meeting	259
Kansas Judicial Council	Notice of meetings	259
State Board of Indigents' Defense Services	Notice of meeting	260
Real Estate Appraisal Board	Notice of hearing on proposed administrative regulations	260
State Emergency Response Commission	Notice of meeting	261
Kansas Law Enforcement Training Commission	Notice of meeting	261
Social and Rehabilitation Services	Notice of meeting	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