

Kansas Register

Ron Thornburgh, Secretary of State

Vol. 19, No. 24 June 15, 2000 Pages 1005-1028

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State of Kansas

Workforce Investment Partnership Council

Notice of Meeting

The Kansas Workforce Investment Partnership Council will meet at 9 a.m. Friday, June 23, at the Center for Academic and Vocational Excellence (CAVE) at the Chapman Library on the Neosho County Community College campus, 14th St. and Allen Ave., Chanute. The meeting is open to the public. Any person needing reasonable accommodations should contact Barb Reavis at (785) 296-5335 within five business days before the event. For more information, contact Barb Reavis.

Ken Bell
Chair

Doc. No. 025330

State of Kansas

Kansas State University

Notice to Bidders

Sealed bids for the items listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 532-6214 or fax (785) 532-5577 for additional information:

Tuesday, June 27, 2000

#00276

Nexus 670 E.S.P. FTIS & FT-Raman spectrometer

#00275

Gas chromatograph, mass spectrometer with
50 1/sec turbomolecular pump

William H. Sesler
Director of Purchasing

Doc. No. 025338

State of Kansas

State Employees Health Care Commission

Notice of Meeting

The State Employees Health Care Commission will meet at 1:30 p.m. Tuesday, June 27, in the boardroom of the offices of the Kansas Public Employees Retirement System, 611 S. Kansas Ave., Topeka. An agenda may be viewed by accessing the commission's web site at www.da.state.ks.us/hcc. Further information may be obtained by contacting the Benefits Office, (785) 296-6280.

Dan Stanley
Chair

Doc. No. 025345

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 6-12-00 through 6-18-00	
Term	Rate
1-89 days	6.49%
3 months	6.10%
6 months	6.45%
9 months	6.48%
12 months	6.48%
18 months	6.64%
24 months	6.58%

Derl S. Treff
Director of Investments

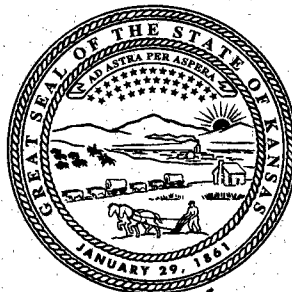
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State of Kansas

Department of Education

Request for Comments

The Kansas State Department of Education will submit a draft Educational Flexibility Plan covering the following federal education programs:

- Title I, Part A (LEA Program)
- Title I, Part B (Even Start)
- Title I, Part C (Migrant Education)
- Title I, Part D (Neglected, Delinquent or At-risk Children)
- Comprehensive School Reform Demonstration Program (Title I portion)
- Title II (SEA and LEA Professional Development)
- Title III, Part A, Subpart 2 (Technology Literacy Challenge Fund)
- Title IV, Part A (Safe and Drug Free Schools and Communities)
- Title VI (Innovative Education Program Strategies, including Class-Size Reduction)
- Title VII, Part C (Emergency Immigrant Education)
- Carl D. Perkins Vocational and Technical Education Program

The intent of the draft Kansas Educational Flexibility Plan is to provide schools and districts a process for requesting waivers from statutes and regulations that impede implementation of reform efforts. The draft plan outlines the criteria the Waiver Committee will consider when reviewing waiver requests. As a result of granting waivers, Kansas expects those schools impacted by waivers to have fewer identified as low-performing schools according to Title I criteria or Quality Performance Accreditation criteria; to have a higher percentage of students reading on grade level according to the second grade diagnostic tests; and to implement more comprehensive schoolwide programs.

Written comments concerning the plan may be submitted by July 20 to Judi Miller, Kansas State Department of Education, via mail at the address below, by fax at (785) 296-5867, or by e-mail at judim@ksbe.state.us.

The public comment period is from June 15 to July 20. Copies of the draft Kansas Educational Flexibility Plan are available by contacting Judi Miller, Kansas State Department of Education, 120 S.E. 10th Ave., Topeka, 66612-1182. The draft plan also is posted on the department's web site at www.ksbe.state.ks.us.

Andy Tompkins
Commissioner of Education

Doc. No. 025329

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of June 19 through July 2. Any individual with a disability may request accommodation in order to participate in committee meetings. Requests for accommodation should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or (785) 296-8430 (TTY).

Date	Room	Time	Committee	Agenda
June 19 June 20	234-N 234-N	10:00 a.m. 9:00 a.m.	Joint Committee on Corrections and Juvenile Justice	Discussion of interim topics; update on issues; round-table discussion of JJA and corrections issues, i.e., truancy, parole/probation, court services.
June 20 June 21	123-S 245-N	10:00 a.m. 9:00 a.m.	Joint Committee on Pensions, Investments and Benefits	Review of 2000 legislation; update on KPERS matters; report from KPERS actuarial consultant; update on early retirement incentive programs.
June 20 June 21	514-S 514-S	10:00 a.m. 9:00 a.m.	Legislative Educational Planning Committee	Agenda not available.
June 21	123-S	10:30 a.m.	Legislative Coordinating Council	Legislative matters.
June 26 June 27	531-N 531-N	10:00 a.m. 9:00 a.m.	Joint Committee on Special Claims Against the State	Hearings on claims filed to date.

Jeff Russell
Director of Legislative
Administrative Services

Doc. No. 025337

State of Kansas

Department of Administration
Division of Purchases

Notice to Bidders

Sealed bids for items hereinafter listed 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:

Thursday, June 22, 2000

A-8999

Kansas State Fair—Water System Improvements

Monday, June 26, 2000

01792

Department of Health and Environment—
Fluorometric Assay Kits

01788

Department of Health and Environment—Punch
Machine for Blood Spots and Incubator/Shaker

01798

Department of Transportation—AB-3 and Ditch
Lining Aggregate (Distrit 1), Various Locations

01808

Department of Transportation—Solar Powered
Message Board

Tuesday, June 27, 2000

A-8857

Beloit Juvenile Correctional Facility—Domestic Water
Modifications, Various Buildings

A-8930

Wichita State University—Fire Alarm Remodel,
Fairmount Tower

A-9006

Wichita State University—Fire Alarm Remodel, Fiske
Hall

01821

Department of Revenue—License Plate Envelopes,
Various Locations

01833

Department of Wildlife and Parks—Boats, Various
Locations

Thursday, June 29, 2000

A-8380

University of Kansas Medical Center—Roof
Replacement, Wescoe and Murphy Halls

Request for Proposals

Monday, June 26, 2000

01763

Computer Consultant for the Kansas School for the
Deaf

01797

Human Resource Analysis for the Kansas Banking
Department

Tuesday, June 27, 2000

01757

Integrated Document Management, Storage and
Imaging System for the University of Kansas Medical
Center

Wednesday, June 28, 2000

01772

GED Database Program for the Kansas State Board of
Regents

Thursday, June 29, 2000

01810

Kansas Department of Transportation—Bond Counsel

Friday, June 30, 2000

01688

External Quality Review and Contract Compliance
Monitoring for Medicaid Managed Care for the
Department of Social and Rehabilitation Services

01752

Nominations for Kansas Emergency Relief in
Dickinson and Crawford Counties for the Kansas State
Historical Society

John T. Houlihan
Director of Purchases

Doc. No. 025341

State of Kansas

Secretary of State

Executive Appointments

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. A complete listing of Kansas state agencies, boards and commissions, and Kansas county officials are included in the Kansas Directory, published by the Secretary of State. The directory also is available on the Secretary of State's web site at www.kssos.org.

The following appointments, which are effective upon their filing with the Secretary of State unless otherwise specified, were recently filed with the Secretary of State:

State Building Advisory Commission

Ray B. Weisenburger, 1927 Vermont St., Manhattan, 66502. Term expires June 30, 2002. Succeeds John Gaunt.

Kansas Historical Records Advisory Board

Sally Akers, 16 Hilltop St., Ekhart, 67950. Term expires June 30, 2003. Reappointed.

Marilyn K. Chapman, Sedgwick County Election Commissioner, 510 N. Main, Wichita, 67203. Term expires June 30, 2003. Reappointed.

Anthony Crawford, 620 Moro St., Manhattan, 66502. Term expires June 30, 2002. Reappointed.

Wilbur C. Ferguson, 319 Highland Road, Leavenworth, 66043. Term expires June 30, 2003.

Peggy Goertzen, Center for Mennonite Studies, Hillsboro, 67063. Term expires June 30, 2002. Reappointed.

David Haury, 3132 S.W. Belle Ave., Topeka, 66614. Term expires June 30, 2003. Reappointed.

Donald C. Heiman, 3004 Rimrock Drive, Lawrence, 66047. Term expires June 30, 2003. Reappointed.

Gerald Motsinger, 6824 Delmar, Shawnee Mission, 66208. Term expires June 30, 2002. Reappointed.

Long-Term Care Ombudsman

Matthew Hickam, 610 W. 10th Ave., 2nd Floor, Topeka, 66612. Term expires January 15, 2004. Reappointed.

Kansas Parole Board

Benjamin L. Burgess, 45 Via Verde, Wichita, 67230. Term expires January 15, 2003. Succeeds Leo Taylor.

Kansas Performance Review Board

Catherine P. Logan, 3201 W. 91st St., Shawnee Mission, 66206. Term expires June 30, 2002. Succeeds Jeanne Andra Cranford.

Kansas Public Employees Relations Board

Anne Brunt, 3700 Clinton Parkway, Apt. 602, Lawrence, 66047. Term expires March 15, 2002. Succeeds Errol Williams, resigned.

Kansas Racing and Gaming Commission

Leslie Hess, 2100 Carousel Drive, Dodge City, 67801. Term expires January 15, 2004. Succeeds Leroy Hayden.

Randall K. Rathbun, 254 N. Crestway St., Wichita, 67208. Term expires January 15, 2004. Succeeds Ed Nazar.

Kansas Respiratory Care Council

Edward B. Anderson, HC 1, Box 1, Rolla, 67954. Term expires February 28, 2003.

Lloyd K. Culbertson, P.O. Box 627, Phillipsburg, 67661. Term expires February 28, 2002.

Debra J. Fox, 649 N. 159th East, Wichita, 67230. Term expires February 28, 2003.

Grace A. Marion, 1367 E. 2076 Road, Eudora, 66025. Term expires February 28, 2002.

William M. Rea, 112 N. Iuka, Pratt, 67124. Term expires February 28, 2003.

Kansas Technology Enterprise Corporation

Edmond (Ted) Haggart, 1214 Windsong Lane, Manhattan, 66502. Term expires January 15, 2003. Succeeds Kurt Saylor, resigned.

Doyle Rahjes, Route 1, Box 93, Agra, 67621. Term expires January 15, 2003. Reappointed.

Kansas Water Authority

David A. Brenn, 1710 Pheasant Court, Garden City, 67846. Term expires January 15, 2003. Succeeds Thomas Bogner, resigned.

David Mueller, Route 2, Box 2, Tampa, 67483. Term expires May 1, 2004. Reappointed.

Don D. Paxson, P.O. Box 487, Penokee, 67659. Term expires May 1, 2004. Reappointed.

Sharon F. Steele, 1045 Villa Vista, Colby, 67701. Term expires January 15, 2004. Reappointed.

Ron Thornburgh
Secretary of State

State of Kansas

Department of Transportation

Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consulting engineering firms for the group of projects listed below. Only one firm will be selected to complete the three projects. Seven signed copies of the response should be mailed to Neil Rusch, P.E., Assistant to the Director, Division of Engineering and Design, KDOT, Room 1084-West, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568. Responses shall be limited to four pages. Responses must be received in Room 1084-West by 5 p.m. July 12 for the consulting engineering firm to be considered.

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

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

The scope of services is to upgrade the existing guard fence installations to acceptable criteria on the following projects:

50-29 K-7879-01, Ford County

Location: From RS944 east to U.S. 400

Fiscal Year: 2002

Estimated Construction Cost: \$1,710,000

54-106 K-7883-01, Allen and Bourbon Counties

Location: From Gas City east to Old U.S. 69
at Fort Scott

Fiscal Year: 2003

Estimated Construction Cost: \$2,160,000

75-106 K-7887-01, Nemaha and Brown Counties

Location: From the north city limits of Sabetha
north to the Nebraska state line

Fiscal Year: 2004

Estimated Construction Cost: \$922,000

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

- Size and professional qualifications.
- Experience of staff.
- Location of firm with respect to proposed project.
- Work load of firm.
- Firm's performance record.

E. Dean Carlson
Secretary of Transportation

State of Kansas

Criminal Justice Coordinating Council**Notice of Meeting**

The Kansas Criminal Justice Coordinating Council will meet from 9 to 11 a.m. Monday, June 26, in the third floor conference room of Memorial Hall, 120 S.W. 10th Ave., Topeka. For further information, call (785) 296-0923.

Barbara Tombs
Executive Director

Doc. No. 025348

State of Kansas

Department of Transportation**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 1 p. m. Thursday, August 17, in Conference Room 1, seventh floor, Docking State Office Building 915 S.W. Harrison, Topeka, to consider the revocation of existing rules and regulations of the Department of Transportation.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to Secretary E. Dean Carlson, Kansas Department of Transportation, 7th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568. All interested parties will be given a reasonable opportunity to present their views orally on the revocation of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

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 Edmond Leboeuf at (785) 296-3831 or (785) 296-3585 (TTY). Handicapped parking is located on the east side of the Docking State Office Building, with the north and east entrances to the building accessible to individuals with disabilities.

These regulations are proposed for revocation on a permanent basis. The regulations proposed to be revoked and their economic impact are as follows:

K.A.R. 36-2-3. Application for designation of emergency vehicle. K.A.R. 36-2-3 is a regulation regarding the application for designation of emergency vehicles. The purpose is to provide a method for the application for certain vehicles to be designated as emergency vehicles.

K.A.R. 36-2-4. Approvals required. K.A.R. 36-2-4 is a regulation regarding who shall approve the applications for the designation of different types of emergency vehicles. The purpose is to provide authority to specific individuals to approve applications for the designation of certain vehicles as emergency vehicles.

K.A.R. 36-2-6. Refusal of approval, hearing notice. K.A.R. 36-2-6 is a regulation allowing for an applicant who is unable to obtain the specified approvals to submit

a written request for a hearing to the secretary regarding the application. The purpose of the regulation is to provide for an appeals process.

K.A.R. 36-2-8. Prior designations of emergency vehicles. K.A.R. 36-2-8 is a regulation allowing for vehicles that were designated as emergency vehicles prior to the regulation taking effect (January 1, 1972) to remain designated as emergency vehicles. The purpose of the regulation was to provide for the continuous designation as to what was an emergency vehicle without officials having to go through the application process on those vehicles.

K.A.R. 36-2-9. Operation of non-designated vehicle with red light or light, siren, whistle or bell prohibited; notification to county attorney. K.A.R. 36-2-9 prohibits any individual from operating a vehicle with a red light, siren, whistle or bell unless the vehicle has been designated as an emergency vehicle.

K.A.R. 36-2-10. Violations, warning, cancellation of designation as emergency vehicle. K.A.R. 36-2-10 notes the due process to be given to an operator when an emergency vehicle is being operated in violation of the statutes pertaining to emergency vehicles, or the pertinent regulations. The regulation also notes the process for cancelling the designation of the vehicle as an emergency vehicle.

K.A.R. 36-2-11. Same; request for hearing before the secretary. K.A.R. 36-2-11 allows for the filing of a written request for a hearing by the owner of any designated emergency vehicle that has been cancelled as provided in K.A.R. 36-2-10.

K.A.R. 36-2-12. Use of red light or lights only, or red light and siren, whistle or bell after designation denied or cancelled. K.A.R. 36-2-12 provides for the process to begin civil proceedings against those who are operating a vehicle as an emergency vehicle after the emergency vehicle designation was denied or cancelled.

K.A.R. 36-2-13. Notice of the right of hearing before the secretary. K.A.R. 36-2-13 notes the procedure for notifying an applicant who has been denied or was unable to get the necessary approvals for the designation of an emergency vehicle of their right to a hearing before the secretary.

Economic Impact

The 1992 Legislature deleted all references to the secretary of transportation in K.S.A. 8-1404 (L. 1992, ch. 141, § 3) and K.S.A. 8-2010 (L. 1992, ch. 141, § 4), which are cited as statutes implemented in this regulation. Delegation of authority for these regulations was taken from the secretary and given to the board of county commissioners in which the vehicle is located. K.S.A. 68-404, cited in the majority of these regulations as an authorizing statute, is a general statute regarding the secretary's powers.

Other governmental units, private citizens and consumers will not be affected by these changes. There is no significant economic impact to state agencies, employees or the general public.

E. Dean Carlson
Secretary of Transportation

Doc. No. 025326

State of Kansas

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

The Kansas African-American Advisory Commission, an entity within the Department of Human Resources, will conduct a general committee meeting at 1 p.m. Friday, June 16, in the second floor conference room, 1430 S.W. Topeka Blvd., Topeka. The public is invited to attend.

Julius A. Williams
Executive Director

Doc. No. 025331

State of Kansas

**Department of Health
and Environment****Notice of Hearing on Proposed
Administrative Regulations**

The Kansas Department of Health and Environment, Division of Environment, Bureau of Water, will conduct a public hearing at 6:30 p.m. Wednesday, August 23, at the Kansas History Center, 6425 S.W. 6th Ave., Topeka, to consider the proposed revisions to the Kansas surface water quality standards K.A.R. 28-16-28b and K.A.R. 28-16-28e.

K.A.R. 28-16-28b is the definition section for the surface water quality standards. The definition for "background concentration" has been revised.

K.A.R. 28-16-28e is the surface water quality criteria section of the water quality standards. The criteria for the following pollutants have been changed: arsenic, endrin and ammonia.

No economic impact is expected from the changes to these regulations. The proposed revisions to the regulations have no financial effect on other government agencies. Environmental benefit may be received in surface waters designated for aquatic life that may receive arsenic or in surface waters designated as a domestic water supply that may receive endrin, alpha-endosulfan or beta-endosulfan.

The time period between the publication of this notice and the scheduled hearing constitutes a 60-day public comment period for the purpose of receiving written public comments on the proposed regulatory action. All interested parties may submit written comments prior to the hearing to Steve M. Swaffar, Kansas Department of Health and Environment, Bureau of Water, Building 283, Forbes Field, Topeka, 66620. All interested parties will be given a reasonable opportunity to present their views orally on the proposed regulatory action during the hearings, as well as to submit their written comments at that time. In order to give all parties an opportunity to present their views, it may be necessary to require each participant to limit any oral presentation to five minutes.

Copies of the proposed amendments and the economic impact and environmental benefit statements may be obtained from the Kansas Department of Health and Environment, Bureau of Water, by contacting Jeanne Woodard at (785) 296-5500. Questions pertaining

to these proposed amendments should be directed to Steve Swaffar, (785) 296-5508. The draft regulations are available in a PDF format on KDHE's home page at www.kdhe.state.ks.us/water. The draft regulations also are available via e-mail in a WordPerfect format. E-mail requests should be sent to: sswaffar@kdhe.state.ks.us.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed amendments and the economic impact and environmental benefit statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Jeanne Woodard.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 025328

State of Kansas

Department of Transportation**Notice of Public Auction**

The Kansas Secretary of Transportation will offer for sale at public auction (at site) at 11 a.m. Tuesday, July 25, the following building and land located in Franklin County, Kansas, described as follows:

Kansas Department of Transportation Sub-Area Shop (4,020 sq. ft. concrete block building, including office space with the presence of non-friable asbestos in the floor tiles and six garage bays) located at the 100 Block of West 17th Street, Ottawa, KS. The legal description of the property is 1.20 acres in the Southeast Quarter of the Northeast Quarter of Section 11, Township 17 South and Range 19 East. Prospective bidders should note access control restrictions and easement reservations for access and existing utilities. Complete legal description and environmental assessment available upon request.

An inspection of property will be from 10 to 11:30 a.m. July 18 and 45 minutes prior to the sale.

Terms of the Sale

Certified check for 10 percent of the purchase price the day of the sale, payable to the Kansas Department of Transportation. The balance of the purchase price will be paid by certified check on or before August 25, 2000. The successful bidder will receive a bill of sale on the day of the sale and a quitclaim deed when the balance is paid. If the balance of the purchase price is not paid on or before August 25, 2000, the 10 percent down payment will be forfeited to the seller. The appraised value is \$88,400, and the minimum acceptable bid is \$59,000.

The seller reserves the right to reject any an all bids and is not responsible for accidents. For additional information, contact Cindy Broxterman, Bureau of Right of Way, at 1-877-461-6817.

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

E. Dean Carlson
Secretary of Transportation

Doc. No. 025336

State of Kansas

Kansas, Inc.

Notice of Meeting

The Kansas Inc. Board of Directors will meet from 10 a.m. to noon Tuesday, June 20, at the Adams Alumni Center, University of Kansas, 1266 Oread Ave., Lawrence. The meeting is open to the public. For further information, call (785) 296-1460.

Charles R. Ranson
President

Doc. No. 025344

State of Kansas

Department of Wildlife and Parks

Public Notice

The Kansas Department of Wildlife and Parks has reached separate agreements for the purchase of two tracts of land. The first tract consists of approximately 160 acres in Pratt County, and its legal description is the SE/4 of Section 32, Township 27 South, Range 15 West. This tract was appraised at \$75,000 and will be purchased for \$75,000. It will be part of the Texas Lake Wildlife Area and will remain on the county tax rolls. The second tract consists of approximately 320 acres in McPherson County, and its legal description is the West Half of Section 16, Township 18 South, Range 1 West. The tract was appraised at \$200,000 and will be purchased for \$200,000. It will be part of the Maxwell Wildlife Area and will remain on the county tax rolls.

Steve A. Williams
Secretary of Wildlife
and Parks

Doc. No. 025333

State of Kansas

Department of Health
and EnvironmentNotice 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-00-146/156
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Purvis Feedlot Route 1, Box 29 Weskan, KS 67762	N/2 of Section 20, T14S, R42W, Wallace County	Smoky Hill River Basin

Kansas Permit No. A-SHWA-C005 Federal Permit No. KS-0094897

This is an expansion of an existing facility from a 2,000 head (2,000 animal units) capacity to a maximum capacity of 3,000 head (3,000 animal units) of beef cattle weighing greater than 700 pounds each.

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

Compliance Schedule: The approved waste management plan shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Riverside Feeders Inc P.O. Box 219 Penokee, KS 67659	NE/4 of Section 34, T8S, R24W, Graham County	South Fork Solomon River Basin

Kansas Permit No. A-SOGH-C001 Federal Permit No. KS-0079669

This is a permit renewal for an existing facility for a maximum capacity of 9,000 head (9,000 animal units) of cattle weighing greater than 700 pounds each.

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

Compliance Schedule: A livestock waste management plan for the facility shall be developed and submitted to the department for approval by December 29, 2000.

Name and Address of Applicant	Legal Description	Receiving Water
KSU Agricultural Research Center - Hays 1232 240th Ave. Hays, KS 67601	SW/4 of Section 4, T14S, R18W, Ellis County	Smoky Hill River Basin

Kansas Permit No. A-SHEL-B001

This is a permit renewal for an existing facility for a maximum capacity of 999 head (999 animal units) of cattle weighing greater than 700 pounds each.

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

Compliance Schedule: A livestock waste management plan for the facility shall be developed and submitted to the department for approval by December 29, 2000.

Name and Address of Applicant	Legal Description	Receiving Water
Enam Inc. Joe Dawson Route 1, Box 78 Norcatour, KS 67653	NW/4 of Section 24, T2S, R25W, Norton County	Upper Republican River Basin

Kansas Permit No. A-URNT-S008

This is a permit renewal of an existing facility with a revised animal unit and head count, due to changes in the law requiring hogs less than 55 pounds to be counted as 0.1 animal units, and modifications to the facility. The facility has a maximum capacity of 280 head (28 animal units) of swine weighing less than 55 pounds each, and 478 head (191.2 animal units) of swine weighing greater than 55 pounds each.

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

Compliance Schedule: A livestock waste management plan for the facility shall be developed and submitted to the department for approval by December 29, 2000.

Name and Address of Applicant	Legal Description	Receiving Water
Dan Krier 328 Co. 388 Drive Downs, KS 67437	SE/4 of Section 16, T7S, R11W, Osborne County	South Fork Solomon River Basin

Kansas Permit No. A-SOQB-B004

This is a new permit for an existing facility constructing water pollution controls for 250 head (125 animal units) of cattle weighing less than 700 pounds each.

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

Compliance Schedule: The current approved waste management plan shall be adhered to as a condition of the permit. The berm between the sedimentation basin and the earthen retention structure shall be constructed so that if a basin were to overtop, the wastewater will discharge into the retention structure.

Name and Address of Applicant	Legal Description	Receiving Water
Rock Creek Ranch Walt Salmans, Partner P.O. Box 128 Hanson, KS 67849	SW/4 of Section 28, T23S, R22W, Hodgeman County	Upper Arkansas River Basin

Kansas Permit No. A-UAHG-B002

This is a permit renewal for an existing facility for 900 head (900 animal units) of beef cattle.

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

Compliance Schedule: Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Lebert Swenson & Son Kenner Swenson 1792 E. Rosehill Road Assaria, KS 67416	N/2 of Section 31, T16S, R2W, Saline County	Smoky Hill River Basin

Kansas Permit No. A-SHSA-B007

This is a permit renewal for an existing facility. The total animal unit capacity is being reduced to reflect actual operations from 750 head (750 animal units) of cattle weighing greater than 700 pounds, to a maximum capacity of 250 head (250 animal units) of cattle weighing greater than 700 pounds, and 500 head (250 animal units) of cattle weighing less than 700 pounds each.

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

Compliance Schedule: The approved manure waste management plan shall be adhered to as a condition of the permit. Prior to land application of wastewater or manure solids to fields identified as sensitive groundwater areas, the soil of the receiving land shall be sampled and analyzed and results sent to KDHE within 30 days of the receipt of the test results.

Name and Address of Applicant	Legal Description	Receiving Water
Cedar Hill Inc. 467 800 Ave. Carlton, KS 67448	SE/4 of Section 27, T15S, R1E, Dickinson County	Smoky Hill River Basin

Kansas Permit No. A-SHDK-M011

This is a permit modification and renewal for an existing facility for 400 head (560 animal units) of dairy cattle, and 100 head (50 animal units) of calves. The permit is being modified to reflect actual existing operations.

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

Compliance Schedule: The approved manure/waste management plan shall be adhered to as a condition of the permit. Permeability tests shall be conducted on the existing lagoons. A detailed set of plan drawings for the existing facility shall be submitted to the department by September 1, 2000.

Name and Address of Applicant	Legal Description	Receiving Water
Jeff McHenry 1159 Treaty Road Delphos, KS 67436	SW/4 of Section 22, T9S, R4W, Ottawa County	Solomon River Basin

Kansas Permit No. A-SOOT-B002

This is a permit renewal for an existing facility for 600 head (300 animal units) of cattle weighing less than 700 pounds each.

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

Compliance Schedule: The approved manure/waste management plan for the facility shall be adhered to as a condition of the permit. Prior to land application of wastewater or manure solids to fields identified as sensitive groundwater areas, the soil of the receiving land shall be sampled and analyzed and results sent to KDHE within 30 days of the receipt of the test results.

Name and Address of Applicant	Legal Description	Receiving Water
Fred Cox Jr. 8920 S. Simpson Road Assaria, KS 67416	NE/4 of Section 19, T16S, R2W, Saline County	Smoky Hill River Basin

Kansas Permit No. A-SHSA-B006

This is a permit renewal for an existing facility for a maximum of 100 head (50 animal units) of cattle weighing less than 700 pounds each, and 150 head (150 animal units) of cattle weighing greater than 700 pounds each.

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

Compliance Schedule: The approved manure/waste management plan for the facility shall be adhered to as a condition of the permit. Prior to land application of wastewater or manure solids to fields identified as sensitive groundwater areas, the soil of the receiving land shall be sampled and analyzed and results sent to KDHE within 30 days of the receipt of the test results. Permeability tests shall be conducted on the existing lagoons. Copies of permeability tests shall be submitted to the department.

Name and Address of Applicant	Legal Description	Receiving Water
Taddiken Farm Inc. 2614 Hackberry Road Clifton, KS 66937	SW/4 of Section 29, T6S, R2E, Clay County	Lower Republican River Basin

Kansas Permit No. A-LRCY-S043

This is a permit renewal for an existing facility for a maximum of 750 head (75 animal units) of swine weighing less than 55 pounds each.

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

Compliance Schedule: Existing controls meet KDHE requirements.

Public Notice No. KS-00-120/126

Name and Address of Applicant	Waterway	Type of Discharge
Baileyville Improvement District #1 514 Nemaha Baileyville, KS 66404	Black Vermillion River via N. Fork Black Vermillion River via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-BB26-0002 Federal Permit No. KS0081442
Legal: SW/4, S27, T2S, R11E, Nemaha County

(continued)

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, fecal coliform and pH. Monitoring for ammonia 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
Centralia, City of P.O. Box 247 Centralia, KS 66415-0247	Black Vermillion River via Unnamed Tributary	Treated Domestic Wastewater
Kansas Permit No. M-BB05-0001	Federal Permit No. KS0081418	
Legal: NE $\frac{1}{4}$, S11, T4S, R11E, Nemaha County		

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, fecal coliform and pH. Monitoring for ammonia 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
Goff, City of P.O. Box 44 Goff, KS 66428	Spring Creek via Unnamed Tributary	Treated Domestic Wastewater
Kansas Permit No. M-KS21-0001	Federal Permit No. KS0047449	
Legal: NW $\frac{1}{4}$, S35, T4S, R13E, Nemaha County		

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

Name and Address of Applicant	Waterway	Type of Discharge
Huron, City of P.O. Box 154 Huron, KS 66041	Delaware River via Little Grasshopper via Unnamed Tributary	Treated Domestic Wastewater
Kansas Permit No. M-KS26-0001	Federal Permit No. KS0047473	
Legal: NE $\frac{1}{4}$, S12, T5S, R18E, Atchison County		

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, fecal coliform and pH. Monitoring for ammonia also will be required. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Valley Falls, City of 421B Mary St. Valley Falls, KS 66088	Lake Perry via Delaware River	Treated Domestic Wastewater
Kansas Permit No. M-KS73-0001	Federal Permit No. KS0022543	
Legal: SE $\frac{1}{4}$, S19, T8S, R18E, Jefferson County		

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, fecal coliform and pH. Monitoring for ammonia 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
Hunt Midwest Mining, Inc. 8300 N.E. Underground Drive Kansas City, MO 64164	Marais des Cygne River via South Fork of Pottawatomie Creek via Unnamed Tributary	Pit Dewatering Stormwater Runoff

Facility Name: Sutton Quarry #11
Kansas Permit No. I-MC13-PO03 Federal Permit No. KS0087904
Legal: NE $\frac{1}{4}$, S19, T20S, R21E, Anderson County

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

Name and Address of Applicant	Waterway	Type of Discharge
N.R. Hamm Quarry, Inc. P. O. Box 17 Perry, KS 66073	Missouri River via Independence Creek via Deer Creek via Unnamed Tributary	Pit Dewatering Stormwater Runoff

Facility Name: Christian Quarry #84
Kansas Permit No. I-MO01-PO04 Federal Permit No. KS0083381
Legal: NW $\frac{1}{4}$, S32, T5S, R20E, Atchison County

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

Public Notice No. KS-ND-00-0212

Name and Address of Applicant	Legal Location	Type of Discharge
Raymond L. Kaufman 7000 W. Morgan Ave. Hutchinson, KS 67501	SE $\frac{1}{4}$, S36, T23S, R7W, Reno County	Nonoverflowing

Facility Name: Whispering Pines Trailer Court
Kansas Permit No. C-AR82-NO02

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. This facility consists of a one-cell wastewater stabilization lagoon system. 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 attention of Dena Endsley for agricultural permits or applications, or to the permit clerk for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, J Street and 2 North, Forbes Field, Building 283, Topeka, 66620.

(Published in the Kansas Register June 15, 2000.)

All comments regarding the draft permit or application notice postmarked or received on or before July 15 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-00-146/156, KS-00-120/126, KS-ND-00-212) 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. 025339

Corrected
Summary Notice of Bond Sale
Unified School District No. 265
Sedgwick County, Kansas (Goddard)
\$14,495,000

General Obligation School Improvement Bonds
Series 2000

(General obligation bonds payable from
unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated May 25, 2000, sealed bids will be received by the clerk of Unified School District No. 265, Sedgwick County, Kansas (Goddard) (the issuer), on behalf of the governing body at the office of the Board of Education, 201 S. Main, P.O. Box 249, Goddard, KS 67052-0249, until 10 a.m. June 21, 2000, for the purchase of \$14,495,000 principal amount of General Obligation School Improvement 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 June 15, 2000, and will become due on October 1 in the years as follows:

Year	Principal Amount
2002	\$ 30,000
2003	30,000
2004	170,000
2005	300,000
2006	450,000
2007	490,000
2008	650,000
2009	835,000
2010	940,000
2011	765,000
2012	850,000
2013	2,655,000
2014	3,345,000
2015	2,985,000

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

Optional Book-Entry-Only System

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

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

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

(continued)

surety bond in the amount of \$289,900 (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 July 12, 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 \$111,258,422. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$46,320,000.

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) 794-4000, or from the financial advisor, Ranson & Associates, Inc., 250 N. Rock Road, Suite 150, Wichita, KS 67206-2241, Attention: Stephen E. Shogren, (316) 681-3123.

Dated May 25, 2000.

Unified School District No. 265
Sedgwick County, Kansas (Goddard)

Doc. No. 025346

State of Kansas

Kansas State Treasurer

Permanent Administrative Regulations

Article 2.—KANSAS POSTSECONDARY EDUCATION SAVINGS PROGRAM

3-2-1. No guarantee of principal or earnings; required statement. Each account contract, account application, and account deposit slip, and all promotional materials for the Kansas postsecondary education savings program shall contain the following statement or an equivalent statement approved by the treasurer, in a typeface and a location that are readily visible: "NOTICE: Accounts established under the Kansas Postsecondary Education Savings Program and their earnings are neither insured nor guaranteed by the State of Kansas." (Authorized by K.S.A. 1999 Supp. 75-644 and 75-647; implementing K.S.A. 1999 Supp. 75-647; effective June 30, 2000.)

3-2-2. Excess contributions. (a)(1) "Excess contributions" means contributions on behalf of a designated beneficiary in excess of the maximum contribution amount.

(2) "Maximum contribution amount" means an amount equal to the average amount of the qualified higher education expenses that would be incurred by designated beneficiaries with the same projected year of enrollment for five years of study at institutions of postsecondary education located in the midwest states, as determined annually by the state treasurer.

(b) In accordance with the management agreement, the program manager shall establish adequate safeguards to prevent excess contributions. At a minimum, those safeguards shall include all of the following:

(1) The program manager shall identify all accounts with the same designated beneficiary.

(2) The program manager shall calculate the current, cumulative contributions for all of the accounts for a designated beneficiary.

(3) When a contribution is forwarded to the program manager, the program manager shall determine whether that contribution, when added to current, cumulative contributions for that designated beneficiary, would exceed the maximum contribution amount.

(4) If the program manager determines that a contribution will result in excess contributions for that designated beneficiary, the program manager shall deposit only that portion of the contribution, if any, that will not result in excess contributions. The program manager shall return the balance of the contribution to the account owner.

(c) The program manager shall continuously monitor the current, cumulative contributions in all of the accounts for each designated beneficiary. If at any time the cumulative contributions in all of the accounts for a given designated beneficiary exceed the maximum contribution amount, the program manager shall notify the account owner of each account creating the excess contributions that excess contributions have been made on behalf of the designated beneficiary and that the cumulative contributions for that designated beneficiary must be reduced below the maximum contribution amount through a nonqualified withdrawal or a rollover distribution from one or more of the accounts.

(d) If, within 30 days of the date the notice is mailed to the owner of each account creating the excess contributions, one or more account owners do not submit a request for a nonqualified withdrawal or rollover distribution in an amount sufficient to eliminate the excess contributions for that designated beneficiary, the program manager shall process one or more nonqualified withdrawals in the following manner.

The program manager shall process a nonqualified withdrawal from each account creating the excess contributions for that designated beneficiary in an amount equal to the total excess contributions, adjusted for gain or loss. The program manager shall return the nonqualified withdrawal to each account owner, minus the penalty provided in K.S.A. 75-646(g), and amendments thereto. (Authorized by K.S.A. 1999 Supp. 75-644 and 75-646; implementing K.S.A. 1999 Supp. 75-646; effective June 30, 2000.)

3-2-3. Withdrawals. (a)(1) Subject to the limitations in K.S.A. 75-646(q), and amendments thereto, any account

owner may withdraw part or all of the balance from the owner's account at any time.

(2) Any account owner may submit a written request for a waiver of the limitations established in K.S.A. 75-646(q), and amendments thereto, in a form prescribed by the treasurer. The limitations in K.S.A. 75-646(q), and amendments thereto, may be waived by the treasurer upon a finding that failure to grant the requested waiver would create a manifest injustice or undue hardship for the account owner, designated beneficiary, or both and that the waiver would not violate any of the provisions of section 529 of the federal internal revenue code of 1986, as amended.

(3) The decision to grant a requested waiver may be delegated to the program manager, subject to all of the following conditions:

(A) The circumstances in which the decision to grant a waiver is delegated to the program manager may be limited by the treasurer.

(B) The program manager shall base the decision to approve a waiver on the findings required in paragraph (2) of this subsection.

(C) The decision of the program manager may be reversed by the treasurer upon a request for review by the account owner or on the initiative of the treasurer. Each decision of the treasurer shall be final.

(b) Each request for a withdrawal shall be made in the form prescribed by the treasurer. The request shall include an identification of the account from which the withdrawal is to be made, the amount of the request, and an indication of which of the following types of withdrawals the account owner intends to make:

(1) A qualified withdrawal for qualified higher education expenses;

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

(3) a withdrawal made because of a scholarship, or other allowance or payment recognized under section 529 of the federal internal revenue code of 1986, as amended, that is received by the designated beneficiary. However, this withdrawal shall not exceed the amount of the scholarship or other allowance or payment;

(4) a nonqualified withdrawal subject to the penalty provided in K.S.A. 75-646(g), and amendments thereto; or

(5) a rollover distribution.

If the request for a withdrawal does not contain appropriate documentation regarding the basis for the withdrawal, as required by the postsecondary education savings agreement, the withdrawal shall be treated as a nonqualified withdrawal.

(c) Except as otherwise provided by the postsecondary education savings agreement, the program manager shall process each withdrawal upon receipt of a completed withdrawal request and any required documentation. (Authorized by K.S.A. 1999 Supp. 75-644 and 75-646; implementing K.S.A. 1999 Supp. 75-646; effective June 30, 2000.)

Tim Shallenburger
Kansas State Treasurer

Doc. No. 025340

State of Kansas

Kansas Arts Commission

Notice of Meeting

The Kansas Arts Commission will convene its quarterly business meeting at 9 a.m. Thursday, June 22, in the Town Hall Meeting Room on the Theatre District level of Union Station, 30 W. Pershing Road, Kansas City, Missouri. The primary agenda item will be presentation of the fiscal year 2001 budget and the apportionment of funds to grant programs. The meeting will recess from approximately noon to 1:30 p.m. so commissioners can tour the recently renovated facility.

On Wednesday, June 21, the commissioners will attend a reception, program and tour from 4:30 to 7 p.m. in the Carlsen Center on the campus of Johnson County Community College, 12345 College Blvd. at Quivira, Overland Park.

Meetings of the Kansas Arts Commission, a state agency, and its advisory panels are open to public observation in accessible locations. Persons with special needs are asked to request accommodation in advance. Assisted listening devices are available upon request. Official proceedings are recorded on audiotape.

For more information, contact the Kansas Arts Commission, 700 S.W. Jackson, Suite 1004, Topeka, 66603-3761, (785) 296-3335, fax (785) 296-4989, e-mail KAC@arts.state.ks.us. Persons with special communication needs may use the Kansas Relay Service, 1-800-766-3777.

David M. Wilson
Executive Director

Doc. No. 025347

State of Kansas

Board of Healing Arts

Permanent Administrative Regulations

Article 55.—RESPIRATORY THERAPY

100-55-1. Application. (a) Each applicant for a license to practice respiratory therapy shall submit the application on a form provided by the board. The form shall contain the following information:

(1) The applicant's full name;

(2) the applicant's residence and mailing address;

(3) employment information for the five years immediately before the date of application;

(4) information on any licenses, registrations, or certifications issued to the applicant to practice respiratory therapy; and

(5) information on any prior acts constituting unprofessional conduct, as defined in K.A.R. 100-55-5.

(b) Each applicant shall submit the following with the application:

(1) The fee required by K.A.R. 100-55-4;

(2) an official transcript from an educational program approved by the board under K.A.R. 100-55-2;

(continued)

(3) a notarized copy of a diploma from an approved educational program;

(4) a photograph of the applicant; and

(5) evidence provided directly to the board from the testing entity of the results of a written examination required and approved by the board under K.A.R. 100-55-3.

(c) The applicant shall sign the application, under oath. (Authorized by K.S.A. 1999 Supp. 65-5505; implementing K.S.A. 1999 Supp. 65-5506; effective, T-88-17, July 1, 1987; effective May 1, 1988; amended Jan. 3, 1997; amended June 30, 2000.)

100-55-2. Education requirements. A list of approved educational programs in respiratory therapy shall be maintained by the board. In determining whether an educational program should be approved, accreditation by the committee on accreditation for respiratory care or its predecessor at the time of applicant's graduation may be considered by the board. (Authorized by K.S.A. 1999 Supp. 65-5505; implementing K.S.A. 1999 Supp. 65-5506; effective, T-88-17, July 1, 1987; effective May 1, 1988; amended Jan. 3, 1997; amended June 30, 2000.)

100-55-3. Examinations. (a) The examinations approved by the board to practice respiratory therapy, one of which shall be required for each applicant, shall be the following:

(1) The examination developed by the national board for respiratory care for credentialing as a certified respiratory therapist; and

(2) the examination developed by the national board for respiratory care for credentialing as a registered respiratory therapist.

(b) To pass the required and approved examination, each applicant shall achieve the minimum qualifying score established by the national board for respiratory care for certification or registration.

(c) Each applicant who has passed the required examination for a license and has not been in the active practice of respiratory therapy for more than one year, but less than five years shall provide one of the following:

(1) Evidence of completion of a minimum of 24 contact hours of continuing education; or

(2) proof that the applicant has passed one of the examinations required for a license within 12 months of the date the application was submitted.

(d) Each applicant who has passed the required examination for a license and has not been in the active practice of respiratory therapy for five years or more shall provide proof that the applicant has passed one of the examinations required for a license within 12 months of the date the application was submitted. (Authorized by K.S.A. 1999 Supp. 65-5505; implementing K.S.A. 1999 Supp. 65-5507; effective, T-88-17, July 1, 1987; effective May 1, 1988; amended Jan. 3, 1997; amended June 30, 2000.)

100-55-4. Fees. The following fees shall be collected by the board:

(a) Application for a license	\$60.00
(b) license renewal	\$40.00
(c) license late renewal	\$50.00
(d) license reinstatement	\$60.00

(e) certified copy of license	\$15.00
(f) special permit	\$15.00
(g) temporary license	\$25.00

(Authorized by K.S.A. 1999 Supp. 65-5505; implementing K.S.A. 1999 Supp. 65-5509; effective, T-88-17, July 1, 1987; effective May 1, 1988; amended, T-100-10-17-89, Oct. 17, 1989; amended Feb. 5, 1990; amended Jan. 3, 1997; amended May 1, 1998; amended June 30, 2000.)

100-55-5. Unprofessional conduct; defined. "Unprofessional conduct" means any of the following: (a) Using fraudulent or false advertisements;

(b) being addicted to intoxicating liquors or drugs;

(c) engaging in respiratory therapy under a false or assumed name or by impersonating another person licensed by the board as a respiratory therapist;

(d) practicing respiratory therapy without reasonable skill and safety because of any of the following:

(1) Illness;

(2) alcoholism;

(3) excessive use of drugs, controlled substances, chemicals, or any other type of material; or

(4) a result of any mental or physical condition;

(e) having a respiratory therapy license, registration, or certification revoked, suspended, or limited or an application for any of these denied by the proper regulatory authority of another state, territory, or country, or of District of Columbia;

(f) cheating or attempting to subvert the validity of the examination required for licensure;

(g) having been found to be mentally ill, disabled, not guilty by reason of insanity, or incompetent to stand trial by a court of competent jurisdiction;

(h) failing to furnish to the board, or to its investigators or representatives, any information legally requested by the board;

(i) being sanctioned or disciplined by a peer review committee or medical care facility for acts or conduct that would constitute grounds for denial, refusal to renew, suspension, or revocation of a license under K.S.A. 65-5510 and amendments thereto;

(j) surrendering a license, registration, or certification to practice respiratory therapy in another state while disciplinary proceedings are pending for acts or conduct that would constitute grounds for denial, refusal to renew, suspension, or revocation of a license under K.S.A. 65-5510 and amendments thereto;

(k) being professionally incompetent, as defined in K.S.A. 65-2837 and amendments thereto;

(l) representing to a patient that a manifestly incurable disease, condition, or injury can be permanently cured;

(m) providing respiratory therapy to a patient without the consent of the patient, the attending physician, or the patient's legal representatives;

(n) willfully betraying confidential information;

(o) advertising a guarantee of any professional service related to respiratory therapy;

(p) using any advertisement that is false, misleading, or deceptive in a material respect;

(q) committing conduct likely to deceive, defraud, or harm the public;

(r) making a false or misleading statement regarding the licensee's skill;

(s) committing any act of sexual abuse, misconduct, or exploitation;

(t) obtaining any fee by fraud, deceit, or misrepresentation;

(u) charging an excessive fee for services rendered;

(v) failing to keep written records justifying the course of treatment of the patient;

(w) delegating respiratory therapy to a person whom the licensee knows or has reason to know is not qualified by training or experience to perform it; or

(x) willfully supervising the holder of a special permit when the holder is not currently enrolled in a recognized program of education. (Authorized by and implementing K.S.A. 1999 Supp. 65-5510; effective, T-88-17, July 1, 1987; effective May 1, 1988; amended Jan. 3, 1997; amended June 30, 2000.)

100-55-6. Licensure; renewal; late renewal and reinstatement. (a) Each license issued by the board shall expire on March 31 of each year.

(b) A license issued or reinstated from January 1 through March 31 shall expire on March 31 of the following year.

(c) Each license may be renewed annually. The request for renewal shall be on a form provided by the board and shall be accompanied by the following:

(1) The prescribed license renewal fee; and

(2) proof of satisfactory completion of a program of continuing education as required by the board.

(d) Licenses not renewed by March 31 may be renewed for a period of 30 days thereafter upon request of the licensee. The request for late renewal shall be on the same form as that required for renewal and shall be accompanied by the following:

(1) The prescribed license late renewal fee; and

(2) proof of satisfactory completion of a program of continuing education as required by the board.

(e) Any applicant may request reinstatement of a license that has expired for a period of more than 30 days. The request for reinstatement shall be on a form provided by the board and shall be accompanied by the following:

(1) The prescribed license reinstatement fee; and

(2)(A) Proof of satisfactory completion of a program of continuing education as required by the board; or

(B) proof that the licensee has passed one of the examinations for a license required under K.A.R. 100-55-3 within the past six months. (Authorized by K.S.A. 1999 Supp. 65-5505; implementing K.S.A. 1999 Supp. 65-5512; effective, T-88-17, July 1, 1987; effective May 1, 1988; amended Dec. 27, 1993; amended Jan. 3, 1997; amended June 30, 2000.)

100-55-7. Continuing education; license renewal. (a) On and after March 1, 2000, each licensee shall submit documented evidence of completion of a minimum of 12 contact hours of continuing education since April 1 of the previous year, before or with the request for renewal.

(b) Any licensee who suffered an illness or injury that made it impossible or extremely difficult to reasonably obtain the required contact hours may be granted an extension of not more than six months.

(c) A respiratory therapist initially licensed after September 30 shall be exempt from the continuing education required by subsection (a) for the first renewal period.

(d) A contact hour shall be 50 minutes of instruction or its equivalent.

(e) The purpose of continuing education shall be to provide evidence of continued competency in the advancing art and science of respiratory therapy. All program objectives, curricular content, presenter qualifications, and outcomes shall be subject to review. Contact hours shall be determined based on program content, outcomes, and participant involvement.

(f) Continuing education shall be acquired from the following:

(1) Seminars and symposiums. A seminar shall mean directed advanced study or discussion in a specific field of interest. A symposium shall mean a conference of more than a single session organized for the purpose of discussing a specific subject from various viewpoints and by various speakers.

(2) Programs. A program shall mean a single learning experience designed to enhance knowledge, skill, and attitudes related to respiratory therapy. A program shall consist of at least one contact hour. Learning activities in the work setting designed to assist the individual in fulfilling employer requirements, including in-service education and on-the-job training, shall not be eligible for continuing education credit.

(3) Nontraditional or alternative educational programs. A nontraditional or alternative educational program shall be defined as one that is not presented in the typical conference setting. Educational programs may be provided by any print medium or presented through the internet or other electronic medium such as video teleconferencing.

(4) Clinical instruction. Clinical instruction shall mean the education and evaluation of a respiratory therapy student in the clinical setting. A maximum of three hours may be given for clinical instruction.

(5) Program presentations. Any licensee who presents a continuing education program or its equivalent shall receive two contact hours for each hour or presentation. No credit shall be granted for any subsequent presentations on the same subject content.

(6) Voluntary recredentialing. Any licensee who completes voluntary recredentialing shall receive the number of contact hours approved by the American association for respiratory care. (Authorized by K.S.A. 1999 Supp. 65-5505; implementing K.S.A. 1999 Supp. 65-5512; effective, T-88-17, July 1, 1987; effective May 1, 1988; amended Jan. 3, 1997; amended June 30, 2000.)

100-55-8. Reinstatement; expired and revoked licenses. (a) Each applicant desiring to reinstate a license that has been expired for more than 30 days shall submit proof of continuing education as follows:

(1) If the time since the license expired has been one year or less, no continuing education in addition to that which would have been necessary had the license been renewed before expiration shall be required.

(2) If, since the date the license expired, the applicant has been in the active practice of respiratory therapy in another state or jurisdiction that requires a license, registration, or certification to practice, the applicant shall

(continued)

submit proof of the current license, registration, or certification, and compliance with the continuing education requirements of that jurisdiction.

(3) If the time since the license expired has been more than one year but less than five years, the applicant shall provide one of the following:

(A) Evidence of completion of a minimum of 24 contact hours of continuing education; or

(B) proof that the applicant has passed one of the examinations required for a license within 12 months of the date the application was submitted.

(4) If the time since the license expired has been five years or more, the applicant shall provide proof that the applicant has passed one of the examinations required for a license within 12 months of the date the application was submitted.

(b) Each applicant seeking reinstatement of a revoked license shall successfully complete an individually tailored program approved by the board. (Authorized by K.S.A. 1999 Supp. 65-5505; implementing K.S.A. 1999 Supp. 65-5512; effective, T-88-17, July 1, 1987; effective May 1, 1988; amended Jan. 3, 1997; amended June 30, 2000.)

100-55-9. Special permits. (a) Each student who holds a special permit shall be designated as a student respiratory therapist or "S.R.T."

(b) A special permit shall be valid for a period not to exceed 24 months and shall not be extended without the approval of the board.

(c) During October of each year, each student who holds a special permit shall provide the following:

(1) Verification of current enrollment in an approved school of respiratory therapy; and

(2) a statement of the anticipated graduation date.

(d) Each special permit issued to a student who fails to meet the requirements under subsection (c) shall expire on November 1 of the year in which the verification and statement were to be provided. (Authorized by K.S.A. 1999 Supp. 65-5505; implementing K.S.A. 1999 Supp. 65-5508; effective Jan. 3, 1997; amended June 30, 2000.)

100-55-11. Delegation and supervision. (a) The delegation of respiratory therapy procedures by a licensed respiratory therapist to an unlicensed person may be made after the respiratory therapist has determined all of the following:

(1) The health status and mental and physical stability of the individual receiving care;

(2) the complexity of the procedures;

(3) the training and competence of the unlicensed person;

(4) the proximity and availability of the respiratory therapist when the procedures are performed;

(5) the degree of supervision required for the unlicensed person; and

(6) the length and number of times that the procedures may be performed.

(b) The procedures that may be delegated to an unlicensed person shall be only those that meet the following criteria:

(1) Would be determined by a reasonable and prudent respiratory therapist to be within the scope of accepted respiratory therapy standards or practice;

(2) can be performed properly and safely by an unlicensed person;

(3) do not require the unlicensed person to perform an assessment or to alter care;

(4) do not require the specific skills, evaluation, and judgment of a licensed respiratory therapist; and

(5) do not allow an unlicensed person to perform either of the following:

(A) Continue to perform the procedures on an ongoing basis; or

(B) perform the same procedures on other individuals without specific delegation.

(c) The licensed respiratory therapist shall be responsible for the following:

(1) The management and provision of care; and

(2) the performance of the procedures in compliance with established standards of practice, policies, and procedures.

(d) The supervision of an unlicensed person by a licensed respiratory therapist shall include all of the following:

(1) Providing clear directions for and expectations of how the procedures are to be performed;

(2) being available for communication with the unlicensed person when the procedures are performed;

(3) monitoring the performance of the procedures to assure compliance with established standards of practice, policies, and procedures;

(4) intervening, as necessary;

(5) ensuring that the unlicensed person makes appropriate documentation of the procedures that are performed;

(6) reassessing, reevaluating, and altering care, as necessary; and

(7) determining the appropriateness of continued delegation of the procedures. (Authorized by K.S.A. 1999 Supp. 65-5505; implementing K.S.A. 1999 Supp. 65-5514; effective June 30, 2000.)

Lawrence T. Buening, Jr.
Executive Director

Doc. No. 025343

State of Kansas

Governmental Ethics Commission

Opinion No. 2000-13

Written April 20, 2000, to Karl Birns, Kansas Department of Health and Environment, Bureau of Air and Radiation, Topeka.

This opinion is in response to your letter of March 30, 2000, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the state level conflict of interest laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand that you are asking for this opinion in your capacity as an Environmental Scientist for the Bu-

reau of Air and Radiation in the Kansas Department of Health and Environment (KDHE). You have explained that you have been invited to join the board of directors of the Kansas Natural Resources Council (KNRC) which is a private corporation holding tax exempt status pursuant to section 501(c)(3) and (4) of the federal tax code. You have also stated that neither you nor your office contract with the KNRC and that the KNRC is not licensed, regulated, or inspected by the KDHE. In addition, you will serve on the board of directors without compensation.

Question

May an Environmental Scientist for the Bureau of Air and Radiation accept a position on the board of directors of the Kansas Natural Resources Council?

Opinion

Because neither you nor your office contracts with the KNRC and because you will not receive compensation for serving on the board, only K.S.A. 46-241 will apply to your situation. It states:

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

This section is self-explanatory. Confidential information obtained during your official duties with the state may not be used for your financial gain or the financial gain of another. Based on the information you have provided, and with the prohibitions of this statute in mind, there is nothing in the state level conflict of interest laws which would prohibit your accepting a position on the board of directors of the KNRC.

Opinion No. 2000-14

Written April 13, 2000, to Tim Cunningham, Field Maintenance Engineer, Kansas Department of Transportation, Topeka.

This opinion is in response to your faxed letter dated April 3, 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 a Field Maintenance Engineer for the Kansas Department of Transportation (KDOT). You have explained that KDOT will be hosting the 2nd Annual Winter Training Expo, and that the event will be attended by all levels of KDOT maintenance employees as well as city and county employees who are members of the American Public Works Association. All attendees will pay a registration fee. You have read Opinions 1997-20 and 1999-17 which discuss, among other things, the acceptance by classified state employees of gifts handed out by vendors at conferences or in registration packets provided at conferences.

Questions

I. May classified state employees accept inconsequential items such as pens, mouse pads, key chains and coffee cups that are passed out at trade shows from vendors?

II. Are gifts received from a vendor at a booth exhibit at an event where a registration fee is charged the same as receiving items in a "registration packet"?

Opinion

K.S.A. 46-237a 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. As a general rule, these employees are entirely prohibited from accepting gifts provided because of their official position, unless one of the enumerated exceptions applies.

The acceptance of gifts is covered by K.S.A. 46-237(b). It states:

(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.

Pursuant to this statute, the issue is whether the inconsequential item provided from a vendor at the trade show is being given to the employee because of his or her position. In Opinion No. 1999-50, the Commission stated:

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

In addition, in Opinion No. 1997-20, the Commission stated:

Subsection (b) prohibits the acceptance of gifts by a state employee "provided because of such person's official position." Thus, the answer to your question depends upon the audience at the trade show, and the purpose of the vendor in giving the items. If the trade show is only for state employees who are in a position to make contracts on behalf of the state, then the gifts could not be accepted. This would also be true if the items were given because the vendor knew the person was a state employee and that the employee was in a position to benefit the vendor. If the trade show is open to the public, and the items are distributed randomly, or not just given to the state employee because of his or her official position, the employee could receive these types of items.

Based upon the language of the statute and the previous opinions cited, the Commission determines that classified state employees may accept inconsequential items handed out at exhibit booths at conferences they attend, so long as the exhibit booths and the gifts given are open and available to all state employees, to the general public, or to a significant mix of people from different organizations so that the vendor could not know that the person was a state employee in a position to benefit the vendor.

In response to your second question, there is a distinct difference between items given to a conference attendee in a "registration packet" and free gifts given to a con-

(continued)

ference attendee by a vendor at a trade booth. In the first scenario, the items received in the registration packet are not "gifts" because they are given in consideration for the registration fee. In addition, although the items may have been given as gifts to the conference host, they are given to the conference attendees by the conference host and are provided as a part of the conference registration. Therefore, K.S.A. 1999 Supp. 46-237a(b) does not prohibit classified a state employee from accepting these items. On the other hand, items given by a vendor at an exhibit hall are truly gifts, given without compensation, and are provided directly by the vendor to the state employee, therefore they may not be accepted unless one of the exceptions apply.

In conclusion, classified state employees may accept inconsequential items handed out at exhibit booths at conferences they attend, so long as the exhibit booths and the gifts given are open and available to all state employees, to the general public, or to a significant mix of people from different organizations so that the vendor could not know that the person was a state employee in a position to benefit the vendor. A state employee may not accept gifts from a vendor at an exhibit hall simply because he or she has paid a registration fee to the conference.

Opinion No. 2000-15

Written April 20, 2000, to Michael Haynes, Executive Director, Kansas Real Estate Appraisal Board, Topeka.

This opinion is in response to your letter of April 10, 2000, in which you request an advisory opinion from the Kansas Governmental Ethics Commission concerning the application of the 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 you request this opinion in your capacity as the Executive Director of the Kansas Real Estate appraisal Board (Board). You advise us that the Board has the statutory authority to approve or disapprove pre-licensing and continuing education courses and course instructors. The members of the Board have the ability to vote on these matters, but the Executive Director does not.

Question

May the executive director instruct or provide continuing education courses which the Board licenses?

Opinion

K.S.A. 46-286 applies to your question. That subsection in pertinent part states:

- (a) No state officer or employee, in the officer's or employee's official capacity, shall participate directly in the licensure, inspection or administration . . . of . . . any outside organization with which the officer or employee holds a position.
- (b) This section shall not apply to appointed or elected members of a state board . . . except that no member of such board . . . shall participate in any license, inspection or contract on behalf of their state board . . . with any outside organization with which such member is associated or the holding of a posi-

tion as a member of an advisory board, council or commission of an outside organization or of a position of a voluntary or charitable nature if the advisory, voluntary or charitable position is taken without any expectation or acceptance of remuneration other than reimbursement of necessary and actual expenses.

In reviewing the application of K.S.A. 46-286 to the situation you have described, two issues must be addressed. The first is whether a director who teaches continuing education courses for a company he does not own can be said to "hold a position" with that company. The second, is whether a director who owns an organization which hires teachers can be said to "hold a position" with that organization. This Commission has consistently held that an employee, an owner, or a member of the board of directors of an organization, can be said to "hold a position" in that organization. See, for example, Advisory Opinions 1988-23, 1991-12, 1998-31. Because the director would "hold a position" in either instance, as long as he does not participate in the licensure, inspection or administration of the company in which he is employed or which he owns, the director would not be prohibited from teaching the courses or being a provider.

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

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

This section is self-explanatory. Confidential information obtained during the director's official duties with the State may not be used for his financial gain or the financial gain of another.

Opinion No. 2000-16

Written April 20, 2000, to the Honorable Kay O'Connor, State Representative, Olathe.

This opinion is in response to your letter of March 24, 2000, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the Campaign Finance Act (K.S.A. 25-4142 *et seq.*). We note at the outset that the Commission's jurisdiction concerning your question is limited to the application of K.S.A. 46-4142 *et seq.* Thus, whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand you request this opinion in your capacity as a State Representative. You ask the Commission to issue an opinion as to whether a letter, sent to lobbyists during the legislative session, which includes the following language is acceptable under the Campaign Finance Act:

As you are aware, I have an opponent in the upcoming primary election. I have scheduled a fundraiser at such and such location on such and such date (after Sine Die). The governor will be there along with Legislative Leadership and a few surpluses.

I need your support!

I appreciate your support!

Please mark your calendar. I look forward to seeing you on such and such date (after Sine Die).

Question

Would such a letter violate the Campaign Finance Act?

Opinion

K.S.A. 1999 Supp. 25-4153a is applicable to your question. It states in pertinent part:

No registered lobbyist, political committee or person, other than an individual, shall make a contribution . . . to any legislator . . . after January 1 of each year and prior to adjournment sine die of the regular session of the legislature . . . No such legislator . . . shall accept or solicit any contribution . . . from any registered lobbyist, political committee or person, other than an individual, during such period.

This statute prohibits a legislator from accepting or soliciting a contribution during the legislative session. The word "solicit" is generally understood to mean asking or petitioning for something desired. American Heritage Dictionary 1229 (1973). K.S.A. 1999 Supp. 25-4143(e)(1) defines "contribution" as:

- (A) Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value given to a candidate, candidate committee, party committee or political committee for the express purpose of nominating, electing or defeating a clearly identified candidate for a state or local office.
- (B) Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value made to expressly advocate the nomination, election or defeat of a clearly identified candidate for a state or local office;
- (C) a transfer of funds between any two or more candidate committees, party committees or political committees;
- (D) the payment, by any person other than a candidate, candidate committee, party committee or political committee, of compensation to an individual for the personal services rendered without change to or for a candidate's campaign or to or for any such committee;

- (E) the purchase of tickets or admissions to, or advertisements in, journals or programs for, testimonial events;
- (F) a mailing of materials designed to expressly advocate the nomination, election or defeat of a clearly identified candidate, which is made and paid for by a party committee with the consent of such candidate.

Although this Commission has not issued a formal advisory opinion on this issue, it has, in the past, informally indicated that in informational, advisory, or "heads up" fliers informing the recipient of an event which would occur after sine die, were permissible pursuant to K.S.A. 1999 Supp. 25-4153a. After careful review of the statute, the Commission now determines that K.S.A. 1999 Supp. 25-4153a prohibits communications, issued prospectively, which contain words such as "fund-raiser," or which request support that fits the definition of a contribution as defined by K.S.A. 1999 Supp. 25-4143(e)(1), or which the overall context leads the reader or listener to believe that he or she is being asked, during the legislative session, to make a contribution, even though the contribution will not be accepted or received until after sine die.

Therefore, a prospective letter containing the language you have proposed would violate the Campaign Finance Act.

Daniel Severt
Chairman

Doc. No. 025334

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
1-9-23	Amended	V. 19, p. 944
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
1-49-1	Amended	V. 19, p. 724

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
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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

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26-1-2	Amended	V. 18, p. 188
26-1-4	Amended	V. 18, p. 544

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26-1-6	Amended	V. 18, p. 544
26-1-9	New	V. 18, p. 188
26-2-4	Amended	V. 18, p. 1880
26-2-7	Amended	V. 18, p. 1880
26-2-9	Amended	V. 18, p. 1880
26-3-1	Amended	V. 18, p. 1881
26-3-3	Revoked	V. 18, p. 1882
26-3-5	Amended	V. 18, p. 1882
26-8-4	Revoked	V. 18, p. 1882

AGENCY 27: STATE CORPORATION COMMISSION (KANSAS ENERGY OFFICE)

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

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-1-2	Amended	V. 19, p. 141
28-1-6	Amended	V. 18, p. 953
28-1-18	Amended	V. 19, p. 141
28-1-25	Revoked	V. 18, p. 105
28-1-26	New	V. 19, p. 142
28-4-330		
through		
28-4-343	New (T)	V. 18, p. 1058-1070
28-4-330		
through		
28-4-343	New	V. 18, p. 1600-1612
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
28-17-15	Amended (T)	V. 19, p. 680
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
28-19-729	New	V. 19, p. 565
28-19-729a		
through		
28-19-729h	New	V. 19, p. 566-569
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
28-29-1100		
through		
28-29-1107	New	V. 19, p. 941-943
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
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
28-72-8	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
28-72-51		
through		
28-72-54	New	V. 19, p. 989, 990

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
30-5-64	Amended	V. 19, p. 304
30-5-309	Amended	V. 19, p. 988
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
40-3-26	Amended	V. 19, p. 303
40-3-27	Revoked	V. 19, p. 680
40-3-32	Amended	V. 19, p. 303
40-3-33	Amended	V. 18, p. 1016
40-3-45	Amended	V. 19, p. 303
40-3-49	Amended	V. 19, p. 303
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
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AGENCY 63: BOARD OF MORTUARY ARTS

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

Reg. No.	Action	Register
65-5-6	Amended	V. 19, p. 839
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 67: BOARD OF HEARING AID EXAMINERS

Reg. No.	Action	Register
67-2-4	Amended	V. 19, p. 626
67-3-2	Amended	V. 19, p. 626
67-4-7	Amended	V. 19, p. 626
67-4-10	Amended	V. 19, p. 626
67-4-13	New	V. 19, p. 626
67-5-3	Amended	V. 19, p. 626
67-5-4	Amended	V. 19, p. 626
67-6-4	Amended	V. 19, p. 626
67-7-4	Amended	V. 19, p. 627

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
71-1-20	New	V. 19, p. 573
71-1-21	New	V. 19, p. 573
71-3-7	New	V. 18, p. 104
71-6-1 through 71-6-6	New	V. 18, p. 104, 105

AGENCY 74: BOARD OF ACCOUNTANCY

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

AGENCY 80: KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

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

(continued)

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. 19, p. 575
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
91-1-61	Revoked	V. 19, p. 680
91-12-22	Revoked	V. 19, p. 680
91-12-23	Revoked	V. 19, p. 680
91-12-24a	Revoked	V. 19, p. 680
91-12-25	Revoked	V. 19, p. 680
91-12-27	Revoked	V. 19, p. 680
91-12-28	Revoked	V. 19, p. 680
91-12-30		
through		
91-12-33	Revoked	V. 19, p. 680
91-12-35		
through		
91-12-42	Revoked	V. 19, p. 680, 681
91-12-44		
through		
91-12-69	Revoked	V. 19, p. 681
91-12-71		
through		
91-12-74	Revoked	V. 19, p. 682
91-22-1a	New	V. 19, p. 682
91-22-2	Amended	V. 19, p. 683
91-22-3	Revoked	V. 19, p. 683
91-22-4	Amended	V. 19, p. 683
91-22-5a	Amended	V. 19, p. 683
91-22-7	Amended	V. 19, p. 683
91-22-8	Revoked	V. 19, p. 683
91-22-9	Amended	V. 19, p. 683
91-22-10		
through		
91-22-18	Revoked	V. 19, p. 684
91-22-19	Amended	V. 19, p. 684
91-22-21	Revoked	V. 19, p. 684
91-22-22	Amended	V. 19, p. 684
91-22-23	Revoked	V. 19, p. 684
91-22-24	Revoked	V. 19, p. 684
91-22-25	Amended	V. 19, p. 684
91-22-26	Revoked	V. 19, p. 685
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
91-40-1		
through		
91-40-5	New	V. 19, p. 685-691
91-40-7		
through		
91-40-12	New	V. 19, p. 692-695
91-40-16		
through		
91-40-19	New	V. 19, p. 695-697
91-40-21	New	V. 19, p. 697
91-40-22	New	V. 19, p. 697
91-40-24		
through		
91-40-31	New	V. 19, p. 698-700
91-40-33		
through		
91-40-39	New	V. 19, p. 700-702

91-40-41		
through		
91-40-48	New	V. 19, p. 702-704
91-40-50		
through		
91-40-53	New	V. 19, p. 705, 706

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

Reg. No.	Action	Register
99-25-1	Amended	V. 18, p. 189
99-26-1	Amended	V. 19, p. 840
99-27-1	Amended	V. 19, p. 840

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
100-22-3	New	V. 19, p. 571
100-24-3	New	V. 18, p. 483
100-60-9	Amended	V. 19, p. 571
100-60-10	Amended	V. 19, p. 571
100-60-13	Amended	V. 19, p. 572

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 110: DEPARTMENT OF COMMERCE AND HOUSING

Reg. No.	Action	Register
110-6-1	Amended (T)	V. 19, p. 677
110-6-1a	New (T)	V. 19, p. 677
110-6-2	Amended (T)	V. 19, p. 678
110-6-3	Amended (T)	V. 19, p. 678
110-6-4	Amended (T)	V. 19, p. 679
110-6-5	Amended (T)	V. 19, p. 679

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
111-2-111	New	V. 19, p. 811
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
111-4-1686		
through		
111-4-1689	Amended	V. 19, p. 811, 812
111-4-1699		
through		
111-4-1711	New	V. 19, p. 812-815
111-5-30	Amended	V. 19, p. 529
111-5-77	New	V. 19, p. 529
111-5-78	New	V. 19, p. 815
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

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

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